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Chapter No. 485
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SENATE BILL NO. 2558

Originated in Senate Liz Welch Secretary

SENATE BILL NO. 2558

AN ACT TO AMEND SECTION 37-17-13, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT IN CIRCUMSTANCES WHERE THE STATE HAS TAKEN OVER A SCHOOL DISTRICT THE STATE BOARD OF EDUCATION MAY APPOINT A NEW LOCAL SCHOOL BOARD WITH THE MEMBERSHIP TO BE RETURNED TO LOCAL SELECTION ON A PHASED-IN BASIS; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 37-17-13, Mississippi Code of 1972, is amended as follows:

37-17-13. (1) Whenever the Governor declares a state of emergency in a school district in response to a certification by the State Board of Education and the Commission on School Accreditation made under Section 37-17-6(11)(b), the State Board of Education, in addition to any actions taken under Section 37-17-6, may abolish the school district and assume control and administration of the schools formerly constituting the district, and appoint a conservator to carry out this purpose under the direction of the State Board of Education. In such case, the State Board of Education shall have all powers which were held by the previously existing school board, and the previously existing

superintendent of schools or county superintendent of education, including, but not limited to, those enumerated in Section 37-7-301, and the authority to request tax levies from the appropriate governing authorities for the support of the schools and to receive and expend the tax funds as provided by Section 37-57-1 et seq. * * * and Section 37-57-105 et seq.

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

(3) After a school district is abolished under this section, at such time as the State Board of Education determines that the impairments have been substantially corrected, the State Board of Education shall reconstitute, reorganize or change or alter the boundaries of the previously existing district; however, no partition or assignment of territory formerly included in the abolished district to one or more other school districts may be

made by the State Board of Education without the consent of the school board of the school district to which such territory is to be transferred, such consent to be spread upon its minutes. At that time, the State Board of Education, in appropriate cases, shall notify the appropriate governing authority or authorities of its action and request them to provide for the election or appointment of school board members in the manner provided by law. In the event the applicable statute provides that vacancies in an all-elected membership of the school board will be filled by appointment by the remaining members of the school board and no members of the school board remain in office, the Governor shall call a special election to fill the vacancies. In such situations, the Governor will set the date of the special election and said election will be conducted by the county election commission. The State Board of Education shall also request the governing authority or authorities to provide for the appointment of a superintendent or superintendents to govern the reconstituted, reorganized or changed district or districts, which such appointed position shall apply in all school districts including those school districts in which the position of superintendent was previously an elected office. A board member or superintendent in office at the time the Governor declares a state of emergency in a school district to be abolished shall not be eligible to serve in that office for the school district

reconstituted, reorganized or changed after the Governor declares that an emergency no longer exists.

(4) As an alternative to the procedure set forth in subsection (3), in the event a local school board is abolished by the State Board of Education pursuant to this section, after the State Board of Education determines that the impairments are being substantially corrected and the responsibility of the conservatorship in such district is within one (1) year of potential expiration, the State Board of Education may appoint a new five-member board for the administration of the school district and shall notify the local county board of supervisors and/or municipal governing authority of such appointment, spreading the names of the new school board members on its minutes. The new local school board members shall be residents of the school district. The new local school board members appointed by the State Board of Education may serve in an advisory capacity to the conservator for its first year of service and thereafter shall have full responsibility to administer the school district. Thirty (30) days prior to the end of the first year of office as an advisory board, each member shall draw lots to determine when the members shall rotate off the board as follows: one (1) member shall serve a one-year term of office; one (1) member shall serve a two-year term of office; one (1) member shall serve a three-year term of office; one (1) member shall serve a four-year term of office; and one (1) member shall serve a five-year term of office.

At that time, the State Board of Education shall notify the appropriate board of supervisors or municipal governing authority of this action and request them to provide for the election or appointment of school board members at the end of said terms of office in the manner provided by law, in order for the local residents of the school district to select a new school board on a phased-in basis. In such situations, the Governor will set the date of any necessary special election which shall be conducted by the county election commission. The State Board of Education shall also request the new school board to provide for the appointment of a superintendent to govern the reconstituted or reorganized school district, including those school districts in which the position of superintendent was previously an elected office. A board member or superintendent in office at the time the Governor declares a state of emergency in a school district shall not be eligible to serve in the office of school board member or superintendent for the school district reconstituted or reorganized following the conservatorship period.

The provisions of this subsection (4) shall not be applicable in any school district placed into conservatorship on or after September 1, 2013, and which is located entirely South of United States Highway 80.

This subsection (4) shall stand repealed from and after July 1, 2017.

SECTION 2. This act shall take effect and be in force from and after July 1, 2015.

PASSED BY THE SENATE
March 31, 2015



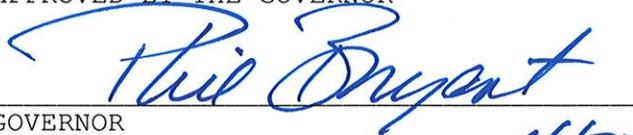
PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
March 31, 2015



SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR



GOVERNOR

4/22/15

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