

By: Senator(s) DeBar

To: Education

SENATE BILL NO. 2812

1 AN ACT TO AMEND SECTION 37-17-13, MISSISSIPPI CODE OF 1972,
2 TO EXTEND THE DATE OF REPEAL ON THE PROVISION AUTHORIZING THE
3 STATE BOARD OF EDUCATION TO APPOINT A NEW FIVE-MEMBER BOARD FOR
4 THE ADMINISTRATION OF A FAILING SCHOOL DISTRICT; AND FOR RELATED
5 PURPOSES.

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

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

9 37-17-13. (1) Whenever the Governor declares a state of
10 emergency in a school district in response to a certification by
11 the State Board of Education and the Commission on School
12 Accreditation made under Section 37-17-6(12)(b), the State Board
13 of Education, in addition to any actions taken under Section
14 37-17-6, may abolish the school district and assume control and
15 administration of the schools formerly constituting the district,
16 and appoint an interim superintendent to carry out this purpose
17 under the direction of the State Board of Education. In such
18 case, the State Board of Education shall have all powers which
19 were held by the previously existing school board, and the



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

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

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



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



70 the Governor declares a state of emergency in a school district to
71 be abolished shall not be eligible to serve in that office for the
72 school district reconstituted, reorganized or changed after the
73 Governor declares that an emergency no longer exists.

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



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



119 This subsection (4) shall stand repealed from and after July
120 1, * * * 2026.

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

