

By: Senator(s) Tollison

To: Education

SENATE BILL NO. 2431
(As Sent to Governor)

1 AN ACT TO AMEND SECTIONS 37-17-6, 37-17-13, 37-17-17 AND
2 37-18-7, MISSISSIPPI CODE OF 1972, RELATING TO SCHOOL AND SCHOOL
3 DISTRICT ACCREDITATION, TO REVISE THE DESIGNATION OF SCHOOLS AND
4 SCHOOL DISTRICTS UNDER CONSERVATORSHIP AS SCHOOLS AND SCHOOL
5 DISTRICTS IN DISTRICT TRANSFORMATION STATUS; TO RENAME THE TERM
6 CONSERVATOR AS INTERIM SUPERINTENDENT; AND FOR RELATED PURPOSES.

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

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

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

15 (2) No later than June 30, 1995, the State Board of
16 Education, acting through the Commission on School Accreditation,
17 shall require school districts to provide school classroom space
18 that is air-conditioned as a minimum requirement for
19 accreditation.



20 (3) (a) Beginning with the 1994-1995 school year, the State
21 Board of Education, acting through the Commission on School
22 Accreditation, shall require that school districts employ
23 certified school librarians according to the following formula:

24	Number of Students	Number of Certified
25	Per School Library	School Librarians
26	0 - 499 Students	1/2 Full-time Equivalent
27		Certified Librarian
28	500 or More Students	1 Full-time Certified
29		Librarian

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

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

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

41 (e) Nothing in this subsection shall prohibit any
42 school district from employing more certified school librarians
43 than are provided for in this section.



44 (f) Any additional millage levied to fund school
45 librarians required for accreditation under this subsection shall
46 be included in the tax increase limitation set forth in Sections
47 37-57-105 and 37-57-107 and shall not be deemed a new program for
48 purposes of the limitation.

49 (4) On or before December 31, 2002, the State Board of
50 Education shall implement the performance-based accreditation
51 system for school districts and for individual noncharter public
52 schools which shall include the following:

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

55 (b) Strong accountability for results with appropriate
56 local flexibility for local implementation;

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

59 (d) Individual schools shall be held accountable for
60 student growth and performance;

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

64 (f) A determination of which schools exceed their
65 standards and a plan for providing recognition and rewards to
66 those schools;

67 (g) A determination of which schools are failing to
68 meet their standards and a determination of the appropriate role



69 of the State Board of Education and the State Department of
70 Education in providing assistance and initiating possible
71 intervention. A failing district is a district that fails to meet
72 both the absolute student achievement standards and the rate of
73 annual growth expectation standards as set by the State Board of
74 Education for two (2) consecutive years. The State Board of
75 Education shall establish the level of benchmarks by which
76 absolute student achievement and growth expectations shall be
77 assessed. In setting the benchmarks for school districts, the
78 State Board of Education may also take into account such factors
79 as graduation rates, dropout rates, completion rates, the extent
80 to which the school or district employs qualified teachers in
81 every classroom, and any other factors deemed appropriate by the
82 State Board of Education. The State Board of Education, acting
83 through the State Department of Education, shall apply a simple
84 "A," "B," "C," "D" and "F" designation to the current school and
85 school district statewide accountability performance
86 classification labels beginning with the State Accountability
87 Results for the 2011-2012 school year and following, and in the
88 school, district and state report cards required under state and
89 federal law. Under the new designations, a school or school
90 district that has earned a "Star" rating shall be designated an
91 "A" school or school district; a school or school district that
92 has earned a "High-Performing" rating shall be designated a "B"
93 school or school district; a school or school district that has



94 earned a "Successful" rating shall be designated a "C" school or
95 school district; a school or school district that has earned an
96 "Academic Watch" rating shall be designated a "D" school or school
97 district; a school or school district that has earned a
98 "Low-Performing," "At-Risk of Failing" or "Failing" rating shall
99 be designated an "F" school or school district. Effective with
100 the implementation of any new curriculum and assessment standards,
101 the State Board of Education, acting through the State Department
102 of Education, is further authorized and directed to change the
103 school and school district accreditation rating system to a simple
104 "A," "B," "C," "D," and "F" designation based on a combination of
105 student achievement scores and student growth as measured by the
106 statewide testing programs developed by the State Board of
107 Education pursuant to Chapter 16, Title 37, Mississippi Code of
108 1972. In any statute or regulation containing the former
109 accreditation designations, the new designations shall be
110 applicable;

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

113 (i) The State Board of Education may, based on a
114 written request that contains specific reasons for requesting a
115 waiver from the school districts affected by Hurricane Katrina of
116 2005, hold harmless school districts from assignment of district
117 and school level accountability ratings for the 2005-2006 school
118 year. The State Board of Education upon finding an extreme



119 hardship in the school district may grant the request. It is the
120 intent of the Legislature that all school districts maintain the
121 highest possible academic standards and instructional programs in
122 all schools as required by law and the State Board of Education.

123 (5) (a) Effective with the 2013-2014 school year, the State
124 Department of Education, acting through the Mississippi Commission
125 on School Accreditation, shall revise and implement a single "A"
126 through "F" school and school district accountability system
127 complying with applicable federal and state requirements in order
128 to reach the following educational goals:

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

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

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

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

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



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

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

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

153 (iv) Categories shall identify schools as Reward
154 ("A" schools), Focus ("D" schools) and Priority ("F" schools). If
155 at least five percent (5%) of schools in the state are not graded
156 as "F" schools, the lowest five percent (5%) of school grade point
157 designees will be identified as Priority schools. If at least ten
158 percent (10%) of schools in the state are not graded as "D"
159 schools, the lowest ten percent (10%) of school grade point
160 designees will be identified as Focus schools;

161 (v) The State Department of Education shall
162 discontinue the use of Star School, High-Performing, Successful,
163 Academic Watch, Low-Performing, At-Risk of Failing and Failing
164 school accountability designations;

165 (vi) The system shall include the federally
166 compliant four-year graduation rate in school and school district
167 accountability system calculations. Graduation rate will apply to



168 high school and school district accountability ratings as a
169 compensatory component. The system shall discontinue the use of
170 the High School Completer Index (HSCI);

171 (vii) The school and school district
172 accountability system shall incorporate a standards-based growth
173 model, in order to support improvement of individual student
174 learning;

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

177 (ix) The State Department of Education shall
178 determine feeder patterns of schools that do not earn a school
179 grade because the grades and subjects taught at the school do not
180 have statewide standardized assessments needed to calculate a
181 school grade. Upon determination of the feeder pattern, the
182 department shall notify schools and school districts prior to the
183 release of the school grades beginning in 2013. Feeder schools
184 will be assigned the accountability designation of the school to
185 which they provide students;

186 (x) Standards for student, school and school
187 district performance will be increased when student proficiency is
188 at a seventy-five percent (75%) and/or when sixty-five percent
189 (65%) of the schools and/or school districts are earning a grade
190 of "B" or higher, in order to raise the standard on performance
191 after targets are met.



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

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

199 (8) The State Board of Education shall be specifically
200 authorized and empowered to withhold adequate education program
201 fund allocations, whichever is applicable, to any public school
202 district for failure to timely report student, school personnel
203 and fiscal data necessary to meet state and/or federal
204 requirements.

205 (9) [Deleted]

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



217 (11) Beginning July 1, 1998, the State Board of Education
218 shall be charged with the implementation of the program of
219 development in each applicable school district as follows:

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

223 (b) Notify any applicable school district failing to
224 meet accreditation standards that it is on probation until
225 corrective actions are taken or until the deficiencies have been
226 removed. The local school district shall develop a corrective
227 action plan to improve its deficiencies. For district academic
228 deficiencies, the corrective action plan for each such school
229 district shall be based upon a complete analysis of the following:
230 student test data, student grades, student attendance reports,
231 student dropout data, existence and other relevant data. The
232 corrective action plan shall describe the specific measures to be
233 taken by the particular school district and school to improve:
234 (i) instruction; (ii) curriculum; (iii) professional development;
235 (iv) personnel and classroom organization; (v) student incentives
236 for performance; (vi) process deficiencies; and (vii) reporting to
237 the local school board, parents and the community. The corrective
238 action plan shall describe the specific individuals responsible
239 for implementing each component of the recommendation and how each
240 will be evaluated. All corrective action plans shall be provided
241 to the State Board of Education as may be required. The decision



242 of the State Board of Education establishing the probationary
243 period of time shall be final;

244 (c) Offer, during the probationary period, technical
245 assistance to the school district in making corrective actions.
246 Beginning July 1, 1998, subject to the availability of funds, the
247 State Department of Education shall provide technical and/or
248 financial assistance to all such school districts in order to
249 implement each measure identified in that district's corrective
250 action plan through professional development and on-site
251 assistance. Each such school district shall apply for and utilize
252 all available federal funding in order to support its corrective
253 action plan in addition to state funds made available under this
254 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) If the State Board of Education and the Commission
290 on School Accreditation determine that an extreme emergency
291 situation exists in a school district that jeopardizes the safety,



292 security or educational interests of the children enrolled in the
293 schools in that district and that emergency situation is believed
294 to be related to a serious violation or violations of
295 accreditation standards or state or federal law, or when a school
296 district meets the State Board of Education's definition of a
297 failing school district for two (2) consecutive full school years,
298 or if more than fifty percent (50%) of the schools within the
299 school district are designated as Schools At-Risk in any one (1)
300 year, the State Board of Education may request the Governor to
301 declare a state of emergency in that school district. For
302 purposes of this paragraph, the declarations of a state of
303 emergency shall not be limited to those instances when a school
304 district's impairments are related to a lack of financial
305 resources, but also shall include serious failure to meet minimum
306 academic standards, as evidenced by a continued pattern of poor
307 student performance.

308 (c) Whenever the Governor declares a state of emergency
309 in a school district in response to a request made under paragraph
310 (a) or (b) of this subsection, the State Board of Education may
311 take one or more of the following actions:

312 (i) Declare a state of emergency, under which some
313 or all of state funds can be escrowed except as otherwise provided
314 in Section 206, Constitution of 1890, until the board determines
315 corrective actions are being taken or the deficiencies have been
316 removed, or that the needs of students warrant the release of



317 funds. The funds may be released from escrow for any program
318 which the board determines to have been restored to standard even
319 though the state of emergency may not as yet be terminated for the
320 district as a whole;

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

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

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

335 (v) For states of emergency declared under
336 paragraph (a) only, if the accreditation deficiencies are related
337 to the fact that the school district is too small, with too few
338 resources, to meet the required standards and if another school
339 district is willing to accept those students, abolish that
340 district and assign that territory to another school district or
341 districts. If the school district has proposed a voluntary



342 consolidation with another school district or districts, then if
343 the State Board of Education finds that it is in the best interest
344 of the pupils of the district for the consolidation to proceed,
345 the voluntary consolidation shall have priority over any such
346 assignment of territory by the State Board of Education;

347 (vi) For states of emergency declared under
348 paragraph (b) only, reduce local supplements paid to school
349 district employees, including, but not limited to, instructional
350 personnel, assistant teachers and extracurricular activities
351 personnel, if the district's impairment is related to a lack of
352 financial resources, but only to an extent that will result in the
353 salaries being comparable to districts similarly situated, as
354 determined by the State Board of Education;

355 (vii) For states of emergency declared under
356 paragraph (b) only, the State Board of Education may take any
357 action as prescribed in Section 37-17-13.

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

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



367 a school district accredited by the Commission on School
368 Accreditation for a legal transfer. The school district
369 accredited by the Commission on School Accreditation may grant the
370 transfer according to the procedures of Section 37-15-31(1)(b).
371 In the event the accreditation of the student's home district is
372 restored after a transfer has been approved, the student may
373 continue to attend the transferee school district. The per-pupil
374 amount of the adequate education program allotment, including the
375 collective "add-on program" costs for the student's home school
376 district shall be transferred monthly to the school district
377 accredited by the Commission on School Accreditation that has
378 granted the transfer of the school-age child.

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

382 (i) * * * Place the school district into district
383 transformation, in which the school district shall remain until it
384 has fulfilled all conditions related to district transformation.
385 If the district was assigned an accreditation rating of "D" or "F"
386 when placed into district transformation, the district shall be
387 eligible to return to local control when the school district has
388 attained a "C" rating or higher for five (5) consecutive years,
389 unless the State Board of Education determines that the district
390 is eligible to return to local control in less than the five-year
391 period; * * *



392 (ii) Abolish the school district and
393 administratively consolidate the school district with one or more
394 existing school districts * * *;

395 (iii) Reduce the size of the district and
396 administratively consolidate parts of the district, as determined
397 by the State Board of Education * * *. * * * However, * * * no
398 school district which is not * * * in district transformation
399 shall be required to accept additional territory over the
400 objection of the district; or

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

409 (g) There is established a Mississippi Recovery School
410 District within the State Department of Education under the
411 supervision of a deputy superintendent appointed by the State
412 Superintendent of Public Education, who is subject to the approval
413 by the State Board of Education. The Mississippi Recovery School
414 District shall provide leadership and oversight of all school
415 districts that are subject to * * * district of transformation
416 status, as defined in Chapters 17 and 18, Title 37, Mississippi



417 Code of 1972, and shall have all the authority granted under these
418 two (2) chapters. The Mississippi Department of Education, with
419 the approval of the State Board of Education, shall develop
420 policies for the operation and management of the Mississippi
421 Recovery School District. The deputy state superintendent is
422 responsible for the Mississippi Recovery School District and shall
423 be authorized to oversee the administration of the Mississippi
424 Recovery School District, oversee * * * the interim superintendent
425 assigned by the State Board of Education to a local school
426 district, hear appeals * * * that would normally be filed by
427 students, parents or employees and heard by a local school board,
428 which hearings on appeal shall be conducted in a prompt and timely
429 manner in the school district from which the appeal originated in
430 order to ensure the ability of appellants, other parties and
431 witnesses to appeal without undue burden of travel costs or loss
432 of time from work, and perform other related duties as assigned by
433 the State Superintendent of Public Education. The deputy state
434 superintendent is responsible for the Mississippi Recovery School
435 District and shall determine, based on rigorous professional
436 qualifications set by the State Board of Education, the
437 appropriate individuals to be engaged to be * * * interim
438 superintendents and financial advisors, if applicable, of all
439 school districts subject to * * * district of transformation
440 status. After State Board of Education approval, these
441 individuals shall be deemed independent contractors.



442 (13) Upon the declaration of a state of emergency in a
443 school district under subsection (12) of this section, the
444 Commission on School Accreditation shall be responsible for public
445 notice at least once a week for at least three (3) consecutive
446 weeks in a newspaper published within the jurisdiction of the
447 school district failing to meet accreditation standards, or if no
448 newspaper is published therein, then in a newspaper having a
449 general circulation therein. The size of the notice shall be no
450 smaller than one-fourth (1/4) of a standard newspaper page and
451 shall be printed in bold print. If * * * an interim
452 superintendent has been appointed for the school district, the
453 notice shall begin as follows: "By authority of Section 37-17-6,
454 Mississippi Code of 1972, as amended, adopted by the Mississippi
455 Legislature during the 1991 Regular Session, this school district
456 (name of school district) is hereby placed under the jurisdiction
457 of the State Department of Education acting through its
458 appointed * * * interim superintendent (name of * * * interim
459 superintendent)."

460 The notice also shall include, in the discretion of the State
461 Board of Education, any or all details relating to the school
462 district's emergency status, including the declaration of a state
463 of emergency in the school district and a description of the
464 district's impairment deficiencies, conditions of any * * *
465 district transformation status and corrective actions recommended
466 and being taken. Public notices issued under this section shall



467 be subject to Section 13-3-31 and not contrary to other laws
468 regarding newspaper publication.

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

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

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

484 (15) (a) Whenever the Governor declares a state of
485 emergency in a school district in response to a request made under
486 subsection (12) of this section, the State Board of Education, in
487 its discretion, may assign an interim * * * superintendent to the
488 school district, or in its discretion, may contract with an
489 appropriate private entity with experience in the academic,
490 finance and other operational functions of schools and school
491 districts, who will be responsible for the administration,



492 management and operation of the school district, including, but
493 not limited to, the following activities:

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

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

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

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



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

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

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

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

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



539 At the time that the Governor, in accordance with the request
540 of the State Board of Education, declares that the state of
541 emergency no longer exists in a school district, the powers and
542 responsibilities of the * * * interim superintendent assigned to
543 the district shall cease.

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

558 The State Board of Education may loan monies from the School
559 District Emergency Assistance Fund to a school district that is
560 under a state of emergency or * * * in district transformation
561 status, in those amounts, as determined by the board, that are
562 necessary to correct the district's impairments related to a lack
563 of financial resources. The loans shall be evidenced by an



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

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



589 to account for criminal activity. Any funds recovered by the
590 State Auditor or the State Board of Education from the surety
591 bonds of school officials or from any civil action brought under
592 this subsection shall be applied toward the repayment of any loan
593 made to a school district hereunder.

594 (16) If a majority of the membership of the school board of
595 any school district resigns from office, the State Board of
596 Education shall be authorized to assign an interim * * *
597 superintendent, who shall be responsible for the administration,
598 management and operation of the school district until the time as
599 new board members are selected or the Governor declares a state of
600 emergency in that school district under subsection (12), whichever
601 occurs first. In that case, the State Board of Education, acting
602 through the interim * * * superintendent, shall have all powers
603 which were held by the previously existing school board, and may
604 take any action as prescribed in Section 37-17-13 and/or one or
605 more of the actions authorized in this section.

606 (17) (a) If the Governor declares a state of emergency in a
607 school district, the State Board of Education may take all such
608 action pertaining to that school district as is authorized under
609 subsection (12) or (15) of this section, including the appointment
610 of an interim * * * superintendent. The State Board of Education
611 shall also have the authority to issue a written request with
612 documentation to the Governor asking that the office of the
613 superintendent of the school district be subject to recall. If



614 the Governor declares that the office of the superintendent of the
615 school district is subject to recall, the local school board or
616 the county election commission, as the case may be, shall take the
617 following action:

618 (i) If the office of superintendent is an elected
619 office, in those years in which there is no general election, the
620 name shall be submitted by the State Board of Education to the
621 county election commission, and the county election commission
622 shall submit the question at a special election to the voters
623 eligible to vote for the office of superintendent within the
624 county, and the special election shall be held within sixty (60)
625 days from notification by the State Board of Education. The
626 ballot shall read substantially as follows:

627 "Shall County Superintendent of Education _____ (here the
628 name of the superintendent shall be inserted) of the _____
629 (here the title of the school district shall be inserted) be
630 retained in office? Yes _____ No _____"

631 If a majority of those voting on the question votes against
632 retaining the superintendent in office, a vacancy shall exist
633 which shall be filled in the manner provided by law; otherwise,
634 the superintendent shall remain in office for the term of that
635 office, and at the expiration of the term shall be eligible for
636 qualification and election to another term or terms.

637 (ii) If the office of superintendent is an
638 appointive office, the name of the superintendent shall be



639 submitted by the president of the local school board at the next
640 regular meeting of the school board for retention in office or
641 dismissal from office. If a majority of the school board voting
642 on the question vote against retaining the superintendent in
643 office, a vacancy shall exist which shall be filled as provided by
644 law, otherwise the superintendent shall remain in office for the
645 duration of his employment contract.

646 (b) The State Board of Education may issue a written
647 request with documentation to the Governor asking that the
648 membership of the school board of the school district shall be
649 subject to recall. Whenever the Governor declares that the
650 membership of the school board is subject to recall, the county
651 election commission or the local governing authorities, as the
652 case may be, shall take the following action:

653 (i) If the members of the local school board are
654 elected to office, in those years in which the specific member's
655 office is not up for election, the name of the school board member
656 shall be submitted by the State Board of Education to the county
657 election commission, and the county election commission at a
658 special election shall submit the question to the voters eligible
659 to vote for the particular member's office within the county or
660 school district, as the case may be, and the special election
661 shall be held within sixty (60) days from notification by the
662 State Board of Education. The ballot shall read substantially as
663 follows:



664 "Members of the _____ (here the title of the school
665 district shall be inserted) School Board who are not up for
666 election this year are subject to recall because of the school
667 district's failure to meet critical accountability standards as
668 defined in the letter of notification to the Governor from the
669 State Board of Education. Shall the member of the school board
670 representing this area, _____ (here the name of the school
671 board member holding the office shall be inserted), be retained in
672 office? Yes _____ No _____"

673 If a majority of those voting on the question vote against
674 retaining the member of the school board in office, a vacancy in
675 that board member's office shall exist, which shall be filled in
676 the manner provided by law; otherwise, the school board member
677 shall remain in office for the term of that office, and at the
678 expiration of the term of office, the member shall be eligible for
679 qualification and election to another term or terms of office.
680 However, if a majority of the school board members are recalled in
681 the special election, the Governor shall authorize the board of
682 supervisors of the county in which the school district is situated
683 to appoint members to fill the offices of the members recalled.
684 The board of supervisors shall make those appointments in the
685 manner provided by law for filling vacancies on the school board,
686 and the appointed members shall serve until the office is filled
687 at the next regular special election or general election.



688 (ii) If the local school board is an appointed
689 school board, the name of all school board members shall be
690 submitted as a collective board by the president of the municipal
691 or county governing authority, as the case may be, at the next
692 regular meeting of the governing authority for retention in office
693 or dismissal from office. If a majority of the governing
694 authority voting on the question vote against retaining the board
695 in office, a vacancy shall exist in each school board member's
696 office, which shall be filled as provided by law; otherwise, the
697 members of the appointed school board shall remain in office for
698 the duration of their term of appointment, and those members may
699 be reappointed.

700 (iii) If the local school board is comprised of
701 both elected and appointed members, the elected members shall be
702 subject to recall in the manner provided in subparagraph (i) of
703 this paragraph (b), and the appointed members shall be subject to
704 recall in the manner provided in subparagraph (ii).

705 (18) Beginning with the school district audits conducted for
706 the 1997-1998 fiscal year, the State Board of Education, acting
707 through the Commission on School Accreditation, shall require each
708 school district to comply with standards established by the State
709 Department of Audit for the verification of fixed assets and the
710 auditing of fixed assets records as a minimum requirement for
711 accreditation.



712 (19) Before December 1, 1999, the State Board of Education
713 shall recommend a program to the Education Committees of the House
714 of Representatives and the Senate for identifying and rewarding
715 public schools that improve or are high performing. The program
716 shall be described by the board in a written report, which shall
717 include criteria and a process through which improving schools and
718 high-performing schools will be identified and rewarded.

719 The State Superintendent of Public Education and the State
720 Board of Education also shall develop a comprehensive
721 accountability plan to ensure that local school boards,
722 superintendents, principals and teachers are held accountable for
723 student achievement. A written report on the accountability plan
724 shall be submitted to the Education Committees of both houses of
725 the Legislature before December 1, 1999, with any necessary
726 legislative recommendations.

727 (20) Before January 1, 2008, the State Board of Education
728 shall evaluate and submit a recommendation to the Education
729 Committees of the House of Representatives and the Senate on
730 inclusion of graduation rate and dropout rate in the school level
731 accountability system.

732 (21) If a local school district is determined as failing and
733 placed into * * * district transformation status for reasons
734 authorized by the provisions of this section, the * * * interim
735 superintendent appointed to the district shall, within forty-five
736 (45) days after being appointed, present a detailed and structured



737 corrective action plan to move the local school district out
738 of * * * district transformation status to the * * * deputy
739 superintendent. A copy of the * * * interim superintendent's
740 corrective action plan shall also be filed with the State Board of
741 Education.

742 **SECTION 2.** Section 37-17-13, Mississippi Code of 1972, is
743 amended as follows:

744 37-17-13. (1) Whenever the Governor declares a state of
745 emergency in a school district in response to a certification by
746 the State Board of Education and the Commission on School
747 Accreditation made under Section 37-17-6(11)(b), the State Board
748 of Education, in addition to any actions taken under Section
749 37-17-6, may abolish the school district and assume control and
750 administration of the schools formerly constituting the district,
751 and appoint * * * an interim superintendent to carry out this
752 purpose under the direction of the State Board of Education. In
753 such case, the State Board of Education shall have all powers
754 which were held by the previously existing school board, and the
755 previously existing superintendent of schools or county
756 superintendent of education, including, but not limited to, those
757 enumerated in Section 37-7-301, and the authority to request tax
758 levies from the appropriate governing authorities for the support
759 of the schools and to receive and expend the tax funds as provided
760 by Section 37-57-1 et seq. and Section 37-57-105 et seq.



761 (2) When a school district is abolished under this section,
762 loans from the School District Emergency Assistance Fund may be
763 made by the State Board of Education for the use and benefit of
764 the schools formerly constituting the district in accordance with
765 the procedures set forth in Section 37-17-6(14) for such loans to
766 the district. The abolition of a school district under this
767 section shall not impair or release the property of that school
768 district from liability for the payment of the loan indebtedness,
769 and it shall be the duty of the appropriate governing authorities
770 to levy taxes on the property of the district so abolished from
771 year to year according to the terms of the indebtedness until same
772 shall be fully paid.

773 (3) After a school district is abolished under this section,
774 at such time as the State Board of Education determines that the
775 impairments have been substantially corrected after a period of
776 maintaining a "C" accountability rating for five (5) consecutive
777 years, unless the State Board of Education determines that the
778 district is eligible to return to local control in less than the
779 five-year period, the State Board of Education shall reconstitute,
780 reorganize or change or alter the boundaries of the previously
781 existing district; however, no partition or assignment of
782 territory formerly included in the abolished district to one or
783 more other school districts may be made by the State Board of
784 Education without the consent of the school board of the school
785 district to which such territory is to be transferred, such



786 consent to be spread upon its minutes. At that time, the State
787 Board of Education, in appropriate cases, shall notify the
788 appropriate governing authority or authorities of its action and
789 request them to provide for the election or appointment of school
790 board members in the manner provided by law. In the event the
791 applicable statute provides that vacancies in an all-elected
792 membership of the school board will be filled by appointment by
793 the remaining members of the school board and no members of the
794 school board remain in office, the Governor shall call a special
795 election to fill the vacancies. In such situations, the Governor
796 will set the date of the special election and * * * the election
797 will be conducted by the county election commission. The State
798 Board of Education shall also request the governing authority or
799 authorities to provide for the appointment of a superintendent or
800 superintendents to govern the reconstituted, reorganized or
801 changed district or districts, which such appointed position shall
802 apply in all school districts including those school districts in
803 which the position of superintendent was previously an elected
804 office. A board member or superintendent in office at the time
805 the Governor declares a state of emergency in a school district to
806 be abolished shall not be eligible to serve in that office for the
807 school district reconstituted, reorganized or changed after the
808 Governor declares that an emergency no longer exists.

809 (4) As an alternative to the procedure set forth in
810 subsection (3), in the event a local school board is abolished by



811 the State Board of Education pursuant to this section, after the
812 State Board of Education determines that the impairments are being
813 substantially corrected and the responsibility of the * * *
814 district of transformation in such district * * * upon the
815 conclusion of the final scholastic year in which a district has
816 maintained a "C" accountability rating for five (5) consecutive
817 years, unless the State Board of Education determines that the
818 district is eligible to return to local control in less than the
819 five-year period, the State Board of Education may appoint a new
820 five-member board for the administration of the school district
821 and shall notify the local county board of supervisors and/or
822 municipal governing authority of such appointment, spreading the
823 names of the new school board members on its minutes. The new
824 local school board members shall be residents of the school
825 district. The new local school board members appointed by the
826 State Board of Education may serve in an advisory capacity to
827 the * * * interim superintendent for its first year of service and
828 thereafter shall have full responsibility to administer the school
829 district. Thirty (30) days prior to the end of the first year of
830 office as an advisory board, each member shall draw lots to
831 determine when the members shall rotate off the board as follows:
832 one (1) member shall serve a one-year term of office; one (1)
833 member shall serve a two-year term of office; one (1) member shall
834 serve a three-year term of office; one (1) member shall serve a
835 four-year term of office; and one (1) member shall serve a



836 five-year term of office. At that time, the State Board of
837 Education shall notify the appropriate board of supervisors or
838 municipal governing authority of this action and request them to
839 provide for the election or appointment of school board members at
840 the end of * * * the terms of office in the manner provided by
841 law, in order for the local residents of the school district to
842 select a new school board on a phased-in basis. In such
843 situations, the Governor will set the date of any necessary
844 special election which shall be conducted by the county election
845 commission. The State Board of Education shall also request the
846 new school board to provide for the appointment of a
847 superintendent to govern the reconstituted or reorganized school
848 district, including those school districts in which the position
849 of superintendent was previously an elected office. A board
850 member or superintendent in office at the time the Governor
851 declares a state of emergency in a school district shall not be
852 eligible to serve in the office of school board member or
853 superintendent for the school district reconstituted or
854 reorganized following the * * * district of transformation period.

855 * * *

856 This subsection (4) shall stand repealed from and after July
857 1, * * * 2020.

858 **SECTION 3.** Section 37-17-17, Mississippi Code of 1972, is
859 amended as follows:



860 37-17-17. (1) There is created the Mississippi Achievement
861 School District for the purpose of transforming persistently
862 failing public schools and districts throughout the state into
863 quality educational institutions. The Mississippi Achievement
864 School District shall be a statewide school district, separate and
865 distinct from all other school districts but not confined to any
866 specified geographic boundaries, and may be comprised of any
867 public schools or school districts in the state which, during two
868 (2) consecutive school years, are designated an "F" school or
869 district by the State Board of Education under the accountability
870 rating system or which have been persistently failing and
871 chronically underperforming.

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

874 (3) The State Board of Education shall obtain suitable
875 office space to serve as the administrative office of the school
876 district.

877 (4) The State Board of Education shall select an individual
878 to serve as superintendent of the Mississippi Achievement School
879 District. The superintendent must be deemed by the board to be
880 highly qualified with a demonstrable track record for producing
881 results in a context relevant to that of Mississippi Achievement
882 School District schools. The superintendent of the Mississippi
883 Achievement School District shall exercise powers and duties that



884 would afford significant autonomy but are bound by the governance
885 of the State Board of Education.

886 (5) (a) Each public school or district in the state which,
887 during each of two (2) consecutive school years or during two (2)
888 of three (3) consecutive school years, receives an "F" designation
889 by the State Board of Education under the accountability rating
890 system or has been persistently failing as defined by the State
891 Board of Education may be absorbed into and become a part of the
892 Mississippi Achievement School District. All eligible public
893 schools and districts shall be prioritized by the Mississippi
894 Achievement School District according to criteria set by the
895 Mississippi Achievement School District and publicized prior to
896 the annual release of accountability rating data. The Mississippi
897 Achievement School District shall takeover only the number of
898 schools and districts for which it has the capacity to serve. The
899 transfer of the school's/district's governance from the local
900 school district to the Mississippi Achievement School District
901 shall take effect upon the approval of the State Board of
902 Education unless, in the sole determination of the Mississippi
903 Achievement School District, the transition may be more smoothly
904 accomplished through a gradual transfer of control. If the
905 Mississippi Achievement School District elects not to assume
906 complete control of a school or district immediately after that
907 school receives an "F" designation during each of two (2)
908 consecutive school years or during two (2) of the three (3)



909 consecutive school years, the State Board of Education shall
910 prescribe the process and timetable by which the school or
911 district shall be absorbed; however, in no event may the transfer
912 of the school or district to the Mississippi Achievement School
913 District be completed later than the beginning of the school year
914 next succeeding the year during which the school or district
915 receives the "F" designation. School districts that are eligible
916 to be absorbed by the Achievement School District, but are not
917 absorbed due to the capacity of the Achievement School District,
918 shall develop and implement a district improvement plan with
919 prescriptive guidance and support from the Mississippi Department
920 of Education, with the goal of helping the district improve
921 student achievement. Failure of the school board, superintendent
922 and school district staff to implement the plan with fidelity and
923 participate in the activities provided as support by the
924 department shall result in the school district retaining its
925 eligibility for the Mississippi Achievement School District.

926 (b) The State Board of Education shall adopt rules and
927 regulations governing the operation of the Mississippi Achievement
928 School District.

929 (c) Designations assigned to schools or districts under
930 the accountability rating system by the State Board of Education
931 before the 2015-2016 school year may not be considered in
932 determining whether a particular school or district is subject to
933 being absorbed by the Mississippi Achievement School District.



934 During the 2017-2018 school year, any school or district receiving
935 an "F" designation after also being designated an "F" school or
936 district in the 2015-2016 and 2016-2017 school years may be
937 absorbed immediately by the Mississippi Achievement School
938 District, upon approval of the State Board of Education.

939 (d) The school district from which an "F" school or
940 district is being absorbed must cooperate fully with the
941 Mississippi Achievement School District and the State Board of
942 Education in order to provide as smooth a transition as possible
943 in the school's/district's governance and operations for the
944 students enrolled in the school or district. Upon completion of
945 the transfer of a school or district to the Mississippi
946 Achievement School District, the school or district shall be
947 governed by the rules, regulations, policies and procedures
948 established by the State Board of Education specifically for the
949 Mississippi Achievement School District, and the school or
950 district shall no longer be under the purview of the school board
951 of the local school district. In the event of the transfer of
952 governance and operations of a school district, the State Board of
953 Education shall abolish the district as prescribed in Section
954 37-17-13.

955 (e) Upon the transfer of the school or school district
956 to the Mississippi Achievement School District, the individual
957 appointed by the State Board of Education to serve as
958 superintendent for the Mississippi Achievement School District



959 shall be responsible for the administration, management and
960 operation of the school or school district, including the
961 following activities: (i) approving or denying all financial
962 obligations of the school or school district; (ii) approving or
963 denying the employment, termination, nonrenewal and reassignment
964 of all licensed and nonlicensed personnel; (iii) approving or
965 denying contractual agreements and purchase orders; (iv)
966 approving or denying all claim dockets and the issuance of checks;
967 (v) supervising the day-to-day activities of the school or school
968 district's staff in a manner which in the determination of the
969 Mississippi Achievement School District will best suit the needs
970 of the school or school district; (vi) approving or denying all
971 athletic, band and other extracurricular activities and any
972 matters related to those activities; (vii) honoring any reasonable
973 financial commitment of the district being absorbed; and (viii)
974 reporting periodically to the State Board of Education on the
975 progress or lack of progress being made in the school or school
976 district to improve the school or school district's impairments.

977 (f) Upon attaining and maintaining a school or district
978 accountability rating of "C" or better under the State Department
979 of Education's accountability rating system for five (5)
980 consecutive years, the State Board of Education may decide to
981 revert the absorbed school or district back to local governance,
982 provided the school or school(s) in question are not conversion
983 charter schools. "Local governance" may include a traditional



984 school board model of governance or other new form of governance
985 such as mayoral control, or other type of governance. The State
986 Board of Education shall determine the best form of local
987 governance and school board composition after soliciting the input
988 of local citizens and shall outline a process for establishing the
989 type of governance selected. The manner and timeline for
990 reverting a school or district back to local control shall be at
991 the discretion of the State School Board, but in no case shall it
992 exceed five (5) years.

993 (6) The Superintendent of the Mississippi Achievement School
994 District shall hire those persons to be employed as principals,
995 teachers and noninstructional personnel in schools or districts
996 absorbed into the Mississippi Achievement School District. Only
997 highly qualified individuals having a demonstrable record of
998 success may be selected by the superintendent for such positions
999 in the Mississippi Achievement School District. The
1000 superintendent may choose to continue the employment of any person
1001 employed in an "F" rated school when the school or district is
1002 absorbed into the Mississippi Achievement School District;
1003 alternatively, the superintendent may elect not to offer continued
1004 employment to a person formerly employed at a school or district
1005 that is absorbed into the Mississippi Achievement School District.
1006 Any persons employed by the Mississippi Achievement School
1007 District shall not be subject to Sections 37-9-101 through
1008 37-9-113.



1009 (7) (a) The Mississippi Achievement School District may use
1010 a school building and all facilities and property that is a part
1011 of a school and recognized as part of the facilities or assets of
1012 the school before it is absorbed into the Mississippi Achievement
1013 School District. In addition, the Mississippi Achievement School
1014 District shall have access to those additional facilities that
1015 typically were available to that school or district, its students,
1016 faculty and staff before its absorption by the Mississippi
1017 Achievement School District. Use of facilities by a school or
1018 district in the Mississippi Achievement School District must be
1019 unrestricted and free of charge. However, the Mississippi
1020 Achievement School District shall be responsible for providing
1021 routine maintenance and repairs necessary to maintain the
1022 facilities in as good a condition as when the right of use was
1023 acquired by the Mississippi Achievement School District. The
1024 Mississippi Achievement School District shall be responsible for
1025 paying all utilities at the facilities used for the absorbed
1026 school. Any fixtures, improvements and tangible assets added to a
1027 school building or facility by the Mississippi Achievement School
1028 District must remain at the school or district building or
1029 facility if the school or district is returned to local
1030 governance.

1031 (b) The State Board of Education shall include in the
1032 rules and regulations adopted pursuant to subsection (5) of this
1033 section specific provisions addressing the rights and



1034 responsibilities of the Mississippi Achievement School District
1035 relating to the real and personal property of a school or district
1036 that is absorbed into the Mississippi Achievement School District.

1037 (8) (a) The Mississippi Achievement School District shall
1038 certify annually to the State Board of Education in which a
1039 Mississippi Achievement School District school or district is
1040 located the number of students residing in the school district
1041 which are enrolled in that school or district.

1042 (b) Whenever an increase in funding is requested by the
1043 school board for the support of schools within a particular school
1044 district absorbed into the Mississippi Achievement School
1045 District, the State Board of Education and the superintendent for
1046 the Mississippi Achievement School District shall hold a public
1047 meeting in the local municipality having jurisdiction of the
1048 absorbed school district to allow input of local residents on the
1049 matter, and subsequent to the conclusion of such meeting, the
1050 board of the Mississippi Achievement School District shall submit
1051 its request for ad valorem increase in dollars to the local
1052 governing authority having jurisdiction over the absorbed school
1053 district for approval of the request for increase in ad valorem
1054 tax effort. In a district in which a school or schools but not
1055 the entire district is absorbed into the Mississippi Achievement
1056 School District, the local school district shall pay directly to
1057 the Mississippi Achievement School District an amount for each
1058 student enrolled in that school equal to the ad valorem tax



1059 receipts and in-lieu payments received per pupil for the support
1060 of the local school district in which the student resides. The
1061 pro rata ad valorem receipts and in-lieu receipts to be
1062 transferred to the Mississippi Achievement School District shall
1063 include all levies for the support of the local school district
1064 under Sections 37-57-1 (local contribution to the education
1065 funding program) and 37-57-105 (school district operational levy)
1066 and may not include any taxes levied for the retirement of the
1067 local school district's bonded indebtedness or short-term notes or
1068 any taxes levied for the support of vocational-technical education
1069 programs, unless the school or schools absorbed include a high
1070 school at which vocational-technical education programs are
1071 offered. In no event may the payment exceed the pro rata amount
1072 of the local ad valorem payment to the education funding program
1073 under Section 37-57-1 for the school district in which the student
1074 resides. Payments made under this section by a school district to
1075 the Mississippi Achievement School District must be made before
1076 the expiration of three (3) business days after the funds are
1077 distributed to the local school district by the tax collector.

1078 (c) If an entire school district is absorbed into the
1079 Mississippi Achievement School District, the tax collector shall
1080 pay the amounts as described in paragraph (b) of this subsection,
1081 with the exception that all funds should transfer, including taxes
1082 levied for the retirement of the local school district's bonded
1083 indebtedness or short-term notes and any taxes levied for the



1084 support of vocational-technical education programs. The
1085 Mississippi Achievement School District shall pay funds raised to
1086 retire the district's debts to the appropriate creditors on behalf
1087 of the former district.

1088 (9) (a) The State Department of Education shall make
1089 payments to the Mississippi Achievement School District for each
1090 student in average daily * * * membership at a Mississippi
1091 Achievement School District school equal to the state share of the
1092 education funding program payments for each student in average
1093 daily attendance at the local school district or former local
1094 school district in which that school is located. In calculating
1095 the local contribution for purposes of determining the state share
1096 of the education funding program payments, the department shall
1097 deduct the pro rata local contribution of the school district or
1098 former school district in which the student resides, to be
1099 determined as provided in Section 37-151-7(2) (a).

1100 (b) Payments made pursuant to this subsection by the
1101 State Department of Education must be made at the same time and in
1102 the same manner as education funding program payments are made to
1103 all other school districts under Sections 37-151-101 and
1104 37-151-103. Amounts payable to the Mississippi Achievement School
1105 District must be determined by the State Department of Education
1106 in the same manner that such amounts are calculated for all other
1107 school districts under the education funding program.



1108 (10) The Mississippi Achievement School District shall be
1109 considered a local educational agency for the same purposes and to
1110 the same extent that all other school districts in the state are
1111 deemed local educational agencies under applicable federal laws.

1112 (11) The Mississippi Achievement School District may receive
1113 donations or grants from any public or private source, including
1114 any federal funding that may be available to the school district
1115 or individual schools within the Mississippi Achievement School
1116 District.

1117 (12) The Legislature may appropriate sufficient funding to
1118 the State Department of Education for the 2017 fiscal year for the
1119 specific purpose of funding the start-up, operational and any
1120 other required costs of the Mississippi Achievement School
1121 District during the 2017-2018 school year.

1122 **SECTION 4.** Section 37-18-7, Mississippi Code of 1972, is
1123 amended as follows:

1124 37-18-7. (1) As part of the school improvement plan for a
1125 School At-Risk, a professional development plan shall be prepared
1126 for those school administrators, teachers or other employees who
1127 are identified by the evaluation team as needing improvement. The
1128 State Department of Education shall assist the School At-Risk in
1129 identifying funds necessary to fully implement the school
1130 improvement plan.

1131 (2) In the event a school continues to be designated a
1132 School At-Risk after three (3) years of implementing a school



1133 improvement plan, or in the event that more than fifty percent
1134 (50%) of the schools within the school district are designated as
1135 Schools At-Risk in any one (1) year, the State Board of Education
1136 may request that the Governor declare a state of emergency in that
1137 school district. Upon the declaration of the state of emergency
1138 by the Governor, the State Board of Education may take all such
1139 action for dealing with school districts as is authorized under
1140 subsection (11) or (14) of Section 37-17-6, including the
1141 appointment of an interim * * * superintendent.

1142 **SECTION 5.** This act shall take effect and be in force from
1143 and after July 1, 2017.

