

OFFICE OF STATE SUPERINTENDENT
Summary of State Board of Education Agenda Items
June 16, 2022

OFFICE OF DISTRICT TRANSFORMATION

03. Action: Initiate the process to return the Tunica County School District and authorization for the Mississippi Department of Education to seek applications for board members for the Tunica County School District [Goals 1, 2, 3, 4, 5, and 6 – MBE Strategic Plan]

This item references Goals 1, 2, 3, 4, 5, and 6 of the *Mississippi Board of Education 2018-2022 Strategic Plan*.

Recommendation: Approval

Back-up material attached

Background Information and Proposed Timeline Tunica County School District (TCSD)

1. March 14, 1997: Initial “Takeover” of the TCSD and accreditation status withdrawn.
2. 2002: TCSD returned to local control.
3. July 9, 2015: Governor declared a State of Emergency in TCSD and TCSD placed under “Conservatorship” of SBE with Dr. Margie Pulley as Interim Superintendent.
4. October 1, 2015: Commission on School Accreditation withdraws TCSD accreditation status.
5. October 18, 2016: Commission on School Accreditation places TCSD on probation.
6. October 16, 2017: TCSD regains accredited status.
7. June 16 – July 15, 2022: Advertise for candidates to apply to be considered for appointment by the State Board of Education (SBE) to “a new five (5) member board for the administration of the school district.”
8. August-September 2022: MDE interviews and selects candidates to be recommended to the SBE.
9. November 10, 2022: SBE makes determination that the impairments are being substantially corrected and TCSD is eligible to return to local control.
10. November 10, 2022: SBE appoints new (5) member board for TCSD.
11. January 1, 2023: New five (5) member board takes office. They will serve January 1 – December 31, 2023, in an “advisory capacity.” Prior to December 1, 2023, “each member shall draw lots to determine when the board members shall rotate off.” See Mississippi Code Ann. § 37-13-17(4).
12. November 2023: SBE shall request Governor to lift the State of Emergency in the TCSD with the intention to return to local control in January 2024.
13. January 2024: New Tunica School District Board will begin the search for new local district superintendent.

West's Annotated Mississippi Code
Title 37. Education
Chapter 17. Accreditation of Schools

Miss. Code Ann. § 37-17-13

§ 37-17-13. School district abolition; liability for debts

Effective: July 1, 2020

Currentness

(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\(12\)\(b\)](#), 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 an interim superintendent 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\(15\)](#) 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 after a period of maintaining a “C” accountability rating for five (5) consecutive years, unless the State Board of Education determines that the district is eligible to return to local control in less than the five-year period, 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 the 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 district transformation in such district upon the conclusion of the final scholastic year in which a district has maintained a “C” accountability rating for five (5) consecutive years, unless the State Board of Education determines that the district is eligible to return to local control in less than the five-year period, 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 interim superintendent 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 the 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 district transformation period.

This subsection (4) shall stand repealed from and after July 1, 2023.

Credits

Laws 1996, Ch. 302, § 2, eff. May 14, 1996. Amended by Laws 1999, Ch. 421, § 4, eff. June 1, 1999; Laws 2007, Ch. 518, § 2, eff. July 23, 2007; Laws 2012, Ch. 525, § 2, eff. Sept. 24, 2012; Laws 2013, Ch. 331 (H.B. No. 975), § 1; Laws 2013, Ch. 363 (S.B. No. 2779), § 1; Laws 2015, Ch. 485 (S.B. No. 2558), § 1, eff. July 1, 2015; Laws 2017, Ch. 439 (S.B. No. 2431), § 2, eff. July 1, 2017; Laws 2020, Ch. 340 (S.B. No. 2509), § 1, eff. July 1, 2020.

Editors' Notes

REPEAL

<This section is repealed by its own terms on July 1, 2023.>

EFFECTIVE DATE

<This section was amended effective upon effectuation under Section 5 of the Voting Rights Act of 1965. See [Shelby County, Ala. v. Holder, 2013, 133 S.Ct. 2612, 186 L.Ed.2d. 651.](#)>

Notes of Decisions (5)

Miss. Code Ann. § 37-17-13, MS ST § 37-17-13

The Statutes and Constitution are current with laws from the 2022 Regular Session effective through April 26, 2022. Some statute sections may be more current, see credits for details. The statutes are subject to changes provided by the Joint Legislative Committee on Compilation, Revision and Publication of Legislation.

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STATE OF MISSISSIPPI

Office of the Governor



A Proclamation

WHEREAS, pursuant to the provisions Section 37-17-6 of the Mississippi Code, the State Board of Education met on July 8, 2015, to determine whether there was sufficient cause to believe that an extreme emergency situation exists in the Tunica County School District that jeopardizes the safety, security, and educational interests of the children enrolled in the schools of this District; and

WHEREAS, the Office of Accreditation, Mississippi Department of Education, presented information to the Commission on School Accreditation regarding serious violations of accreditation standards, violations of state law, and a continued pattern of poor student performance in the District; and

WHEREAS, pursuant to Section 37-17-6(12)(b) of the Mississippi Code, the Commission on School Accreditation found that an extreme emergency situation exists in the Tunica County School District due to serious violations of accreditation standards, violations of state law, and a continued pattern of poor student performance, which jeopardize the safety, security, and educational interests of the children enrolled in the schools of this District and which, without intervention by the State, could result in the continuation of an inadequate and unstable educational environment, thereby denying the students of this District the opportunity to learn, to excel, and to obtain a free and appropriate public education; and

WHEREAS, the information presented by the Office of Accreditation, and the July 8, 2015 Resolution of the Commission on School Accreditation, were considered by the State Board of Education at its special-called meeting on July 8, 2015; and

WHEREAS, following due deliberation and pursuant to Section 37-17-6(12)(b) of the Mississippi Code, the Board found that an extreme emergency situation exists in the Tunica County School District—namely, serious violations of accreditation standards and of state law and a continued pattern of poor student performance, as described above—which jeopardize the safety, security, and educational interests of the children enrolled in the schools of this District and which, without intervention by the State, could result in the continuation of an inadequate and unstable educational environment, thereby denying the students of this District the opportunity to learn, to excel, and to obtain a free and appropriate public education; and

WHEREAS, following due deliberation, the Board further found that Section 37-17-6(12)(c)(vii) of the Mississippi Code, authorizes the Board to take such action as prescribed in Section 37-17-13 when a state of emergency is declared under Section 37-17-6(12)(b); and that Section 37-17-13 provides that the Board may abolish the District and its existing school board and superintendent of schools; and that Section 37-17-13 moreover provides that, at such time as the impairments have been substantially corrected, the Board shall reconstitute, reorganize or change or alter the boundaries of the District and shall notify the appropriate governing authority of its action and request the election or appointment of school board members and a superintendent to govern the District in the manner provided by law; and

WHEREAS, by Resolution adopted by the State Board of Education on July 8, 2015, as delivered to me, as Governor of the State of Mississippi, the Board requests that a State of Emergency be declared in the Tunica County School District immediately in order to place the District under the jurisdiction of the Board for the implementation of the applicable corrective actions provided for by Title 37, Chapter 17 of the Mississippi Code.

NOW THEREFORE, I, Phil Bryant, Governor of the State of Mississippi, in response to the Resolution and request of the State Board of Education, made under the authority of Section 37-17-6(12)(b) of the Mississippi Code, and by virtue of the authority vested in me

by Sections 116 and 123 of the Mississippi Constitution and Section 37-17-6(12)(b) of the Mississippi Code, do hereby issue this Proclamation to declare that, due to serious violations of accreditation standards and state law and a continued pattern of poor student performance, which jeopardize the safety, security, and educational interests of the children enrolled in the schools of this District, a state of extreme emergency exists in the Tunica County School District.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Mississippi to be affixed.

DONE at the Capitol, in the City of Jackson, this the 9th day of July, in the year of our Lord, two thousand and fifteen, and of the two hundred and fortieth year of the United States of America.

A handwritten signature in blue ink that reads 'Phil Bryant'.

PHIL BRYANT
GOVERNOR

BY THE GOVERNOR

A handwritten signature in blue ink that reads 'C. Delbert Hosemann, Jr.'.

C. DELBERT HOSEMANN, JR.
SECRETARY OF STATE