

2.9 CONDITIONS OF EMERGENCY STATUS, **PLACEMENT IN A DISTRICT OF TRANSFORMATION**, AND WITHDRAWAL OF ACCREDITATION

2.9.1 Declaration of State of Emergency

The SBE may request the Governor to declare a state of emergency in any school district in accordance with Miss. Code Ann. § 37-17-6. Upon the declaration of the state of emergency by the Governor, the SBE may take all such action for dealing with the school districts as authorized under Miss. Code Ann. § **37-17-6** (12) or (15), including the withdrawal of the district's accreditation. **In the alternative, the SBE, without the declaration of a state of emergency, may place a school or district into a District of Transformation for academic or financial reasons, in accordance with Miss. Code Ann. § 37-17-6 (12)(b)(ii) or (iii). If placed in a district of transformation for academic or financial reasons, the SBE may also take all such action for dealing with the school districts as authorized under Miss. Code Ann. § 37-17-6 (12) or (15), including the withdrawal of the district's accreditation.**

2.9.2. State of Emergency Hearing Procedures

Pursuant to Miss. Code Ann. § 37-17-6(12), there are several avenues for the SBE to make a request to the Governor to declare a state of emergency.

2.9.2.1 Withdrawal of Accreditation Hearing and Subsequent State of Emergency

In accordance with Miss. Code Ann. § 37-17-6(12)(a), the CSA shall conduct a hearing to determine whether a school district's accreditation should be withdrawn based on failure to comply with their CAP or violations of accreditation standards that may require immediate action. Based on the CSA's consideration, if the CSA, with the approval of the SBE, withdraws the accreditation of a school district, the SBE shall be authorized to request to the Governor that a state of emergency be declared in the district. See Miss. Code Ann. § 37-17-5, Policy 2.8.2, and Policy 6.0 for hearing procedure.

2.9.2.2 Extreme Emergency Situation Hearing

In accordance with Miss. Code Ann. § 37-17-6(12)(b)(i), the MDE's Office of Accreditation shall present evidence to the CSA to support the existence of an extreme emergency situation in the school district that jeopardizes the safety, security, and educational interests of the children and the belief that the emergency situation is related to a serious violation or violations of accreditation standards or state or federal law or failure to meet academic standards as evidenced by a continued pattern of poor student performance. This presentation shall not exceed forty (40) minutes. Following the MDE's Office of Accreditation's presentation, district representative(s) which shall include, the superintendent and school board chairperson/president, will address the CSA. While the

district may have legal representation, only district employees and/or school board members may address the CSA during the forty (40) minutes allowed for the district to present evidence pertinent to this matter. Following the presentations, the CSA will be allowed to address MDE staff and local district representatives to ask any clarifying questions. Once all questions have been asked by the CSA, the attorney for the district (if applicable), and the attorney for the MDE, will be allowed ten (10) minutes each to provide closing arguments. Based on the evidence presented, the CSA acts in one of the following manners:

- Accepts the recommendation of MDE and determines that an extreme emergency exists. The CSA submits the resolution to the State Superintendent of Public Education and the State Board of Education; or
- Rejects the recommendation of MDE.

In accordance with the resolution from the CSA that an extreme emergency exists, the SBE meets to:

- Accept the CSA's determination that an extreme emergency exists, and requests the Governor to declare a state of emergency; or
- Reject the CSA's determination that an extreme emergency exists.

Any request made to the Governor, shall contain an expiration date, which automatically rescinds the request to the Governor if the Governor fails to declare a state of emergency after a specified time period. This expiration date shall be set by the SBE. If the Governor to declare a state of emergency; the district shall be placed in a District of Transformation.

~~2.9.2.3 Failing District~~

~~The MDE Office of Accreditation may present evidence to the SBE that the school district meets the SBE's definition of a failing school district ("F" designation) for two (2) consecutive years. No prior action by the CSA is necessary.~~

~~The SBE may request the Governor to declare a state of emergency in that school district.~~

~~2.9.2.4 More than 50% of the schools are Schools At-Risk~~

~~The MDE Office of Accreditation may present evidence to the SBE that more than 50% of the schools within the school district are "schools at-risk" (i.e., failing schools identified as "F") in any one (1) year. No prior action by the CSA is necessary.~~

~~The SBE may request the Governor to declare a state of emergency in that school district.~~

2.9.3 ~~Achievement School District~~ Districts of Transformation¹ (without the necessity of a State of Emergency Declaration-Financial or Academic)

In the alternative, the SBE may consider a school district ~~for inclusion in the Achievement School District (ASD) for a District of Transformation~~, in accordance with Miss. Code Ann. § 37-17-6(12)(b)(ii) or (iii) ~~37-17-17 if it meets the definition of Failing District or More than 50% of the schools are schools at Risk, as found in Policy 2.9.2.3 and 2.9.2.4~~, and meets the following criteria established by the State Board of Education:

- ~~• The Mississippi Achievement School District shall only take over the number of districts for which it has the capacity to serve; and~~
- ~~• District must have been identified as an “F” district for two (2) consecutive years or two (2) of three (3) consecutive years; and~~
- ~~• 50% or more of the schools are rated as an “F” school; and/or~~
- ~~• 50% or more of the students in the district are in an “F” school.~~

If a school district may be considered for placement in a District of Transformation, the MDE shall provide written notice to the school district of its intent to present evidence to the SBE at its next board meeting, five calendar days before the board meeting.

2.9.3.1 Failing District

The MDE may present evidence to the SBE that the school district meets the SBE’s definition of a failing school district (“F” designation) for two (2) of three (3) consecutive school years or has been persistently failing, and the SBE may place such school district into a District of Transformation. No prior action by the CSA is necessary and no action by the Governor is required.

2.9.3.2 “D” or “F” Designations

The MDE may present evidence to the SBE that a public school or district receives a “D” or “F” designation during each of four (4) consecutive schools year or has been persistently failing, and the SBE may place such school or district into a District of Transformation. No prior action by the CSA is necessary and no action by the Governor is required.

¹ Pursuant to Miss. Code Ann. § 37-17-6.1 from and after July 1, 2024, no local school district shall be placed into the Mississippi Achievement School District and effective July 1, 2025, the Mississippi Achievement School District shall be dissolved.)

2.9.3.3 More than 50% of the schools are Schools At-Risk

The MDE may present evidence to the SBE that more than 50% of the schools within the school district are “schools at-risk” (i.e., failing schools identified as “F”) in any one (1) year, and the SBE may place such school district into a District of Transformation. No prior action by the CSA is necessary and no action by the Governor is required.

2.9.3.4 Serious Lack of Financial Resources

If the SBE determines that a school district is impaired with a serious lack of financial resources, the SBE may place the school district into a District of Transformation. No prior action by the CSA is necessary and no action by the Governor is required. See Miss. Code Ann. § 37-17-6(12)(b)(iii).

2.9.3.5 Board Determination

If the SBE determines that a school district should be placed into a District of Transformation, the SBE shall pass a resolution stating the reasons for the school district’s placement, including its decision to abolish the school district and remove the superintendent and local school board in accordance with Miss. Code Ann. § 37-17-13. The SBE will notify the district of the SBE’s action within 5 school days upon adopting a resolution.