

By: Senator(s) Hopson, Thomas, Norwood

To: Education

COMMITTEE SUBSTITUTE
FOR
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 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20 OUTDATED LANGUAGE; TO AMEND SECTION 37-17-13, MISSISSIPPI CODE OF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:



29 37-17-6. (1) The State Board of Education, acting through
30 the Commission on School Accreditation, shall establish and
31 implement a permanent performance-based accreditation system, and
32 all noncharter public elementary and secondary schools shall be
33 accredited under this system.

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

38 (3) (a) * * * The State Board of Education, acting through
39 the Commission on School Accreditation, shall require that school
40 districts employ certified school librarians according to the
41 following formula:

| | |
|-----------------------------------|--------------------------|
| 42 Number of Students | Number of Certified |
| 43 Per School Library | School Librarians |
| 44 0 - 499 Students | 1/2 Full-time Equivalent |
| | Certified Librarian |
| 46 500 or More Students | 1 Full-time Certified |
| 47 | Librarian |

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

50 (c) The assignment of certified school librarians to
51 the particular schools shall be at the discretion of the local
52 school district. No individual shall be employed as a certified



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 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, and shall stand repealed on June 30, 2024.

