

By: Representative Roberson

To: Education

HOUSE BILL NO. 260

1 AN ACT TO AMEND SECTION 37-17-13, MISSISSIPPI CODE OF 1972,
 2 TO EXTEND THE DATE OF THE REPEALER ON THOSE PROVISIONS OF LAW
 3 AUTHORIZING THE STATE BOARD OF EDUCATION TO APPOINT A NEW LOCAL
 4 SCHOOL BOARD, WITH THE SELECTION OF MEMBERS TO BE RETURNED TO THE
 5 LOCAL COMMUNITY ON A PHASED-IN BASIS, IN A SCHOOL DISTRICT THAT
 6 HAS BEEN ABOLISHED FOLLOWING A DECLARATION OF A STATE OF EMERGENCY
 7 IN THAT DISTRICT; AND FOR RELATED PURPOSES.

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

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

11 37-17-13. (1) Whenever the Governor declares a state of
 12 emergency in a school district in response to a certification by
 13 the State Board of Education and the Commission on School
 14 Accreditation made under Section 37-17-6(12)(b), the State Board
 15 of Education, in addition to any actions taken under Section
 16 37-17-6, may abolish the school district and assume control and
 17 administration of the schools formerly constituting the district,
 18 and appoint an interim superintendent to carry out this purpose
 19 under the direction of the State Board of Education. In such
 20 case, the State Board of Education shall have all powers which



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

28 (2) When a school district is abolished under this section,
29 loans from the School District Emergency Assistance Fund may be
30 made by the State Board of Education for the use and benefit of
31 the schools formerly constituting the district in accordance with
32 the procedures set forth in Section 37-17-6(15) for such loans to
33 the district. The abolition of a school district under this
34 section shall not impair or release the property of that school
35 district from liability for the payment of the loan indebtedness,
36 and it shall be the duty of the appropriate governing authorities
37 to levy taxes on the property of the district so abolished from
38 year to year according to the terms of the indebtedness until same
39 shall be fully paid.

40 (3) After a school district is abolished under this section,
41 at such time as the State Board of Education determines that the
42 impairments have been substantially corrected after a period of
43 maintaining a "C" accountability rating for five (5) consecutive
44 years, unless the State Board of Education determines that the
45 district is eligible to return to local control in less than the



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



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

76 (4) As an alternative to the procedure set forth in
77 subsection (3), in the event a local school board is abolished by
78 the State Board of Education pursuant to this section, after the
79 State Board of Education determines that the impairments are being
80 substantially corrected and the responsibility of the district
81 transformation in such district * * * is at the conclusion of the
82 final scholastic year in which a district has maintained a "C"
83 accountability rating for five (5) consecutive years, unless the
84 State Board of Education determines that the district is eligible
85 to return to local control in less than the five-year period, the
86 State Board of Education may appoint a new five-member board for
87 the administration of the school district and shall notify the
88 local county board of supervisors and/or municipal governing
89 authority of such appointment, spreading the names of the new
90 school board members on its minutes. The new local school board
91 members shall be residents of the school district. The new local
92 school board members appointed by the State Board of Education may
93 serve in an advisory capacity to the interim superintendent for
94 its first year of service and thereafter shall have full
95 responsibility to administer the school district. Thirty (30)



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



121 This subsection (4) shall stand repealed from and after July
122 1, * * * 2026.

123 **SECTION 2.** This act shall take effect and be in force from
124 and after July 1, 2023.

