

By: Representative White

To: Education

HOUSE BILL NO. 466  
(As Passed the House)

1 AN ACT TO AMEND SECTION 37-17-13, MISSISSIPPI CODE OF 1972,  
2 TO EXTEND THE DATE OF THE REPEALER ON THOSE PROVISIONS AUTHORIZING  
3 THE STATE BOARD OF EDUCATION TO APPOINT A NEW LOCAL SCHOOL BOARD,  
4 WITH THE SELECTION OF MEMBERS TO BE RETURNED TO THE LOCAL  
5 COMMUNITY ON A PHASED-IN BASIS, IN SCHOOL DISTRICTS UNDER STATE  
6 CONSERVATORSHIP; TO REQUIRE SCHOOL DISTRICTS UNDER CONSERVATORSHIP  
7 TO REMAIN IN CONSERVATORSHIP STATUS FOR A PERIOD OF SEVEN YEARS OR  
8 THE EARLIER OF ACHIEVING A "C" ACCOUNTABILITY RATING FOR THREE  
9 CONSECUTIVE YEARS; AND FOR RELATED PURPOSES.

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

11 **SECTION 1.** Section 37-17-13, Mississippi Code of 1972, is  
12 amended as follows:

13 37-17-13. (1) Whenever the Governor declares a state of  
14 emergency in a school district in response to a certification by  
15 the State Board of Education and the Commission on School  
16 Accreditation made under Section 37-17-6(11)(b), the State Board  
17 of Education, in addition to any actions taken under Section  
18 37-17-6, may abolish the school district and assume control and  
19 administration of the schools formerly constituting the district,  
20 and appoint a conservator to carry out this purpose under the  
21 direction of the State Board of Education. In such case, the



22 State Board of Education shall have all powers which were held by  
23 the previously existing school board, and the previously existing  
24 superintendent of schools or county superintendent of education,  
25 including, but not limited to, those enumerated in Section  
26 37-7-301, and the authority to request tax levies from the  
27 appropriate governing authorities for the support of the schools  
28 and to receive and expend the tax funds as provided by Section  
29 37-57-1 et seq. and Section 37-57-105 et seq.

30 (2) When a school district is abolished under this section,  
31 loans from the School District Emergency Assistance Fund may be  
32 made by the State Board of Education for the use and benefit of  
33 the schools formerly constituting the district in accordance with  
34 the procedures set forth in Section 37-17-6(14) for such loans to  
35 the district. The abolition of a school district under this  
36 section shall not impair or release the property of that school  
37 district from liability for the payment of the loan indebtedness,  
38 and it shall be the duty of the appropriate governing authorities  
39 to levy taxes on the property of the district so abolished from  
40 year to year according to the terms of the indebtedness until same  
41 shall be fully paid.

42 (3) After a school district is abolished under this section,  
43 at such time as the State Board of Education determines that the  
44 impairments have been substantially corrected after a period of  
45 seven (7) years or the earlier of the school district achieving  
46 and maintaining a "C" accountability rating for three (3)



47 consecutive years, the State Board of Education shall  
48 reconstitute, reorganize or change or alter the boundaries of the  
49 previously existing district; however, no partition or assignment  
50 of territory formerly included in the abolished district to one or  
51 more other school districts may be made by the State Board of  
52 Education without the consent of the school board of the school  
53 district to which such territory is to be transferred, such  
54 consent to be spread upon its minutes. At that time, the State  
55 Board of Education, in appropriate cases, shall notify the  
56 appropriate governing authority or authorities of its action and  
57 request them to provide for the election or appointment of school  
58 board members in the manner provided by law. In the event the  
59 applicable statute provides that vacancies in an all-elected  
60 membership of the school board will be filled by appointment by  
61 the remaining members of the school board and no members of the  
62 school board remain in office, the Governor shall call a special  
63 election to fill the vacancies. In such situations, the Governor  
64 will set the date of the special election and \* \* \* the election  
65 will be conducted by the county election commission. The State  
66 Board of Education shall also request the governing authority or  
67 authorities to provide for the appointment of a superintendent or  
68 superintendents to govern the reconstituted, reorganized or  
69 changed district or districts, which such appointed position shall  
70 apply in all school districts including those school districts in  
71 which the position of superintendent was previously an elected



72 office. A board member or superintendent in office at the time  
73 the Governor declares a state of emergency in a school district to  
74 be abolished shall not be eligible to serve in that office for the  
75 school district reconstituted, reorganized or changed after the  
76 Governor declares that an emergency no longer exists.

77 (4) As an alternative to the procedure set forth in  
78 subsection (3), in the event a local school board is abolished by  
79 the State Board of Education pursuant to this section, after the  
80 State Board of Education determines that the impairments are being  
81 substantially corrected and the responsibility of the  
82 conservatorship in such district is within one (1) year of  
83 potential seven-year expiration, or upon the conclusion of the  
84 final scholastic year in which a district has maintained a "C"  
85 accountability rating for three (3) consecutive years, whichever  
86 should occur first, the State Board of Education may appoint a new  
87 five-member board for the administration of the school district  
88 and shall notify the local county board of supervisors and/or  
89 municipal governing authority of such appointment, spreading the  
90 names of the new school board members on its minutes. The new  
91 local school board members shall be residents of the school  
92 district. The new local school board members appointed by the  
93 State Board of Education may serve in an advisory capacity to the  
94 conservator for its first year of service and thereafter shall  
95 have full responsibility to administer the school district.  
96 Thirty (30) days prior to the end of the first year of office as



97 an advisory board, each member shall draw lots to determine when  
98 the members shall rotate off the board as follows: one (1) member  
99 shall serve a one-year term of office; one (1) member shall serve  
100 a two-year term of office; one (1) member shall serve a three-year  
101 term of office; one (1) member shall serve a four-year term of  
102 office; and one (1) member shall serve a five-year term of office.  
103 At that time, the State Board of Education shall notify the  
104 appropriate board of supervisors or municipal governing authority  
105 of this action and request them to provide for the election or  
106 appointment of school board members at the end of \* \* \* the terms  
107 of office in the manner provided by law, in order for the local  
108 residents of the school district to select a new school board on a  
109 phased-in basis. In such situations, the Governor will set the  
110 date of any necessary special election which shall be conducted by  
111 the county election commission. The State Board of Education  
112 shall also request the new school board to provide for the  
113 appointment of a superintendent to govern the reconstituted or  
114 reorganized school district, including those school districts in  
115 which the position of superintendent was previously an elected  
116 office. A board member or superintendent in office at the time  
117 the Governor declares a state of emergency in a school district  
118 shall not be eligible to serve in the office of school board  
119 member or superintendent for the school district reconstituted or  
120 reorganized following the conservatorship period.



121           The provisions of this subsection (4) shall not be applicable  
122 in any school district placed into conservatorship on or after  
123 September 1, 2013, and which is located entirely South of United  
124 States Highway 80.

125           This subsection (4) shall stand repealed from and after July  
126 1, \* \* \* 2020.

127           **SECTION 2.** This act shall take effect and be in force from  
128 and after July 1, 2017.

