

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.

