

By: Representative Young

To: Education

HOUSE BILL NO. 589

1 AN ACT TO AMEND SECTION 37-7-301.1, MISSISSIPPI CODE OF 1972,  
 2 TO PROVIDE IMPROVEMENT TO HOME RULE AUTHORITY PROVIDED TO LOCAL  
 3 SCHOOL DISTRICTS FOR A PERIOD NOT LESS THAN THREE YEARS NOR MORE  
 4 THAN FIVE YEARS; TO PROVIDE THAT DURING THE IMPROVEMENT PERIOD  
 5 EACH LOCAL SCHOOL DISTRICT SHALL RELINQUISH GOVERNING AUTHORITY TO  
 6 THE STATE DEPARTMENT OF EDUCATION FOR A PERIOD DETERMINED BY THE  
 7 DEPARTMENT AND THE STATE BOARD OF EDUCATION; TO REQUIRE THE STATE  
 8 BOARD OF EDUCATION AND THE DEPARTMENT TO CONDUCT A STATEWIDE  
 9 ASSESSMENT OF LOCAL SCHOOL DISTRICT GOVERNANCE TO BE USED AS A  
 10 BASIS OF THE DETERMINATION FOR THE DURATION OF ADMINISTRATIVE  
 11 CONTROL OF EACH DISTRICT; TO REQUIRE THE BOARD AND DEPARTMENT TO  
 12 NOTIFY THE LOCAL SCHOOL DISTRICT OF ITS DETERMINATION AT WHICH  
 13 TIME THE IMPROVEMENT PERIOD SHALL BE IMMEDIATELY INVOKED AND THE  
 14 DISTRICTS' AUTHORITY RELINQUISHED TO THE DEPARTMENT; TO PROVIDE  
 15 THAT THE LOCAL SCHOOL BOARD SHALL SERVE IN AN ADVISORY CAPACITY;  
 16 TO PROVIDE THAT THE BOARD AND DEPARTMENT MAY TRANSFER THE  
 17 AUTHORITY OF LOCAL CONTROL OF CERTAIN GOVERNING MATTERS FOR THE  
 18 OPERATION OF THE SCHOOL DISTRICT TO THE LOCAL SCHOOL BOARD ON A  
 19 PHASED-IN BASIS AFTER THE FIRST YEAR OF DEPARTMENT CONTROL; TO  
 20 PROVIDE THE STATE DEPARTMENT OF EDUCATION WITH PLENARY AUTHORITY  
 21 IN THE DECISION-MAKING AND GOVERNANCE OF THE SCHOOL DISTRICT  
 22 PREVIOUSLY EXERCISED BY THE LOCAL SCHOOL BOARD UNDER HOME RULE  
 23 AUTHORITY; TO PROVIDE FOR THE REPEAL OF THE IMPROVEMENT PROVISIONS  
 24 ON JULY 1, 2023; AND FOR RELATED PURPOSES.

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

26 **SECTION 1.** Section 37-7-301.1, Mississippi Code of 1972, is  
 27 amended as follows:

28 37-7-301.1. (1) Except as otherwise provided in subsection  
 29 (2), the school board of a school district may adopt any orders,



30 resolutions or ordinances with respect to school district affairs,  
31 property and finances which are not inconsistent with the  
32 Mississippi Constitution of 1890, the Mississippi Code of 1972, or  
33 any other statute or law of the State of Mississippi. Except as  
34 otherwise provided in this section, the powers granted to the  
35 school boards in this section are complete without the existence  
36 of or reference to any specific authority granted in any other  
37 statute or law of the State of Mississippi. Unless such actions  
38 are specifically authorized by another statute or law of the State  
39 of Mississippi, this section shall not authorize a school board  
40 to: (a) levy taxes of any kind or increase the levy of any  
41 authorized tax; (b) issue bonds of any kind; or (c) enter into  
42 collective bargaining agreements.

43 (2) (a) Effective from and after July 1, 2018, the  
44 provisions of home rule authority provided to local school  
45 districts in subsection (1) of this section shall be void ab initio  
46 in each school district for a period not less than three (3) years  
47 nor to exceed a period of five (5) years, dependent upon a  
48 statewide assessment of local school district governance by the  
49 State Board of Education and the State Department of Education.  
50 Upon the conclusion of the statewide assessment by the board and  
51 department, the local school board of each school district shall  
52 be notified by the State Board of Education of its determination  
53 for the duration of administrative control of the district. At  
54 the time a district is notified, the improvement period on home



55 rule authority shall be immediately invoked and the local school  
56 board shall relinquish all of its power and authority to the State  
57 Department of Education, while continuing to serve in an advisory  
58 capacity. Based on the level of administrative oversight and  
59 intervention necessary, the State Board of Education and the  
60 department may begin to transfer the authority of local control of  
61 certain governing matters for the operation of the school district  
62 to the local school board on a phased-in basis after the first  
63 year of department control.

64 (b) The State Board of Education and the State  
65 Department of Education shall establish the criteria to be used in  
66 the statewide assessment of school districts to assist in the  
67 determination of the length of the administrative improvement  
68 period imposed upon each school district. Upon acquiring control  
69 of the local governance of each school district, the State  
70 Department of Education shall have plenary authority in the  
71 decision-making and governance of the school district previously  
72 exercised by the local school board as prescribed in subsection  
73 (1) of this section.

74 (c) This subsection (2) shall stand repealed from and  
75 after July 1, 2023.

76 **SECTION 2.** This act shall take effect and be in force from  
77 and after July 1, 2018.

