

By: Senator(s) Hopson

To: Education

SENATE BILL NO. 2693

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 CREATE NEW SECTION 37-17-6.1,
 9 MISSISSIPPI CODE OF 1972, TO REVISE PROVISIONS RELATED TO THE
 10 MISSISSIPPI ACHIEVEMENT SCHOOL DISTRICT WHICH INCLUDES THE YAZOO
 11 CITY MUNICIPAL SCHOOL DISTRICT AND THE HUMPHREYS COUNTY SCHOOL
 12 DISTRICT; TO PROVIDE CERTAIN TIMELINES ON THE TRANSITION OF SUCH
 13 DISTRICTS INTO DISTRICTS OF TRANSFORMATION; TO PROVIDE THAT THE
 14 BOARD OF EDUCATION SHALL HAVE THE AUTHORITY TO DETERMINE WHEN SUCH
 15 DISTRICT IS READY TO BE RECONSTITUTED, REORGANIZED AND RETURNED TO
 16 LOCAL CONTROL; TO DELETE CERTAIN OUTDATED LANGUAGE; TO AMEND
 17 SECTION 37-17-13, MISSISSIPPI CODE OF 1972, TO DELETE THE DATE OF
 18 REPEAL ON THE SECTION; TO DELETE CERTAIN PROVISIONS RELATED TO
 19 FAILING SCHOOLS; TO CONFORM TO THE PROVISIONS OF THE ACT; AND FOR
 20 RELATED PURPOSES.

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

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

24 37-17-6. (1) The State Board of Education, acting through
 25 the Commission on School Accreditation, shall establish and
 26 implement a permanent performance-based accreditation system, and



27 all noncharter public elementary and secondary schools shall be
28 accredited under this system.

29 (2) * * * The State Board of Education, acting through the
30 Commission on School Accreditation, shall require school districts
31 to provide school classroom space that is air-conditioned as a
32 minimum requirement for accreditation.

33 (3) (a) * * * The State Board of Education, acting through
34 the Commission on School Accreditation, shall require that school
35 districts employ certified school librarians according to the
36 following formula:

37	Number of Students	Number of Certified
38	Per School Library	School Librarians
39	0 - 499 Students	1/2 Full-time Equivalent
40		Certified Librarian
41	500 or More Students	1 Full-time Certified
42		Librarian

43 (b) The State Board of Education, however, may increase
44 the number of positions beyond the above requirements.

45 (c) The assignment of certified school librarians to
46 the particular schools shall be at the discretion of the local
47 school district. No individual shall be employed as a certified
48 school librarian without appropriate training and certification as
49 a school librarian by the State Department of Education.

50 (d) School librarians in the district shall spend at
51 least fifty percent (50%) of direct work time in a school library



52 and shall devote no more than one-fourth (1/4) of the workday to
53 administrative activities that are library related.

54 (e) Nothing in this subsection shall prohibit any
55 school district from employing more certified school librarians
56 than are provided for in this section.

57 (f) Any additional millage levied to fund school
58 librarians required for accreditation under this subsection shall
59 be included in the tax increase limitation set forth in Sections
60 37-57-105 and 37-57-107 and shall not be deemed a new program for
61 purposes of the limitation.

62 (4) * * * The State Board of Education shall implement the
63 performance-based accreditation system for school districts and
64 for individual noncharter public schools which shall include the
65 following:

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

68 (b) Strong accountability for results with appropriate
69 local flexibility for local implementation;

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

72 (d) Individual schools shall be held accountable for
73 student growth and performance;

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



77 (f) A determination of which schools exceed their
78 standards and a plan for providing recognition and rewards to
79 those schools;

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



102 Education, is further authorized and directed to change the school
103 and school district accreditation rating system to a simple "A,"
104 "B," "C," "D," and "F" designation based on a combination of
105 student achievement scores and student growth as measured by the
106 statewide testing programs developed by the State Board of
107 Education pursuant to Chapter 16, Title 37, Mississippi Code of
108 1972. In any statute or regulation containing the former
109 accreditation designations, the new designations shall be
110 applicable; and

111 (h) Development of a comprehensive student assessment
112 system to implement these requirements * * *.

113 * * *

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

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

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

124 (iii) To have sixty percent (60%) of students
125 scoring proficient and advanced on the assessments of the Common



126 Core State Standards by 2016 with incremental increases of three
127 percent (3%) each year thereafter.

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

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

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

136 (ii) Individual student growth: the percent of
137 students making one (1) year's progress in one (1) year's time on
138 the state assessment, with an emphasis on the progress of the
139 lowest twenty-five percent (25%) of students in the school or
140 district;

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

144 (iv) Categories shall identify schools as Reward
145 ("A" schools), Focus ("D" schools) and Priority ("F" schools). If
146 at least five percent (5%) of schools in the state are not graded
147 as "F" schools, the lowest five percent (5%) of school grade point
148 designees will be identified as Priority schools. If at least ten
149 percent (10%) of schools in the state are not graded as "D"



150 schools, the lowest ten percent (10%) of school grade point
151 designees will be identified as Focus schools;

152 (v) The State Department of Education shall
153 discontinue the use of Star School, High-Performing, Successful,
154 Academic Watch, Low-Performing, At-Risk of Failing and Failing
155 school accountability designations;

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

162 (vii) The school and school district
163 accountability system shall incorporate a standards-based growth
164 model, in order to support improvement of individual student
165 learning;

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

168 (ix) The State Department of Education shall
169 determine feeder patterns of schools that do not earn a school
170 grade because the grades and subjects taught at the school do not
171 have statewide standardized assessments needed to calculate a
172 school grade. Upon determination of the feeder pattern, the
173 department shall notify schools and school districts prior to the
174 release of the school grades beginning in 2013. Feeder schools



175 will be assigned the accountability designation of the school to
176 which they provide students;

177 (x) Standards for student, school and school
178 district performance will be increased when student proficiency is
179 at a seventy-five percent (75%) and/or when sixty-five percent
180 (65%) of the schools and/or school districts are earning a grade
181 of "B" or higher, in order to raise the standard on performance
182 after targets are met;

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

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

191 (7) The State Board of Education shall create an
192 accreditation audit unit under the Commission on School
193 Accreditation to determine whether schools are complying with
194 accreditation standards.

195 (8) The State Board of Education shall be specifically
196 authorized and empowered to withhold adequate education program
197 fund allocations, whichever is applicable, to any public school
198 district for failure to timely report student, school personnel



199 and fiscal data necessary to meet state and/or federal
200 requirements.

201 (9) [Deleted]

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

213 (11) * * * The State Board of Education shall be charged
214 with the implementation of the program of development in each
215 applicable school district as follows:

216 (a) Develop an impairment report for each district
217 failing to meet accreditation standards in conjunction with school
218 district officials;

219 (b) Notify any applicable school district failing to
220 meet accreditation standards that it is on probation until
221 corrective actions are taken or until the deficiencies have been
222 removed. The local school district shall develop a corrective
223 action plan to improve its deficiencies. For district academic



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

240 (c) Offer, during the probationary period, technical
241 assistance to the school district in making corrective
242 actions. * * * Subject to * * * appropriations, the State
243 Department of Education shall provide technical and/or financial
244 assistance to all such school districts in order to implement each
245 measure identified in that district's corrective action plan
246 through professional development and on-site assistance. Each
247 such school district shall apply for and utilize all available



248 federal funding in order to support its corrective action plan in
249 addition to state funds made available under this paragraph;

250 (d) Assign department personnel or contract, in its
251 discretion, with the institutions of higher learning or other
252 appropriate private entities with experience in the academic,
253 finance and other operational functions of schools to assist
254 school districts;

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

266 (12) (a) If the recommendations for corrective action are
267 not taken by the local school district or if the deficiencies are
268 not removed by the end of the probationary period, the Commission
269 on School Accreditation shall conduct a hearing to allow the
270 affected school district to present evidence or other reasons why
271 its accreditation should not be withdrawn. Additionally, if the
272 local school district violates accreditation standards that have



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

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



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



323 of Education, with the goal of helping the district improve
324 student achievement. Failure of the school board, superintendent
325 and school district staff to implement the plan with fidelity and
326 participate in the activities provided as support by the
327 department shall result in the school district retaining its
328 eligibility for placement into a District of Transformation.

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

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

344 (i) Declare a state of emergency, under which some
345 or all of state funds can be escrowed except as otherwise provided
346 in Section 206, Constitution of 1890, until the board determines
347 corrective actions are being taken or the deficiencies have been



348 removed, or that the needs of students warrant the release of
349 funds. The funds may be released from escrow for any program
350 which the board determines to have been restored to standard even
351 though the state of emergency may not as yet be terminated for the
352 district as a whole;

353 (ii) Override any decision of the local school
354 board or superintendent of education, or both, concerning the
355 management and operation of the school district, or initiate and
356 make decisions concerning the management and operation of the
357 school district;

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

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

367 (v) For states of emergency declared under
368 paragraph (a) only, if the accreditation deficiencies are related
369 to the fact that the school district is too small, with too few
370 resources, to meet the required standards and if another school
371 district is willing to accept those students, abolish that
372 district and assign that territory to another school district or



373 districts. If the school district has proposed a voluntary
374 consolidation with another school district or districts, then if
375 the State Board of Education finds that it is in the best interest
376 of the pupils of the district for the consolidation to proceed,
377 the voluntary consolidation shall have priority over any such
378 assignment of territory by the State Board of Education;

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

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

390 (d) At the time that satisfactory corrective action has
391 been taken in a school district in which a state of emergency has
392 been declared, the State Board of Education may request the
393 Governor to declare that the state of emergency no longer exists
394 in the district.

395 (e) The parent or legal guardian of a school-age child
396 who is enrolled in a school district whose accreditation has been
397 withdrawn by the Commission on School Accreditation and without



398 approval of that school district may file a petition in writing to
399 a school district accredited by the Commission on School
400 Accreditation for a legal transfer. The school district
401 accredited by the Commission on School Accreditation may grant the
402 transfer according to the procedures of Section 37-15-31(1)(b).
403 In the event the accreditation of the student's home district is
404 restored after a transfer has been approved, the student may
405 continue to attend the transferee school district. The per-pupil
406 amount of the adequate education program allotment, including the
407 collective "add-on program" costs for the student's home school
408 district shall be transferred monthly to the school district
409 accredited by the Commission on School Accreditation that has
410 granted the transfer of the school-age child.

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

414 (i) Place the school district into district
415 transformation, in which the school district shall remain until it
416 has fulfilled all conditions related to district transformation.
417 If the district was assigned an accreditation rating of "D" or "F"
418 when placed into district transformation, the district shall be
419 eligible to return to local control when the school district has
420 attained a "C" rating or higher for five (5) consecutive years,
421 unless the State Board of Education determines that the district



422 is eligible to return to local control in less than the five-year
423 period;

424 (ii) Abolish the school district and
425 administratively consolidate the school district with one or more
426 existing school districts;

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

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

440 * * *

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



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

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

469 Upon termination of * * * a school district in a District of
470 Transformation, the Commission on School Accreditation shall cause
471 notice to be published in the school district in the same manner



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

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

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

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



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

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

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

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

517 (v) Approving or disapproving all athletic, band
518 and other extracurricular activities and any matters related to
519 those activities;



520 (vi) Maintaining a detailed account of
521 recommendations made to the district and actions taken in response
522 to those recommendations;

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

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

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

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



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

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

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



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

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



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

600 (16) * * * [Deleted]

601 (17) * * * [Deleted]

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

608 (19) * * * [Deleted]

609 (20) * * * [Deleted]

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



619 **SECTION 2.** The following shall be codified as Section
620 37-17-6.1, Mississippi Code of 1972:

621 37-17-6.1. (1) In the Mississippi Achievement School
622 District, in which as of January 1, 2024, two (2) local school
623 districts have been placed by the State Board of Education,
624 specifically, the Yazoo City Municipal School District and the
625 Humphreys County School District, there shall be an administrative
626 transition of those school districts into two (2) separate
627 Districts of Transformation with such transition completed by July
628 1, 2025. Until June 30, 2025, preceding the effective date of the
629 required transition of school districts in the Mississippi
630 Achievement School District into Districts of Transformation, the
631 districts shall remain under the authority and control of the
632 Mississippi Achievement School District and the State Board of
633 Education.

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

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



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

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

661 37-17-13. (1) Whenever the Governor declares a state of
662 emergency in a school district in response to a certification by
663 the State Board of Education and the Commission on School
664 Accreditation made under Section 37-17-6(12) (b), or when the State
665 Board of Education places a school district into a District of
666 Transformation for academic or financial reasons under Section
667 37-17-6 (12) (b), the State Board of Education, in addition to any



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

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



693 * * *

694 (* * *3) After a local school board is abolished by the
695 State Board of Education * * *, at such time the State Board of
696 Education determines that the impairments are being substantially
697 corrected and the responsibility of the district transformation in
698 such district upon the conclusion of the final scholastic year in
699 which a district has maintained a "C" accountability rating for
700 five (5) consecutive years, unless the State Board of Education
701 determines that the district is eligible to return to local
702 control in less than the five-year period, the State Board of
703 Education may appoint a new five-member board for the
704 administration of the school district and shall notify the local
705 county board of supervisors and/or municipal governing authority
706 of such appointment, spreading the names of the new school board
707 members on its minutes. The new local school board members shall
708 be residents of the school district. The new local school board
709 members appointed by the State Board of Education may serve in an
710 advisory capacity to the interim superintendent for its first year
711 of service and thereafter shall have full responsibility to
712 administer the school district. Thirty (30) days prior to the end
713 of the first year of office as an advisory board, each member
714 shall draw lots to determine when the members shall rotate off the
715 board as follows: one (1) member shall serve a one-year term of
716 office; one (1) member shall serve a two-year term of office; one
717 (1) member shall serve a three-year term of office; one (1) member



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



742 member or superintendent for the school district reconstituted or
743 reorganized following the district transformation period.

744 * * *

745 **SECTION 4.** This act shall take effect and be in force from
746 and after July 1, 2024.

