

By: Senator(s) Tollison

To: Education

SENATE BILL NO. 2431

1 AN ACT TO AMEND SECTIONS 37-17-6, 37-17-13, 37-17-17 AND
2 37-18-7, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE STATE BOARD OF
3 EDUCATION TO APPOINT AN INTERIM SUPERINTENDENT AS OPPOSED TO A
4 CONSERVATOR FOR THE ADMINISTRATION OF SCHOOLS IN A SCHOOL DISTRICT
5 IN WHICH THE GOVERNOR HAS DECLARED A STATE OF EMERGENCY FOR
6 VIOLATIONS OF ACCREDITATION STANDARDS; TO AUTHORIZE THE STATE
7 BOARD OF EDUCATION TO PLACE A SCHOOL DISTRICT IN WHICH THE
8 GOVERNOR HAS DECLARED A SECOND STATE OF EMERGENCY FOR VIOLATIONS
9 OF ACCREDITATION STANDARDS INTO "DISTRICT TRANSFORMATION STATUS"
10 UNTIL IT HAS ATTAINED A "C" RATING AND MAY RETURN TO LOCAL
11 CONTROL; TO AUTHORIZE THE STATE BOARD OF EDUCATION TO REQUIRE SUCH
12 FAILING SCHOOL DISTRICTS TO DEVELOP AND IMPLEMENT A DISTRICT
13 IMPROVEMENT PLAN WITH THE SUPPORT OF THE STATE DEPARTMENT OF
14 EDUCATION UNDER CERTAIN CONDITIONS; TO DIRECT THE INTERIM
15 SUPERINTENDENT TO PRESENT A CORRECTIVE ACTION PLAN TO MOVE THE
16 SCHOOL DISTRICT OUT OF DISTRICT TRANSFORMATION STATUS TO LOCAL
17 CONTROL; TO EXTEND THE AUTOMATIC REPEALER ON THE SECTION PROVIDING
18 FOR ALTERNATIVE SCHOOL BOARD COMPOSITION IN SCHOOL DISTRICTS UNDER
19 CONSERVATORSHIP; TO CLARIFY THE PROVISIONS OF THE MISSISSIPPI
20 ACHIEVEMENT SCHOOL DISTRICT LAW; TO REPEAL SECTION 37-167-1,
21 MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE TRANSFER OF
22 CERTAIN FAILING PUBLIC SCHOOLS TO A NEW START SCHOOL PROGRAM; AND
23 FOR RELATED PURPOSES.

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

25 **SECTION 1.** Section 37-17-6, Mississippi Code of 1972, is
26 amended as follows:

27 37-17-6. (1) The State Board of Education, acting through
28 the Commission on School Accreditation, shall establish and



29 implement a permanent performance-based accreditation system, and
30 all noncharter public elementary and secondary schools shall be
31 accredited under this system.

32 (2) No later than June 30, 1995, the State Board of
33 Education, acting through the Commission on School Accreditation,
34 shall require school districts to provide school classroom space
35 that is air-conditioned as a minimum requirement for
36 accreditation.

37 (3) (a) Beginning with the 1994-1995 school year, the State
38 Board of Education, acting through the Commission on School
39 Accreditation, shall require that school districts employ
40 certified school librarians according to the following formula:

41	Number of Students	Number of Certified
42	Per School Library	School Librarians
43	0 - 499 Students	1/2 Full-time Equivalent
44		Certified Librarian
45	500 or More Students	1 Full-time Certified
46		Librarian

47 (b) The State Board of Education, however, may increase
48 the number of positions beyond the above requirements.

49 (c) The assignment of certified school librarians to
50 the particular schools shall be at the discretion of the local
51 school district. No individual shall be employed as a certified
52 school librarian without appropriate training and certification as
53 a school librarian by the State Department of Education.



54 (d) School librarians in the district shall spend at
55 least fifty percent (50%) of direct work time in a school library
56 and shall devote no more than one-fourth (1/4) of the workday to
57 administrative activities that are library related.

58 (e) Nothing in this subsection shall prohibit any
59 school district from employing more certified school librarians
60 than are provided for in this section.

61 (f) Any additional millage levied to fund school
62 librarians required for accreditation under this subsection shall
63 be included in the tax increase limitation set forth in Sections
64 37-57-105 and 37-57-107 and shall not be deemed a new program for
65 purposes of the limitation.

66 (4) On or before December 31, 2002, the State Board of
67 Education shall implement the performance-based accreditation
68 system for school districts and for individual noncharter public
69 schools which shall include the following:

70 (a) High expectations for students and high standards
71 for all schools, with a focus on the basic curriculum;

72 (b) Strong accountability for results with appropriate
73 local flexibility for local implementation;

74 (c) A process to implement accountability at both the
75 school district level and the school level;

76 (d) Individual schools shall be held accountable for
77 student growth and performance;



(e) Set annual performance standards for each of the schools of the state and measure the performance of each school against itself through the standard that has been set for it;

(f) A determination of which schools exceed their standards and a plan for providing recognition and rewards to those schools;

(g) A determination of which schools are failing to meet their standards and a determination of the appropriate role of the State Board of Education and the State Department of Education in providing assistance and initiating possible intervention. A failing district is a district that fails to meet both the absolute student achievement standards and the rate of annual growth expectation standards as set by the State Board of Education for two (2) consecutive years. The State Board of Education shall establish the level of benchmarks by which absolute student achievement and growth expectations shall be assessed. In setting the benchmarks for school districts, the State Board of Education may also take into account such factors as graduation rates, dropout rates, completion rates, the extent to which the school or district employs qualified teachers in every classroom, and any other factors deemed appropriate by the State Board of Education. The State Board of Education, acting through the State Department of Education, shall apply a simple "A," "B," "C," "D" and "F" designation to the current school and school district statewide accountability performance



classification labels beginning with the State Accountability Results for the 2011-2012 school year and following, and in the school, district and state report cards required under state and federal law. Under the new designations, a school or school district that has earned a "Star" rating shall be designated an "A" school or school district; a school or school district that has earned a "High-Performing" rating shall be designated a "B" school or school district; a school or school district that has earned a "Successful" rating shall be designated a "C" school or school district; a school or school district that has earned an "Academic Watch" rating shall be designated a "D" school or school district; a school or school district that has earned a "Low-Performing," "At-Risk of Failing" or "Failing" rating shall be designated an "F" school or school district. Effective with the implementation of any new curriculum and assessment standards, the State Board of Education, acting through the State Department of Education, is further authorized and directed to change the school and school district accreditation rating system to a simple "A," "B," "C," "D," and "F" designation based on a combination of student achievement scores and student growth as measured by the statewide testing programs developed by the State Board of Education pursuant to Chapter 16, Title 37, Mississippi Code of 1972. In any statute or regulation containing the former accreditation designations, the new designations shall be applicable;



128 (h) Development of a comprehensive student assessment
129 system to implement these requirements; and

130 (i) The State Board of Education may, based on a
131 written request that contains specific reasons for requesting a
132 waiver from the school districts affected by Hurricane Katrina of
133 2005, hold harmless school districts from assignment of district
134 and school level accountability ratings for the 2005-2006 school
135 year. The State Board of Education upon finding an extreme
136 hardship in the school district may grant the request. It is the
137 intent of the Legislature that all school districts maintain the
138 highest possible academic standards and instructional programs in
139 all schools as required by law and the State Board of Education.

140 (5) (a) Effective with the 2013-2014 school year, the State
141 Department of Education, acting through the Mississippi Commission
142 on School Accreditation, shall revise and implement a single "A"
143 through "F" school and school district accountability system
144 complying with applicable federal and state requirements in order
145 to reach the following educational goals:

146 (i) To mobilize resources and supplies to ensure
147 that all students exit third-grade reading on grade level by 2015;

148 (ii) To reduce the student dropout rate to
149 thirteen percent (13%) by 2015; and

150 (iii) To have sixty percent (60%) of students
151 scoring proficient and advanced on the assessments of the Common



Core State Standards by 2016 with incremental increases of three percent (3%) each year thereafter.

(b) The State Department of Education shall combine the state school and school district accountability system with the federal system in order to have a single system.

(c) The State Department of Education shall establish five (5) performance categories ("A," "B," "C," "D" and "F") for the accountability system based on the following criteria:

(i) Student Achievement: the percent of students proficient and advanced on the current state assessments;

(ii) Individual student growth: the percent of students making one (1) year's progress in one (1) year's time on the state assessment, with an emphasis on the progress of the lowest twenty-five percent (25%) of students in the school or district;

(iii) Four-year graduation rate: the percent of students graduating with a standard high school diploma in four (4) years, as defined by federal regulations;

(iv) Categories shall identify schools as Reward ("A" schools), Focus ("D" schools) and Priority ("F" schools). If at least five percent (5%) of schools in the state are not graded as "F" schools, the lowest five percent (5%) of school grade point designees will be identified as Priority schools. If at least ten percent (10%) of schools in the state are not graded as "D"



schools, the lowest ten percent (10%) of school grade point
designees will be identified as Focus schools;

(v) The State Department of Education shall
discontinue the use of Star School, High-Performing, Successful,
Academic Watch, Low-Performing, At-Risk of Failing and Failing
school accountability designations;

(vi) The system shall include the federally
compliant four-year graduation rate in school and school district
accountability system calculations. Graduation rate will apply to
high school and school district accountability ratings as a
compensatory component. The system shall discontinue the use of
the High School Completer Index (HSCI);

(vii) The school and school district
accountability system shall incorporate a standards-based growth
model, in order to support improvement of individual student
learning;

(viii) The State Department of Education shall
discontinue the use of the Quality Distribution Index (QDI);

(ix) The State Department of Education shall
determine feeder patterns of schools that do not earn a school
grade because the grades and subjects taught at the school do not
have statewide standardized assessments needed to calculate a
school grade. Upon determination of the feeder pattern, the
department shall notify schools and school districts prior to the
release of the school grades beginning in 2013. Feeder schools



will be assigned the accountability designation of the school to which they provide students;

(x) Standards for student, school and school district performance will be increased when student proficiency is at a seventy-five percent (75%) and/or when sixty-five percent (65%) of the schools and/or school districts are earning a grade of "B" or higher, in order to raise the standard on performance after targets are met.

(6) Nothing in this section shall be deemed to require a nonpublic school that receives no local, state or federal funds for support to become accredited by the State Board of Education.

(7) The State Board of Education shall create an accreditation audit unit under the Commission on School Accreditation to determine whether schools are complying with accreditation standards.

(8) The State Board of Education shall be specifically authorized and empowered to withhold adequate education program fund allocations, whichever is applicable, to any public school district for failure to timely report student, school personnel and fiscal data necessary to meet state and/or federal requirements.

(9) [Deleted * * *]

(10) The State Board of Education shall establish, for those school districts failing to meet accreditation standards, a program of development to be complied with in order to receive



state funds, except as otherwise provided in subsection (15) of this section when the Governor has declared a state of emergency in a school district or as otherwise provided in Section 206, Mississippi Constitution of 1890. The state board, in establishing these standards, shall provide for notice to schools and sufficient time and aid to enable schools to attempt to meet these standards, unless procedures under subsection (15) of this section have been invoked.

(11) Beginning July 1, 1998, the State Board of Education shall be charged with the implementation of the program of development in each applicable school district as follows:

(a) Develop an impairment report for each district failing to meet accreditation standards in conjunction with school district officials;

(b) Notify any applicable school district failing to meet accreditation standards that it is on probation until corrective actions are taken or until the deficiencies have been removed. The local school district shall develop a corrective action plan to improve its deficiencies. For district academic deficiencies, the corrective action plan for each such school district shall be based upon a complete analysis of the following: student test data, student grades, student attendance reports, student dropout data, existence and other relevant data. The corrective action plan shall describe the specific measures to be taken by the particular school district and school to improve:



(i) instruction; (ii) curriculum; (iii) professional development; (iv) personnel and classroom organization; (v) student incentives for performance; (vi) process deficiencies; and (vii) reporting to the local school board, parents and the community. The corrective action plan shall describe the specific individuals responsible for implementing each component of the recommendation and how each will be evaluated. All corrective action plans shall be provided to the State Board of Education as may be required. The decision of the State Board of Education establishing the probationary period of time shall be final;

(c) Offer, during the probationary period, technical assistance to the school district in making corrective actions. Beginning July 1, 1998, subject to the availability of funds, the State Department of Education shall provide technical and/or financial assistance to all such school districts in order to implement each measure identified in that district's corrective action plan through professional development and on-site assistance. Each such school district shall apply for and utilize all available federal funding in order to support its corrective action plan in addition to state funds made available under this paragraph;

(d) Assign department personnel or contract, in its discretion, with the institutions of higher learning or other appropriate private entities with experience in the academic,



finance and other operational functions of schools to assist school districts;

(e) Provide for publication of public notice at least one time during the probationary period, in a newspaper published within the jurisdiction of the school district failing to meet accreditation standards, or if no newspaper is published therein, then in a newspaper having a general circulation therein. The publication shall include the following: declaration of school system's status as being on probation; all details relating to the impairment report; and other information as the State Board of Education deems appropriate. Public notices issued under this section shall be subject to Section 13-3-31 and not contrary to other laws regarding newspaper publication.

(12) (a) If the recommendations for corrective action are not taken by the local school district or if the deficiencies are not removed by the end of the probationary period, the Commission on School Accreditation shall conduct a hearing to allow the affected school district to present evidence or other reasons why its accreditation should not be withdrawn. Additionally, if the local school district violates accreditation standards that have been determined by the policies and procedures of the State Board of Education to be a basis for withdrawal of school district's accreditation without a probationary period, the Commission on School Accreditation shall conduct a hearing to allow the affected school district to present evidence or other reasons why its



300 accreditation should not be withdrawn. After its consideration of
301 the results of the hearing, the Commission on School Accreditation
302 shall be authorized, with the approval of the State Board of
303 Education, to withdraw the accreditation of a public school
304 district, and issue a request to the Governor that a state of
305 emergency be declared in that district.

306 (b) If the State Board of Education and the Commission
307 on School Accreditation determine that an extreme emergency
308 situation exists in a school district that jeopardizes the safety,
309 security or educational interests of the children enrolled in the
310 schools in that district and that emergency situation is believed
311 to be related to a serious violation or violations of
312 accreditation standards or state or federal law, or when a school
313 district meets the State Board of Education's definition of a
314 failing school district for two (2) consecutive full school years,
315 or if more than fifty percent (50%) of the schools within the
316 school district are designated as Schools At-Risk in any one (1)
317 year, the State Board of Education may request the Governor to
318 declare a state of emergency in that school district. For
319 purposes of this paragraph, the declarations of a state of
320 emergency shall not be limited to those instances when a school
321 district's impairments are related to a lack of financial
322 resources, but also shall include serious failure to meet minimum
323 academic standards, as evidenced by a continued pattern of poor
324 student performance.



325 (c) Whenever the Governor declares a state of emergency
326 in a school district in response to a request made under paragraph
327 (a) or (b) of this subsection, the State Board of Education may
328 take one or more of the following actions:

329 (i) Declare a state of emergency, under which some
330 or all of state funds can be escrowed except as otherwise provided
331 in Section 206, Constitution of 1890, until the board determines
332 corrective actions are being taken or the deficiencies have been
333 removed, or that the needs of students warrant the release of
334 funds. The funds may be released from escrow for any program
335 which the board determines to have been restored to standard even
336 though the state of emergency may not as yet be terminated for the
337 district as a whole;

338 (ii) Override any decision of the local school
339 board or superintendent of education, or both, concerning the
340 management and operation of the school district, or initiate and
341 make decisions concerning the management and operation of the
342 school district;

343 (iii) Assign an interim * * * superintendent, or
344 in its discretion, contract with a private entity with experience
345 in the academic, finance and other operational functions of
346 schools and school districts, who will have those powers and
347 duties prescribed in subsection (15) of this section;

348 (iv) Grant transfers to students who attend this
349 school district so that they may attend other accredited schools



or districts in a manner that is not in violation of state or federal law;

(v) For states of emergency declared under paragraph (a) only, if the accreditation deficiencies are related to the fact that the school district is too small, with too few resources, to meet the required standards and if another school district is willing to accept those students, abolish that district and assign that territory to another school district or districts. If the school district has proposed a voluntary consolidation with another school district or districts, then if the State Board of Education finds that it is in the best interest of the pupils of the district for the consolidation to proceed, the voluntary consolidation shall have priority over any such assignment of territory by the State Board of Education;

(vi) For states of emergency declared under paragraph (b) only, reduce local supplements paid to school district employees, including, but not limited to, instructional personnel, assistant teachers and extracurricular activities personnel, if the district's impairment is related to a lack of financial resources, but only to an extent that will result in the salaries being comparable to districts similarly situated, as determined by the State Board of Education;

(vii) For states of emergency declared under paragraph (b) only, the State Board of Education may take any action as prescribed in Section 37-17-13.



(d) At the time that satisfactory corrective action has been taken in a school district in which a state of emergency has been declared, the State Board of Education may request the Governor to declare that the state of emergency no longer exists in the district.

(e) The parent or legal guardian of a school-age child who is enrolled in a school district whose accreditation has been withdrawn by the Commission on School Accreditation and without approval of that school district may file a petition in writing to a school district accredited by the Commission on School Accreditation for a legal transfer. The school district accredited by the Commission on School Accreditation may grant the transfer according to the procedures of Section 37-15-31(1)(b). In the event the accreditation of the student's home district is restored after a transfer has been approved, the student may continue to attend the transferee school district. The per-pupil amount of the adequate education program allotment, including the collective "add-on program" costs for the student's home school district shall be transferred monthly to the school district accredited by the Commission on School Accreditation that has granted the transfer of the school-age child.

(f) Upon the declaration of a state of emergency for any school district in which the Governor has previously declared a state of emergency, the State Board of Education may either

(i) * * * place the school district into district transformation,



in which the school district shall remain until it has fulfilled
all conditions related to district transformation and if the
district, when placed into district transformation, was rated "D"
or "F," the district will be eligible to return to local control
when the school district has attained a "C" rating or higher for
five (5) consecutive years; or (ii) abolish the school district
and administratively consolidate the school district with one or
more existing school districts; or (iii) reduce the size of the
district and administratively consolidate parts of the district,
as determined by the State Board of Education; provided, however,
that no school district which is not * * * in district
transformation shall be required to accept additional territory
over the objection of the district; or (iv) require the school
district to develop and implement a district improvement plan with
prescriptive guidance and support from the Mississippi Department
of Education, with the goal of helping the district improve
student achievement. Failure of the school board, superintendent
and school district staff to implement the plan with fidelity and
participate in the activities that are provided as support by the
Mississippi Department of Education shall result in the school
district retaining its eligibility for district transformation.

(g) There is established a Mississippi Recovery School District within the State Department of Education under the supervision of a deputy superintendent appointed by the State Superintendent of Public Education, who is subject to the approval



425 by the State Board of Education. The Mississippi Recovery School
426 District shall provide leadership and oversight of all school
427 districts that are subject to * * * district transformation, as
428 defined in Chapters 17 and 18, Title 37, Mississippi Code of 1972,
429 and shall have all the authority granted under these two (2)
430 chapters. The Mississippi Department of Education, with the
431 approval of the State Board of Education, shall develop policies
432 for the operation and management of the Mississippi Recovery
433 School District. The deputy state superintendent is responsible
434 for the Mississippi Recovery School District and shall be
435 authorized to oversee the administration of the Mississippi
436 Recovery School District, oversee * * * interim superintendents
437 assigned by the State Board of Education to a local school
438 district, hear appeals * * * that would normally be filed by
439 students, parents or employees and heard by a local school board,
440 which hearings on appeal shall be conducted in a prompt and timely
441 manner in the school district from which the appeal originated in
442 order to ensure the ability of appellants, other parties and
443 witnesses to appeal without undue burden of travel costs or loss
444 of time from work, and perform other related duties as assigned by
445 the State Superintendent of Public Education. The deputy state
446 superintendent is responsible for the Mississippi Recovery School
447 District and shall determine, based on rigorous professional
448 qualifications set by the State Board of Education, the
449 appropriate individuals to be engaged to be * * * interim



superintendents and financial advisors, if applicable, of all school districts subject to * * * district transformation. After State Board of Education approval, these individuals shall be deemed independent contractors.

(13) Upon the declaration of a state of emergency in a school district under subsection (12) of this section, the Commission on School Accreditation shall be responsible for public notice at least once a week for at least three (3) consecutive weeks in a newspaper published within the jurisdiction of the school district failing to meet accreditation standards, or if no newspaper is published therein, then in a newspaper having a general circulation therein. The size of the notice shall be no smaller than one-fourth (1/4) of a standard newspaper page and shall be printed in bold print. If * * * an interim superintendent has been appointed for the school district, the notice shall begin as follows: "By authority of Section 37-17-6, Mississippi Code of 1972, as amended, adopted by the Mississippi Legislature during the 1991 Regular Session, this school district (name of school district) is hereby placed under the jurisdiction of the State Department of Education acting through its appointed * * * interim superintendent (name of * * * interim superintendent)."

The notice also shall include, in the discretion of the State Board of Education, any or all details relating to the school district's emergency status, including the declaration of a state



475 of emergency in the school district and a description of the
476 district's impairment deficiencies, conditions of * * * district
477 transformation and corrective actions recommended and being taken.
478 Public notices issued under this section shall be subject to
479 Section 13-3-31 and not contrary to other laws regarding newspaper
480 publication.

481 Upon termination of the state of emergency in a school
482 district, the Commission on School Accreditation shall cause
483 notice to be published in the school district in the same manner
484 provided in this section, to include any or all details relating
485 to the corrective action taken in the school district that
486 resulted in the termination of the state of emergency.

487 (14) The State Board of Education or the Commission on
488 School Accreditation shall have the authority to require school
489 districts to produce the necessary reports, correspondence,
490 financial statements, and any other documents and information
491 necessary to fulfill the requirements of this section.

492 Nothing in this section shall be construed to grant any
493 individual, corporation, board or * * * interim superintendent the
494 authority to levy taxes except in accordance with presently
495 existing statutory provisions.

496 (15) (a) Whenever the Governor declares a state of
497 emergency in a school district in response to a request made under
498 subsection (12) of this section, the State Board of Education, in
499 its discretion, may assign an interim * * * superintendent to the



500 school district, or in its discretion, may contract with an
501 appropriate private entity with experience in the academic,
502 finance and other operational functions of schools and school
503 districts, who will be responsible for the administration,
504 management and operation of the school district, including, but
505 not limited to, the following activities:

506 (i) Approving or disapproving all financial
507 obligations of the district, including, but not limited to, the
508 employment, termination, nonrenewal and reassignment of all
509 licensed and nonlicensed personnel, contractual agreements and
510 purchase orders, and approving or disapproving all claim dockets
511 and the issuance of checks; in approving or disapproving
512 employment contracts of superintendents, assistant superintendents
513 or principals, the interim * * * superintendent shall not be
514 required to comply with the time limitations prescribed in
515 Sections 37-9-15 and 37-9-105;

516 (ii) Supervising the day-to-day activities of the
517 district's staff, including reassigning the duties and
518 responsibilities of personnel in a manner which, in the
519 determination of the * * * interim superintendent, will best suit
520 the needs of the district;

521 (iii) Reviewing the district's total financial
522 obligations and operations and making recommendations to the
523 district for cost savings, including, but not limited to,
524 reassigning the duties and responsibilities of staff;



(iv) Attending all meetings of the district's school board and administrative staff;

(v) Approving or disapproving all athletic, band and other extracurricular activities and any matters related to those activities;

(vi) Maintaining a detailed account of recommendations made to the district and actions taken in response to those recommendations;

(vii) Reporting periodically to the State Board of Education on the progress or lack of progress being made in the district to improve the district's impairments during the state of emergency; and

(viii) Appointing a parent advisory committee, comprised of parents of students in the school district that may make recommendations to the * * * interim superintendent concerning the administration, management and operation of the school district.

The cost of the salary of the * * * interim superintendent and any other actual and necessary costs related to * * * district transformation paid by the State Department of Education shall be reimbursed by the local school district from funds other than adequate education program funds. The department shall submit an itemized statement to the superintendent of the local school district for reimbursement purposes, and any unpaid balance may be withheld from the district's adequate education program funds.



At the time that the Governor, in accordance with the request of the State Board of Education, declares that the state of emergency no longer exists in a school district, the powers and responsibilities of the interim * * * superintendent assigned to the district shall cease.

(b) In order to provide loans to school districts under a state of emergency or * * * in district transformation that have impairments related to a lack of financial resources, the School District Emergency Assistance Fund is created as a special fund in the State Treasury into which monies may be transferred or appropriated by the Legislature from any available public education funds. Funds in the School District Emergency Assistance Fund up to a maximum balance of Three Million Dollars (\$3,000,000.00) annually shall not lapse but shall be available for expenditure in subsequent years subject to approval of the State Board of Education. Any amount in the fund in excess of Three Million Dollars (\$3,000,000.00) at the end of the fiscal year shall lapse into the State General Fund or the Education Enhancement Fund, depending on the source of the fund.

The State Board of Education may loan monies from the School District Emergency Assistance Fund to a school district that is under a state of emergency or * * * in district transformation, in those amounts, as determined by the board, that are necessary to correct the district's impairments related to a lack of financial resources. The loans shall be evidenced by an agreement between



the school district and the State Board of Education and shall be repayable in principal, without necessity of interest, to the School District Emergency Assistance Fund by the school district from any allowable funds that are available. The total amount loaned to the district shall be due and payable within five (5) years after the impairments related to a lack of financial resources are corrected. If a school district fails to make payments on the loan in accordance with the terms of the agreement between the district and the State Board of Education, the State Department of Education, in accordance with rules and regulations established by the State Board of Education, may withhold that district's adequate education program funds in an amount and manner that will effectuate repayment consistent with the terms of the agreement; the funds withheld by the department shall be deposited into the School District Emergency Assistance Fund.

The State Board of Education shall develop a protocol that will outline the performance standards and requisite time line deemed necessary for extreme emergency measures. If the State Board of Education determines that an extreme emergency exists, simultaneous with the powers exercised in this subsection, it shall take immediate action against all parties responsible for the affected school districts having been determined to be in an extreme emergency. The action shall include, but not be limited to, initiating civil actions to recover funds and criminal actions to account for criminal activity. Any funds recovered by the



600 State Auditor or the State Board of Education from the surety
601 bonds of school officials or from any civil action brought under
602 this subsection shall be applied toward the repayment of any loan
603 made to a school district hereunder.

604 (16) If a majority of the membership of the school board of
605 any school district resigns from office, the State Board of
606 Education shall be authorized to assign an interim * * *
607 superintendent, who shall be responsible for the administration,
608 management and operation of the school district until the time as
609 new board members are selected or the Governor declares a state of
610 emergency in that school district under subsection (12), whichever
611 occurs first. In that case, the State Board of Education, acting
612 through the interim * * * superintendent, shall have all powers
613 which were held by the previously existing school board, and may
614 take any action as prescribed in Section 37-17-13 and/or one or
615 more of the actions authorized in this section.

616 (17) (a) If the Governor declares a state of emergency in a
617 school district, the State Board of Education may take all such
618 action pertaining to that school district as is authorized under
619 subsection (12) or (15) of this section, including the appointment
620 of an interim * * * superintendent. The State Board of Education
621 shall also have the authority to issue a written request with
622 documentation to the Governor asking that the office of the
623 superintendent of the school district be subject to recall. If
624 the Governor declares that the office of the superintendent of the



625 school district is subject to recall, the local school board or
626 the county election commission, as the case may be, shall take the
627 following action:

628 (i) If the office of superintendent is an elected
629 office, in those years in which there is no general election, the
630 name shall be submitted by the State Board of Education to the
631 county election commission, and the county election commission
632 shall submit the question at a special election to the voters
633 eligible to vote for the office of superintendent within the
634 county, and the special election shall be held within sixty (60)
635 days from notification by the State Board of Education. The
636 ballot shall read substantially as follows:

637 "Shall County Superintendent of Education _____ (here the
638 name of the superintendent shall be inserted) of the _____
639 (here the title of the school district shall be inserted) be
640 retained in office? Yes _____ No _____"

641 If a majority of those voting on the question votes against
642 retaining the superintendent in office, a vacancy shall exist
643 which shall be filled in the manner provided by law; otherwise,
644 the superintendent shall remain in office for the term of that
645 office, and at the expiration of the term shall be eligible for
646 qualification and election to another term or terms.

647 (ii) If the office of superintendent is an
648 appointive office, the name of the superintendent shall be
649 submitted by the president of the local school board at the next



650 regular meeting of the school board for retention in office or
651 dismissal from office. If a majority of the school board voting
652 on the question vote against retaining the superintendent in
653 office, a vacancy shall exist which shall be filled as provided by
654 law, otherwise the superintendent shall remain in office for the
655 duration of his employment contract.

656 (b) The State Board of Education may issue a written
657 request with documentation to the Governor asking that the
658 membership of the school board of the school district shall be
659 subject to recall. Whenever the Governor declares that the
660 membership of the school board is subject to recall, the county
661 election commission or the local governing authorities, as the
662 case may be, shall take the following action:

663 (i) If the members of the local school board are
664 elected to office, in those years in which the specific member's
665 office is not up for election, the name of the school board member
666 shall be submitted by the State Board of Education to the county
667 election commission, and the county election commission at a
668 special election shall submit the question to the voters eligible
669 to vote for the particular member's office within the county or
670 school district, as the case may be, and the special election
671 shall be held within sixty (60) days from notification by the
672 State Board of Education. The ballot shall read substantially as
673 follows:



674 "Members of the _____ (here the title of the school
675 district shall be inserted) School Board who are not up for
676 election this year are subject to recall because of the school
677 district's failure to meet critical accountability standards as
678 defined in the letter of notification to the Governor from the
679 State Board of Education. Shall the member of the school board
680 representing this area, _____ (here the name of the school
681 board member holding the office shall be inserted), be retained in
682 office? Yes _____ No _____"

683 If a majority of those voting on the question vote against
684 retaining the member of the school board in office, a vacancy in
685 that board member's office shall exist, which shall be filled in
686 the manner provided by law; otherwise, the school board member
687 shall remain in office for the term of that office, and at the
688 expiration of the term of office, the member shall be eligible for
689 qualification and election to another term or terms of office.
690 However, if a majority of the school board members are recalled in
691 the special election, the Governor shall authorize the board of
692 supervisors of the county in which the school district is situated
693 to appoint members to fill the offices of the members recalled.
694 The board of supervisors shall make those appointments in the
695 manner provided by law for filling vacancies on the school board,
696 and the appointed members shall serve until the office is filled
697 at the next regular special election or general election.



698 (ii) If the local school board is an appointed
699 school board, the name of all school board members shall be
700 submitted as a collective board by the president of the municipal
701 or county governing authority, as the case may be, at the next
702 regular meeting of the governing authority for retention in office
703 or dismissal from office. If a majority of the governing
704 authority voting on the question vote against retaining the board
705 in office, a vacancy shall exist in each school board member's
706 office, which shall be filled as provided by law; otherwise, the
707 members of the appointed school board shall remain in office for
708 the duration of their term of appointment, and those members may
709 be reappointed.

710 (iii) If the local school board is comprised of
711 both elected and appointed members, the elected members shall be
712 subject to recall in the manner provided in subparagraph (i) of
713 this paragraph (b), and the appointed members shall be subject to
714 recall in the manner provided in subparagraph (ii).

715 (18) Beginning with the school district audits conducted for
716 the 1997-1998 fiscal year, the State Board of Education, acting
717 through the Commission on School Accreditation, shall require each
718 school district to comply with standards established by the State
719 Department of Audit for the verification of fixed assets and the
720 auditing of fixed assets records as a minimum requirement for
721 accreditation.



722 (19) Before December 1, 1999, the State Board of Education
723 shall recommend a program to the Education Committees of the House
724 of Representatives and the Senate for identifying and rewarding
725 public schools that improve or are high performing. The program
726 shall be described by the board in a written report, which shall
727 include criteria and a process through which improving schools and
728 high-performing schools will be identified and rewarded.

729 The State Superintendent of Public Education and the State
730 Board of Education also shall develop a comprehensive
731 accountability plan to ensure that local school boards,
732 superintendents, principals and teachers are held accountable for
733 student achievement. A written report on the accountability plan
734 shall be submitted to the Education Committees of both houses of
735 the Legislature before December 1, 1999, with any necessary
736 legislative recommendations.

737 (20) Before January 1, 2008, the State Board of Education
738 shall evaluate and submit a recommendation to the Education
739 Committees of the House of Representatives and the Senate on
740 inclusion of graduation rate and dropout rate in the school level
741 accountability system.

742 (21) If a local school district is determined as failing and
743 placed into * * * district transformation for reasons authorized
744 by the provisions of this section, the * * * interim
745 superintendent appointed to the district shall, within * * *
746 ninety (90) days after being appointed, present a detailed and



747 structured corrective action plan to move the local school
748 district out of * * * district transformation status * * * to
749 the * * * deputy superintendent. A copy of the * * * interim
750 superintendent's corrective action plan shall also be filed with
751 the State Board of Education.

752 **SECTION 2.** Section 37-17-13, Mississippi Code of 1972, is
753 amended as follows:

754 37-17-13. (1) Whenever the Governor declares a state of
755 emergency in a school district in response to a certification by
756 the State Board of Education and the Commission on School
757 Accreditation made under Section 37-17-6(11)(b), the State Board
758 of Education, in addition to any actions taken under Section
759 37-17-6, may abolish the school district and assume control and
760 administration of the schools formerly constituting the district,
761 and appoint * * * an interim superintendent to carry out this
762 purpose under the direction of the State Board of Education. In
763 such case, the State Board of Education shall have all powers
764 which were held by the previously existing school board, and the
765 previously existing superintendent of schools or county
766 superintendent of education, including, but not limited to, those
767 enumerated in Section 37-7-301, and the authority to request tax
768 levies from the appropriate governing authorities for the support
769 of the schools and to receive and expend the tax funds as provided
770 by Section 37-57-1 et seq. and Section 37-57-105 et seq.



771 (2) When a school district is abolished under this section,
772 loans from the School District Emergency Assistance Fund may be
773 made by the State Board of Education for the use and benefit of
774 the schools formerly constituting the district in accordance with
775 the procedures set forth in Section 37-17-6(14) for such loans to
776 the district. The abolition of a school district under this
777 section shall not impair or release the property of that school
778 district from liability for the payment of the loan indebtedness,
779 and it shall be the duty of the appropriate governing authorities
780 to levy taxes on the property of the district so abolished from
781 year to year according to the terms of the indebtedness until same
782 shall be fully paid.

783 (3) After a school district is abolished under this section,
784 at such time as the State Board of Education determines that the
785 impairments have been substantially corrected, the State Board of
786 Education shall reconstitute, reorganize or change or alter the
787 boundaries of the previously existing district; however, no
788 partition or assignment of territory formerly included in the
789 abolished district to one or more other school districts may be
790 made by the State Board of Education without the consent of the
791 school board of the school district to which such territory is to
792 be transferred, such consent to be spread upon its minutes. At
793 that time, the State Board of Education, in appropriate cases,
794 shall notify the appropriate governing authority or authorities of
795 its action and request them to provide for the election or



796 appointment of school board members in the manner provided by law.
797 In the event the applicable statute provides that vacancies in an
798 all-elected membership of the school board will be filled by
799 appointment by the remaining members of the school board and no
800 members of the school board remain in office, the Governor shall
801 call a special election to fill the vacancies. In such
802 situations, the Governor will set the date of the special election
803 and said election will be conducted by the county election
804 commission. The State Board of Education shall also request the
805 governing authority or authorities to provide for the appointment
806 of a superintendent or superintendents to govern the
807 reconstituted, reorganized or changed district or districts, which
808 such appointed position shall apply in all school districts
809 including those school districts in which the position of
810 superintendent was previously an elected office. A board member
811 or superintendent in office at the time the Governor declares a
812 state of emergency in a school district to be abolished shall not
813 be eligible to serve in that office for the school district
814 reconstituted, reorganized or changed after the Governor declares
815 that an emergency no longer exists.

816 (4) As an alternative to the procedure set forth in
817 subsection (3), * * * when a local school board is abolished by
818 the State Board of Education pursuant to this section, after the
819 State Board of Education determines that the impairments are being
820 substantially corrected and the responsibility of * * * district



821 transformation in such district is within one (1) year of
822 potential expiration, the State Board of Education may appoint a
823 new five-member board for the administration of the school
824 district and shall notify the local county board of supervisors
825 and/or municipal governing authority of such appointment,
826 spreading the names of the new school board members on its
827 minutes. The new local school board members shall be residents of
828 the school district. The new local school board members appointed
829 by the State Board of Education may serve in an advisory capacity
830 to the * * * interim superintendent for its first year of service
831 and thereafter shall have full responsibility to administer the
832 school district. Thirty (30) days prior to the end of the first
833 year of office as an advisory board, each member shall draw lots
834 to determine when the members shall rotate off the board as
835 follows: one (1) member shall serve a one-year term of office;
836 one (1) member shall serve a two-year term of office; one (1)
837 member shall serve a three-year term of office; one (1) member
838 shall serve a four-year term of office; and one (1) member shall
839 serve a five-year term of office. At that time, the State Board
840 of Education shall notify the appropriate board of supervisors or
841 municipal governing authority of this action and request them to
842 provide for the election or appointment of school board members at
843 the end of said terms of office in the manner provided by law, in
844 order for the local residents of the school district to select a
845 new school board on a phased-in basis. In such situations, the



Governor will set the date of any necessary special election which shall be conducted by the county election commission. The State Board of Education shall also request the new school board to provide for the appointment of a superintendent to govern the reconstituted or reorganized school district, including those school districts in which the position of superintendent was previously an elected office. A board member or superintendent in office at the time the Governor declares a state of emergency in a school district shall not be eligible to serve in the office of school board member or superintendent for the school district reconstituted or reorganized following * * * district transformation period.

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

This subsection (4) shall stand repealed from and after July 1, * * * 2021.

SECTION 3. Section 37-17-17, Mississippi Code of 1972, is amended as follows:

37-17-17. (1) There is created the Mississippi Achievement School District for the purpose of transforming persistently failing public schools and districts throughout the state into quality educational institutions. The Mississippi Achievement School District shall be a statewide school district, separate and



871 distinct from all other school districts but not confined to any
872 specified geographic boundaries, and may be comprised of any
873 public schools or school districts in the state which, during two
874 (2) consecutive school years, are designated an "F" school or
875 district by the State Board of Education under the accountability
876 rating system or which have been persistently failing and
877 chronically underperforming.

878 (2) The Mississippi Achievement School District shall be
879 governed by the State Board of Education.

880 (3) The State Board of Education shall obtain suitable
881 office space to serve as the administrative office of the school
882 district.

883 (4) The State Board of Education shall select an individual
884 to serve as superintendent of the Mississippi Achievement School
885 District. The superintendent must be deemed by the board to be
886 highly qualified with a demonstrable track record for producing
887 results in a context relevant to that of Mississippi Achievement
888 School District schools. The superintendent of the Mississippi
889 Achievement School District shall exercise powers and duties that
890 would afford significant autonomy but are bound by the governance
891 of the State Board of Education.

892 (5) (a) Each public school or district in the state which,
893 during each of two (2) consecutive school years or during two (2)
894 of three (3) consecutive school years, receives an "F" designation
895 by the State Board of Education under the accountability rating



896 system or has been persistently failing as defined by the State
897 Board of Education may be absorbed into and become a part of the
898 Mississippi Achievement School District. All eligible public
899 schools and districts shall be prioritized by the Mississippi
900 Achievement School District according to criteria set by the
901 Mississippi Achievement School District and publicized prior to
902 the annual release of accountability rating data. The Mississippi
903 Achievement School District shall takeover only the number of
904 schools and districts for which it has the capacity to serve. The
905 transfer of the school's/district's governance from the local
906 school district to the Mississippi Achievement School District
907 shall take effect upon the approval of the State Board of
908 Education unless, in the sole determination of the Mississippi
909 Achievement School District, the transition may be more smoothly
910 accomplished through a gradual transfer of control. If the
911 Mississippi Achievement School District elects not to assume
912 complete control of a school or district immediately after that
913 school receives an "F" designation during each of two (2)
914 consecutive school years or during two (2) of the three (3)
915 consecutive school years, the State Board of Education shall
916 prescribe the process and timetable by which the school or
917 district shall be absorbed; however, in no event may the transfer
918 of the school or district to the Mississippi Achievement School
919 District be completed later than the beginning of the school year
920 next succeeding the year during which the school or district



921 receives the "F" designation. School districts that are eligible
922 to be absorbed by the Achievement School District, but are not
923 absorbed due to the capacity of the Achievement School District,
924 shall develop and implement a district improvement plan with
925 prescriptive guidance and support from the Mississippi Department
926 of Education, with the goal of helping the district improve
927 student achievement.

928 (b) The State Board of Education shall adopt rules and
929 regulations governing the operation of the Mississippi Achievement
930 School District.

931 (c) Designations assigned to schools or districts under
932 the accountability rating system by the State Board of Education
933 before the 2015-2016 school year may not be considered in
934 determining whether a particular school or district is subject to
935 being absorbed by the Mississippi Achievement School District.
936 During the 2017-2018 school year, any school or district receiving
937 an "F" designation after also being designated an "F" school or
938 district in the 2015-2016 and 2016-2017 school years may be
939 absorbed immediately by the Mississippi Achievement School
940 District, upon approval of the State Board of Education.

941 (d) The school district from which an "F" school or
942 district is being absorbed must cooperate fully with the
943 Mississippi Achievement School District and the State Board of
944 Education in order to provide as smooth a transition as possible
945 in the school's/district's governance and operations for the



students enrolled in the school or district. Upon completion of the transfer of a school or district to the Mississippi Achievement School District, the school or district shall be governed by the rules, regulations, policies and procedures established by the State Board of Education specifically for the Mississippi Achievement School District, and the school or district shall no longer be under the purview of the school board of the local school district. In the event of the transfer of governance and operations of a school district, the State Board of Education shall abolish the district as prescribed in Section 37-17-13.

(e) Upon the transfer of the school or school district to the Mississippi Achievement School District, the individual appointed by the State Board of Education to serve as superintendent for the Mississippi Achievement School District shall be responsible for the administration, management and operation of the school or school district, including the following activities: (i) approving or denying all financial obligations of the school or school district; (ii) approving or denying the employment, termination, nonrenewal and reassignment of all licensed and nonlicensed personnel; (iii) approving or denying contractual agreements and purchase orders; (iv) approving or denying all claim dockets and the issuance of checks; (v) supervising the day-to-day activities of the school or school district's staff in a manner which in the determination of the



971 Mississippi Achievement School District will best suit the needs
972 of the school or school district; (vi) approving or denying all
973 athletic, band and other extracurricular activities and any
974 matters related to those activities; (vii) honoring any reasonable
975 financial commitment of the district being absorbed; and (viii)
976 reporting periodically to the State Board of Education on the
977 progress or lack of progress being made in the school or school
978 district to improve the school or school district's impairments.

979 (f) Upon attaining and maintaining a school or district
980 accountability rating of "C" or better under the State Department
981 of Education's accountability rating system for five (5)
982 consecutive years, the State Board of Education may decide to
983 revert the absorbed school or district back to local governance,
984 provided the school or school(s) in question are not conversion
985 charter schools. "Local governance" may include a traditional
986 school board model of governance or other new form of governance
987 such as mayoral control, or other type of governance. The State
988 Board of Education shall determine the best form of local
989 governance and school board composition after soliciting the input
990 of local citizens and shall outline a process for establishing the
991 type of governance selected. The manner and timeline for
992 reverting a school or district back to local control shall be at
993 the discretion of the State School Board, but in no case shall it
994 exceed five (5) years.



995 (6) The Superintendent of the Mississippi Achievement School
996 District shall hire those persons to be employed as principals,
997 teachers and noninstructional personnel in schools or districts
998 absorbed into the Mississippi Achievement School District. Only
999 highly qualified individuals having a demonstrable record of
1000 success may be selected by the superintendent for such positions
1001 in the Mississippi Achievement School District. The
1002 superintendent may choose to continue the employment of any person
1003 employed in an "F" rated school when the school or district is
1004 absorbed into the Mississippi Achievement School District;
1005 alternatively, the superintendent may elect not to offer continued
1006 employment to a person formerly employed at a school or district
1007 that is absorbed into the Mississippi Achievement School District.
1008 Any persons employed by the Mississippi Achievement School
1009 District shall not be subject to Sections 37-9-101 through
1010 37-9-113.

1011 (7) (a) The Mississippi Achievement School District may use
1012 a school building and all facilities and property that is a part
1013 of a school and recognized as part of the facilities or assets of
1014 the school before it is absorbed into the Mississippi Achievement
1015 School District. In addition, the Mississippi Achievement School
1016 District shall have access to those additional facilities that
1017 typically were available to that school or district, its students,
1018 faculty and staff before its absorption by the Mississippi
1019 Achievement School District. Use of facilities by a school or



1020 district in the Mississippi Achievement School District must be
1021 unrestricted and free of charge. However, the Mississippi
1022 Achievement School District shall be responsible for providing
1023 routine maintenance and repairs necessary to maintain the
1024 facilities in as good a condition as when the right of use was
1025 acquired by the Mississippi Achievement School District. The
1026 Mississippi Achievement School District shall be responsible for
1027 paying all utilities at the facilities used for the absorbed
1028 school. Any fixtures, improvements and tangible assets added to a
1029 school building or facility by the Mississippi Achievement School
1030 District must remain at the school or district building or
1031 facility if the school or district is returned to local
1032 governance.

1033 (b) The State Board of Education shall include in the
1034 rules and regulations adopted pursuant to subsection (5) of this
1035 section specific provisions addressing the rights and
1036 responsibilities of the Mississippi Achievement School District
1037 relating to the real and personal property of a school or district
1038 that is absorbed into the Mississippi Achievement School District.

1039 (8) (a) The Mississippi Achievement School District shall
1040 certify annually to the State Board of Education in which a
1041 Mississippi Achievement School District school or district is
1042 located the number of students residing in the school district
1043 which are enrolled in that school or district.



1044 (b) Whenever an increase in funding is requested by the
1045 school board for the support of schools within a particular school
1046 district absorbed into the Mississippi Achievement School
1047 District, the State Board of Education and the superintendent for
1048 the Mississippi Achievement School District shall hold a public
1049 meeting in the local municipality having jurisdiction of the
1050 absorbed school district to allow input of local residents on the
1051 matter, and subsequent to the conclusion of such meeting, the
1052 board of the Mississippi Achievement School District shall submit
1053 its request for ad valorem increase in dollars to the local
1054 governing authority having jurisdiction over the absorbed school
1055 district for approval of the request for increase in ad valorem
1056 tax effort. In a district in which a school or schools but not
1057 the entire district is absorbed into the Mississippi Achievement
1058 School District, the local school district shall pay directly to
1059 the Mississippi Achievement School District an amount for each
1060 student enrolled in that school equal to the ad valorem tax
1061 receipts and in-lieu payments received per pupil for the support
1062 of the local school district in which the student resides. The
1063 pro rata ad valorem receipts and in-lieu receipts to be
1064 transferred to the Mississippi Achievement School District shall
1065 include all levies for the support of the local school district
1066 under Sections 37-57-1 (local contribution to the education
1067 funding program) and 37-57-105 (school district operational levy)
1068 and may not include any taxes levied for the retirement of the



1069 local school district's bonded indebtedness or short-term notes or
1070 any taxes levied for the support of vocational-technical education
1071 programs, unless the school or schools absorbed include a high
1072 school at which vocational-technical education programs are
1073 offered. In no event may the payment exceed the pro rata amount
1074 of the local ad valorem payment to the education funding program
1075 under Section 37-57-1 for the school district in which the student
1076 resides. Payments made under this section by a school district to
1077 the Mississippi Achievement School District must be made before
1078 the expiration of three (3) business days after the funds are
1079 distributed to the local school district by the tax collector.

1080 (c) If an entire school district is absorbed into the
1081 Mississippi Achievement School District, the tax collector shall
1082 pay the amounts as described in paragraph (b) of this subsection,
1083 with the exception that all funds should transfer, including taxes
1084 levied for the retirement of the local school district's bonded
1085 indebtedness or short-term notes and any taxes levied for the
1086 support of vocational-technical education programs. The
1087 Mississippi Achievement School District shall pay funds raised to
1088 retire the district's debts to the appropriate creditors on behalf
1089 of the former district.

1090 (9) (a) The State Department of Education shall make
1091 payments to the Mississippi Achievement School District for each
1092 student in average daily * * * membership at a Mississippi
1093 Achievement School District school equal to the state share of the



1094 education funding program payments for each student in average
1095 daily attendance at the local school district or former local
1096 school district in which that school is located. In calculating
1097 the local contribution for purposes of determining the state share
1098 of the education funding program payments, the department shall
1099 deduct the pro rata local contribution of the school district or
1100 former school district in which the student resides, to be
1101 determined as provided in Section 37-151-7(2) (a).

1102 (b) Payments made pursuant to this subsection by the
1103 State Department of Education must be made at the same time and in
1104 the same manner as education funding program payments are made to
1105 all other school districts under Sections 37-151-101 and
1106 37-151-103. Amounts payable to the Mississippi Achievement School
1107 District must be determined by the State Department of Education
1108 in the same manner that such amounts are calculated for all other
1109 school districts under the education funding program.

1110 (10) The Mississippi Achievement School District shall be
1111 considered a local educational agency for the same purposes and to
1112 the same extent that all other school districts in the state are
1113 deemed local educational agencies under applicable federal laws.

1114 (11) The Mississippi Achievement School District may receive
1115 donations or grants from any public or private source, including
1116 any federal funding that may be available to the school district
1117 or individual schools within the Mississippi Achievement School
1118 District.



1119 (12) The Legislature may appropriate sufficient funding to
1120 the State Department of Education for the 2017 fiscal year for the
1121 specific purpose of funding the start-up, operational and any
1122 other required costs of the Mississippi Achievement School
1123 District during the 2017-2018 school year.

1124 **SECTION 4.** Section 37-18-7, Mississippi Code of 1972, is
1125 amended as follows:

1126 37-18-7. (1) As part of the school improvement plan for a
1127 School At-Risk, a professional development plan shall be prepared
1128 for those school administrators, teachers or other employees who
1129 are identified by the evaluation team as needing improvement. The
1130 State Department of Education shall assist the School At-Risk in
1131 identifying funds necessary to fully implement the school
1132 improvement plan.

1133 (2) In the event a school continues to be designated a
1134 School At-Risk after three (3) years of implementing a school
1135 improvement plan, or in the event that more than fifty percent
1136 (50%) of the schools within the school district are designated as
1137 Schools At-Risk in any one (1) year, the State Board of Education
1138 may request that the Governor declare a state of emergency in that
1139 school district. Upon the declaration of the state of emergency
1140 by the Governor, the State Board of Education may take all such
1141 action for dealing with school districts as is authorized under
1142 subsection (11) or (14) of Section 37-17-6, including the
1143 appointment of an interim * * * superintendent.



1144 **SECTION 5.** Section 37-167-1, Mississippi Code of 1972, which
1145 provides for the transfer of certain failing public schools to a
1146 New Start School Program, is hereby repealed.

1147 **SECTION 6.** This act shall take effect and be in force from
1148 and after July 1, 2017.

