

By: Senator(s) Tollison, Harkins, McDaniel, Watson To: Education

SENATE BILL NO. 2330
(As Passed the Senate)

1 AN ACT TO CODIFY SECTION 37-7-104, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT IN ANY MISSISSIPPI COUNTY HAVING THREE SCHOOL
3 DISTRICTS, ALL OF WHICH ARE UNDER CONSERVATORSHIP BY THE
4 MISSISSIPPI DEPARTMENT OF EDUCATION, THERE SHALL BE AN
5 ADMINISTRATIVE CONSOLIDATION INTO ONE COUNTYWIDE SCHOOL DISTRICT;
6 TO PROVIDE FOR A NEW COUNTY BOARD OF EDUCATION TO BE ELECTED IN
7 SUCH COUNTY IN A NOVEMBER 2013 SPECIAL ELECTION; TO PROVIDE THAT
8 THE NEW COUNTY BOARD OF EDUCATION SHALL SERVE AS THE LEAD AGENCY
9 TO CONSOLIDATE THE SCHOOL DISTRICTS IN SUCH COUNTY AND TO DIRECT
10 THE STATE BOARD OF EDUCATION TO ADMINISTRATIVELY CONSOLIDATE ANY
11 SCHOOL DISTRICT WHICH DOES NOT VOLUNTARILY FOLLOW THE
12 CONSOLIDATION ORDER; TO ABOLISH THE FORMER SCHOOL BOARDS FOLLOWING
13 THE ADMINISTRATIVE CONSOLIDATION AND PROVIDE FOR THE TRANSFER OF
14 SCHOOL DISTRICT ASSETS AND LIABILITIES; TO PROVIDE FOR THE
15 APPOINTMENT OF A NEW COUNTY SUPERINTENDENT OF EDUCATION IN SAID
16 COUNTY; TO PROVIDE FOR EXECUTION OF TEACHER AND SCHOOL DISTRICT
17 EMPLOYEE CONTRACTS IN THE NEW SCHOOL DISTRICTS AND TO PROVIDE FOR
18 THE PREPARATION OF SCHOOL DISTRICT BUDGETS IN THE NEW SCHOOL
19 DISTRICTS; TO DIRECT THE STATE BOARD OF EDUCATION TO PROMULGATE
20 REGULATIONS TO IMPLEMENT SUCH ADMINISTRATIVE CONSOLIDATION; TO
21 AMEND SECTION 37-7-103, MISSISSIPPI CODE OF 1972, IN CONFORMITY;
22 AND FOR RELATED PURPOSES.

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

24 **SECTION 1.** The following shall be codified as Section
25 37-7-104, Mississippi Code of 1972:

26 37-7-104. (1) In any Mississippi county in which are
27 located, as of February 8, 2012, three (3) school districts and
28 only three (3) school districts, all of which are under
29 conservatorship as defined by the Mississippi Department of
30 Education as of February 8, 2012, there shall be an administrative
31 consolidation of all of the school districts in the county into
32 one (1) countywide school district with one (1) county board of
33 education. The State Board of Education shall determine the
34 school district(s) applicable to the provisions of this section
35 and spread this finding on the minutes of its August 2012 meeting.



36 On or before September 1, 2012, the State Board of Education shall
37 serve the local school boards applicable to the provisions of this
38 section, or the Mississippi Department of Education Conservator
39 for each of the three (3) school districts, with notice and
40 instruction regarding the action to be taken to comply with this
41 section. In such county, there shall be a new county board of
42 education elected in a November 2013 special election which shall
43 be called for that purpose and the new county board members shall
44 be elected as provided in Section 37-5-7, Mississippi Code of
45 1972. No previous board member shall be eligible to serve on the
46 newly elected board. Provided, however, that it shall be the
47 responsibility of the board of supervisors of such county to
48 apportion the countywide school district into five (5) new single
49 member board of education districts which shall be consistent with
50 the supervisors district lines in said county. The board of
51 supervisors of said county shall thereafter publish the same in
52 some newspaper of general circulation within said county for at
53 least three (3) consecutive weeks and after having given notice of
54 publication and recording the same upon the minutes of the board
55 of supervisors of said county, said new district lines will
56 thereafter be effective for the November 2013 special election.
57 If necessary, the county board of education of said county shall
58 reapportion the board of education districts in accordance with
59 applicable law as soon as practicable after the results of the
60 2020 decennial census are published and as soon as practicable
61 after every decennial census thereafter. The new county board of
62 education, with the written approval of the Mississippi Department
63 of Education Conservator and the State Board of Education, shall
64 provide for the administrative consolidation of all school
65 districts in the county into one (1) countywide school district on
66 or before July 1 next following the November 2013 election. The
67 new county board of education shall serve as the school board for
68 the county. Any school district affected by the required



69 administrative consolidation that does not voluntarily consolidate
70 with the new school district ordered by the county board of
71 education shall be administratively consolidated by the State
72 Board of Education with the countywide school district, to be
73 effective on July 1 following the election of the new county board
74 of education. The State Board of Education shall promptly move on
75 its own motion to administratively consolidate any school district
76 which does not voluntarily consolidate in order to enable the
77 affected school districts to reasonably accomplish the resulting
78 administrative consolidation into one (1) countywide district by
79 July 1 following the election of the new county board of
80 education. All affected school districts shall comply with any
81 consolidation order issued by the county board of education or the
82 State Board of Education, as the case may be, on or before July 1
83 following the election of the new county board of education.

84 (2) On July 1 following the election of the new county board
85 of education, the former county board of education and the former
86 board of trustees of any municipal separate, or special municipal
87 separate school district located in such county shall be
88 abolished. All real and personal property which is owned or
89 titled in the name of a school district located in such county
90 shall be transferred to the new reorganized school district of the
91 county in which such school district is located. The Mississippi
92 Department of Education Conservator and the State Board of
93 Education shall be responsible for establishing the contracts for
94 teachers and principals for the next school year following the
95 required administrative consolidation with the consultation of the
96 newly elected successor county board of education. The successor
97 county board of education shall appoint the new county
98 superintendent of education for the reorganized school district.
99 The county superintendent of education of said reorganized school
100 district shall not be elected but shall thereafter be appointed by
101 the successor county board of education in the manner provided in



102 Section 37-9-25. The superintendents of the former
103 under-performing school districts located in the county shall not
104 be eligible for appointment as the new superintendent. The
105 selection of the appointed county superintendent of education and
106 the assistant superintendent of education in the central
107 administration office of the successor countywide school district
108 shall be the responsibility of the successor county board of
109 education with the approval of the Mississippi Department of
110 Education Conservator and the State Board of Education. No such
111 administratively consolidated school district shall have more than
112 one (1) assistant superintendent of education. It shall be the
113 responsibility of the successor county board of education, with
114 approval of the Mississippi Department of Education Conservator
115 and the State Board of Education, to prepare and approve the
116 budget of the new reorganized districts, and the county board of
117 education may use staff from the former school districts to
118 prepare the budget. Any proposed order of the successor county
119 board of education directing the transfer of the assets, real or
120 personal property of an affected school district in the county,
121 shall be submitted and approved by the State Board of Education.
122 The finding of the State Board of Education shall be final and
123 conclusive for the purposes of the transfer of property required
124 by such administrative consolidation. Any person or school
125 district aggrieved by an order of the successor county school
126 board of education pursuant to the required administrative
127 consolidation may appeal therefrom to the State Board of Education
128 within ten (10) days from the date of the adjournment of the
129 meeting at which such order is entered. Such appeal shall be de
130 novo, and the finding of the State Board of Education upon such
131 question shall be final and conclusive for the purpose of the
132 approval or disapproval of the action by said county board of
133 education.



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

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

145 (5) Nothing in this section shall be construed to require or
146 restrict the closing of any school or school facility, unless such
147 facility is an unneeded administrative office located within a
148 school district which has been abolished under the provisions of
149 this section. All administrative consolidations under this
150 section shall be accomplished so as not to delay or in any manner
151 negatively affect the desegregation of another school district in
152 the county pursuant to court order.

153 (6) The State Board of Education shall promulgate rules and
154 regulations to facilitate the administrative consolidation of the
155 school districts in a county pursuant to this section. When the
156 orders of the successor county board of education adopting the
157 boundaries of the successor countywide school district have been
158 entered and are final, as approved by the State Board of
159 Education, the new district lines shall be submitted by the State
160 Board of Education with the assistance of the Attorney General to
161 the Attorney General of the United States for preclearance or to
162 the United States District Court for the District of Columbia for
163 a declaratory judgment in accordance with the provisions of the
164 Voting Rights Act of 1965, as amended and extended. In the event
165 the change in the school district lines are precleared or
166 approved, the State Board of Education shall formally declare the



167 new lines as the new boundaries of the consolidated countywide
168 school district.

169 **SECTION 2.** Section 37-7-103, Mississippi Code of 1972, is
170 amended as follows:

171 37-7-103. From and after July 1, 1987, the school board of
172 any school district shall have full jurisdiction, power and
173 authority, at any regular meeting thereof or at any special
174 meeting called for that purpose, to abolish such existing
175 district, or to reorganize, change or alter the boundaries of any
176 such district. In addition thereto, with the consent of the
177 school board of the school district involved, the school board may
178 add to such school district any part of the school district
179 adjoining same, and with the consent of the school board of the
180 school district involved, may detach territory from such school
181 district and annex same to an adjoining district. Provided,
182 however, that the consent of the school board of the school
183 districts involved in implementing the provisions of Section
184 37-7-104, Mississippi Code of 1972, shall not be required for the
185 administrative consolidation of such school districts pursuant to
186 the order of the State Board of Education.

187 **SECTION 3.** The Attorney General of the State of Mississippi
188 shall submit this act, immediately upon approval by the Governor,
189 or upon approval by the Legislature subsequent to a veto, to the
190 Attorney General of the United States or to the United States
191 District Court for the District of Columbia in accordance with the
192 provisions of the Voting Rights Act of 1965, as amended and
193 extended.

194 **SECTION 4.** This act shall take effect and be in force from
195 and after the date it is effectuated under Section 5 of the Voting
196 Rights Act of 1965, as amended and extended.

