

By: Representatives McCarty, James-Jones

To: Education

HOUSE BILL NO. 1696  
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 37-17-6, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE THE PROCEDURE BY WHICH THE STATE BOARD OF EDUCATION MAY  
3 PLACE A FAILING SCHOOL OR SCHOOL DISTRICT INTO A DISTRICT OF  
4 TRANSFORMATION; TO ESTABLISH RELEVANT CRITERIA FOR SCHOOLS OR  
5 SCHOOL DISTRICTS TO BE PLACED INTO SUCH DISTRICTS; TO DELETE  
6 CERTAIN PROVISIONS RELATED TO MISSISSIPPI RECOVERY SCHOOL  
7 DISTRICTS, SCHOOL BOARDS OF FAILING SCHOOLS AND ELECTIONS OF  
8 MEMBERS OF FAILING SCHOOL BOARDS; TO PROVIDE THAT DISTRICTS THAT  
9 ARE PLACED INTO DISTRICT TRANSFORMATION SHALL BE ELIGIBLE TO  
10 RETURN TO LOCAL CONTROL WHEN THE DISTRICT HAS ATTAINED A "C"  
11 RATING OR HIGHER FOR THREE CONSECUTIVE YEARS; TO CREATE NEW  
12 SECTION 37-17-6.1, MISSISSIPPI CODE OF 1972, TO REVISE PROVISIONS  
13 RELATED TO THE MISSISSIPPI ACHIEVEMENT SCHOOL DISTRICT WHICH  
14 INCLUDES THE YAZOO CITY MUNICIPAL SCHOOL DISTRICT AND THE  
15 HUMPHREYS COUNTY SCHOOL DISTRICT; TO PROVIDE CERTAIN TIMELINES ON  
16 THE TRANSITION OF SUCH DISTRICTS INTO DISTRICTS OF TRANSFORMATION;  
17 TO PROVIDE THAT THE BOARD OF EDUCATION SHALL HAVE THE AUTHORITY TO  
18 DETERMINE WHEN SUCH DISTRICT IS READY TO BE RECONSTITUTED,  
19 REORGANIZED AND RETURNED TO LOCAL CONTROL; TO DELETE CERTAIN  
20 OUTDATED LANGUAGE; TO AMEND SECTION 37-17-13, MISSISSIPPI CODE OF  
21 1972, TO DELETE THE DATE OF REPEAL ON THE SECTION; TO DELETE  
22 CERTAIN PROVISIONS RELATED TO FAILING SCHOOLS; TO CONFORM TO THE  
23 PROVISIONS OF THE ACT; TO REPEAL SECTION 37-17-17, MISSISSIPPI  
24 CODE OF 1972, WHICH PROVIDES FOR THE MISSISSIPPI ACHIEVEMENT  
25 SCHOOL DISTRICT, ON JULY 1, 2025; AND FOR RELATED PURPOSES.

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

27 **SECTION 1.** Section 37-17-6, Mississippi Code of 1972, is  
28 amended as follows:





53 school librarian without appropriate training and certification as  
54 a school librarian by the State Department of Education.

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

59 (e) Nothing in this subsection shall prohibit any  
60 school district from employing more certified school librarians  
61 than are provided for in this section.

62 (f) Any additional millage levied to fund school  
63 librarians required for accreditation under this subsection shall  
64 be included in the tax increase limitation set forth in Sections  
65 37-57-105 and 37-57-107 and shall not be deemed a new program for  
66 purposes of the limitation.

67 (4) \* \* \* The State Board of Education shall implement the  
68 performance-based accreditation system for school districts and  
69 for individual noncharter public schools which shall include the  
70 following:

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

73 (b) Strong accountability for results with appropriate  
74 local flexibility for local implementation;

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



77 (d) Individual schools shall be held accountable for  
78 student growth and performance;

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

82 (f) A determination of which schools exceed their  
83 standards and a plan for providing recognition and rewards to  
84 those schools;

85 (g) A determination of which schools are failing to  
86 meet their standards and a determination of the appropriate role  
87 of the State Board of Education and the State Department of  
88 Education in providing assistance and initiating possible  
89 intervention. A failing district is a district that fails to meet  
90 both the absolute student achievement standards and the rate of  
91 annual growth expectation standards as set by the State Board of  
92 Education for two (2) consecutive years. The State Board of  
93 Education shall establish the level of benchmarks by which  
94 absolute student achievement and growth expectations shall be  
95 assessed. In setting the benchmarks for school districts, the  
96 State Board of Education may also take into account such factors  
97 as graduation rates, dropout rates, completion rates, the extent  
98 to which the school or district employs qualified teachers in  
99 every classroom, and any other factors deemed appropriate by the  
100 State Board of Education. The State Board of Education, acting  
101 through the State Department of Education, shall apply a simple



102 "A," "B," "C," "D" and "F" designation to the current school and  
103 school district statewide accountability performance  
104 classification labels \* \* \* and in the school, district and state  
105 report cards required under state and federal law. \* \* \* The  
106 State Board of Education, acting through the State Department of  
107 Education, is further authorized and directed to change the school  
108 and school district accreditation rating system to a simple "A,"  
109 "B," "C," "D," and "F" designation based on a combination of  
110 student achievement scores and student growth as measured by the  
111 statewide testing programs developed by the State Board of  
112 Education pursuant to Chapter 16, Title 37, Mississippi Code of  
113 1972. In any statute or regulation containing the former  
114 accreditation designations, the new designations shall be  
115 applicable; and

116 (h) Development of a comprehensive student assessment  
117 system to implement these requirements \* \* \*.

118 \* \* \*

119 (5) (a) \* \* \* The State Department of Education, acting  
120 through the Mississippi Commission on School Accreditation,  
121 shall \* \* \* implement a single "A" through "F" school and school  
122 district accountability system complying with applicable federal  
123 and state requirements in order to reach the following educational  
124 goals:

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



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

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

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

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

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

141 (ii) Individual student growth: the percent of  
142 students making one (1) year's progress in one (1) year's time on  
143 the state assessment, with an emphasis on the progress of the  
144 lowest twenty-five percent (25%) of students in the school or  
145 district;

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

149 (iv) Categories shall identify schools as Reward  
150 ("A" schools), Focus ("D" schools) and Priority ("F" schools). If  
151 at least five percent (5%) of schools in the state are not graded



152 as "F" schools, the lowest five percent (5%) of school grade point  
153 designees will be identified as Priority schools. If at least ten  
154 percent (10%) of schools in the state are not graded as "D"  
155 schools, the lowest ten percent (10%) of school grade point  
156 designees will be identified as Focus schools;

157 (v) The State Department of Education shall  
158 discontinue the use of Star School, High-Performing, Successful,  
159 Academic Watch, Low-Performing, At-Risk of Failing and Failing  
160 school accountability designations;

161 (vi) The system shall include the federally  
162 compliant four-year graduation rate in school and school district  
163 accountability system calculations. Graduation rate will apply to  
164 high school and school district accountability ratings as a  
165 compensatory component. The system shall discontinue the use of  
166 the High School Completer Index (HSCI);

167 (vii) The school and school district  
168 accountability system shall incorporate a standards-based growth  
169 model, in order to support improvement of individual student  
170 learning;

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

173 (ix) The State Department of Education shall  
174 determine feeder patterns of schools that do not earn a school  
175 grade because the grades and subjects taught at the school do not  
176 have statewide standardized assessments needed to calculate a



177 school grade. Upon determination of the feeder pattern, the  
178 department shall notify schools and school districts prior to the  
179 release of the school grades beginning in 2013. Feeder schools  
180 will be assigned the accountability designation of the school to  
181 which they provide students;

182 (x) Standards for student, school and school  
183 district performance will be increased when student proficiency is  
184 at a seventy-five percent (75%) and/or when sixty-five percent  
185 (65%) of the schools and/or school districts are earning a grade  
186 of "B" or higher, in order to raise the standard on performance  
187 after targets are met;

188 (xi) The system shall include student performance  
189 on the administration of a career-readiness assessment, such as,  
190 but not limited to, the ACT WorkKeys Assessment, deemed  
191 appropriate by the Mississippi Department of Education working in  
192 coordination with the Office of Workforce Development.

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

196 (7) The State Board of Education shall create an  
197 accreditation audit unit under the Commission on School  
198 Accreditation to determine whether schools are complying with  
199 accreditation standards.

200 (8) The State Board of Education shall be specifically  
201 authorized and empowered to withhold adequate education program





202 fund allocations, whichever is applicable, to any public school  
203 district for failure to timely report student, school personnel  
204 and fiscal data necessary to meet state and/or federal  
205 requirements.

206 (9) [Deleted]

207 (10) The State Board of Education shall establish, for those  
208 school districts failing to meet accreditation standards, a  
209 program of development to be complied with in order to receive  
210 state funds, except as otherwise provided in subsection (15) of  
211 this section when the Governor has declared a state of emergency  
212 in a school district or as otherwise provided in Section 206,  
213 Mississippi Constitution of 1890. The state board, in  
214 establishing these standards, shall provide for notice to schools  
215 and sufficient time and aid to enable schools to attempt to meet  
216 these standards, unless procedures under subsection (15) of this  
217 section have been invoked.

218 (11) \* \* \* The State Board of Education shall be charged  
219 with the implementation of the program of development in each  
220 applicable school district as follows:

221 (a) Develop an impairment report for each district  
222 failing to meet accreditation standards in conjunction with school  
223 district officials;

224 (b) Notify any applicable school district failing to  
225 meet accreditation standards that it is on probation until  
226 corrective actions are taken or until the deficiencies have been



227 removed. The local school district shall develop a corrective  
228 action plan to improve its deficiencies. For district academic  
229 deficiencies, the corrective action plan for each such school  
230 district shall be based upon a complete analysis of the following:  
231 student test data, student grades, student attendance reports,  
232 student dropout data, existence and other relevant data. The  
233 corrective action plan shall describe the specific measures to be  
234 taken by the particular school district and school to improve:  
235 (i) instruction; (ii) curriculum; (iii) professional development;  
236 (iv) personnel and classroom organization; (v) student incentives  
237 for performance; (vi) process deficiencies; and (vii) reporting to  
238 the local school board, parents and the community. The corrective  
239 action plan shall describe the specific individuals responsible  
240 for implementing each component of the recommendation and how each  
241 will be evaluated. All corrective action plans shall be provided  
242 to the State Board of Education as may be required. The decision  
243 of the State Board of Education establishing the probationary  
244 period of time shall be final;

245 (c) Offer, during the probationary period, technical  
246 assistance to the school district in making corrective  
247 actions. \* \* \* Subject to \* \* \* appropriations, the State  
248 Department of Education shall provide technical and/or financial  
249 assistance to all such school districts in order to implement each  
250 measure identified in that district's corrective action plan  
251 through professional development and on-site assistance. Each



252 such school district shall apply for and utilize all available  
253 federal funding in order to support its corrective action plan in  
254 addition to state funds made available under this paragraph;

255 (d) Assign department personnel or contract, in its  
256 discretion, with the institutions of higher learning or other  
257 appropriate private entities with experience in the academic,  
258 finance and other operational functions of schools to assist  
259 school districts;

260 (e) Provide for publication of public notice at least  
261 one time during the probationary period, in a newspaper published  
262 within the jurisdiction of the school district failing to meet  
263 accreditation standards, or if no newspaper is published therein,  
264 then in a newspaper having a general circulation therein. The  
265 publication shall include the following: declaration of school  
266 system's status as being on probation; all details relating to the  
267 impairment report; and other information as the State Board of  
268 Education deems appropriate. Public notices issued under this  
269 section shall be subject to Section 13-3-31 and not contrary to  
270 other laws regarding newspaper publication.

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



277 local school district violates accreditation standards that have  
278 been determined by the policies and procedures of the State Board  
279 of Education to be a basis for withdrawal of school district's  
280 accreditation without a probationary period, the Commission on  
281 School Accreditation shall conduct a hearing to allow the affected  
282 school district to present evidence or other reasons why its  
283 accreditation should not be withdrawn. After its consideration of  
284 the results of the hearing, the Commission on School Accreditation  
285 shall be authorized, with the approval of the State Board of  
286 Education, to withdraw the accreditation of a public school  
287 district, and issue a request to the Governor that a state of  
288 emergency be declared in that district.

289 (b) (i) If the State Board of Education and the  
290 Commission on School Accreditation determine that an extreme  
291 emergency situation exists in a school district that jeopardizes  
292 the safety, security or educational interests of the children  
293 enrolled in the schools in that district and that emergency  
294 situation is believed to be related to a serious violation or  
295 violations of accreditation standards or state or federal  
296 law, \* \* \* the State Board of Education may request the Governor  
297 to declare a state of emergency in that school district. For  
298 purposes of this paragraph, the declarations of a state of  
299 emergency \* \* \* may include the school district's serious failure  
300 to meet minimum academic standards, as evidenced by a continued



301 pattern of poor student performance, or impairments related to a  
302 lack of financial resources.

303 (ii) If the State Board of Education determines  
304 that a public school or district in the state which, during each  
305 of two (2) consecutive school years or during two (2) of three (3)  
306 consecutive school years, receives an "F" designation by the State  
307 Board of Education under the accountability rating system or has  
308 been persistently failing as defined by the State Board of  
309 Education; or if the State Board of Education determines that a  
310 public school or district in the state which, during each of four  
311 (4) consecutive school years, receives a "D" or "F" designation by  
312 the State Board of Education under the accountability rating  
313 system or has been persistently failing as defined by the State  
314 Board of Education; or if more than fifty percent (50%) of the  
315 schools within a school district are designated as Schools-At-Risk  
316 in any one (1) year, then the board may place such school or  
317 district into a District of Transformation. The State Board of  
318 Education shall take over only the number of schools and districts  
319 for which it has the capacity to serve. The State Board of  
320 Education shall adopt rules and regulations governing any  
321 additional requirements for placement into a District of  
322 Transformation and the operation thereof. School districts or  
323 schools that are eligible to be placed into a District of  
324 Transformation due to poor academic performance but are not  
325 absorbed due to the capacity of the State Board of Education,



326 shall develop and implement a district improvement plan with  
327 prescriptive guidance and support from the Mississippi Department  
328 of Education, with the goal of helping the district improve  
329 student achievement. Failure of the school board, superintendent  
330 and school district staff to implement the plan with fidelity and  
331 participate in the activities provided as support by the  
332 department shall result in the school district retaining its  
333 eligibility for placement into a District of Transformation.

334 (iii) If the State Board of Education determined  
335 that a school district is impaired with a serious lack of  
336 financial resources, the State Board of Education may place the  
337 school district into a District of Transformation. If a school  
338 district is placed into a District of Transformation for financial  
339 reasons, the school district shall be required to reimburse the  
340 state for any costs incurred by the state on behalf of the school  
341 district.

342 (c) Whenever the Governor declares a state of emergency  
343 in a school district in response to a request made under paragraph  
344 (a) or (b) of this subsection, or when the State Board of  
345 Education places a school district into a District of  
346 Transformation due to poor academic performance or financial  
347 reasons, the State Board of Education may take one or more of the  
348 following actions:

349 (i) Declare a state of emergency, under which some  
350 or all of state funds can be escrowed except as otherwise provided



351 in Section 206, Constitution of 1890, until the board determines  
352 corrective actions are being taken or the deficiencies have been  
353 removed, or that the needs of students warrant the release of  
354 funds. The funds may be released from escrow for any program  
355 which the board determines to have been restored to standard even  
356 though the state of emergency may not as yet be terminated for the  
357 district as a whole;

358 (ii) Override any decision of the local school  
359 board or superintendent of education, or both, concerning the  
360 management and operation of the school district, or initiate and  
361 make decisions concerning the management and operation of the  
362 school district;

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

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

372 (v) For states of emergency declared under  
373 paragraph (a) only, if the accreditation deficiencies are related  
374 to the fact that the school district is too small, with too few  
375 resources, to meet the required standards and if another school



376 district is willing to accept those students, abolish that  
377 district and assign that territory to another school district or  
378 districts. If the school district has proposed a voluntary  
379 consolidation with another school district or districts, then if  
380 the State Board of Education finds that it is in the best interest  
381 of the pupils of the district for the consolidation to proceed,  
382 the voluntary consolidation shall have priority over any such  
383 assignment of territory by the State Board of Education;

384 (vi) For \* \* \* actions taken pursuant to paragraph  
385 (b) only, reduce local supplements paid to school district  
386 employees, including, but not limited to, instructional personnel,  
387 assistant teachers and extracurricular activities personnel, if  
388 the district's impairment is related to a lack of financial  
389 resources, but only to an extent that will result in the salaries  
390 being comparable to districts similarly situated, as determined by  
391 the State Board of Education;

392 (vii) For \* \* \* actions taken pursuant to  
393 paragraph (b) only, the State Board of Education may take any  
394 action as prescribed in Section 37-17-13.

395 (d) At the time that satisfactory corrective action has  
396 been taken in a school district in which a state of emergency has  
397 been declared, the State Board of Education may request the  
398 Governor to declare that the state of emergency no longer exists  
399 in the district.





400           (e) The parent or legal guardian of a school-age child  
401 who is enrolled in a school district whose accreditation has been  
402 withdrawn by the Commission on School Accreditation and without  
403 approval of that school district may file a petition in writing to  
404 a school district accredited by the Commission on School  
405 Accreditation for a legal transfer. The school district  
406 accredited by the Commission on School Accreditation may grant the  
407 transfer according to the procedures of Section 37-15-31(1)(b).  
408 In the event the accreditation of the student's home district is  
409 restored after a transfer has been approved, the student may  
410 continue to attend the transferee school district. The per-pupil  
411 amount of the adequate education program allotment, including the  
412 collective "add-on program" costs for the student's home school  
413 district shall be transferred monthly to the school district  
414 accredited by the Commission on School Accreditation that has  
415 granted the transfer of the school-age child.

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

419                   (i) Place the school district into district  
420 transformation, in which the school district shall remain until it  
421 has fulfilled all conditions related to district transformation.  
422 If the district was assigned an accreditation rating of "D" or "F"  
423 when placed into district transformation, the district shall be  
424 eligible to return to local control when the school district has



425 attained a "C" rating or higher for \* \* \* three (3) consecutive  
426 years \* \* \*;

427 (ii) Abolish the school district and  
428 administratively consolidate the school district with one or more  
429 existing school districts;

430 (iii) Reduce the size of the district and  
431 administratively consolidate parts of the district, as determined  
432 by the State Board of Education. However, no school district  
433 which is not in district transformation shall be required to  
434 accept additional territory over the objection of the district; or

435 (iv) Require the school district to develop and  
436 implement a district improvement plan with prescriptive guidance  
437 and support from the State Department of Education, with the goal  
438 of helping the district improve student achievement. Failure of  
439 the school board, superintendent and school district staff to  
440 implement the plan with fidelity and participate in the activities  
441 provided as support by the department shall result in the school  
442 district retaining its eligibility for district transformation.

443 \* \* \*

444 (13) Upon the declaration of a state of emergency in a  
445 school district under subsection (12) of this section, or upon the  
446 State Board of Education's placement of a school district into a  
447 District of Transformation for academic or financial reasons, the  
448 Commission on School Accreditation shall be responsible for public  
449 notice at least once a week for at least three (3) consecutive



450 weeks in a newspaper published within the jurisdiction of the  
451 school district failing to meet accreditation standards, or if no  
452 newspaper is published therein, then in a newspaper having a  
453 general circulation therein. The size of the notice shall be no  
454 smaller than one-fourth (1/4) of a standard newspaper page and  
455 shall be printed in bold print. If an interim superintendent has  
456 been appointed for the school district, the notice shall begin as  
457 follows: "By authority of Section 37-17-6, Mississippi Code of  
458 1972, as amended, adopted by the Mississippi Legislature during  
459 the 1991 Regular Session, this school district (name of school  
460 district) is hereby placed under the jurisdiction of the State  
461 Department of Education acting through its appointed interim  
462 superintendent (name of interim superintendent)."

463 The notice also shall include, in the discretion of the State  
464 Board of Education, any or all details relating to the school  
465 district's emergency status, including the declaration of a state  
466 of emergency in the school district and a description of the  
467 district's impairment deficiencies, conditions of any district  
468 transformation status and corrective actions recommended and being  
469 taken. Public notices issued under this section shall be subject  
470 to Section 13-3-31 and not contrary to other laws regarding  
471 newspaper publication.

472 Upon termination of \* \* \* a school district in a District of  
473 Transformation, the Commission on School Accreditation shall cause  
474 notice to be published in the school district in the same manner



475 provided in this section, to include any or all details relating  
476 to the corrective action taken in the school district that  
477 resulted in the termination of the state of emergency.

478 (14) The State Board of Education or the Commission on  
479 School Accreditation shall have the authority to require school  
480 districts to produce the necessary reports, correspondence,  
481 financial statements, and any other documents and information  
482 necessary to fulfill the requirements of this section.

483 Nothing in this section shall be construed to grant any  
484 individual, corporation, board or interim superintendent the  
485 authority to levy taxes except in accordance with presently  
486 existing statutory provisions.

487 (15) (a) Whenever the Governor declares a state of  
488 emergency in a school district in response to a request made under  
489 subsection (12) of this section, or when the State Board of  
490 Education places a school district into a District of  
491 Transformation for academic or financial reasons, the State Board  
492 of Education, in its discretion, may assign an interim  
493 superintendent to the school district, or in its discretion, may  
494 contract with an appropriate private entity with experience in the  
495 academic, finance and other operational functions of schools and  
496 school districts, who will be responsible for the administration,  
497 management and operation of the school district, including, but  
498 not limited to, the following activities:



499 (i) Approving or disapproving all financial  
500 obligations of the district, including, but not limited to, the  
501 employment, termination, nonrenewal and reassignment of all  
502 licensed and nonlicensed personnel, contractual agreements and  
503 purchase orders, and approving or disapproving all claim dockets  
504 and the issuance of checks; in approving or disapproving  
505 employment contracts of superintendents, assistant superintendents  
506 or principals, the interim superintendent shall not be required to  
507 comply with the time limitations prescribed in Sections 37-9-15  
508 and 37-9-105;

509 (ii) Supervising the day-to-day activities of the  
510 district's staff, including reassigning the duties and  
511 responsibilities of personnel in a manner which, in the  
512 determination of the interim superintendent, will best suit the  
513 needs of the district;

514 (iii) Reviewing the district's total financial  
515 obligations and operations and making recommendations to the  
516 district for cost savings, including, but not limited to,  
517 reassigning the duties and responsibilities of staff;

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

520 (v) Approving or disapproving all athletic, band  
521 and other extracurricular activities and any matters related to  
522 those activities;



523 (vi) Maintaining a detailed account of  
524 recommendations made to the district and actions taken in response  
525 to those recommendations;

526 (vii) Reporting periodically to the State Board of  
527 Education on the progress or lack of progress being made in the  
528 district to improve the district's impairments during the state of  
529 emergency; and

530 (viii) Appointing a parent advisory committee,  
531 comprised of parents of students in the school district that may  
532 make recommendations to the interim superintendent concerning the  
533 administration, management and operation of the school district.

534 The cost of the salary of the interim superintendent and any  
535 other actual and necessary costs related to district  
536 transformation status paid by the State Department of Education  
537 shall be reimbursed by the local school district from funds other  
538 than adequate education program funds. The department shall  
539 submit an itemized statement to the superintendent of the local  
540 school district for reimbursement purposes, and any unpaid balance  
541 may be withheld from the district's adequate education program  
542 funds. In the alternative, the local school district may pay the  
543 cost of the salary of the interim superintendent.

544 At the time that the Governor, in accordance with the request  
545 of the State Board of Education, declares that the state of  
546 emergency no longer exists in a school district, the \* \* \* interim  
547 superintendent assigned to the district shall \* \* \* remain in



548 place for a period of two (2) years and shall work alongside the  
549 newly reconstituted school board. A new superintendent may be  
550 hired by the newly reconstituted board after the one (1) year  
551 state of emergency no longer exists, but he or she shall serve as  
552 deputy to the interim superintendent while the interim  
553 superintendent is assigned to the district.

554 (b) In order to provide loans to school districts under  
555 a state of emergency or in district transformation status that  
556 have impairments related to a lack of financial resources, the  
557 School District Emergency Assistance Fund is created as a special  
558 fund in the State Treasury into which monies may be transferred or  
559 appropriated by the Legislature from any available public  
560 education funds. Funds in the School District Emergency  
561 Assistance Fund up to a maximum balance of Three Million Dollars  
562 (\$3,000,000.00) annually shall not lapse but shall be available  
563 for expenditure in subsequent years subject to approval of the  
564 State Board of Education. Any amount in the fund in excess of  
565 Three Million Dollars (\$3,000,000.00) at the end of the fiscal  
566 year shall lapse into the State General Fund or the Education  
567 Enhancement Fund, depending on the source of the fund.

568 The State Board of Education may loan monies from the School  
569 District Emergency Assistance Fund to a school district that is  
570 under a state of emergency or in district transformation status,  
571 in those amounts, as determined by the board, that are necessary  
572 to correct the district's impairments related to a lack of



573 financial resources. The loans shall be evidenced by an agreement  
574 between the school district and the State Board of Education and  
575 shall be repayable in principal, without necessity of interest, to  
576 the School District Emergency Assistance Fund by the school  
577 district from any allowable funds that are available. The total  
578 amount loaned to the district shall be due and payable within five  
579 (5) years after the impairments related to a lack of financial  
580 resources are corrected. If a school district fails to make  
581 payments on the loan in accordance with the terms of the agreement  
582 between the district and the State Board of Education, the State  
583 Department of Education, in accordance with rules and regulations  
584 established by the State Board of Education, may withhold that  
585 district's adequate education program funds in an amount and  
586 manner that will effectuate repayment consistent with the terms of  
587 the agreement; the funds withheld by the department shall be  
588 deposited into the School District Emergency Assistance Fund.

589 The State Board of Education shall develop a protocol that  
590 will outline the performance standards and requisite timeline  
591 deemed necessary for extreme emergency measures. If the State  
592 Board of Education determines that an extreme emergency exists,  
593 simultaneous with the powers exercised in this subsection, it  
594 shall take immediate action against all parties responsible for  
595 the affected school districts having been determined to be in an  
596 extreme emergency. The action shall include, but not be limited  
597 to, initiating civil actions to recover funds and criminal actions





598 to account for criminal activity. Any funds recovered by the  
599 State Auditor or the State Board of Education from the surety  
600 bonds of school officials or from any civil action brought under  
601 this subsection shall be applied toward the repayment of any loan  
602 made to a school district hereunder.

603 (16) \* \* \* [Deleted]

604 (17) \* \* \* [Deleted]

605 (18) \* \* \* The State Board of Education, acting through the  
606 Commission on School Accreditation, shall require each school  
607 district to comply with standards established by the State  
608 Department of Audit for the verification of fixed assets and the  
609 auditing of fixed assets records as a minimum requirement for  
610 accreditation.

611 (19) \* \* \* [Deleted]

612 (20) \* \* \* [Deleted]

613 (21) If a local school district is determined as failing and  
614 placed into district transformation status for reasons authorized  
615 by the provisions of this section, the interim superintendent  
616 appointed to the district shall, within forty-five (45) days after  
617 being appointed, present a detailed and structured corrective  
618 action plan to move the local school district out of district  
619 transformation status to the deputy superintendent. A copy of the  
620 interim superintendent's corrective action plan shall also be  
621 filed with the State Board of Education.



622           **SECTION 2.** The following shall be codified as Section  
623 37-17-6.1, Mississippi Code of 1972:

624           37-17-6.1. (1) In the Mississippi Achievement School  
625 District, in which as of January 1, 2024, two (2) local school  
626 districts have been placed into by the State Board of Education,  
627 specifically, the Yazoo City Municipal School District and the  
628 Humphreys County School District, there shall be an administrative  
629 transition of those school districts into two (2) separate  
630 Districts of Transformation with such transition completed by July  
631 1, 2025. Until June 30, 2025, preceding the effective date of the  
632 required transition of school districts in the Mississippi  
633 Achievement School District into Districts of Transformation, the  
634 districts shall remain under the authority and control of the  
635 Mississippi Achievement School District and the State Board of  
636 Education.

637           (2) From and after July 1, 2024, no local school district  
638 shall be placed into the Mississippi Achievement School District  
639 and effective July 1, 2025, the Mississippi Achievement School  
640 District shall be dissolved.

641           (3) On or before September 1, 2024, the State Board of  
642 Education shall provide the Mississippi Achievement School  
643 District with notice and instructions regarding the timetable for  
644 actions to be taken to comply with the transition of those local  
645 schools into Districts of Transformation.



646 (4) A declaration of a state of emergency shall not be  
647 required by the Governor for the two (2) districts to transition  
648 from the Mississippi Achievement School District placement into a  
649 District of Transformation; however, the two (2) districts shall  
650 be required to comply with any and all obligations and laws as  
651 required by other Districts of Transformation and the State Board  
652 of Education shall have all the authorities granted to it in  
653 Sections 37-17-6 and 37-17-13, including the assignment of an  
654 interim superintendent to the Districts of Transformation, or in  
655 its discretion, contracting with an appropriate private entity  
656 with experience in the academic, finance and other operational  
657 functions of schools and school districts, who will be responsible  
658 for the administration, management and operation of the school  
659 district in accordance with Section 37-17-6(15), and the  
660 determination of when a District of Transformation is ready to be  
661 reconstituted, reorganized, and returned to local control.

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

664 37-17-13. (1) Whenever the Governor declares a state of  
665 emergency in a school district in response to a certification by  
666 the State Board of Education and the Commission on School  
667 Accreditation made under Section 37-17-6(12) (b), or when the State  
668 Board of Education places a school district into a District of  
669 Transformation for academic or financial reasons under Section  
670 37-17-6 (12) (b), the State Board of Education, in addition to any



671 actions taken under Section 37-17-6, \* \* \* shall abolish the  
672 school district and assume control and administration of the  
673 schools formerly constituting the district, and appoint an interim  
674 superintendent to carry out this purpose under the direction of  
675 the State Board of Education. In such case, the State Board of  
676 Education shall have all powers which were held by the previously  
677 existing school board, and the previously existing superintendent  
678 of schools or county superintendent of education, including, but  
679 not limited to, those enumerated in Section 37-7-301, and the  
680 authority to request tax levies from the appropriate governing  
681 authorities for the support of the schools and to receive and  
682 expend the tax funds as provided by Section 37-57-1 et seq. and  
683 Section 37-57-105 et seq.

684 (2) When a school district is abolished under this section,  
685 loans from the School District Emergency Assistance Fund may be  
686 made by the State Board of Education for the use and benefit of  
687 the schools formerly constituting the district in accordance with  
688 the procedures set forth in Section 37-17-6(15) for such loans to  
689 the district. The abolition of a school district under this  
690 section shall not impair or release the property of that school  
691 district from liability for the payment of the loan indebtedness,  
692 and it shall be the duty of the appropriate governing authorities  
693 to levy taxes on the property of the district so abolished from  
694 year to year according to the terms of the indebtedness until same  
695 shall be fully paid.



696 \* \* \*

697 ( \* \* \*3) After a local school board is abolished by the  
698 State Board of Education \* \* \*, at such time the State Board of  
699 Education determines that the impairments are being substantially  
700 corrected and the responsibility of the district transformation in  
701 such district upon the conclusion of the final scholastic year in  
702 which a district has maintained a "C" accountability rating  
703 for \* \* \* three (3) consecutive years \* \* \*, the State Board of  
704 Education may appoint a new five-member board for the  
705 administration of the school district and shall notify the local  
706 county board of supervisors and/or municipal governing authority  
707 of such appointment, spreading the names of the new school board  
708 members on its minutes. The new local school board members shall  
709 be residents of the school district. The new local school board  
710 members appointed by the State Board of Education may serve in an  
711 advisory capacity to the interim superintendent for its first year  
712 of service and thereafter shall have full responsibility to  
713 administer the school district. Thirty (30) days prior to the end  
714 of the first year of office as an advisory board, each member  
715 shall draw lots to determine when the members shall rotate off the  
716 board as follows: one (1) member shall serve a one-year term of  
717 office; one (1) member shall serve a two-year term of office; one  
718 (1) member shall serve a three-year term of office; one (1) member  
719 shall serve a four-year term of office; and one (1) member shall  
720 serve a five-year term of office. At that time, the State Board



721 of Education shall notify the appropriate board of supervisors or  
722 municipal governing authority of this action and request them to  
723 provide for the election or appointment of school board members at  
724 the end of the terms of office in the manner provided by law, in  
725 order for the local residents of the school district to select a  
726 new school board on a phased-in basis. In such situations, the  
727 Governor will set the date of any necessary special election which  
728 shall be conducted by the county election commission. During the  
729 new school board's first two (2) years administering the school  
730 district, the interim superintendent shall continue to serve  
731 alongside the school board. The State Board of Education  
732 shall \* \* \* request the new school board to provide for the  
733 appointment of a superintendent to govern the reconstituted or  
734 reorganized school district \* \* \* one (1) year after the new  
735 school board's first year of administering the school district.  
736 The new superintendent shall serve as deputy to the interim  
737 superintendent while the interim superintendent is assigned to the  
738 district. A board member or superintendent in office at the time  
739 the Governor declares a state of emergency in a school district,  
740 or when the State Board of Education places a school district into  
741 a District of Transformation due to academic or financial reasons,  
742 shall not be eligible to serve in the office of school board  
743 member or superintendent for the school district reconstituted or  
744 reorganized following the district transformation period.

745 \* \* \*



746           **SECTION 4.** Section 37-17-17, which provides for the  
747 Mississippi Achievement School District, shall stand repealed on  
748 July 1, 2025.

749           **SECTION 5.** This act shall take effect and be in force from  
750 and after July 1, 2024.

