

By: Representative Busby

To: Education

HOUSE BILL NO. 989
(As Sent to Governor)

1 AN ACT TO CREATE THE MISSISSIPPI ACHIEVEMENT SCHOOL DISTRICT
2 FOR THE PURPOSE OF IMPROVING CERTAIN FAILING PUBLIC SCHOOLS
3 THROUGHOUT THE STATE; TO PROVIDE THAT THE MISSISSIPPI ACHIEVEMENT
4 SCHOOL DISTRICT SHALL BE A STATEWIDE DISTRICT COMPRISED OF ALL
5 PUBLIC SCHOOLS THAT HAVE BEEN ASSIGNED AN "F" OR CHRONICALLY
6 UNDERPERFORMING RATING UNDER THE STATE ACCOUNTABILITY SYSTEM FOR
7 TWO CONSECUTIVE SCHOOL YEARS; TO REQUIRE THE STATE BOARD OF
8 EDUCATION TO OBTAIN OFFICE SPACE FOR THE DISTRICT AND TO APPOINT A
9 HIGHLY QUALIFIED INDIVIDUAL TO SERVE AS SCHOOL DISTRICT
10 SUPERINTENDENT; TO REQUIRE THE STATE BOARD OF EDUCATION TO ADOPT
11 RULES AND REGULATIONS GOVERNING THE TRANSFER OF SCHOOLS OR
12 DISTRICTS FROM THE LOCAL SCHOOL DISTRICT TO THE ACHIEVEMENT SCHOOL
13 DISTRICT; TO SPECIFY THAT SCHOOLS ASSIGNED AN "F" DESIGNATION FOR
14 THE SECOND CONSECUTIVE YEAR IN THE 2017-2018 SCHOOL YEAR MUST BE
15 ABSORBED IMMEDIATELY BY THE ACHIEVEMENT SCHOOL DISTRICT UNLESS THE
16 ACHIEVEMENT SCHOOL DISTRICT DETERMINES THAT A GRADUAL TRANSFER OF
17 CONTROL, COMPLETE BEFORE THE 2017-2018 SCHOOL YEAR BEGINS, IS IN
18 THE SCHOOL'S/DISTRICT'S BEST INTEREST; TO REQUIRE SCHOOL DISTRICTS
19 FROM WHICH SCHOOLS OR DISTRICTS ARE BEING ABSORBED TO COOPERATE
20 WITH THE MISSISSIPPI ACHIEVEMENT SCHOOL DISTRICT AND THE STATE
21 BOARD OF EDUCATION IN THE SCHOOL'S TRANSFER; TO PROVIDE FOR THE
22 SUBSEQUENT RETURN OF A SCHOOL OR DISTRICT TO LOCAL SCHOOL DISTRICT
23 CONTROL BY THE MISSISSIPPI ACHIEVEMENT SCHOOL DISTRICT SUBJECT TO
24 CERTAIN CONDITIONS BEING MET; TO REQUIRE THE SUPERINTENDENT OF THE
25 MISSISSIPPI ACHIEVEMENT SCHOOL DISTRICT TO RECOMMEND HIGHLY
26 QUALIFIED PERSONS FOR EMPLOYMENT AT A SCHOOL AND TO AUTHORIZE THE
27 CONTINUED EMPLOYMENT, IN THE STATE BOARD OF EDUCATION'S
28 DISCRETION, OF PERSONNEL EMPLOYED AT A SCHOOL THAT IS BEING
29 ABSORBED; TO AUTHORIZE THE MISSISSIPPI ACHIEVEMENT SCHOOL DISTRICT
30 TO USE THE PERSONAL AND REAL PROPERTY OF A SCHOOL OR DISTRICT THAT
31 IS ABSORBED, SUBJECT TO RULES AND REGULATIONS ADOPTED BY THE STATE
32 BOARD OF EDUCATION; TO PROVIDE FOR STATE AND LOCAL FUNDING OF
33 SCHOOLS IN THE MISSISSIPPI ACHIEVEMENT SCHOOL DISTRICT; AND FOR
34 RELATED PURPOSES.



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

36 **SECTION 1.** (1) There is created the Mississippi Achievement
37 School District for the purpose of transforming persistently
38 failing public schools and districts throughout the state into
39 quality educational institutions. The Mississippi Achievement
40 School District shall be a statewide school district, separate and
41 distinct from all other school districts but not confined to any
42 specified geographic boundaries, and may be comprised of any
43 public schools or school districts in the state which, during two
44 (2) consecutive school years, are designated an "F" school or
45 district by the State Board of Education under the accountability
46 rating system or which have been persistently failing and
47 chronically underperforming.

48 (2) The Mississippi Achievement School District shall be
49 governed by the State Board of Education.

50 (3) The State Board of Education shall obtain suitable
51 office space to serve as the administrative office of the school
52 district.

53 (4) The State Board of Education shall select an individual
54 to serve as superintendent of the Mississippi Achievement School
55 District. The superintendent must be deemed by the board to be
56 highly qualified with a demonstrable track record for producing
57 results in a context relevant to that of Achievement School
58 District schools. The superintendent of the Mississippi
59 Achievement School District shall exercise powers and duties that



60 would afford significant autonomy but are bound by the governance
61 of the State Board of Education.

62 (5) (a) Each public school or district in the state which,
63 during each of two (2) consecutive school years or during two (2)
64 of three (3) consecutive years, receives an "F" designation by the
65 State Board of Education under the accountability rating system or
66 has been persistently failing as defined by the State Board of
67 Education may be absorbed into and become a part of the
68 Mississippi Achievement School District. All eligible public
69 schools and districts shall be prioritized by the Achievement
70 School District according to criteria set by the Achievement
71 School District and publicized prior to the annual release of
72 accountability rating data. The Achievement School District shall
73 takeover only the number of schools and districts for which it has
74 the capacity to serve. The transfer of the school's/district's
75 governance from the local school district to the Mississippi
76 Achievement School District shall take effect upon the approval of
77 the State Board of Education unless, in the sole determination of
78 the Mississippi Achievement School District, the transition may be
79 more smoothly accomplished through a gradual transfer of control.
80 If the Mississippi Achievement School District elects not to
81 assume complete control of a school or district immediately after
82 that school receives an "F" designation during each of two (2)
83 consecutive school years or during two (2) of the three (3)
84 consecutive school years, the State Board of Education shall



85 prescribe the process and timetable by which the school or
86 district shall be absorbed; however, in no event may the transfer
87 of the school or district to the Mississippi Achievement School
88 District be completed later than the beginning of the school year
89 next succeeding the year during which the school or district
90 receives the "F" designation.

91 (b) The State Board of Education shall adopt rules and
92 regulations governing the operation of the Mississippi Achievement
93 School District.

94 (c) Designations assigned to schools or districts under
95 the accountability rating system by the State Board of Education
96 before the 2015-2016 school year may not be considered in
97 determining whether a particular school or district is subject to
98 being absorbed by the Mississippi Achievement School District.
99 During the 2017-2018 school year, any school or district receiving
100 an "F" designation after also being designated an "F" school or
101 district in the 2015-2016 and 2016-2017 school years may be
102 absorbed immediately by the Mississippi Achievement School
103 District, upon approval of the State Board of Education.

104 (d) The school district from which an "F" school or
105 district is being absorbed must cooperate fully with the
106 Mississippi Achievement School District and the State Board of
107 Education in order to provide as smooth a transition as possible
108 in the school's/district's governance and operations for the
109 students enrolled in the school or district. Upon completion of



110 the transfer of a school or district to the Mississippi
111 Achievement School District, the school or district shall be
112 governed by the rules, regulations, policies and procedures
113 established by the State Board of Education specifically for the
114 Achievement School District, and the school or district shall no
115 longer be under the purview of the school board of the local
116 school district.

117 (e) Upon the transfer of the school or school district
118 to the Mississippi Achievement School District, the individual
119 appointed by the State Board of Education to serve as
120 superintendent for the Mississippi Achievement School District
121 shall be responsible for the administration, management and
122 operation of the school or school district, including the
123 following activities: (i) approving or denying all financial
124 obligations of the school or school district; (ii) approving or
125 denying the employment, termination, nonrenewal and reassignment
126 of all licensed and nonlicensed personnel; (iii) approving or
127 denying contractual agreements and purchase orders; (iv)
128 approving or denying all claim dockets and the issuance of checks;
129 (v) supervising the day-to-day activities of the school or school
130 district's staff in a manner which in the determination of the
131 Mississippi Achievement School District will best suit the needs
132 of the school or school district; (vi) approving or denying all
133 athletic, band and other extracurricular activities and any
134 matters related to those activities; (vii) honoring any reasonable



135 financial commitment of the district being absorbed; and (viii)
136 reporting periodically to the State Board of Education on the
137 progress or lack of progress being made in the school or school
138 district to improve the school or school district's impairments.

139 (f) Upon attaining and maintaining a school or district
140 accountability rating of "C" or better under the State Department
141 of Education's accountability rating system for five (5)
142 consecutive years, the State Board of Education may decide to
143 revert the absorbed school or district back to local governance,
144 provided the school or school(s) in question are not conversion
145 charter schools. "Local governance" may include a traditional
146 school board model of governance or other new form of governance
147 such as mayoral control, or other type of governance. The State
148 Board of Education shall determine the best form of local
149 governance and school board composition after soliciting the input
150 of local citizens and shall outline a process for establishing the
151 type of governance selected. The manner and timeline for
152 reverting a school or district back to local control shall be at
153 the discretion of the State School Board, but in no case shall it
154 exceed five (5) years.

155 (6) The Superintendent of the Mississippi Achievement School
156 District shall hire those persons to be employed as principals,
157 teachers and noninstructional personnel in schools or districts
158 absorbed into the Mississippi Achievement School District. Only
159 highly qualified individuals having a demonstrable record of



160 success may be selected by the superintendent for such positions
161 in the Mississippi Achievement School District. The
162 Superintendent may choose to continue the employment of any person
163 employed in an "F" rated school when the school or district is
164 absorbed into the Mississippi Achievement School District;
165 alternatively, the superintendent may elect not to offer continued
166 employment to a person formerly employed at a school or district
167 that is absorbed into the Mississippi Achievement School District.
168 Any persons employed by the Achievement School District shall not
169 be subject to Sections 37-9-101 through 37-9-113.

170 (7) (a) The Mississippi Achievement School District may use
171 a school building and all facilities and property that is a part
172 of a school and recognized as part of the facilities or assets of
173 the school before it is absorbed into the Mississippi Achievement
174 School District. In addition, the Mississippi Achievement School
175 District shall have access to those additional facilities that
176 typically were available to that school or district, its students,
177 faculty and staff before its absorption by the Mississippi
178 Achievement School District. Use of facilities by a school or
179 district in the Mississippi Achievement School District must be
180 unrestricted and free of charge. However, the Mississippi
181 Achievement School District shall be responsible for providing
182 routine maintenance and repairs necessary to maintain the
183 facilities in as good a condition as when the right of use was
184 acquired by the Mississippi Achievement School District. The



185 Mississippi Achievement School District shall be responsible for
186 paying all utilities at the facilities used for the absorbed
187 school. Any fixtures, improvements and tangible assets added to a
188 school building or facility by the Mississippi Achievement School
189 District must remain at the school or district building or
190 facility if the school or district is returned to local
191 governance.

192 (b) The State Board of Education shall include in the
193 rules and regulations adopted pursuant to subsection (5) of this
194 section specific provisions addressing the rights and
195 responsibilities of the Mississippi Achievement School District
196 relating to the real and personal property of a school or district
197 that is absorbed into the Mississippi Achievement School District.

198 (8) (a) The Mississippi Achievement School District shall
199 certify annually to the State Board of Education in which a
200 Mississippi Achievement School District school or district is
201 located the number of students residing in the school district
202 which are enrolled in that school or district.

203 (b) Whenever an increase in funding is requested by the
204 school board for the support of schools within a particular school
205 district absorbed into the Achievement School District, the State
206 Board of Education and the superintendent for the Mississippi
207 Achievement School District shall hold a public meeting in the
208 local municipality having jurisdiction of the absorbed school
209 district to allow input of local residents on the matter, and



210 subsequent to the conclusion of such meeting, the board of the
211 Mississippi Achievement School District shall submit its request
212 for ad valorem increase in dollars to the local governing
213 authority having jurisdiction over the absorbed school district
214 for approval of the request for increase in ad valorem tax effort.
215 In a district in which a school or schools but not the entire
216 district is absorbed into the Achievement School District, the
217 local school district shall pay directly to the Mississippi
218 Achievement School District an amount for each student enrolled in
219 that school equal to the ad valorem tax receipts and in-lieu
220 payments received per pupil for the support of the local school
221 district in which the student resides. The pro rata ad valorem
222 receipts and in-lieu receipts to be transferred to the Mississippi
223 Achievement School District shall include all levies for the
224 support of the local school district under Sections 37-57-1 (local
225 contribution to the education funding program) and 37-57-105
226 (school district operational levy) and may not include any taxes
227 levied for the retirement of the local school district's bonded
228 indebtedness or short-term notes or any taxes levied for the
229 support of vocational-technical education programs, unless the
230 school or schools absorbed include a high school at which
231 vocational-technical education programs are offered. In no event
232 may the payment exceed the pro rata amount of the local ad valorem
233 payment to the education funding program under Section 37-57-1 for
234 the school district in which the student resides. Payments made



235 under this section by a school district to the Mississippi
236 Achievement School District must be made before the expiration of
237 three (3) business days after the funds are distributed to the
238 local school district by the tax collector.

239 (c) If an entire school district is absorbed into the
240 Achievement School District, the tax collector shall pay the
241 amounts as described in paragraph (b) of this subsection, with the
242 exception that all funds should transfer, including taxes levied
243 for the retirement of the local school district's bonded
244 indebtedness or short-term notes and any taxes levied for the
245 support of vocational-technical education programs. The
246 Mississippi Achievement School District shall pay funds raised to
247 retire the district's debts to the appropriate creditors on behalf
248 of the former district.

249 (9) (a) The State Department of Education shall make
250 payments to the Mississippi Achievement School District for each
251 student in average daily membership at a Mississippi Achievement
252 School District school equal to the state share of the education
253 funding program payments for each student in average daily
254 attendance at the local school district or former local school
255 district in which that school is located. In calculating the
256 local contribution for purposes of determining the state share of
257 the education funding program payments, the department shall
258 deduct the pro rata local contribution of the school district or



259 former school district in which the student resides, to be
260 determined as provided in Section 37-151-7(2) (a).

261 (b) Payments made pursuant to this subsection by the
262 State Department of Education must be made at the same time and in
263 the same manner as education funding program payments are made to
264 all other school districts under Sections 37-151-101 and
265 37-151-103. Amounts payable to the Mississippi Achievement School
266 District must be determined by the State Department of Education
267 in the same manner that such amounts are calculated for all other
268 school districts under the education funding program.

269 (10) The Mississippi Achievement School District shall be
270 considered a local educational agency for the same purposes and to
271 the same extent that all other school districts in the state are
272 deemed local educational agencies under applicable federal laws.

273 (11) The Mississippi Achievement School District may receive
274 donations or grants from any public or private source, including
275 any federal funding that may be available to the school district
276 or individual schools within the Mississippi Achievement School
277 District.

278 (12) The Legislature may appropriate sufficient funding to
279 the State Department of Education for the 2017 fiscal year for the
280 specific purpose of funding the start-up, operational and any
281 other required costs of the Mississippi Achievement School
282 District during the 2017-2018 school year.



283 **SECTION 2.** This act shall take effect and be in force from
284 and after July 1, 2016.

