

By: Representative Gipson

To: Education

HOUSE BILL NO. 780

1 AN ACT TO PROHIBIT SCHOOLS AND SCHOOL DISTRICTS THAT RECEIVE
 2 AN "F" ACCOUNTABILITY RATING FROM PARTICIPATING IN ALL ATHLETIC,
 3 BAND AND OTHER EXTRACURRICULAR ACTIVITIES; TO PRESCRIBE THE MANNER
 4 BY WHICH THE AFFECTED SCHOOLS AND SCHOOL DISTRICTS SHALL BE
 5 ELIGIBLE TO RESUME PARTICIPATION IN SUCH ACTIVITIES; TO AMEND
 6 SECTIONS 37-17-6, 37-17-13, 37-17-17 AND 37-18-7, MISSISSIPPI CODE
 7 OF 1972, IN CONFORMITY THERETO; TO BRING FORWARD SECTION 37-17-15,
 8 MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENTS;
 9 AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** (1) Whenever a school or school district
 12 receives an "F" designation under the accountability rating
 13 system, is taken over by the State Board of Education and placed
 14 into district transformation or is transferred to the Mississippi
 15 Achievement School District for persistent and chronic academic
 16 underperformance, that school or school district shall be
 17 prohibited from participating in all athletic, band and other
 18 extracurricular activities.

19 (2) A school or school district shall not be eligible to
 20 resume participation in any athletic, band or other
 21 extracurricular activities until, the following occurs:



22 (a) If the school or school district receives an "F"
23 designation under the accountability rating system, when the
24 school or school district improves its accountability rating to a
25 "D" or higher;

26 (b) If the school district is placed into district
27 transformation, when the school district attains an accountability
28 rating of "C" or higher, or when the district is eligible to be
29 returned to local control as determined by the State Board of
30 Education in less than the required transformation period as a
31 result of progressive improvement; or

32 (c) If the school or school district is transferred to
33 the Mississippi Achievement School District, when the school or
34 school district attains an accountability rating of "C" or higher
35 for two (2) consecutive years.

36 (3) For purposes of this section, an "F" accountability
37 rating shall be specific to every school and school district. If
38 a particular school within a school district receives an "F"
39 accountability rating, while the school district has an
40 accountability rating of "D" or higher, only the school with the
41 "F" accountability rating shall be prohibited from participating
42 in all athletic, band and other extracurricular activities until
43 such time as authorized under subsection (2) of this section.
44 However, if the school district receives an "F" accountability
45 rating, all schools in the failing school district shall be
46 prohibited from participating in all athletic, band and other



47 extracurricular activities until such time as authorized under
48 subsection (2) of this section.

49 **SECTION 2.** Section 37-17-6, Mississippi Code of 1972, is
50 amended as follows:

51 37-17-6. (1) The State Board of Education, acting through
52 the Commission on School Accreditation, shall establish and
53 implement a permanent performance-based accreditation system, and
54 all noncharter public elementary and secondary schools shall be
55 accredited under this system.

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

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

65	Number of Students	Number of Certified
66	Per School Library	School Librarians
67	0 - 499 Students	1/2 Full-time Equivalent
68		Certified Librarian
69	500 or More Students	1 Full-time Certified
70		Librarian



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

73 (c) The assignment of certified school librarians to
74 the particular schools shall be at the discretion of the local
75 school district. No individual shall be employed as a certified
76 school librarian without appropriate training and certification as
77 a school librarian by the State Department of Education.

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

82 (e) Nothing in this subsection shall prohibit any
83 school district from employing more certified school librarians
84 than are provided for in this section.

85 (f) Any additional millage levied to fund school
86 librarians required for accreditation under this subsection shall
87 be included in the tax increase limitation set forth in Sections
88 37-57-105 and 37-57-107 and shall not be deemed a new program for
89 purposes of the limitation.

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

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



96 (b) Strong accountability for results with appropriate
97 local flexibility for local implementation;

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

100 (d) Individual schools shall be held accountable for
101 student growth and performance;

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

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

108 (g) A determination of which schools are failing to
109 meet their standards and a determination of the appropriate role
110 of the State Board of Education and the State Department of
111 Education in providing assistance and initiating possible
112 intervention. A failing district is a district that fails to meet
113 both the absolute student achievement standards and the rate of
114 annual growth expectation standards as set by the State Board of
115 Education for two (2) consecutive years. The State Board of
116 Education shall establish the level of benchmarks by which
117 absolute student achievement and growth expectations shall be
118 assessed. In setting the benchmarks for school districts, the
119 State Board of Education may also take into account such factors
120 as graduation rates, dropout rates, completion rates, the extent



121 to which the school or district employs qualified teachers in
122 every classroom, and any other factors deemed appropriate by the
123 State Board of Education. The State Board of Education, acting
124 through the State Department of Education, shall apply a simple
125 "A," "B," "C," "D" and "F" designation to the current school and
126 school district statewide accountability performance
127 classification labels beginning with the State Accountability
128 Results for the 2011-2012 school year and following, and in the
129 school, district and state report cards required under state and
130 federal law. Under the new designations, a school or school
131 district that has earned a "Star" rating shall be designated an
132 "A" school or school district; a school or school district that
133 has earned a "High-Performing" rating shall be designated a "B"
134 school or school district; a school or school district that has
135 earned a "Successful" rating shall be designated a "C" school or
136 school district; a school or school district that has earned an
137 "Academic Watch" rating shall be designated a "D" school or school
138 district; a school or school district that has earned a
139 "Low-Performing," "At-Risk of Failing" or "Failing" rating shall
140 be designated an "F" school or school district. Effective with
141 the implementation of any new curriculum and assessment standards,
142 the State Board of Education, acting through the State Department
143 of Education, is further authorized and directed to change the
144 school and school district accreditation rating system to a simple
145 "A," "B," "C," "D," and "F" designation based on a combination of



146 student achievement scores and student growth as measured by the
147 statewide testing programs developed by the State Board of
148 Education pursuant to Chapter 16, Title 37, Mississippi Code of
149 1972. In any statute or regulation containing the former
150 accreditation designations, the new designations shall be
151 applicable;

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

154 (i) The State Board of Education may, based on a
155 written request that contains specific reasons for requesting a
156 waiver from the school districts affected by Hurricane Katrina of
157 2005, hold harmless school districts from assignment of district
158 and school level accountability ratings for the 2005-2006 school
159 year. The State Board of Education upon finding an extreme
160 hardship in the school district may grant the request. It is the
161 intent of the Legislature that all school districts maintain the
162 highest possible academic standards and instructional programs in
163 all schools as required by law and the State Board of Education.

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



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

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

174 (iii) To have sixty percent (60%) of students
175 scoring proficient and advanced on the assessments of the Common
176 Core State Standards by 2016 with incremental increases of three
177 percent (3%) each year thereafter.

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

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

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

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

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



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

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

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

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

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



218 (ix) The State Department of Education shall
219 determine feeder patterns of schools that do not earn a school
220 grade because the grades and subjects taught at the school do not
221 have statewide standardized assessments needed to calculate a
222 school grade. Upon determination of the feeder pattern, the
223 department shall notify schools and school districts prior to the
224 release of the school grades beginning in 2013. Feeder schools
225 will be assigned the accountability designation of the school to
226 which they provide students;

227 (x) Standards for student, school and school
228 district performance will be increased when student proficiency is
229 at a seventy-five percent (75%) and/or when sixty-five percent
230 (65%) of the schools and/or school districts are earning a grade
231 of "B" or higher, in order to raise the standard on performance
232 after targets are met.

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

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

240 (8) The State Board of Education shall be specifically
241 authorized and empowered to withhold adequate education program
242 fund allocations, whichever is applicable, to any public school



243 district for failure to timely report student, school personnel
244 and fiscal data necessary to meet state and/or federal
245 requirements.

246 (9) [Deleted]

247 (10) The State Board of Education shall establish, for those
248 school districts failing to meet accreditation standards, a
249 program of development to be complied with in order to receive
250 state funds, except as otherwise provided in subsection (15) of
251 this section when the Governor has declared a state of emergency
252 in a school district or as otherwise provided in Section 206,
253 Mississippi Constitution of 1890. The state board, in
254 establishing these standards, shall provide for notice to schools
255 and sufficient time and aid to enable schools to attempt to meet
256 these standards, unless procedures under subsection (15) of this
257 section have been invoked.

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

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

264 (b) Notify any applicable school district failing to
265 meet accreditation standards that it is on probation until
266 corrective actions are taken or until the deficiencies have been
267 removed. The local school district shall develop a corrective



268 action plan to improve its deficiencies. For district academic
269 deficiencies, the corrective action plan for each such school
270 district shall be based upon a complete analysis of the following:
271 student test data, student grades, student attendance reports,
272 student dropout data, existence and other relevant data. The
273 corrective action plan shall describe the specific measures to be
274 taken by the particular school district and school to improve:
275 (i) instruction; (ii) curriculum; (iii) professional development;
276 (iv) personnel and classroom organization; (v) student incentives
277 for performance; (vi) process deficiencies; and (vii) reporting to
278 the local school board, parents and the community. The corrective
279 action plan shall describe the specific individuals responsible
280 for implementing each component of the recommendation and how each
281 will be evaluated. All corrective action plans shall be provided
282 to the State Board of Education as may be required. The decision
283 of the State Board of Education establishing the probationary
284 period of time shall be final;

285 (c) Offer, during the probationary period, technical
286 assistance to the school district in making corrective actions.
287 Beginning July 1, 1998, subject to the availability of funds, the
288 State Department of Education shall provide technical and/or
289 financial assistance to all such school districts in order to
290 implement each measure identified in that district's corrective
291 action plan through professional development and on-site
292 assistance. Each such school district shall apply for and utilize



293 all available federal funding in order to support its corrective
294 action plan in addition to state funds made available under this
295 paragraph;

296 (d) Assign department personnel or contract, in its
297 discretion, with the institutions of higher learning or other
298 appropriate private entities with experience in the academic,
299 finance and other operational functions of schools to assist
300 school districts;

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

312 (12) (a) If the recommendations for corrective action are
313 not taken by the local school district or if the deficiencies are
314 not removed by the end of the probationary period, the Commission
315 on School Accreditation shall conduct a hearing to allow the
316 affected school district to present evidence or other reasons why
317 its accreditation should not be withdrawn. Additionally, if the



318 local school district violates accreditation standards that have
319 been determined by the policies and procedures of the State Board
320 of Education to be a basis for withdrawal of school district's
321 accreditation without a probationary period, the Commission on
322 School Accreditation shall conduct a hearing to allow the affected
323 school district to present evidence or other reasons why its
324 accreditation should not be withdrawn. After its consideration of
325 the results of the hearing, the Commission on School Accreditation
326 shall be authorized, with the approval of the State Board of
327 Education, to withdraw the accreditation of a public school
328 district, and issue a request to the Governor that a state of
329 emergency be declared in that district.

330 (b) If the State Board of Education and the Commission
331 on School Accreditation determine that an extreme emergency
332 situation exists in a school district that jeopardizes the safety,
333 security or educational interests of the children enrolled in the
334 schools in that district and that emergency situation is believed
335 to be related to a serious violation or violations of
336 accreditation standards or state or federal law, or when a school
337 district meets the State Board of Education's definition of a
338 failing school district for two (2) consecutive full school years,
339 or if more than fifty percent (50%) of the schools within the
340 school district are designated as Schools At-Risk in any one (1)
341 year, the State Board of Education may request the Governor to
342 declare a state of emergency in that school district. For



343 purposes of this paragraph, the declarations of a state of
344 emergency shall not be limited to those instances when a school
345 district's impairments are related to a lack of financial
346 resources, but also shall include serious failure to meet minimum
347 academic standards, as evidenced by a continued pattern of poor
348 student performance.

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

353 (i) Declare a state of emergency, under which some
354 or all of state funds can be escrowed except as otherwise provided
355 in Section 206, Constitution of 1890, until the board determines
356 corrective actions are being taken or the deficiencies have been
357 removed, or that the needs of students warrant the release of
358 funds. The funds may be released from escrow for any program
359 which the board determines to have been restored to standard even
360 though the state of emergency may not as yet be terminated for the
361 district as a whole;

362 (ii) Override any decision of the local school
363 board or superintendent of education, or both, concerning the
364 management and operation of the school district, or initiate and
365 make decisions concerning the management and operation of the
366 school district;



367 (iii) Assign an interim superintendent, or in its
368 discretion, contract with a private entity with experience in the
369 academic, finance and other operational functions of schools and
370 school districts, who will have those powers and duties prescribed
371 in subsection (15) of this section;

372 (iv) Grant transfers to students who attend this
373 school district so that they may attend other accredited schools
374 or districts in a manner that is not in violation of state or
375 federal law;

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

388 (vi) For states of emergency declared under
389 paragraph (b) only, reduce local supplements paid to school
390 district employees, including, but not limited to, instructional
391 personnel, assistant teachers and extracurricular activities



392 personnel, if the district's impairment is related to a lack of
393 financial resources, but only to an extent that will result in the
394 salaries being comparable to districts similarly situated, as
395 determined by the State Board of Education;

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

399 (viii) For states of emergency declared under
400 paragraph (b) only, the State Board of Education shall prohibit
401 participation in all athletic, band and other extracurricular
402 activities by schools in the school district in accordance with
403 the provisions of Section 1 of this act.

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

409 (e) The parent or legal guardian of a school-age child
410 who is enrolled in a school district whose accreditation has been
411 withdrawn by the Commission on School Accreditation and without
412 approval of that school district may file a petition in writing to
413 a school district accredited by the Commission on School
414 Accreditation for a legal transfer. The school district
415 accredited by the Commission on School Accreditation may grant the
416 transfer according to the procedures of Section 37-15-31(1)(b).



417 In the event the accreditation of the student's home district is
418 restored after a transfer has been approved, the student may
419 continue to attend the transferee school district. The per-pupil
420 amount of the adequate education program allotment, including the
421 collective "add-on program" costs for the student's home school
422 district shall be transferred monthly to the school district
423 accredited by the Commission on School Accreditation that has
424 granted the transfer of the school-age child.

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

428 (i) Place the school district into district
429 transformation, in which the school district shall remain until it
430 has fulfilled all conditions related to district transformation.
431 If the district was assigned an accreditation rating of "D" or "F"
432 when placed into district transformation, the district shall be
433 eligible to return to local control when the school district has
434 attained a "C" rating or higher for five (5) consecutive years,
435 unless the State Board of Education determines that the district
436 is eligible to return to local control in less than the five-year
437 period;

438 (ii) Abolish the school district and
439 administratively consolidate the school district with one or more
440 existing school districts;



441 (iii) Reduce the size of the district and
442 administratively consolidate parts of the district, as determined
443 by the State Board of Education. However, no school district
444 which is not in district transformation shall be required to
445 accept additional territory over the objection of the
446 district; * * *

447 (iv) Require the school district to develop and
448 implement a district improvement plan with prescriptive guidance
449 and support from the State Department of Education, with the goal
450 of helping the district improve student achievement. Failure of
451 the school board, superintendent and school district staff to
452 implement the plan with fidelity and participate in the activities
453 provided as support by the department shall result in the school
454 district retaining its eligibility for district
455 transformation * * *; or

456 (v) Prohibit participation in all athletic, band
457 and other extracurricular activities by schools in the school
458 district in accordance with the provisions of Section 1 of this
459 act.

460 (g) There is established a Mississippi Recovery School
461 District within the State Department of Education under the
462 supervision of a deputy superintendent appointed by the State
463 Superintendent of Public Education, who is subject to the approval
464 by the State Board of Education. The Mississippi Recovery School
465 District shall provide leadership and oversight of all school



466 districts that are subject to district transformation status, as
467 defined in Chapters 17 and 18, Title 37, Mississippi Code of 1972,
468 and shall have all the authority granted under these two (2)
469 chapters. The Mississippi Department of Education, with the
470 approval of the State Board of Education, shall develop policies
471 for the operation and management of the Mississippi Recovery
472 School District. The deputy state superintendent is responsible
473 for the Mississippi Recovery School District and shall be
474 authorized to oversee the administration of the Mississippi
475 Recovery School District, oversee the interim superintendent
476 assigned by the State Board of Education to a local school
477 district, hear appeals that would normally be filed by students,
478 parents or employees and heard by a local school board, which
479 hearings on appeal shall be conducted in a prompt and timely
480 manner in the school district from which the appeal originated in
481 order to ensure the ability of appellants, other parties and
482 witnesses to appeal without undue burden of travel costs or loss
483 of time from work, and perform other related duties as assigned by
484 the State Superintendent of Public Education. The deputy state
485 superintendent is responsible for the Mississippi Recovery School
486 District and shall determine, based on rigorous professional
487 qualifications set by the State Board of Education, the
488 appropriate individuals to be engaged to be interim
489 superintendents and financial advisors, if applicable, of all
490 school districts subject to district transformation status. After



491 State Board of Education approval, these individuals shall be
492 deemed independent contractors.

493 (13) Upon the declaration of a state of emergency in a
494 school district under subsection (12) of this section, the
495 Commission on School Accreditation shall be responsible for public
496 notice at least once a week for at least three (3) consecutive
497 weeks in a newspaper published within the jurisdiction of the
498 school district failing to meet accreditation standards, or if no
499 newspaper is published therein, then in a newspaper having a
500 general circulation therein. The size of the notice shall be no
501 smaller than one-fourth (1/4) of a standard newspaper page and
502 shall be printed in bold print. If an interim superintendent has
503 been appointed for the school district, the notice shall begin as
504 follows: "By authority of Section 37-17-6, Mississippi Code of
505 1972, as amended, adopted by the Mississippi Legislature during
506 the 1991 Regular Session, this school district (name of school
507 district) is hereby placed under the jurisdiction of the State
508 Department of Education acting through its appointed interim
509 superintendent (name of interim superintendent)."

510 The notice also shall include, in the discretion of the State
511 Board of Education, any or all details relating to the school
512 district's emergency status, including the declaration of a state
513 of emergency in the school district and a description of the
514 district's impairment deficiencies, conditions of any district
515 transformation status and corrective actions recommended and being



516 taken. Public notices issued under this section shall be subject
517 to Section 13-3-31 and not contrary to other laws regarding
518 newspaper publication.

519 Upon termination of the state of emergency in a school
520 district, the Commission on School Accreditation shall cause
521 notice to be published in the school district in the same manner
522 provided in this section, to include any or all details relating
523 to the corrective action taken in the school district that
524 resulted in the termination of the state of emergency.

525 (14) The State Board of Education or the Commission on
526 School Accreditation shall have the authority to require school
527 districts to produce the necessary reports, correspondence,
528 financial statements, and any other documents and information
529 necessary to fulfill the requirements of this section.

530 Nothing in this section shall be construed to grant any
531 individual, corporation, board or interim superintendent the
532 authority to levy taxes except in accordance with presently
533 existing statutory provisions.

534 (15) (a) Whenever the Governor declares a state of
535 emergency in a school district in response to a request made under
536 subsection (12) of this section, the State Board of Education, in
537 its discretion, may assign an interim superintendent to the school
538 district, or in its discretion, may contract with an appropriate
539 private entity with experience in the academic, finance and other
540 operational functions of schools and school districts, who will be



541 responsible for the administration, management and operation of
542 the school district, including, but not limited to, the following
543 activities:

544 (i) Approving or disapproving all financial
545 obligations of the district, including, but not limited to, the
546 employment, termination, nonrenewal and reassignment of all
547 licensed and nonlicensed personnel, contractual agreements and
548 purchase orders, and approving or disapproving all claim dockets
549 and the issuance of checks; in approving or disapproving
550 employment contracts of superintendents, assistant superintendents
551 or principals, the interim superintendent shall not be required to
552 comply with the time limitations prescribed in Sections 37-9-15
553 and 37-9-105;

554 (ii) Supervising the day-to-day activities of the
555 district's staff, including reassigning the duties and
556 responsibilities of personnel in a manner which, in the
557 determination of the interim superintendent, will best suit the
558 needs of the district;

559 (iii) Reviewing the district's total financial
560 obligations and operations and making recommendations to the
561 district for cost savings, including, but not limited to,
562 reassigning the duties and responsibilities of staff;

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



565 (v) * * * Disapproving all athletic, band and
566 other extracurricular activities and any matters related to those
567 activities;

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

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

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

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

588 At the time that the Governor, in accordance with the request
589 of the State Board of Education, declares that the state of



590 emergency no longer exists in a school district, the powers and
591 responsibilities of the interim superintendent assigned to the
592 district shall cease.

593 (b) In order to provide loans to school districts under
594 a state of emergency or in district transformation status that
595 have impairments related to a lack of financial resources, the
596 School District Emergency Assistance Fund is created as a special
597 fund in the State Treasury into which monies may be transferred or
598 appropriated by the Legislature from any available public
599 education funds. Funds in the School District Emergency
600 Assistance Fund up to a maximum balance of Three Million Dollars
601 (\$3,000,000.00) annually shall not lapse but shall be available
602 for expenditure in subsequent years subject to approval of the
603 State Board of Education. Any amount in the fund in excess of
604 Three Million Dollars (\$3,000,000.00) at the end of the fiscal
605 year shall lapse into the State General Fund or the Education
606 Enhancement Fund, depending on the source of the fund.

607 The State Board of Education may loan monies from the School
608 District Emergency Assistance Fund to a school district that is
609 under a state of emergency or in district transformation status,
610 in those amounts, as determined by the board, that are necessary
611 to correct the district's impairments related to a lack of
612 financial resources. The loans shall be evidenced by an agreement
613 between the school district and the State Board of Education and
614 shall be repayable in principal, without necessity of interest, to



615 the School District Emergency Assistance Fund by the school
616 district from any allowable funds that are available. The total
617 amount loaned to the district shall be due and payable within five
618 (5) years after the impairments related to a lack of financial
619 resources are corrected. If a school district fails to make
620 payments on the loan in accordance with the terms of the agreement
621 between the district and the State Board of Education, the State
622 Department of Education, in accordance with rules and regulations
623 established by the State Board of Education, may withhold that
624 district's adequate education program funds in an amount and
625 manner that will effectuate repayment consistent with the terms of
626 the agreement; the funds withheld by the department shall be
627 deposited into the School District Emergency Assistance Fund.

628 The State Board of Education shall develop a protocol that
629 will outline the performance standards and requisite timeline
630 deemed necessary for extreme emergency measures. If the State
631 Board of Education determines that an extreme emergency exists,
632 simultaneous with the powers exercised in this subsection, it
633 shall take immediate action against all parties responsible for
634 the affected school districts having been determined to be in an
635 extreme emergency. The action shall include, but not be limited
636 to, initiating civil actions to recover funds and criminal actions
637 to account for criminal activity. Any funds recovered by the
638 State Auditor or the State Board of Education from the surety
639 bonds of school officials or from any civil action brought under



640 this subsection shall be applied toward the repayment of any loan
641 made to a school district hereunder.

642 (16) If a majority of the membership of the school board of
643 any school district resigns from office, the State Board of
644 Education shall be authorized to assign an interim superintendent,
645 who shall be responsible for the administration, management and
646 operation of the school district until the time as new board
647 members are selected or the Governor declares a state of emergency
648 in that school district under subsection (12), whichever occurs
649 first. In that case, the State Board of Education, acting through
650 the interim superintendent, shall have all powers which were held
651 by the previously existing school board, and may take any action
652 as prescribed in Section 37-17-13 and/or one or more of the
653 actions authorized in this section.

654 (17) (a) If the Governor declares a state of emergency in a
655 school district, the State Board of Education may take all such
656 action pertaining to that school district as is authorized under
657 subsection (12) or (15) of this section, including the appointment
658 of an interim superintendent. The State Board of Education shall
659 also have the authority to issue a written request with
660 documentation to the Governor asking that the office of the
661 superintendent of the school district be subject to recall. If
662 the Governor declares that the office of the superintendent of the
663 school district is subject to recall, the local school board or



664 the county election commission, as the case may be, shall take the
665 following action:

666 (i) If the office of superintendent is an elected
667 office, in those years in which there is no general election, the
668 name shall be submitted by the State Board of Education to the
669 county election commission, and the county election commission
670 shall submit the question at a special election to the voters
671 eligible to vote for the office of superintendent within the
672 county, and the special election shall be held within sixty (60)
673 days from notification by the State Board of Education. The
674 ballot shall read substantially as follows:

675 "Shall County Superintendent of Education _____ (here the
676 name of the superintendent shall be inserted) of the _____
677 (here the title of the school district shall be inserted) be
678 retained in office? Yes _____ No _____"

679 If a majority of those voting on the question votes against
680 retaining the superintendent in office, a vacancy shall exist
681 which shall be filled in the manner provided by law; otherwise,
682 the superintendent shall remain in office for the term of that
683 office, and at the expiration of the term shall be eligible for
684 qualification and election to another term or terms.

685 (ii) If the office of superintendent is an
686 appointive office, the name of the superintendent shall be
687 submitted by the president of the local school board at the next
688 regular meeting of the school board for retention in office or



689 dismissal from office. If a majority of the school board voting
690 on the question vote against retaining the superintendent in
691 office, a vacancy shall exist which shall be filled as provided by
692 law, otherwise the superintendent shall remain in office for the
693 duration of his employment contract.

694 (b) The State Board of Education may issue a written
695 request with documentation to the Governor asking that the
696 membership of the school board of the school district shall be
697 subject to recall. Whenever the Governor declares that the
698 membership of the school board is subject to recall, the county
699 election commission or the local governing authorities, as the
700 case may be, shall take the following action:

701 (i) If the members of the local school board are
702 elected to office, in those years in which the specific member's
703 office is not up for election, the name of the school board member
704 shall be submitted by the State Board of Education to the county
705 election commission, and the county election commission at a
706 special election shall submit the question to the voters eligible
707 to vote for the particular member's office within the county or
708 school district, as the case may be, and the special election
709 shall be held within sixty (60) days from notification by the
710 State Board of Education. The ballot shall read substantially as
711 follows:

712 "Members of the _____ (here the title of the school
713 district shall be inserted) School Board who are not up for



714 election this year are subject to recall because of the school
715 district's failure to meet critical accountability standards as
716 defined in the letter of notification to the Governor from the
717 State Board of Education. Shall the member of the school board
718 representing this area, _____ (here the name of the school
719 board member holding the office shall be inserted), be retained in
720 office? Yes _____ No _____"

721 If a majority of those voting on the question vote against
722 retaining the member of the school board in office, a vacancy in
723 that board member's office shall exist, which shall be filled in
724 the manner provided by law; otherwise, the school board member
725 shall remain in office for the term of that office, and at the
726 expiration of the term of office, the member shall be eligible for
727 qualification and election to another term or terms of office.
728 However, if a majority of the school board members are recalled in
729 the special election, the Governor shall authorize the board of
730 supervisors of the county in which the school district is situated
731 to appoint members to fill the offices of the members recalled.
732 The board of supervisors shall make those appointments in the
733 manner provided by law for filling vacancies on the school board,
734 and the appointed members shall serve until the office is filled
735 at the next regular special election or general election.

736 (ii) If the local school board is an appointed
737 school board, the name of all school board members shall be
738 submitted as a collective board by the president of the municipal



739 or county governing authority, as the case may be, at the next
740 regular meeting of the governing authority for retention in office
741 or dismissal from office. If a majority of the governing
742 authority voting on the question vote against retaining the board
743 in office, a vacancy shall exist in each school board member's
744 office, which shall be filled as provided by law; otherwise, the
745 members of the appointed school board shall remain in office for
746 the duration of their term of appointment, and those members may
747 be reappointed.

748 (iii) If the local school board is comprised of
749 both elected and appointed members, the elected members shall be
750 subject to recall in the manner provided in subparagraph (i) of
751 this paragraph (b), and the appointed members shall be subject to
752 recall in the manner provided in subparagraph (ii).

753 (18) Beginning with the school district audits conducted for
754 the 1997-1998 fiscal year, the State Board of Education, acting
755 through the Commission on School Accreditation, shall require each
756 school district to comply with standards established by the State
757 Department of Audit for the verification of fixed assets and the
758 auditing of fixed assets records as a minimum requirement for
759 accreditation.

760 (19) Before December 1, 1999, the State Board of Education
761 shall recommend a program to the Education Committees of the House
762 of Representatives and the Senate for identifying and rewarding
763 public schools that improve or are high performing. The program



764 shall be described by the board in a written report, which shall
765 include criteria and a process through which improving schools and
766 high-performing schools will be identified and rewarded.

767 The State Superintendent of Public Education and the State
768 Board of Education also shall develop a comprehensive
769 accountability plan to ensure that local school boards,
770 superintendents, principals and teachers are held accountable for
771 student achievement. * * *

772 (20) * * * The State Board of Education shall evaluate and
773 submit a recommendation to the Education Committees of the House
774 of Representatives and the Senate on inclusion of graduation rate
775 and dropout rate in the school level accountability system.

776 (21) If a local school district is determined as failing and
777 placed into district transformation status for reasons authorized
778 by the provisions of this section, the interim superintendent
779 appointed to the district shall, within forty-five (45) days after
780 being appointed, present a detailed and structured corrective
781 action plan to move the local school district out of district
782 transformation status to the deputy superintendent. A copy of the
783 interim superintendent's corrective action plan shall also be
784 filed with the State Board of Education.

785 **SECTION 3.** Section 37-17-13, Mississippi Code of 1972, is
786 amended as follows:

787 37-17-13. (1) Whenever the Governor declares a state of
788 emergency in a school district in response to a certification by



789 the State Board of Education and the Commission on School
790 Accreditation made under Section 37-17-6(11)(b), the State Board
791 of Education, in addition to any actions taken under Section
792 37-17-6 and Section 1 of this act, may abolish the school district
793 and assume control and administration of the schools formerly
794 constituting the district, and appoint an interim superintendent
795 to carry out this purpose under the direction of the State Board
796 of Education. In such case, the State Board of Education shall
797 have all powers which were held by the previously existing school
798 board, and the previously existing superintendent of schools or
799 county superintendent of education, including, but not limited to,
800 those enumerated in Section 37-7-301, and the authority to request
801 tax levies from the appropriate governing authorities for the
802 support of the schools and to receive and expend the tax funds as
803 provided by Section 37-57-1 et seq. and Section 37-57-105 et seq.

804 (2) When a school district is abolished under this section,
805 loans from the School District Emergency Assistance Fund may be
806 made by the State Board of Education for the use and benefit of
807 the schools formerly constituting the district in accordance with
808 the procedures set forth in Section 37-17-6(14) for such loans to
809 the district. The abolition of a school district under this
810 section shall not impair or release the property of that school
811 district from liability for the payment of the loan indebtedness,
812 and it shall be the duty of the appropriate governing authorities
813 to levy taxes on the property of the district so abolished from



814 year to year according to the terms of the indebtedness until same
815 shall be fully paid.

816 (3) After a school district is abolished under this section,
817 at such time as the State Board of Education determines that the
818 impairments have been substantially corrected after a period of
819 maintaining a "C" accountability rating for five (5) consecutive
820 years, unless the State Board of Education determines that the
821 district is eligible to return to local control in less than the
822 five-year period, the State Board of Education shall reconstitute,
823 reorganize or change or alter the boundaries of the previously
824 existing district; however, no partition or assignment of
825 territory formerly included in the abolished district to one or
826 more other school districts may be made by the State Board of
827 Education without the consent of the school board of the school
828 district to which such territory is to be transferred, such
829 consent to be spread upon its minutes. At that time, the State
830 Board of Education, in appropriate cases, shall notify the
831 appropriate governing authority or authorities of its action and
832 request them to provide for the election or appointment of school
833 board members in the manner provided by law. In the event the
834 applicable statute provides that vacancies in an all-elected
835 membership of the school board will be filled by appointment by
836 the remaining members of the school board and no members of the
837 school board remain in office, the Governor shall call a special
838 election to fill the vacancies. In such situations, the Governor



839 will set the date of the special election and the election will be
840 conducted by the county election commission. The State Board of
841 Education shall also request the governing authority or
842 authorities to provide for the appointment of a superintendent or
843 superintendents to govern the reconstituted, reorganized or
844 changed district or districts, which such appointed position shall
845 apply in all school districts including those school districts in
846 which the position of superintendent was previously an elected
847 office. A board member or superintendent in office at the time
848 the Governor declares a state of emergency in a school district to
849 be abolished shall not be eligible to serve in that office for the
850 school district reconstituted, reorganized or changed after the
851 Governor declares that an emergency no longer exists.

852 (4) As an alternative to the procedure set forth in
853 subsection (3), in the event a local school board is abolished by
854 the State Board of Education pursuant to this section, after the
855 State Board of Education determines that the impairments are being
856 substantially corrected and the responsibility of the district
857 transformation in such district upon the conclusion of the final
858 scholastic year in which a district has maintained a "C"
859 accountability rating for five (5) consecutive years, unless the
860 State Board of Education determines that the district is eligible
861 to return to local control in less than the five-year period, the
862 State Board of Education may appoint a new five-member board for
863 the administration of the school district and shall notify the



864 local county board of supervisors and/or municipal governing
865 authority of such appointment, spreading the names of the new
866 school board members on its minutes. The new local school board
867 members shall be residents of the school district. The new local
868 school board members appointed by the State Board of Education may
869 serve in an advisory capacity to the interim superintendent for
870 its first year of service and thereafter shall have full
871 responsibility to administer the school district. Thirty (30)
872 days prior to the end of the first year of office as an advisory
873 board, each member shall draw lots to determine when the members
874 shall rotate off the board as follows: one (1) member shall serve
875 a one-year term of office; one (1) member shall serve a two-year
876 term of office; one (1) member shall serve a three-year term of
877 office; one (1) member shall serve a four-year term of office; and
878 one (1) member shall serve a five-year term of office. At that
879 time, the State Board of Education shall notify the appropriate
880 board of supervisors or municipal governing authority of this
881 action and request them to provide for the election or appointment
882 of school board members at the end of the terms of office in the
883 manner provided by law, in order for the local residents of the
884 school district to select a new school board on a phased-in basis.
885 In such situations, the Governor will set the date of any
886 necessary special election which shall be conducted by the county
887 election commission. The State Board of Education shall also
888 request the new school board to provide for the appointment of a



889 superintendent to govern the reconstituted or reorganized school
890 district, including those school districts in which the position
891 of superintendent was previously an elected office. A board
892 member or superintendent in office at the time the Governor
893 declares a state of emergency in a school district shall not be
894 eligible to serve in the office of school board member or
895 superintendent for the school district reconstituted or
896 reorganized following the district transformation period.

897 This subsection (4) shall stand repealed from and after July
898 1, 2020.

899 **SECTION 4.** Section 37-17-15, Mississippi Code of 1972, is
900 brought forward as follows:

901 37-17-15. Effective March 26, 2014, the withdrawal of a
902 school district's accreditation by the Commission on School
903 Accreditation in a school district with an "A" or "B"
904 accountability rating, for any reason other than failure to meet
905 student academic standards or for failure to comply with financial
906 accountability requirements, shall not result in any limitation of
907 the schools in the district to participate in any extracurricular
908 or athletic activity in the regular or postseason. The Commission
909 on School Accreditation shall amend its rules and regulations to
910 conform to the provisions of this section.

911 **SECTION 5.** Section 37-17-17, Mississippi Code of 1972, is
912 amended as follows:



913 37-17-17. (1) There is created the Mississippi Achievement
914 School District for the purpose of transforming persistently
915 failing public schools and districts throughout the state into
916 quality educational institutions. The Mississippi Achievement
917 School District shall be a statewide school district, separate and
918 distinct from all other school districts but not confined to any
919 specified geographic boundaries, and may be comprised of any
920 public schools or school districts in the state which, during two
921 (2) consecutive school years, are designated an "F" school or
922 district by the State Board of Education under the accountability
923 rating system or which have been persistently failing and
924 chronically underperforming.

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

927 (3) The State Board of Education shall obtain suitable
928 office space to serve as the administrative office of the school
929 district.

930 (4) The State Board of Education shall select an individual
931 to serve as superintendent of the Mississippi Achievement School
932 District. The superintendent must be deemed by the board to be
933 highly qualified with a demonstrable track record for producing
934 results in a context relevant to that of Mississippi Achievement
935 School District schools. The superintendent of the Mississippi
936 Achievement School District shall exercise powers and duties that



937 would afford significant autonomy but are bound by the governance
938 of the State Board of Education.

939 (5) (a) Each public school or district in the state which,
940 during each of two (2) consecutive school years or during two (2)
941 of three (3) consecutive school years, receives an "F" designation
942 by the State Board of Education under the accountability rating
943 system or has been persistently failing as defined by the State
944 Board of Education may be absorbed into and become a part of the
945 Mississippi Achievement School District. All eligible public
946 schools and districts shall be prioritized by the Mississippi
947 Achievement School District according to criteria set by the
948 Mississippi Achievement School District and publicized prior to
949 the annual release of accountability rating data. The Mississippi
950 Achievement School District shall takeover only the number of
951 schools and districts for which it has the capacity to serve. The
952 transfer of the school's/district's governance from the local
953 school district to the Mississippi Achievement School District
954 shall take effect upon the approval of the State Board of
955 Education unless, in the sole determination of the Mississippi
956 Achievement School District, the transition may be more smoothly
957 accomplished through a gradual transfer of control. If the
958 Mississippi Achievement School District elects not to assume
959 complete control of a school or district immediately after that
960 school receives an "F" designation during each of two (2)
961 consecutive school years or during two (2) of the three (3)



962 consecutive school years, the State Board of Education shall
963 prescribe the process and timetable by which the school or
964 district shall be absorbed; however, in no event may the transfer
965 of the school or district to the Mississippi Achievement School
966 District be completed later than the beginning of the school year
967 next succeeding the year during which the school or district
968 receives the "F" designation. School districts that are eligible
969 to be absorbed by the Achievement School District, but are not
970 absorbed due to the capacity of the Achievement School District,
971 shall develop and implement a district improvement plan with
972 prescriptive guidance and support from the Mississippi Department
973 of Education, with the goal of helping the district improve
974 student achievement. Failure of the school board, superintendent
975 and school district staff to implement the plan with fidelity and
976 participate in the activities provided as support by the
977 department shall result in the school district retaining its
978 eligibility for the Mississippi Achievement School District.

979 (b) The State Board of Education shall adopt rules and
980 regulations governing the operation of the Mississippi Achievement
981 School District.

982 (c) Designations assigned to schools or districts under
983 the accountability rating system by the State Board of Education
984 before the 2015-2016 school year may not be considered in
985 determining whether a particular school or district is subject to
986 being absorbed by the Mississippi Achievement School District.



987 During the 2017-2018 school year, any school or district receiving
988 an "F" designation after also being designated an "F" school or
989 district in the 2015-2016 and 2016-2017 school years may be
990 absorbed immediately by the Mississippi Achievement School
991 District, upon approval of the State Board of Education.

992 (d) The school district from which an "F" school or
993 district is being absorbed must cooperate fully with the
994 Mississippi Achievement School District and the State Board of
995 Education in order to provide as smooth a transition as possible
996 in the school's/district's governance and operations for the
997 students enrolled in the school or district. Upon completion of
998 the transfer of a school or district to the Mississippi
999 Achievement School District, the school or district shall be
1000 governed by the rules, regulations, policies and procedures
1001 established by the State Board of Education specifically for the
1002 Mississippi Achievement School District, and the school or
1003 district shall no longer be under the purview of the school board
1004 of the local school district and shall be prohibited from
1005 participation in all athletic, band and other extracurricular
1006 activities as prescribed in Section 1 of this act. In the event
1007 of the transfer of governance and operations of a school district,
1008 the State Board of Education shall abolish the district as
1009 prescribed in Section 37-17-13.

1010 (e) Upon the transfer of the school or school district
1011 to the Mississippi Achievement School District, the individual



1012 appointed by the State Board of Education to serve as
1013 superintendent for the Mississippi Achievement School District
1014 shall be responsible for the administration, management and
1015 operation of the school or school district, including the
1016 following activities: (i) approving or denying all financial
1017 obligations of the school or school district; (ii) approving or
1018 denying the employment, termination, nonrenewal and reassignment
1019 of all licensed and nonlicensed personnel; (iii) approving or
1020 denying contractual agreements and purchase orders; (iv)
1021 approving or denying all claim dockets and the issuance of checks;
1022 (v) supervising the day-to-day activities of the school or school
1023 district's staff in a manner which in the determination of the
1024 Mississippi Achievement School District will best suit the needs
1025 of the school or school district; (vi) approving or denying all
1026 athletic, band and other extracurricular activities and any
1027 matters related to those activities; (vii) honoring any reasonable
1028 financial commitment of the district being absorbed; and (viii)
1029 reporting periodically to the State Board of Education on the
1030 progress or lack of progress being made in the school or school
1031 district to improve the school or school district's impairments.

1032 (f) Upon attaining and maintaining a school or district
1033 accountability rating of "C" or better under the State Department
1034 of Education's accountability rating system for five (5)
1035 consecutive years, the State Board of Education may decide to
1036 revert the absorbed school or district back to local governance,



1037 provided the school or school(s) in question are not conversion
1038 charter schools. "Local governance" may include a traditional
1039 school board model of governance or other new form of governance
1040 such as mayoral control, or other type of governance. The State
1041 Board of Education shall determine the best form of local
1042 governance and school board composition after soliciting the input
1043 of local citizens and shall outline a process for establishing the
1044 type of governance selected. The manner and timeline for
1045 reverting a school or district back to local control shall be at
1046 the discretion of the State School Board, but in no case shall it
1047 exceed five (5) years.

1048 (6) The Superintendent of the Mississippi Achievement School
1049 District shall hire those persons to be employed as principals,
1050 teachers and noninstructional personnel in schools or districts
1051 absorbed into the Mississippi Achievement School District. Only
1052 highly qualified individuals having a demonstrable record of
1053 success may be selected by the superintendent for such positions
1054 in the Mississippi Achievement School District. The
1055 superintendent may choose to continue the employment of any person
1056 employed in an "F" rated school when the school or district is
1057 absorbed into the Mississippi Achievement School District;
1058 alternatively, the superintendent may elect not to offer continued
1059 employment to a person formerly employed at a school or district
1060 that is absorbed into the Mississippi Achievement School District.
1061 Any persons employed by the Mississippi Achievement School



1062 District shall not be subject to Sections 37-9-101 through
1063 37-9-113.

1064 (7) (a) The Mississippi Achievement School District may use
1065 a school building and all facilities and property that is a part
1066 of a school and recognized as part of the facilities or assets of
1067 the school before it is absorbed into the Mississippi Achievement
1068 School District. In addition, the Mississippi Achievement School
1069 District shall have access to those additional facilities that
1070 typically were available to that school or district, its students,
1071 faculty and staff before its absorption by the Mississippi
1072 Achievement School District. Use of facilities by a school or
1073 district in the Mississippi Achievement School District must be
1074 unrestricted and free of charge. However, the Mississippi
1075 Achievement School District shall be responsible for providing
1076 routine maintenance and repairs necessary to maintain the
1077 facilities in as good a condition as when the right of use was
1078 acquired by the Mississippi Achievement School District. The
1079 Mississippi Achievement School District shall be responsible for
1080 paying all utilities at the facilities used for the absorbed
1081 school. Any fixtures, improvements and tangible assets added to a
1082 school building or facility by the Mississippi Achievement School
1083 District must remain at the school or district building or
1084 facility if the school or district is returned to local
1085 governance.



1086 (b) The State Board of Education shall include in the
1087 rules and regulations adopted pursuant to subsection (5) of this
1088 section specific provisions addressing the rights and
1089 responsibilities of the Mississippi Achievement School District
1090 relating to the real and personal property of a school or district
1091 that is absorbed into the Mississippi Achievement School District.

1092 (8) (a) The Mississippi Achievement School District shall
1093 certify annually to the State Board of Education in which a
1094 Mississippi Achievement School District school or district is
1095 located the number of students residing in the school district
1096 which are enrolled in that school or district.

1097 (b) Whenever an increase in funding is requested by the
1098 school board for the support of schools within a particular school
1099 district absorbed into the Mississippi Achievement School
1100 District, the State Board of Education and the superintendent for
1101 the Mississippi Achievement School District shall hold a public
1102 meeting in the local municipality having jurisdiction of the
1103 absorbed school district to allow input of local residents on the
1104 matter, and subsequent to the conclusion of such meeting, the
1105 board of the Mississippi Achievement School District shall submit
1106 its request for ad valorem increase in dollars to the local
1107 governing authority having jurisdiction over the absorbed school
1108 district for approval of the request for increase in ad valorem
1109 tax effort. In a district in which a school or schools but not
1110 the entire district is absorbed into the Mississippi Achievement



1111 School District, the local school district shall pay directly to
1112 the Mississippi Achievement School District an amount for each
1113 student enrolled in that school equal to the ad valorem tax
1114 receipts and in-lieu payments received per pupil for the support
1115 of the local school district in which the student resides. The
1116 pro rata ad valorem receipts and in-lieu receipts to be
1117 transferred to the Mississippi Achievement School District shall
1118 include all levies for the support of the local school district
1119 under Sections 37-57-1 (local contribution to the education
1120 funding program) and 37-57-105 (school district operational levy)
1121 and may not include any taxes levied for the retirement of the
1122 local school district's bonded indebtedness or short-term notes or
1123 any taxes levied for the support of vocational-technical education
1124 programs, unless the school or schools absorbed include a high
1125 school at which vocational-technical education programs are
1126 offered. In no event may the payment exceed the pro rata amount
1127 of the local ad valorem payment to the education funding program
1128 under Section 37-57-1 for the school district in which the student
1129 resides. Payments made under this section by a school district to
1130 the Mississippi Achievement School District must be made before
1131 the expiration of three (3) business days after the funds are
1132 distributed to the local school district by the tax collector.

1133 (c) If an entire school district is absorbed into the
1134 Mississippi Achievement School District, the tax collector shall
1135 pay the amounts as described in paragraph (b) of this subsection,



1136 with the exception that all funds should transfer, including taxes
1137 levied for the retirement of the local school district's bonded
1138 indebtedness or short-term notes and any taxes levied for the
1139 support of vocational-technical education programs. The
1140 Mississippi Achievement School District shall pay funds raised to
1141 retire the district's debts to the appropriate creditors on behalf
1142 of the former district.

1143 (9) (a) The State Department of Education shall make
1144 payments to the Mississippi Achievement School District for each
1145 student in average daily membership at a Mississippi Achievement
1146 School District school equal to the state share of the education
1147 funding program payments for each student in average daily
1148 attendance at the local school district or former local school
1149 district in which that school is located. In calculating the
1150 local contribution for purposes of determining the state share of
1151 the education funding program payments, the department shall
1152 deduct the pro rata local contribution of the school district or
1153 former school district in which the student resides, to be
1154 determined as provided in Section 37-151-7(2) (a).

1155 (b) Payments made pursuant to this subsection by the
1156 State Department of Education must be made at the same time and in
1157 the same manner as education funding program payments are made to
1158 all other school districts under Sections 37-151-101 and
1159 37-151-103. Amounts payable to the Mississippi Achievement School
1160 District must be determined by the State Department of Education



1161 in the same manner that such amounts are calculated for all other
1162 school districts under the education funding program.

1163 (10) The Mississippi Achievement School District shall be
1164 considered a local educational agency for the same purposes and to
1165 the same extent that all other school districts in the state are
1166 deemed local educational agencies under applicable federal laws.

1167 (11) The Mississippi Achievement School District may receive
1168 donations or grants from any public or private source, including
1169 any federal funding that may be available to the school district
1170 or individual schools within the Mississippi Achievement School
1171 District.

1172 (12) The Legislature may appropriate sufficient funding to
1173 the State Department of Education for the 2017 fiscal year for the
1174 specific purpose of funding the start-up, operational and any
1175 other required costs of the Mississippi Achievement School
1176 District during the 2017-2018 school year.

1177 **SECTION 6.** Section 37-18-7, Mississippi Code of 1972, is
1178 amended as follows:

1179 37-18-7. (1) As part of the school improvement plan for a
1180 School At-Risk, a professional development plan shall be prepared
1181 for those school administrators, teachers or other employees who
1182 are identified by the evaluation team as needing improvement. The
1183 State Department of Education shall assist the School At-Risk in
1184 identifying funds necessary to fully implement the school
1185 improvement plan.



1186 (2) In the event a school continues to be designated a
1187 School At-Risk after three (3) years of implementing a school
1188 improvement plan, or in the event that more than fifty percent
1189 (50%) of the schools within the school district are designated as
1190 Schools At-Risk in any one (1) year, the State Board of Education
1191 may request that the Governor declare a state of emergency in that
1192 school district. Upon the declaration of the state of emergency
1193 by the Governor, the State Board of Education may take all such
1194 action for dealing with school districts as is authorized under
1195 Section 1 or this act and subsections (11) or (14) of Section
1196 37-17-6, including the appointment of an interim superintendent.

1197 **SECTION 7.** This act shall take effect and be in force from
1198 and after July 1, 2018.

