

By: Senator(s) Hyde-Smith

To: Education

SENATE BILL NO. 2167

1 AN ACT TO CODIFY SECTION 37-7-104, MISSISSIPPI CODE OF 1972,
 2 TO PROVIDE FOR A MANDATORY ADMINISTRATIVE REORGANIZATION OF
 3 CERTAIN SCHOOL DISTRICTS WITH SMALL STUDENT ENROLLMENT AND WHICH
 4 DO NOT MEET CERTAIN ACCREDITATION STANDARDS AND LOCAL FUNDING
 5 REQUIREMENTS; TO PROVIDE DEFINITIONS; TO PROVIDE THAT SUCH SCHOOL
 6 DISTRICTS SUBJECT TO MANDATORY ADMINISTRATIVE CONSOLIDATION SHALL
 7 BE IDENTIFIED BY THE STATE BOARD OF EDUCATION; TO PRESCRIBE A
 8 PROCEDURE FOR VOLUNTARY CONSOLIDATION AND A PROCEDURE FOR
 9 MANDATORY CONSOLIDATION; TO PROVIDE THAT SUCH ADMINISTRATIVE
 10 CONSOLIDATION SHALL NOT REQUIRE THE CLOSING OF ANY SCHOOL OR
 11 SCHOOL FACILITY AND TO PROVIDE THAT SUCH CONSOLIDATED SCHOOL
 12 DISTRICT SHALL HAVE ONE SUPERINTENDENT; TO DIRECT THE STATE BOARD
 13 OF EDUCATION TO ISSUE ORDERS AND REGULATIONS NECESSARY TO
 14 FACILITATE THE ADMINISTRATIVE CONSOLIDATION REQUIRED UNDER THIS
 15 ACT; AND FOR RELATED PURPOSES.

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

17 **SECTION 1.** The following shall be codified as Section
 18 37-7-104, Mississippi Code of 1972:

19 37-7-104. (1) **Definitions.** As used in this section:

20 (a) "Administrative annexation" means the joining of an
 21 affected school district or a part of the school district with a
 22 receiving district;

23 (b) "Administrative consolidation" means the joining of
 24 two (2) or more school districts to create a new single school
 25 district with one (1) administrative unit and one (1) school board
 26 that is not required to close school facilities;

27 (c) "Affected district" means a school district that
 28 loses territory or students as a result of administrative
 29 annexation or consolidation;

30 (d) (i) "Average daily attendance" means the total
 31 number of days attended plus the total number of days absent by
 32 students in grades kindergarten through twelve (K-12) during the
 33 first three (3) quarters of each school year divided by the number

34 of school days actually taught in the district during that period
35 of time rounded up to the nearest hundredth;

36 (ii) Students who may be counted for average daily
37 attendance are:

38 1. Students who reside within the boundaries
39 of the school district and who are enrolled in a public school
40 operated by the district or a private school for special education
41 students, with their attendance resulting from a written tuition
42 agreement approved by the State Department of Education;

43 2. Legally transferred students living
44 outside the district but attending a public school in the
45 district; and

46 3. Students who reside within the boundaries
47 of the school district and who are enrolled in the Mississippi
48 National Guard Youth Challenge Program, so long as the students
49 are participants in the program;

50 (e) "Consolidated average daily attendance" means the
51 sum of the average daily attendance for each school district
52 included in a consolidation;

53 (f) "Receiving district" means a school district or
54 districts that receive territory, students or both, from an
55 affected district as a result of administrative annexation; and

56 (g) "Resulting district" means the new school district
57 created from an affected district or districts as a result of
58 administrative consolidation.

59 (2) **Administrative consolidation list.** By February 1, 2007,
60 and each February 1 thereafter, the State Department of Education
61 shall publish a consolidation list that includes all school
62 districts with fewer than nine hundred (900) students according to
63 the district's average daily attendance in each of the two (2)
64 school years immediately preceding the current school year. Any
65 such school district with fewer than nine hundred (900) students
66 shall comply with the administrative consolidation requirements

67 prescribed under subsection (3) unless the school district (a) is
 68 accredited at Level 4 or higher by the Mississippi Commission on
 69 School Accreditation, and (b) the school district certifies to the
 70 State Board of Education that the following budget function codes
 71 for central office administration are funded from local school
 72 district maintenance tax levies and not from Mississippi Adequate
 73 Education Program funds:

74	FUNCTION	DESCRIPTION
75	CODE NUMBER	
76	2310	Local Board of Education Services
77	2311	Supervision of Board of Education Services
78	2319	Other Board of Education Services
79	2320	Executive Administration Services
80	2321	Office of School Superintendent Services
81	2329	Other Executive Administration Services
82	2330	Special Area Administration Services
83		SUPPORT SERVICES - CENTRAL:
84	2810	Planning, Research, Development and
85		Evaluation Services
86	2820	Information Services:
87	2821	Supervision of Information Services
88	2822	Internal Information Services
89	2823	Public Information Services
90	2824	Management Information Services
91	2829	Other Information Services
92	2830	Staff Services:
93	2831	Supervision of Staff Services
94	2832	Recruitment and Placement Services
95	2834	In-Service Training Services (for
96		Noninstructional Staff)
97	2839	Other Staff Services
98	2840	Data Processing Services:
99	2841	Supervising Data Processing Services

100 2842 Systems Analysis Services
101 2843 Programming Services
102 2844 Operations Services
103 2849 Other Data Processing Services

104 (3) **Administrative reorganization procedures.**

105 (a) (i) Any school district included in the State
106 Department of Education's consolidation list pursuant to
107 subsection (2), which is required to administratively consolidate,
108 may voluntarily agree to administratively consolidate with or be
109 annexed to another district or districts in accordance with the
110 requirements and limitations of this section. Any school district
111 on the consolidation list choosing to voluntarily administratively
112 consolidate or annex shall submit a petition for approval to the
113 State Board of Education by April 1 immediately following
114 publication of the list and shall set forth the terms of the
115 administrative consolidation or annexation agreement in the plan.
116 If the petition is approved by the State Board of Education, the
117 administrative consolidation or annexation shall be completed by
118 June 1, to be effective on the July 1 immediately following the
119 publication of the list required under subsection (2). The State
120 Board of Education shall not deny the petition for voluntary
121 administrative consolidation or annexation of any two (2) or more
122 school districts unless:

123 1. The provisions contained in the articles
124 of administrative consolidation or annexation would violate state
125 or federal law; or

126 2. The voluntary consolidation or annexation
127 would not contribute to the betterment of the education of
128 students in the districts.

129 (ii) Any school district on the consolidation list
130 that does not submit a petition pursuant to subsection (3)(a)(i)
131 or that does not receive approval by the State Board of Education
132 for a voluntary consolidation or annexation petition shall be

133 administratively consolidated by the State Board of Education with
134 or into one or more school districts by June 1, to be effective on
135 the July 1 immediately following the publication of the list
136 required under subsection (2).

137 (iii) The State Board of Education shall promptly
138 consider petitions or move on its own motion to administratively
139 consolidate a school district on the consolidation list in order
140 to enable the affected school districts to reasonably accomplish
141 any resulting administrative consolidation or annexation by July 1
142 immediately following the publication of the list required under
143 subsection (2).

144 (b) Any school district required to be administratively
145 consolidated under this section shall be administratively
146 consolidated in such a manner as to create a resulting district
147 with an average daily attendance meeting or exceeding nine hundred
148 (900).

149 (c) After the administrative consolidation order is
150 approved by the State Board of Education, the consolidation shall
151 be submitted by the State Board of Education to the appropriate
152 federal agencies for approval. After all preclearance has been
153 received, the State Board of Education shall declare the new
154 boundaries of the consolidated school district and all action
155 shall proceed as outlined under law using the new boundaries.
156 Upon preclearance of such consolidation, all affected and
157 receiving school boards shall approve a joint resolution for the
158 new election or appointment of new board members from new
159 districts as provided by law. These elections or appointments
160 shall be scheduled prior to May 1 of the year in which the
161 consolidation is to become effective. The new consolidated
162 district shall become effective on July 1 of that same year. The
163 superintendent of any district created through consolidation shall
164 be appointed. The superintendent shall begin work as the
165 superintendent on July 1 of such year when the consolidation

166 becomes effective. The order to consolidate shall invalidate the
167 contracts of the superintendents of the preceding districts and
168 shall terminate the term of the superintendent if that person was
169 elected. The order to consolidate shall invalidate the term of
170 any school board member of the affected or receiving district
171 beyond July 1 of that year whether they are elected or appointed.
172 Any school board member from any school district may be eligible
173 to run for election or be appointed to the new consolidated school
174 board. Each school board shall be responsible for establishing
175 the contracts for teachers and principals for the next school year
176 with the consultation of the successor school board if they have
177 been selected at the time such decisions are to be made. The
178 selection of administrator in the central administration office
179 shall be the responsibility of the successor school board. No
180 existing dates for renewal of contracts shall invalidate the
181 responsibility of the successor school board in taking such
182 action. The successor school board may enter into these contracts
183 at any time following their election or appointment, but no later
184 than July 1 of that year. It shall also be the responsibility of
185 the successor school board to prepare and approve the budget of
186 the new district. The successor school board may use staff from
187 the existing districts to prepare the budget. The school board
188 shall have authority to approve the budget prior to the July 1
189 date and shall follow the time line established for budget
190 preparation under the law. Any order directing the transfer of
191 the assets, real or personal property of a school district on the
192 administrative consolidation list issued by the State Board of
193 Education shall be submitted to and approved by the State Board of
194 Education. The finding of the State Board of Education shall be
195 final and conclusive for the purposes of the transfer of property
196 required by an administrative consolidation. Any person or school
197 district aggrieved by an order of a school board adopted pursuant
198 to the requirements of this section may appeal therefrom to the

199 State Board of Education within ten (10) days from the date of the
200 adjournment of the meeting at which such order is entered. Such
201 appeal shall be de novo, and the finding of the State Board of
202 Education upon such question shall be final and conclusive for the
203 purpose of the approval or disapproval of the action by said
204 board.

205 (d) All administrative consolidations or annexations
206 under this section shall be accomplished so as not to create a
207 school district that hampers, delays or in any manner negatively
208 affects the desegregation of another school district in this
209 state.

210 (e) In the administratively consolidated or annexed
211 school districts created under this section, the ad valorem tax
212 rate shall be determined as set forth under Section 31-57-1 et
213 seq.

214 (f) Nothing in this section shall be construed to
215 require the closing of any school or school facility.

216 (g) No administratively consolidated or annexed school
217 district shall have more than one (1) superintendent.

218 (h) No school district administratively consolidated
219 with a school district designated by the State Board of Education
220 as being in academic or fiscal distress shall be subject to
221 academic or fiscal distress sanctions for a period of three (3)
222 years from the effective date of consolidation unless:

223 (i) The school district fails to meet minimum
224 teacher salary requirements; or

225 (ii) The school district fails to comply with the
226 Standards for Accreditation of Mississippi Public Schools issued
227 by the State Department of Education.

228 (i) Noncontiguous school districts may voluntarily
229 consolidate if:

230 (i) The facilities and physical plant of each
231 school district are within the same county; and the State Board of
232 Education approves the administrative consolidation; or

233 (ii) The facilities and physical plant of each
234 school district are not within the same county; and the State
235 Board of Education approves the administrative consolidation or
236 annexation and finds that:

237 1. The consolidation or annexation will
238 result in the overall improvement in the educational benefit to
239 students in all of the school districts involved; or

240 2. The consolidation or annexation will
241 provide a significant advantage in transportation costs or service
242 to all of the school districts involved.

243 (j) Contiguous districts may administratively
244 consolidate even if they are not in the same county.

245 (k) When any school district on the administrative
246 consolidation list issued by the State Board of Education is
247 abolished under the provisions of this section, the abolition
248 thereof shall not impair or release the property of such school
249 district from liability for the payment of the bonds or other
250 indebtedness of such district, and it shall be the duty of the
251 board of supervisors of said county to levy taxes on the property
252 of said district so abolished from year to year according to the
253 terms of such indebtedness until same shall be fully paid.

254 (l) The State Board of Education shall promulgate rules
255 to facilitate the administration of this section.

256 (4) **Charter schools.** The provisions of this section shall
257 not apply to charter schools in existence on the effective date of
258 this act or to schools achieving charter status by June 1, 2007.

259 **SECTION 2.** The Attorney General of the State of Mississippi
260 shall submit this act, immediately upon approval by the Governor,
261 or upon approval by the Legislature subsequent to a veto, to the
262 Attorney General of the United States or to the United States

263 District Court for the District of Columbia in accordance with the
264 provisions of the Voting Rights Act of 1965, as amended and
265 extended.

266 **SECTION 3.** This act shall take effect and be in force from
267 and after the date it is effectuated under Section 5 of the Voting
268 Rights Act of 1965, as amended and extended.