

By: Representative McLean

To: Education

HOUSE BILL NO. 864

1 AN ACT TO AMEND SECTION 37-17-6, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE STATE SCHOOL AND SCHOOL DISTRICT ACCOUNTABILITY SYSTEM
3 BY ELIMINATING THE "A" THROUGH "F" DESIGNATIONS; AND FOR RELATED
4 PURPOSES.

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

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

8 37-17-6. (1) The State Board of Education, acting through
9 the Commission on School Accreditation, shall establish and
10 implement a permanent performance-based accreditation system, and
11 all noncharter public elementary and secondary schools shall be
12 accredited under this system.

13 (2) School districts shall be required to provide school
14 classroom space that is air-conditioned as a minimum requirement
15 for accreditation.

16 (3) (a) The State Board of Education, acting through the
17 Commission on School Accreditation, shall require that school
18 districts employ certified school librarians according to the
19 following formula:



20	Number of Students	Number of Certified
21	Per School Library	School Librarians
22	0 - 499 Students	1/2 Full-time Equivalent
23		Certified Librarian
24	500 or More Students	1 Full-time Certified
25		Librarian

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

28 (c) The assignment of certified school librarians to
29 the particular schools shall be at the discretion of the local
30 school district. No individual shall be employed as a certified
31 school librarian without appropriate training and certification as
32 a school librarian by the State Department of Education.

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

37 (e) Nothing in this subsection shall prohibit any
38 school district from employing more certified school librarians
39 than are provided for in this section.

40 (f) Any additional millage levied to fund school
41 librarians required for accreditation under this subsection shall
42 be included in the tax increase limitation set forth in Sections
43 37-57-105 and 37-57-107 and shall not be deemed a new program for
44 purposes of the limitation.



(4) [Deleted]

(5) (a) The State Department of Education, acting through the Mississippi Commission on School Accreditation, shall implement a single * * * school and school district accountability system approved by the State Board of Education which shows meaningful differentiation between school districts while complying with applicable federal and state requirements * * *.

(b) The State Department of Education shall combine the state school and school district accountability system with the federal system in order to have a single system. The accountability system must satisfy the following criteria:

* * *

(* * *i) The accountability system shall include the federally compliant four-year graduation rate in school and school district accountability system calculations. Graduation rate will apply to high school and school district accountability ratings as a compensatory component * * *;

(* * *ii) The school and school district accountability system shall incorporate a standards-based growth model, in order to support improvement of individual student learning;

* * *

(* * *iii) Standards for student, school and school district performance will be increased when student proficiency is at a seventy-five percent (75%) and/or when



sixty-five percent (65%) of the schools and/or school districts are earning a grade * * * equivalent to "B" or higher, in order to raise the standard on performance after targets are met; and

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

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

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

(8) The State Board of Education shall be specifically authorized and empowered to withhold allocations from the total funding formula funds as provided in Sections 37-151-200 through 37-151-215 to any public school district for failure to timely report student, school personnel and fiscal data necessary to meet state and/or federal requirements.

(9) [Deleted]

(10) The State Board of Education shall establish, for those school districts failing to meet accreditation standards, a



95 program of development to be complied with in order to receive
96 state funds, except as otherwise provided in subsection (15) of
97 this section when the Governor has declared a state of emergency
98 in a school district or as otherwise provided in Section 206,
99 Mississippi Constitution of 1890. The state board, in
100 establishing these standards, shall provide for notice to schools
101 and sufficient time and aid to enable schools to attempt to meet
102 these standards, unless procedures under subsection (15) of this
103 section have been invoked.

104 (11) The State Board of Education shall be charged with the
105 implementation of the program of development in each applicable
106 school district as follows:

107 (a) Develop an impairment report for each district
108 failing to meet accreditation standards in conjunction with school
109 district officials;

110 (b) Notify any applicable school district failing to
111 meet accreditation standards that it is on probation until
112 corrective actions are taken or until the deficiencies have been
113 removed. The local school district shall develop a corrective
114 action plan to improve its deficiencies. For district academic
115 deficiencies, the corrective action plan for each such school
116 district shall be based upon a complete analysis of the following:
117 student test data, student grades, student attendance reports,
118 student dropout data, existence and other relevant data. The
119 corrective action plan shall describe the specific measures to be



taken by the particular school district and school to improve:
(i) instruction; (ii) curriculum; (iii) professional development;
(iv) personnel and classroom organization; (v) student incentives
for performance; (vi) process deficiencies; and (vii) reporting to
the local school board, parents and the community. The corrective
action plan shall describe the specific individuals responsible
for implementing each component of the recommendation and how each
will be evaluated. All corrective action plans shall be provided
to the State Board of Education as may be required. The decision
of the State Board of Education establishing the probationary
period of time shall be final;

(c) Offer, during the probationary period, technical
assistance to the school district in making corrective actions.
Subject to appropriations, the State Department of Education shall
provide technical and/or financial assistance to all such school
districts in order to implement each measure identified in that
district's corrective action plan through professional development
and on-site assistance. Each such school district shall apply for
and utilize all available federal funding in order to support its
corrective action plan in addition to state funds made available
under this paragraph;

(d) Assign department personnel or contract, in its
discretion, with the institutions of higher learning or other
appropriate private entities with experience in the academic,



144 finance and other operational functions of schools to assist
145 school districts;

146 (e) Provide for publication of public notice at least
147 one time during the probationary period, in a newspaper published
148 within the jurisdiction of the school district failing to meet
149 accreditation standards, or if no newspaper is published therein,
150 then in a newspaper having a general circulation therein. The
151 publication shall include the following: declaration of school
152 system's status as being on probation; all details relating to the
153 impairment report; and other information as the State Board of
154 Education deems appropriate. Public notices issued under this
155 section shall be subject to Section 13-3-31 and not contrary to
156 other laws regarding newspaper publication.

157 (12) (a) If the recommendations for corrective action are
158 not taken by the local school district or if the deficiencies are
159 not removed by the end of the probationary period, the Commission
160 on School Accreditation shall conduct a hearing to allow the
161 affected school district to present evidence or other reasons why
162 its accreditation should not be withdrawn. Additionally, if the
163 local school district violates accreditation standards that have
164 been determined by the policies and procedures of the State Board
165 of Education to be a basis for withdrawal of school district's
166 accreditation without a probationary period, the Commission on
167 School Accreditation shall conduct a hearing to allow the affected
168 school district to present evidence or other reasons why its



169 accreditation should not be withdrawn. After its consideration of
170 the results of the hearing, the Commission on School Accreditation
171 shall be authorized, with the approval of the State Board of
172 Education, to withdraw the accreditation of a public school
173 district, and issue a request to the Governor that a state of
174 emergency be declared in that district.

175 (b) (i) If the State Board of Education and the
176 Commission on School Accreditation determine that an extreme
177 emergency situation exists in a school district that jeopardizes
178 the safety, security or educational interests of the children
179 enrolled in the schools in that district and that emergency
180 situation is believed to be related to a serious violation or
181 violations of accreditation standards or state or federal law, the
182 State Board of Education may request the Governor to declare a
183 state of emergency in that school district. For purposes of this
184 paragraph, the declarations of a state of emergency district's
185 impairments are related to a lack of financial may include the
186 school district's serious failure to meet minimum academic
187 standards, as evidenced by a continued pattern of poor student
188 performance, or impairments related to a lack of financial
189 resources.

190 (ii) If the State Board of Education determines
191 that a public school or district in the state which, during each
192 of two (2) consecutive school years or during two (2) of three (3)
193 consecutive school years, receives a rating equivalent to an "F"



194 designation by the State Board of Education under the
195 accountability rating system or has been persistently failing as
196 defined by the State Board of Education * * *, or if the State
197 Board of Education determines that a public school or district in
198 the state which, during each of four (4) consecutive school years,
199 receives a rating equivalent to a "D" or "F" designation by the
200 State Board of Education under the accountability rating system or
201 has been persistently failing as defined by the State Board of
202 Education * * *, or if more than fifty percent (50%) of the
203 schools within a school district are designated as Schools-At-Risk
204 in any one (1) year, then the board may place such school or
205 district into a District of Transformation. The State Board of
206 Education shall take over only the number of schools and districts
207 for which it has the capacity to serve. The State Board of
208 Education shall adopt rules and regulations governing any
209 additional requirements for placement into a District of
210 Transformation and the operation thereof. School districts or
211 schools that are eligible to be placed into a District of
212 Transformation due to poor academic performance but which are not
213 absorbed due to the capacity of the State Board of Education * * *
214 shall develop and implement a district improvement plan with
215 prescriptive guidance and support from the * * * State Department
216 of Education, with the goal of helping the district improve
217 student achievement. Failure of the school board, superintendent
218 and school district staff to implement the plan with fidelity and



participate in the activities provided as support by the department shall result in the school district retaining its eligibility for placement into a District of Transformation.

(iii) If the State Board of Education * * * determines that a school district is impaired with a serious lack of financial resources, the State Board of Education may place the school district into a District of Transformation. If a school district is placed into a District of Transformation for financial reasons, the school district shall be required to reimburse the state for any costs incurred by the state on behalf of the school district.

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

(i) Declare a state of emergency, under which some or all of state funds can be escrowed except as otherwise provided in Section 206, Constitution of 1890, until the board determines corrective actions are being taken or the deficiencies have been removed, or that the needs of students warrant the release of funds. The funds may be released from escrow for any program which the board determines to have been restored to standard even



though the state of emergency may not as yet be terminated for the district as a whole;

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

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

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

(v) For states of emergency declared under paragraph (a) only, if the accreditation deficiencies are related to the fact that the school district is too small, with too few resources, to meet the required standards and if another school district is willing to accept those students, abolish that district and assign that territory to another school district or districts. If the school district has proposed a voluntary consolidation with another school district or districts, then if the State Board of Education finds that it is in the best interest



of the pupils of the district for the consolidation to proceed,
the voluntary consolidation shall have priority over any such
assignment of territory by the State Board of Education;

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

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

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

(e) The parent or legal guardian of a school-age child
who is enrolled in a school district whose accreditation has been
withdrawn by the Commission on School Accreditation and without
approval of that school district may file a petition in writing to
a school district accredited by the Commission on School
Accreditation for a legal transfer. The school district



294 accredited by the Commission on School Accreditation may grant the
295 transfer according to the procedures of Section 37-15-31(1)(b).
296 In the event the accreditation of the student's home district is
297 restored after a transfer has been approved, the student may
298 continue to attend the transferee school district. The per pupil
299 amount of the total funding formula allotment for the student's
300 home school district shall be transferred monthly to the school
301 district accredited by the Commission on School Accreditation that
302 has granted the transfer of the school-age child.

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

306 (i) Place the school district into district
307 transformation, in which the school district shall remain until it
308 has fulfilled all conditions related to district transformation.
309 If the district was assigned an accreditation rating * * *
310 equivalent to "D" or "F" when placed into district transformation,
311 the district shall be eligible to return to local control when the
312 school district has attained a rating equivalent to "C" * * * or
313 higher for three (3) consecutive years;

314 (ii) Abolish the school district and
315 administratively consolidate the school district with one or more
316 existing school districts;

317 (iii) Reduce the size of the district and
318 administratively consolidate parts of the district, as determined



by the State Board of Education. However, no school district which is not in district transformation shall be required to accept additional territory over the objection of the district; or

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

(13) Upon the declaration of a state of emergency in a school district under subsection (12) of this section, or upon the State Board of Education's placement of a school district into a District of Transformation for academic or financial reasons, the Commission on School Accreditation shall be responsible for public notice at least once a week for at least three (3) consecutive weeks in a newspaper published within the jurisdiction of the school district failing to meet accreditation standards, or if no newspaper is published therein, then in a newspaper having a general circulation therein. The size of the notice shall be no smaller than one-fourth (1/4) of a standard newspaper page and shall be printed in bold print. If an interim superintendent has been appointed for the school district, the notice shall begin as follows: "By authority of Section 37-17-6, Mississippi Code of



1972, as amended, adopted by the Mississippi Legislature during the 1991 Regular Session, this school district (name of school district) is hereby placed under the jurisdiction of the State Department of Education acting through its appointed interim superintendent (name of interim superintendent)."

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

Upon termination of a school district in a District of Transformation, the Commission on School Accreditation shall cause notice to be published in the school district in the same manner provided in this section, to include any or all details relating to the corrective action taken in the school district that resulted in the termination of the state of emergency.

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



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

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

(i) Approving or disapproving all financial obligations of the district, including, but not limited to, the employment, termination, nonrenewal and reassignment of all licensed and nonlicensed personnel, contractual agreements and purchase orders, and approving or disapproving all claim dockets and the issuance of checks; in approving or disapproving employment contracts of superintendents, assistant superintendents or principals, the interim superintendent shall not be required to



393 comply with the time limitations prescribed in Sections 37-9-15
394 and 37-9-105;

395 (ii) Supervising the day-to-day activities of the
396 district's staff, including reassigning the duties and
397 responsibilities of personnel in a manner which, in the
398 determination of the interim superintendent, will best suit the
399 needs of the district;

400 (iii) Reviewing the district's total financial
401 obligations and operations and making recommendations to the
402 district for cost savings, including, but not limited to,
403 reassigning the duties and responsibilities of staff;

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

406 (v) Approving or disapproving all athletic, band
407 and other extracurricular activities and any matters related to
408 those activities;

409 (vi) Maintaining a detailed account of
410 recommendations made to the district and actions taken in response
411 to those recommendations;

412 (vii) Reporting periodically to the State Board of
413 Education on the progress or lack of progress being made in the
414 district to improve the district's impairments during the state of
415 emergency; and

416 (viii) Appointing a parent advisory committee,
417 comprised of parents of students in the school district that may



418 make recommendations to the interim superintendent concerning the
419 administration, management and operation of the school district.

420 The cost of the salary of the interim superintendent and any
421 other actual and necessary costs related to district
422 transformation status paid by the State Department of Education
423 shall be reimbursed by the local school district from funds other
424 than total funding formula funds as provided in Sections
425 37-151-200 through 37-151-215. In the alternative, the local
426 school district may pay the cost of the salary of the interim
427 superintendent. The department shall submit an itemized statement
428 to the superintendent of the local school district for
429 reimbursement purposes, and any unpaid balance may be withheld
430 from the district's funding formula funds.

431 At the time that the Governor, in accordance with the request
432 of the State Board of Education, declares that the state of
433 emergency no longer exists in a school district, the interim
434 superintendent assigned to the district shall remain in place for
435 a period of two (2) years and shall work alongside the newly
436 reconstituted school board. A new superintendent may be hired by
437 the newly reconstituted board after the one (1) year state of
438 emergency no longer exists, but he or she shall serve as deputy to
439 the interim superintendent while the interim superintendent is
440 assigned to the district.

441 (b) In order to provide loans to school districts under
442 a state of emergency or in district transformation status that



have impairments related to a lack of financial resources, the School District Emergency Assistance Fund is created as a special fund in the State Treasury into which monies may be transferred or appropriated by the Legislature from any available public education funds. Funds in the School District Emergency Assistance Fund up to a maximum balance of Three Million Dollars (\$3,000,000.00) annually shall not lapse but shall be available for expenditure in subsequent years subject to approval of the State Board of Education. Any amount in the fund in excess of Three Million Dollars (\$3,000,000.00) at the end of the fiscal year shall lapse into the State General Fund or the Education Enhancement Fund, depending on the source of the fund.

The State Board of Education may loan monies from the School District Emergency Assistance Fund to a school district that is under a state of emergency or in district transformation status, in those amounts, as determined by the board, that are necessary to correct the district's impairments related to a lack of financial resources. The loans shall be evidenced by an agreement between the school district and the State Board of Education and shall be repayable in principal, without necessity of interest, to the School District Emergency Assistance Fund by the school district from any allowable funds that are available. The total amount loaned to the district shall be due and payable within five (5) years after the impairments related to a lack of financial resources are corrected. If a school district fails to make



468 payments on the loan in accordance with the terms of the agreement
469 between the district and the State Board of Education, the State
470 Department of Education, in accordance with rules and regulations
471 established by the State Board of Education, may withhold that
472 district's total funding formula funds in an amount and manner
473 that will effectuate repayment consistent with the terms of the
474 agreement; the funds withheld by the department shall be deposited
475 into the School District Emergency Assistance Fund.

476 The State Board of Education shall develop a protocol that
477 will outline the performance standards and requisite timeline
478 deemed necessary for extreme emergency measures. If the State
479 Board of Education determines that an extreme emergency exists,
480 simultaneous with the powers exercised in this subsection, it
481 shall take immediate action against all parties responsible for
482 the affected school districts having been determined to be in an
483 extreme emergency. The action shall include, but not be limited
484 to, initiating civil actions to recover funds and criminal actions
485 to account for criminal activity. Any funds recovered by the
486 State Auditor or the State Board of Education from the surety
487 bonds of school officials or from any civil action brought under
488 this subsection shall be applied toward the repayment of any loan
489 made to a school district hereunder.

490 (16) [Deleted]

491 (17) [Deleted]



492 (18) The State Board of Education, acting through the
493 Commission on School Accreditation, shall require each school
494 district to comply with standards established by the State
495 Department of Audit for the verification of fixed assets and the
496 auditing of fixed assets records as a minimum requirement for
497 accreditation.

498 (19) [Deleted]

499 (20) [Deleted]

500 (21) If a local school district is determined as failing and
501 placed into district transformation status for reasons authorized
502 by the provisions of this section, the interim superintendent
503 appointed to the district shall, within forty-five (45) days after
504 being appointed, present a detailed and structured corrective
505 action plan to move the local school district out of district
506 transformation status to the deputy superintendent. A copy of the
507 interim superintendent's corrective action plan shall also be
508 filed with the State Board of Education.

509 **SECTION 2.** This act shall take effect and be in force from
510 and after July 1, 2025.

