

By: Representative Straughter

To: Education;  
Appropriations

## HOUSE BILL NO. 361

1 AN ACT TO AMEND SECTION 37-17-17, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT THE SUPERINTENDENT FOR THE MISSISSIPPI ACHIEVEMENT  
3 SCHOOL DISTRICT SHALL REQUIRE AN ACCOUNTING OF ALL LOCAL AD  
4 VALOREM PAYMENTS AND STATE FUNDS RECEIVED BY THE MISSISSIPPI  
5 ACHIEVEMENT SCHOOL DISTRICT FROM THE LOCAL COUNTY TAX COLLECTOR  
6 AND STATE DEPARTMENT OF EDUCATION; TO REQUIRE THE FUNDS TO BE  
7 DEPOSITED INTO THE ACCOUNT OF THE MISSISSIPPI ACHIEVEMENT SCHOOL  
8 DISTRICT TO THE CREDIT OF THE SCHOOL OR SCHOOL DISTRICT FOR WHICH  
9 THE PAYMENTS WERE DEPOSITED, AND SEGREGATED USING APPROPRIATE  
10 ACCOUNTING CODE IDENTIFIERS FOR THE ABSORBED SCHOOLS; TO STIPULATE  
11 THAT THE DEPOSITED MONIES SHALL ONLY BE EXPENDED FOR SUPPORT AND  
12 MAINTENANCE AND THE EDUCATIONAL BENEFIT OF THE STUDENTS ENROLLED  
13 IN THE SCHOOLS OF THE SCHOOL DISTRICT ABSORBED IN THE MISSISSIPPI  
14 ACHIEVEMENT SCHOOL DISTRICT; TO AMEND SECTION 37-9-39, MISSISSIPPI  
15 CODE OF 1972, TO REQUIRE THAT EMPLOYEES OF A SCHOOL DISTRICT  
16 ABSORBED INTO THE MISSISSIPPI ACHIEVEMENT SCHOOL DISTRICT TO BE  
17 PAID AT THE SAME FREQUENCY AS THEY WERE PAID UNDER THE POLICY OF  
18 THE LOCAL SCHOOL BOARD BEFORE BEING ABSORBED INTO THE MISSISSIPPI  
19 ACHIEVEMENT SCHOOL DISTRICT; AND FOR RELATED PURPOSES.

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

21 **SECTION 1.** Section 37-17-17, Mississippi Code of 1972, is  
22 amended as follows:

23 37-17-17. (1) There is created the Mississippi Achievement  
24 School District for the purpose of transforming persistently  
25 failing public schools and districts throughout the state into  
26 quality educational institutions. The Mississippi Achievement



27 School District shall be a statewide school district, separate and  
28 distinct from all other school districts but not confined to any  
29 specified geographic boundaries, and may be comprised of any  
30 public schools or school districts in the state which, during two  
31 (2) consecutive school years, are designated an "F" school or  
32 district by the State Board of Education under the accountability  
33 rating system or which have been persistently failing and  
34 chronically underperforming.

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

37 (3) The State Board of Education shall obtain suitable  
38 office space to serve as the administrative office of the school  
39 district.

40 (4) The State Board of Education shall select an individual  
41 to serve as superintendent of the Mississippi Achievement School  
42 District. The superintendent must be deemed by the board to be  
43 highly qualified with a demonstrable track record for producing  
44 results in a context relevant to that of Mississippi Achievement  
45 School District schools. The superintendent of the Mississippi  
46 Achievement School District shall exercise powers and duties that  
47 would afford significant autonomy but are bound by the governance  
48 of the State Board of Education.

49 (5) (a) Each public school or district in the state which,  
50 during each of two (2) consecutive school years or during two (2)  
51 of three (3) consecutive school years, receives an "F" designation



52 by the State Board of Education under the accountability rating  
53 system or has been persistently failing as defined by the State  
54 Board of Education may be absorbed into and become a part of the  
55 Mississippi Achievement School District. All eligible public  
56 schools and districts shall be prioritized by the Mississippi  
57 Achievement School District according to criteria set by the  
58 Mississippi Achievement School District and publicized prior to  
59 the annual release of accountability rating data. The Mississippi  
60 Achievement School District shall takeover only the number of  
61 schools and districts for which it has the capacity to serve. The  
62 transfer of the school's/district's governance from the local  
63 school district to the Mississippi Achievement School District  
64 shall take effect upon the approval of the State Board of  
65 Education unless, in the sole determination of the Mississippi  
66 Achievement School District, the transition may be more smoothly  
67 accomplished through a gradual transfer of control. If the  
68 Mississippi Achievement School District elects not to assume  
69 complete control of a school or district immediately after that  
70 school receives an "F" designation during each of two (2)  
71 consecutive school years or during two (2) of the three (3)  
72 consecutive school years, the State Board of Education shall  
73 prescribe the process and timetable by which the school or  
74 district shall be absorbed; however, in no event may the transfer  
75 of the school or district to the Mississippi Achievement School  
76 District be completed later than the beginning of the school year



77 next succeeding the year during which the school or district  
78 receives the "F" designation. School districts that are eligible  
79 to be absorbed by the Achievement School District, but are not  
80 absorbed due to the capacity of the Achievement School District,  
81 shall develop and implement a district improvement plan with  
82 prescriptive guidance and support from the Mississippi Department  
83 of Education, with the goal of helping the district improve  
84 student achievement. Failure of the school board, superintendent  
85 and school district staff to implement the plan with fidelity and  
86 participate in the activities provided as support by the  
87 department shall result in the school district retaining its  
88 eligibility for the Mississippi Achievement School District.

89 (b) The State Board of Education shall adopt rules and  
90 regulations governing the operation of the Mississippi Achievement  
91 School District.

92 (c) Designations assigned to schools or districts under  
93 the accountability rating system by the State Board of Education  
94 before the 2015-2016 school year may not be considered in  
95 determining whether a particular school or district is subject to  
96 being absorbed by the Mississippi Achievement School District.  
97 During the 2017-2018 school year, any school or district receiving  
98 an "F" designation after also being designated an "F" school or  
99 district in the 2015-2016 and 2016-2017 school years may be  
100 absorbed immediately by the Mississippi Achievement School  
101 District, upon approval of the State Board of Education.



102           (d) The school district from which an "F" school or  
103 district is being absorbed must cooperate fully with the  
104 Mississippi Achievement School District and the State Board of  
105 Education in order to provide as smooth a transition as possible  
106 in the school's/district's governance and operations for the  
107 students enrolled in the school or district. Upon completion of  
108 the transfer of a school or district to the Mississippi  
109 Achievement School District, the school or district shall be  
110 governed by the rules, regulations, policies and procedures  
111 established by the State Board of Education specifically for the  
112 Mississippi Achievement School District, and the school or  
113 district shall no longer be under the purview of the school board  
114 of the local school district. In the event of the transfer of  
115 governance and operations of a school district, the State Board of  
116 Education shall abolish the district as prescribed in Section  
117 37-17-13.

118           (e) Upon the transfer of the school or school district  
119 to the Mississippi Achievement School District, the individual  
120 appointed by the State Board of Education to serve as  
121 superintendent for the Mississippi Achievement School District  
122 shall be responsible for the administration, management and  
123 operation of the school or school district, including the  
124 following activities: (i) approving or denying all financial  
125 obligations of the school or school district; (ii) approving or  
126 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 Mississippi Achievement School District will best suit the needs of the school or school district; (vi) approving or denying all athletic, band and other extracurricular activities and any matters related to those activities; (vii) honoring any reasonable financial commitment of the district being absorbed; and (viii) reporting periodically to the State Board of Education on the progress or lack of progress being made in the school or school district to improve the school or school district's impairments.

(f) Upon attaining and maintaining a school or district accountability rating of "C" or better under the State Department of Education's accountability rating system for five (5) consecutive years, the State Board of Education may decide to revert the absorbed school or district back to local governance, provided the school or school(s) in question are not conversion charter schools. "Local governance" may include a traditional school board model of governance or other new form of governance such as mayoral control, or other type of governance. The State Board of Education shall determine the best form of local governance and school board composition after soliciting the input of local citizens and shall outline a process for establishing the



type of governance selected. The manner and timeline for reverting a school or district back to local control shall be at the discretion of the State School Board, but in no case shall it exceed five (5) years.

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

(7) (a) The Mississippi Achievement School District may use a school building and all facilities and property that is a part of a school and recognized as part of the facilities or assets of the school before it is absorbed into the Mississippi Achievement School District. In addition, the Mississippi Achievement School



District shall have access to those additional facilities that typically were available to that school or district, its students, faculty and staff before its absorption by the Mississippi Achievement School District. Use of facilities by a school or district in the Mississippi Achievement School District must be unrestricted and free of charge. However, the Mississippi Achievement School District shall be responsible for providing routine maintenance and repairs necessary to maintain the facilities in as good a condition as when the right of use was acquired by the Mississippi Achievement School District. The Mississippi Achievement School District shall be responsible for paying all utilities at the facilities used for the absorbed school. Any fixtures, improvements and tangible assets added to a school building or facility by the Mississippi Achievement School District must remain at the school or district building or facility if the school or district is returned to local governance.

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

(8) (a) The Mississippi Achievement School District shall certify annually to the State Board of Education in which a





Mississippi Achievement School District school or district is located the number of students residing in the school district which are enrolled in that school or district.

(b) Whenever an increase in funding is requested by the school board for the support of schools within a particular school district absorbed into the Mississippi Achievement School District, the State Board of Education and the superintendent for the Mississippi Achievement School District shall hold a public meeting in the local municipality having jurisdiction of the absorbed school district to allow input of local residents on the matter, and subsequent to the conclusion of such meeting, the board of the Mississippi Achievement School District shall submit its request for ad valorem increase in dollars to the local governing authority having jurisdiction over the absorbed school district for approval of the request for increase in ad valorem tax effort. In a district in which a school or schools but not the entire district is absorbed into the Mississippi Achievement School District, the local school district shall pay directly to the Mississippi Achievement School District an amount for each student enrolled in that school equal to the ad valorem tax receipts and in-lieu payments received per pupil for the support of the local school district in which the student resides. The pro rata ad valorem receipts and in-lieu receipts to be transferred to the Mississippi Achievement School District shall include all levies for the support of the local school district



227 under Sections 37-57-1 (local contribution to the education  
228 funding program) and 37-57-105 (school district operational levy)  
229 and may not include any taxes levied for the retirement of the  
230 local school district's bonded indebtedness or short-term notes or  
231 any taxes levied for the support of vocational-technical education  
232 programs, unless the school or schools absorbed include a high  
233 school at which vocational-technical education programs are  
234 offered. In no event may the payment exceed the pro rata amount  
235 of the local ad valorem payment to the education funding program  
236 under Section 37-57-1 for the school district in which the student  
237 resides. Payments made under this section by a school district to  
238 the Mississippi Achievement School District must be made before  
239 the expiration of three (3) business days after the funds are  
240 distributed to the local school district by the tax collector.  
241 The Superintendent for the Mississippi Achievement School District  
242 shall require an accounting of all the local ad valorem tax  
243 payments received by the Mississippi Achievement School District  
244 from the county tax collector in which the absorbed school is  
245 located, which shall be deposited into the account of the  
246 Mississippi Achievement School District to the credit of the  
247 school for which the payments were deposited, and segregated using  
248 appropriate accounting code identifiers for the absorbed schools.  
249 The monies deposited therein, shall only be expended for support  
250 and maintenance and the educational benefit of the students



251 enrolled in the schools of the school district absorbed in the  
252 Mississippi Achievement School District.

253 (c) If an entire school district is absorbed into the  
254 Mississippi Achievement School District, the tax collector shall  
255 pay the amounts as described in paragraph (b) of this subsection  
256 for the purposed specified therein, with the exception that \* \* \*  
257 a portion of the funds should transfer, including taxes levied for  
258 the retirement of the local school district's bonded indebtedness  
259 or short-term notes and any taxes levied for the support of \* \* \*  
260 career-technical education programs. The Mississippi Achievement  
261 School District shall pay funds raised to retire the district's  
262 debts to the appropriate creditors on behalf of the former  
263 district. The Superintendent for the Mississippi Achievement  
264 School District shall require an accounting of all the local ad  
265 valorem tax payments received by the Mississippi Achievement  
266 School District from the county tax collector in which the  
267 absorbed district is located, which shall be deposited into the  
268 account of the Mississippi Achievement School District to the  
269 credit of the district for which the payments were deposited, and  
270 segregated using appropriate accounting code identifiers for each  
271 absorbed district.

272 (9) (a) The State Department of Education shall make  
273 payments to the Mississippi Achievement School District for each  
274 student in average daily membership at a Mississippi Achievement  
275 School District school equal to the state share of the education



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

(b) Payments made pursuant to this subsection by the State Department of Education must be made at the same time and in the same manner as education funding program payments are made to all other school districts under Sections 37-151-101 and 37-151-103 to the credit of the segregated accounts of the school districts absorbed in the Mississippi Achievement School District as prescribed in paragraphs (b) and (c) of subsection (8) of this section. Amounts payable to the Mississippi Achievement School District must be determined by the State Department of Education in the same manner that such amounts are calculated for all other school districts under the education funding program.

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

(11) The Mississippi Achievement School District may receive donations or grants from any public or private source, including



any federal funding that may be available to the school district or individual schools within the Mississippi Achievement School District.

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

**SECTION 2.** Section 37-9-39, Mississippi Code of 1972, is amended as follows:

37-9-39. (1) All school districts shall process a single monthly payroll for licensed employees and may process a single monthly or a semimonthly payroll for nonlicensed employees, in the discretion of the local school board, consistent with the provisions of Section 37-157-103(1), except for December, when salaries or wages shall be paid by the last working day. Salaries or wages shall be paid at a minimum on a monthly basis. If a school district is absorbed into the Mississippi Achievement School District, the nonlicensed employees of the absorbed school district shall continue to be paid at the same frequency as adopted by the local school board before being absorbed into the Mississippi Achievement School District. The standard contract for school district employees prescribed by the State Board of Education shall provide that school district employees shall earn a salary payable in equal monthly installments beginning in the



first month of employment, regardless of the number of days worked in any particular month by the employee. Any employee failing to complete the contractual obligation of service, and who receives payment in excess of the monthly installment for the period which such employee ceases employment with the school district, shall become liable immediately to the school board of the employing district for the sum of all amounts received in payment less the corresponding amount of any compensation paid for which service has been rendered, plus interest accruing at the current Stafford Loan rate at the time the person discontinues his or her service.

(2) Any school employee whose employment ends during a school term, regardless of the reason(s) the employment ended, shall be paid salary or wages only for that portion of the school term that employee actually worked. Nothing in this subsection (2) shall be construed to entitle any employee to payment of salary or wages when no work has been performed.

**SECTION 3.** This act shall take effect and be in force from and after its passage.

