

**Adopted  
AMENDMENT NO 1 PROPOSED TO**

**Cmte Sub for Senate Bill No. 2713**

**BY: Senator(s) Brown, Pickering**

1           **AMEND by inserting the following new section after line 220**  
2 **and renumbering subsequent sections accordingly:**

3           **SECTION \*.** (1) **Referendum.** In any Mississippi county  
4 having two (2) or more school districts, at least one (1) of which  
5 is a school district with fewer than nine hundred (900) students  
6 according to the district's average daily attendance in each of  
7 the two (2) school years immediately preceding the 2004-2005  
8 school year, there shall be held a referendum on the question of  
9 the administrative consolidation of all of the school districts in  
10 the county into a single countywide school district with one (1)  
11 administrative unit and one (1) school board, that is not required  
12 to close school facilities. No election shall be required in any  
13 county having one (1) countywide school district and no additional  
14 municipal separate or consolidated district. By July 1, 2005, the  
15 State Board of Education shall publish a list of all school  
16 districts subject to this referendum requirement, and shall  
17 certify this consolidation referendum list to the applicable local  
18 school boards and county boards of supervisors. The date of the  
19 referendum shall be on the first Tuesday after the first Monday in  
20 November 2005. Notice of such referendum shall be published by  
21 the board of supervisors of such county once each week for at  
22 least three (3) consecutive weeks in a newspaper published or  
23 having a general circulation in the county, with the first

24 publication of such notice to be made not less than twenty-one  
25 (21) days before the date fixed for the referendum and the last  
26 publication to be made not more than seven (7) days before the  
27 referendum. At the referendum, all qualified electors of such  
28 county may vote, and the ballots used in such referendum shall  
29 have printed thereon the words "FOR THE ADMINISTRATIVE  
30 CONSOLIDATION OF ALL SCHOOL DISTRICTS IN \_\_\_\_\_ COUNTY  
31 INTO ONE (1) COUNTYWIDE SCHOOL DISTRICT", and, on a separate line,  
32 "AGAINST THE ADMINISTRATIVE CONSOLIDATION OF ALL SCHOOL DISTRICTS  
33 IN \_\_\_\_\_ COUNTY INTO ONE (1) COUNTYWIDE SCHOOL DISTRICT",  
34 and the voters shall vote by placing a cross (X) or check (✓)  
35 opposite their choice on the proposition. When the results of any  
36 such referendum shall have been canvassed by the county election  
37 commission and certified, the school districts in the county shall  
38 be administratively consolidated under the procedures specified in  
39 subsection (3) of this section, only if a majority of the  
40 qualified electors who vote in the election vote in favor of the  
41 proposition. In the event that a majority of the qualified  
42 electors who vote at the referendum vote in opposition to the  
43 proposition, a subsequent referendum on the issue of  
44 administrative consolidation shall be held within two (2) years  
45 from the date of the first referendum on a date to be established  
46 by the board of supervisors of such county. If the proposition is  
47 denied at the second referendum, no further referendum may be held  
48 on the question for a period of five (5) years. No public funds  
49 shall be used for the purpose of promoting the adoption of the  
50 referendum.

51 (2) **Definitions.** As used in this section:

52 (a) "Administrative annexation" means the joining of an  
53 affected school district or a part of the school district with a  
54 receiving district;

55           (b) "Administrative consolidation" means the joining of  
56 two (2) or more school districts to create a new single countywide  
57 school district with one (1) administrative unit pursuant to  
58 referendum, and one (1) school board that is not required to close  
59 school facilities;

60           (c) "Affected district" means a school district that  
61 loses territory or students as a result of administrative  
62 annexation or consolidation;

63           (d) "Resulting district" means the new countywide  
64 school district created from an affected district or districts as  
65 a result of administrative consolidation required pursuant to  
66 referendum.

67           (3) **Administrative consolidation.**

68           (a) There shall be an administrative consolidation of  
69 all school districts located in the county affected by the  
70 referendum required under subsection (1) if a majority of the  
71 qualified electors who vote in the election vote in favor of the  
72 proposition, as provided in this subsection (3). There shall be a  
73 new county board of education elected in the November general or  
74 special elections following the date of the referendum, which  
75 shall be elected as provided in Section 37-5-7, Mississippi Code  
76 of 1972. The new county board of education shall provide for the  
77 administrative consolidation of all school districts in the county  
78 into one (1) countywide school district embracing the entire  
79 county on or before July 1 next following the November election.  
80 Any school district affected by the required administrative  
81 consolidation that does not voluntarily consolidate with the  
82 countywide school district shall be administratively consolidated  
83 by the State Board of Education with the countywide school  
84 district in which such district is located, to be effective on  
85 July 1 following the election of the new county board of  
86 education. The State Board of Education shall promptly move on

87 its own motion to administratively consolidate a school district  
88 which does not voluntarily consolidate in order to enable the  
89 affected school districts to reasonably accomplish the resulting  
90 administrative consolidation into one (1) countywide school  
91 district by July 1 following the election of the new county board  
92 of education. All affected school districts shall comply with any  
93 consolidation order issued by the county board of education or the  
94 State Board of Education, as the case may be, on or before July 1  
95 following the election of the new county board of education.

96 (b) On July 1 following the election of the new county  
97 board of education, the former county board of education, the  
98 board of trustees of any municipal separate, special municipal  
99 separate, consolidated or line consolidated school district  
100 located in such county shall be abolished. All real and personal  
101 property which is owned or titled in the name of a school district  
102 located in such county shall be transferred to the countywide  
103 school district of the county in which such school district is  
104 located. Each affected school board shall be responsible for  
105 establishing the contracts for teachers and principals for the  
106 next school year following the required administrative  
107 consolidation with the consultation of the newly elected successor  
108 county board of education. The selection of the appointed county  
109 superintendent of education and the assistant superintendent of  
110 education in the central administration office of the successor  
111 countywide school district shall be the responsibility of the  
112 successor county board of education. No such administratively  
113 consolidated countywide school district shall have more than two  
114 (2) assistant county superintendents of education. It shall be  
115 the responsibility of the successor county board of education to  
116 prepare and approve the budget of the new countywide district, and  
117 the county board of education may use staff from the former school  
118 districts to prepare the budget. Any proposed order of the

119 successor county board of education directing the transfer of the  
120 assets, real or personal property of an affected school district  
121 in the county, shall be submitted and approved by the State Board  
122 of Education. The finding of the State Board of Education shall  
123 be final and conclusive for the purposes of the transfer of  
124 property required by such administrative consolidation. Any  
125 person or school district aggrieved by an order of the successor  
126 county school board of education pursuant to the required  
127 administrative consolidation may appeal therefrom to the State  
128 Board of Education within ten (10) days from the date of the  
129 adjournment of the meeting at which such order is entered. Such  
130 appeal shall be de novo, and the finding of the State Board of  
131 Education upon such question shall be final and conclusive for the  
132 purpose of the approval or disapproval of the action by said  
133 county board of education.

134 (c) When any school district in such county is  
135 abolished under the provisions of this section, the abolition  
136 thereof shall not impair or release the property of such former  
137 school district from liability for the payment of the bonds or  
138 other indebtedness of such district and it shall be the duty of  
139 the board of supervisors of said county to levy taxes on the  
140 property of said district so abolished from year to year according  
141 to the terms of such indebtedness until same shall be fully paid.

142 (d) In the administratively consolidated countywide  
143 school district created under this section, the ad valorem tax  
144 rate shall be determined as set forth under Section 37-57-1 et  
145 seq.

146 (e) Nothing in this section shall be construed to  
147 require the closing of any school or school facility, unless such  
148 facility is an unneeded administrative office located within a  
149 school district which has been abolished under the provisions of  
150 this section. All administrative consolidations under this

151 section shall be accomplished so as not to delay or in any manner  
152 negatively affect the desegregation of another school district in  
153 the county pursuant to court order. Individual schools and  
154 attendance centers in operation and located within a school  
155 district which has been abolished under the provisions of this  
156 section may continue to operate under the same name for a period  
157 of ten (10) years following such administrative consolidation, but  
158 may be merged or consolidated with other school facilities in the  
159 discretion of the successor county board of education pursuant to  
160 law following such ten-year period.

161 (f) The State Board of Education shall promulgate rules  
162 and regulations to facilitate the administrative consolidation of  
163 the school districts in a county pursuant to this section. When  
164 the orders of the successor county board of education adopting the  
165 boundaries of the successor countywide school district have been  
166 entered and are final, as approved by the State Board of  
167 Education, the new district lines shall be submitted by the State  
168 Board of Education with the assistance of the Attorney General to  
169 the Attorney General of the United States for preclearance or to  
170 the United States District Court for the District of Columbia for  
171 a declaratory judgment in accordance with the provisions of the  
172 Voting Rights Act of 1965, as amended and extended. In the event  
173 the change in the school district lines are precleared or  
174 approved, the State Board of Education shall formally declare the  
175 new lines as the new boundaries of the consolidated countywide  
176 school district.

177 (4) **Administrative consolidation incentive funds.**

178 (a) The state shall pay administrative consolidation  
179 incentive funds to each school district that:

180 (i) Has an average daily attendance of at least  
181 nine hundred (900) for each of the two (2) school years preceding

182 the school year in which the administrative consolidation or  
183 annexation referendum is held; and

184 (ii) Voluntarily petitions and receives approval  
185 from the State Board of Education to administratively consolidate  
186 or annex another school district with less than nine hundred (900)  
187 students in average daily attendance, prior to July 1, 2006. The  
188 payment of administrative consolidation incentive funds shall be  
189 based on the number of students in the resulting district.

190 (b) Administrative consolidation incentive funds shall  
191 be paid, subject to specific appropriation therefor by the  
192 Legislature, in an amount equal to the differences between the per  
193 student funding level paid by the state under the Mississippi  
194 Adequate Education Program paid in the affected school district  
195 and the receiving district, multiplied times the consolidated  
196 average daily attendance.

197 (c) Administrative consolidation incentive funds may be  
198 used by the school districts for any purpose. However, the State  
199 Board of Education by rule may require funds to be expended on the  
200 construction or improvement of school facilities.

201 (d) The funds shall be paid to the resulting  
202 administratively consolidated or annexed school districts during  
203 the first year and the second year of the consolidated or annexed  
204 district's existence.

205 **FURTHER, AMEND the title by inserting the following after the**  
206 **semicolon on line 4:**

207 TO REQUIRE A REFERENDUM ON THE QUESTION OF THE ADMINISTRATIVE  
208 CONSOLIDATION OF THE EXISTING SCHOOL DISTRICTS IN ANY COUNTY  
209 HAVING TWO OR MORE DISTRICTS AND AT LEAST ONE DISTRICT HAS FEWER  
210 THAN 900 STUDENTS;