

By: Representative Ellis

To: Education;
Appropriations

HOUSE BILL NO. 1384

1 AN ACT TO CREATE A NEW CODE SECTION TO REQUIRE THE STATE
2 BOARD OF EDUCATION TO CONSOLIDATE CERTAIN SCHOOL DISTRICTS WITHIN
3 INDIVIDUAL COUNTIES INTO COUNTYWIDE SCHOOL DISTRICTS; TO PRESCRIBE
4 THE METHOD OF ELECTING SCHOOL BOARD MEMBERS AND SELECTING
5 SUPERINTENDENTS FOR THE NEW COUNTYWIDE DISTRICTS; TO PRESCRIBE THE
6 MANNER OF ESTABLISHING TEACHER CONTRACTS AND PREPARING A BUDGET
7 FOR THE FIRST SCHOOL YEAR FOLLOWING CREATION OF A COUNTYWIDE
8 SCHOOL DISTRICT; TO REQUIRE THE STATE BOARD OF EDUCATION TO
9 PROVIDE FINANCIAL ASSISTANCE, SUBJECT TO LEGISLATIVE
10 APPROPRIATIONS, TO SCHOOL DISTRICTS THAT CONSOLIDATE INTO A
11 COUNTYWIDE SCHOOL DISTRICT; TO LIMIT THE TOTAL SUMS ALLOTTED FOR
12 CONSOLIDATION IN ANY SINGLE COUNTY TO \$5,000,000.00; TO REQUIRE
13 THE SCHOOL DISTRICTS TO USE SUCH FUNDS FOR THE TRANSITION TO A
14 COUNTYWIDE DISTRICT; AND FOR RELATED PURPOSES.

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

16 **SECTION 1.** (1) Notwithstanding any other provision of this
17 chapter, in each county having more than one (1) school district
18 and at least one (1) school district with less than two thousand
19 five hundred (2,500) students situated within that county on the
20 effective date of this section, the State Board of Education shall
21 require the consolidation of all such school districts into one
22 (1) school district, which shall have the same boundaries as that
23 of the county. All school boards that consolidate their school
24 districts shall adopt new district lines by order and immediately
25 proceed to take all actions necessary to create one (1) school
26 district within the county.

27 (2) When all the school districts within a county are
28 required to consolidate and the order of each school board
29 adopting the new lines has been entered and is final, all orders
30 shall be submitted to the State Board of Education. The State
31 Board of Education shall submit the new district lines to the
32 Attorney General of the United States for preclearance or to the
33 United States District Court for the District of Columbia for a

34 declaratory judgment in accordance with the provisions of the
35 Voting Rights Act of 1965, as amended and extended. If the change
36 in the school district lines are either precleared by the United
37 States Department of Justice, or approved by the United States
38 District Court, the State Board of Education shall formally
39 declare the new lines as the new boundaries of the countywide
40 school district.

41 (3) Upon preclearance of the countywide consolidation, all
42 school boards shall approve a joint resolution for the election of
43 five (5) new board members from single-member districts as
44 provided by Sections 37-7-225 through 37-7-229. These elections
45 shall be scheduled before May 1 of the year in which the
46 consolidation is to become effective. The superintendent of any
47 countywide district created through consolidation shall be
48 appointed if all of the school districts that are consolidating
49 previously had appointed their superintendents. The
50 superintendent of any countywide district created through
51 consolidation shall be elected if all of the school districts that
52 are consolidating previously had elected their superintendents.
53 In the event two (2) or more school districts consolidating under
54 this section previously had appointed one or more superintendents
55 and elected the remainder, the superintendent shall be elected or
56 appointed in accordance with the method utilized by the
57 consolidating school district with the larger or largest student
58 population. The superintendent shall begin work as the
59 superintendent on July 1 of the year when the consolidation
60 becomes effective. The order required under subsection (1) of
61 this section shall invalidate the contracts of the superintendents
62 of the preceding districts and shall terminate the term of the
63 superintendent if that person was elected. The order shall
64 invalidate the term of any school board member beyond July 1 of
65 that year whether he is elected or appointed. Any school board

66 member from any school district may be eligible to run for
67 election to the new consolidated school board.

68 (4) Each school board shall be responsible for establishing
69 the contracts for teachers and principals for the next school year
70 with the consultation of the successor countywide school board if
71 they have been selected at the time such decisions are to be made.
72 The selection of administrator in the central administration
73 office shall be the responsibility of the successor school board.
74 No existing dates for renewal of contracts shall invalidate the
75 responsibility of the successor countywide school board in taking
76 such action. The successor countywide school board may enter into
77 these contracts at any time following their election, but no later
78 than July 1 of that year. Further, it shall be the responsibility
79 of the successor school board to prepare and approve the budget of
80 the new countywide district. The successor countywide school
81 board may use staff from the existing districts to prepare the
82 budget. The countywide school board shall have authority to
83 approve the budget before the July 1 date and shall follow the
84 time line established for budget preparation under the law.
85 Should any district at the time of consolidation have more
86 liabilities than assets, then the successor countywide school
87 board may levy an ad valorem tax upon the taxable property in the
88 territory of the district where the deficit exists, not to exceed
89 five percent (5%) of the existing tax levy, for the sole purpose
90 of reducing the deficit. When the deficit is eliminated, then
91 such tax levy shall be terminated. Any taxes levied to bring
92 about the equalization of funding, to equalize pay scales or
93 levied in the territory of a newly created countywide district
94 where a deficit exists, shall constitute a "new program" for the
95 purposes of ad valorem tax limitations as prescribed in Sections
96 27-39-321 and 37-57-107.

97 **SECTION 2.** Subject to appropriations by the Legislature, in
98 order to consolidate all school districts that have at least one

99 (1) school district with less than two thousand five hundred
100 (2,500) students situated within a county into a single,
101 countywide school district, the State Board of Education shall
102 provide financial assistance to the consolidating school districts
103 in an amount to be established by the state board for each student
104 in average daily attendance in the county. Upon receipt of the
105 order of each school board within a county adopting the new
106 district lines under Section 1 of this act, the State Board of
107 Education shall allot to the school districts such sums that in
108 the aggregate do not exceed Five Million Dollars (\$5,000,000.00)
109 per county. The total amount allotted to the school districts
110 within a single county shall be prorated among the various
111 districts based upon each district's average daily attendance.
112 Each school district shall use the funds to facilitate the
113 transition to the countywide school district. All funds not
114 expended by the various school districts before the successor
115 countywide school district becomes effective shall be used by the
116 new countywide district for initial costs of operation as a
117 countywide school district.

118 **SECTION 3.** This act shall be codified as a separate code
119 section in Title 37, Chapter 7, Mississippi Code of 1972.

120 **SECTION 4.** The Attorney General of the State of Mississippi
121 is directed to submit this act, immediately upon approval by the
122 Governor, or upon approval by the Legislature subsequent to a
123 veto, to the Attorney General of the United States or to the
124 United States District Court for the District of Columbia in
125 accordance with the provisions of the Voting Rights Act of 1965,
126 as amended and extended.

127 **SECTION 5.** This act shall take effect and be in force from
128 and after the date it is effectuated under Section 5 of the Voting
129 Rights Act of 1965, as amended and extended.