MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Young

To: Education;
Appropriations

HOUSE BILL NO. 694

AN ACT TO AMEND SECTION 37-7-301.1, MISSISSIPPI CODE OF 1972, TO PROVIDE IMPROVEMENT TO HOME RULE AUTHORITY GRANTED TO LOCAL SCHOOL DISTRICTS FOR A PERIOD OF NOT LESS THAN THREE YEARS NOR MORE THAN FIVE YEARS; TO PROVIDE THAT DURING THE IMPROVEMENT PERIOD, EACH LOCAL SCHOOL DISTRICT MUST RELINQUISH GOVERNING AUTHORITY TO THE STATE DEPARTMENT OF EDUCATION FOR A PERIOD DETERMINED BY THE DEPARTMENT AND THE STATE BOARD OF EDUCATION; TO REQUIRE THE STATE BOARD OF EDUCATION AND THE DEPARTMENT TO CONDUCT A STATEWIDE ASSESSMENT OF LOCAL SCHOOL DISTRICT GOVERNANCE TO BE USED AS A BASIS TO DETERMINE THE DURATION OF ADMINISTRATIVE CONTROL OF EACH DISTRICT; TO REQUIRE THE BOARD AND DEPARTMENT TO NOTIFY THE LOCAL SCHOOL DISTRICT OF ITS DETERMINATION, AT WHICH TIME THE IMPROVEMENT PERIOD MUST BE INVOKED AND THE DISTRICTS' AUTHORITY RELINQUISHED TO THE DEPARTMENT; TO PROVIDE THAT THE LOCAL SCHOOL BOARD SHALL SERVE IN AN ADVISORY CAPACITY; TO PROVIDE THAT THE BOARD AND DEPARTMENT MAY TRANSFER THE AUTHORITY OF LOCAL CONTROL OF CERTAIN GOVERNING MATTERS TO THE LOCAL SCHOOL BOARD ON A PHASED-IN BASIS AFTER THE FIRST YEAR OF DEPARTMENT CONTROL; TO PROVIDE THE STATE DEPARTMENT OF EDUCATION WITH COMPLETE AUTHORITY IN THE DECISION-MAKING AND GOVERNANCE OF THE SCHOOL DISTRICT PREVIOUSLY EXERCISED BY THE LOCAL SCHOOL BOARD UNDER HOME RULE AUTHORITY; TO PROVIDE FOR THE REPEAL OF THE IMPROVEMENT PROVISIONS ON JULY 1, 2025; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 37-7-301.1, Mississippi Code of 1972, is amended as follows:

37-7-301.1. (1) Except as otherwise provided in subsection (2), the school board of a school district may adopt any orders,

resolutions or ordinances with respect to school district affairs, property and finances which are not inconsistent with the Mississippi Constitution of 1890, the Mississippi Code of 1972, or any other statute or law of the State of Mississippi. Except as otherwise provided in this section, the powers granted to the school boards in this section are complete without the existence of or reference to any specific authority granted in any other statute or law of the State of Mississippi. Unless such actions are specifically authorized by another statute or law of the State of Mississippi, this section shall not authorize a school board to: (a) levy taxes of any kind or increase the levy of any authorized tax; (b) issue bonds of any kind; or (c) enter into collective bargaining agreements.

(2) (a) Effective from and after July 1, 2021, the home rule authority provided to local school districts in subsection (1) of this section is suspended in each school district for a period of not less than three (3) years nor more than five (5) years, as determined through a statewide assessment of local school district governance by the State Board of Education and the State Department of Education. Upon the conclusion of the statewide assessment by the board and department, the local school board of each school district must be notified by the State Board of Education of its determination for the duration of administrative control of the district. At the time a district is notified, the improvement period on home rule authority must be

invoked immediately, and the local school board must relinquish all of its power and authority to the State Department of Education while continuing to serve in an advisory capacity. Based on the level of administrative oversight and intervention necessary, the State Board of Education and the department may begin to transfer the authority of local control of certain governing matters for the operation of the school district to the local school board on a phased-in basis after the first year of department control.

(b) The State Board of Education and the State Department of Education shall establish the criteria to be used in the statewide assessment of school districts to assist in the determination of the length of the administrative improvement period imposed upon each school district. Upon acquiring control of the local governance of each school district, the State Department of Education has the complete authority in the decision-making and governance of the school district previously exercised by the local school board under subsection (1) of this section.

(c) This subsection (2) shall stand repealed from and after July 1, 2026.

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.