

By: Representative Barker

To: Education

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 716

1 AN ACT TO PROVIDE THAT IN OKTIBBEHA COUNTY THERE SHALL BE AN  
2 ADMINISTRATIVE CONSOLIDATION INTO ONE SCHOOL DISTRICT TO BE  
3 DESIGNATED AS STARKVILLE COUNTYWIDE MUNICIPAL SEPARATE SCHOOL  
4 DISTRICT, EFFECTIVE JULY 1, 2015; TO PROVIDE THAT UNTIL SUCH TIME  
5 CONSOLIDATION BECOMES EFFECTIVE, THE OKTIBBEHA COUNTY SCHOOL  
6 DISTRICT SHALL REMAIN UNDER CONSERVATORSHIP OF THE MISSISSIPPI  
7 RECOVERY SCHOOL DISTRICT; TO PROVIDE FOR THE COMPOSITION OF THE  
8 BOARD OF TRUSTEES OF THE NEW COUNTYWIDE MUNICIPAL SEPARATE SCHOOL  
9 DISTRICT; TO DIRECT THE STATE BOARD OF EDUCATION TO  
10 ADMINISTRATIVELY CONSOLIDATE ANY SCHOOL DISTRICT WHICH DOES NOT  
11 VOLUNTARILY FOLLOW THE CONSOLIDATION ORDER; TO ABOLISH THE FORMER  
12 SCHOOL DISTRICT FOLLOWING THE ADMINISTRATIVE CONSOLIDATION AND  
13 PROVIDE FOR THE TRANSFER OF SCHOOL DISTRICT ASSETS AND  
14 LIABILITIES; TO PROVIDE FOR EXECUTION OF TEACHER AND SCHOOL  
15 DISTRICT EMPLOYEE CONTRACTS AND THE PREPARATION OF A SCHOOL  
16 DISTRICT BUDGET IN THE NEW SCHOOL DISTRICT; TO DIRECT THE STATE  
17 BOARD OF EDUCATION TO PROMULGATE REGULATIONS TO IMPLEMENT SUCH  
18 ADMINISTRATIVE CONSOLIDATION; TO PROVIDE A TWO-YEAR WAIVER FROM  
19 ACCOUNTABILITY AND STATE ASSESSMENT REQUIREMENTS FOR THE NEW  
20 STUDENT POPULATION; TO AMEND SECTION 37-7-103, MISSISSIPPI CODE OF  
21 1972, IN CONFORMITY; AND FOR RELATED PURPOSES.

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

23 **SECTION 1.** (1) In Oktibbeha County, Mississippi, in which  
24 are located, as of January 1, 2013, two (2) school districts,  
25 there shall be an administrative consolidation of all of those  
26 school districts in the county into one (1) new consolidated  
27 school district to be designated as Starkville Countywide



28 Municipal Separate School District which shall consist of the  
29 territory of the former Oktibbeha County School District and the  
30 Starkville School District, effective on July 1, 2015. Until June  
31 30, 2015, preceding the effective date of the required  
32 administrative consolidation of school districts in the county,  
33 the Oktibbeha County School District shall remain in  
34 conservatorship, under the authority and control of the  
35 Mississippi Recovery School District of the State Department of  
36 Education. At such time that the administrative consolidation  
37 becomes effective, the central administrative office of the  
38 Starkville Countywide Municipal Separate School District shall be  
39 located in Starkville, Mississippi.

40 (2) On or before September 1, 2013, the State Board of  
41 Education shall serve the local school board of the Starkville  
42 School District with notice and instructions regarding the  
43 timetable for action to be taken to comply with the administrative  
44 consolidation required in this section. In the new consolidated  
45 school district there shall be a countywide municipal separate  
46 school district board of trustees, which shall consist of the  
47 existing members of the Board of Trustees of the Starkville School  
48 District serving as a member on July 1, 2015. However, upon the  
49 first occurrence of a vacancy on the board as a result of an  
50 expired term, that vacancy shall become an elected position and  
51 shall be filled by the election of a board member by the county  
52 board of supervisors in the manner prescribed in Section



53 37-7-203(1) for the election of a member who resides outside of  
54 the incorporated municipal limits. The State Board of Education  
55 shall thereafter publish the same in some newspaper of general  
56 circulation in the county for at least three (3) consecutive weeks  
57 and after having given notice of publication and recording the  
58 same upon the minutes of the school boards of each school district  
59 in the county. Any school district affected by the required  
60 administrative consolidation in the county that does not  
61 voluntarily consolidate as ordered by the State Board of Education  
62 shall be administratively consolidated by the State Board of  
63 Education, to be effective immediately upon action of the State  
64 Board of Education. The State Board of Education shall promptly  
65 move on its own motion to administratively consolidate a school  
66 district which does not voluntarily consolidate in order to enable  
67 the affected school districts to reasonably accomplish the  
68 resulting administrative consolidation into one (1) consolidated  
69 school district by July 1 following the motion to consolidate.  
70 The affected school districts shall comply with any consolidation  
71 order issued by the State Board of Education.

72 (3) On July 1 following the motion of State Board of  
73 Education to consolidate school districts in Oktibbeha County, the  
74 Oktibbeha County School District shall be abolished. All real and  
75 personal property which is owned or titled in the name of the  
76 school district located in such former school district shall be  
77 transferred to the Starkville Countywide Municipal Separate School



78 District. The Board of Trustees of the Starkville Countywide  
79 Municipal Separate School District shall be responsible for  
80 establishing the contracts for teachers, principals, clerical and  
81 administrative staff personnel for the next school year following  
82 the required administrative consolidation. The superintendent and  
83 assistant superintendent(s) of schools of the former Starkville  
84 School District shall continue to serve in like administrative  
85 capacities of the Starkville Countywide Municipal Separate School  
86 District, but in no instance shall the administrative leadership  
87 of the Starkville Countywide Municipal Separate School District  
88 exceed the number of assistant superintendents than the former  
89 Starkville School District. No superintendent serving in the  
90 former school district located in the county designated as an  
91 under-performing school district or placed under conservatorship  
92 shall be eligible for appointment as a superintendent or assistant  
93 superintendent in the Starkville Countywide Municipal Separate  
94 School District. Likewise, no trustee serving in the former  
95 school district located in the county designated as an  
96 under-performing school district or placed under conservatorship  
97 shall be eligible for election to the new Board of Trustees of the  
98 Starkville Countywide Municipal Separate School District. It  
99 shall be the responsibility of the board of trustees to prepare  
100 and approve the budget of the respective new reorganized district,  
101 and the board of trustees may use staff from the former school  
102 district to prepare the budget. Any proposed order of the State



103 Board of Education directing the transfer of the assets, real or  
104 personal property of an affected school district in the county,  
105 shall be final and conclusive for the purposes of the transfer of  
106 property required by such administrative consolidation. Any  
107 personnel of the school district aggrieved by an order of the  
108 successor board of trustees of a countywide municipal separate  
109 school district pursuant to the required administrative  
110 consolidation may appeal therefrom to the State Board of Education  
111 within ten (10) days from the date of the adjournment of the  
112 meeting at which such order is entered. Such appeal shall be de  
113 novo, and the finding of the State Board of Education upon such  
114 question shall be final and conclusive for the purpose of the  
115 approval or disapproval of the action by the board of trustees.

116 (4) Nothing in this section shall be construed to require  
117 the closing of any school or school facility, unless the facility  
118 is an unneeded administrative office located within a school  
119 district which has been abolished under the provisions of this  
120 section. All administrative consolidations under this section  
121 shall be accomplished so as not to delay or in any manner  
122 negatively affect the desegregation of another school district in  
123 the county pursuant to court order.

124 (5) The State Board of Education shall promulgate rules and  
125 regulations to facilitate the administrative consolidation of the  
126 school districts in Oktibbeha County pursuant to this section.  
127 The consolidated districts shall make an election within one (1)



128 year of consolidation concerning the group term life insurance  
129 described in Section 25-15-9(7).

130 (6) For the initial three (3) years following the  
131 administrative consolidation required by this section, the State  
132 Department of Education shall grant a waiver of accountability and  
133 state assessment requirements to the Starkville Consolidated  
134 School District for the student population enrolled therein from  
135 the former Oktibbeha County School District when determining the  
136 new consolidated school district accreditation level on the  
137 performance and accountability rating model.

138 (7) The governing school board and superintendent of schools  
139 of the Starkville Public School District shall collaborate with  
140 the State Department of Education and the appointed conservator of  
141 the Oktibbeha County School District, as soon as practicable after  
142 the effect date of this act, for the planning and transition of  
143 programs, services and alignment of curriculum for the  
144 administratively consolidated school districts.

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

147 37-7-103. From and after July 1, 1987, the school board of  
148 any school district shall have full jurisdiction, power and  
149 authority, at any regular meeting thereof or at any special  
150 meeting called for that purpose, to abolish such existing  
151 district, or to reorganize, change or alter the boundaries of any  
152 such district. In addition thereto, with the consent of the



153 school board of the school district involved, the school board may  
154 add to such school district any part of the school district  
155 adjoining same, and with the consent of the school board of the  
156 school district involved, may detach territory from such school  
157 district and annex same to an adjoining district. Provided,  
158 however, that the consent of the school board of the school  
159 districts involved in implementing the provisions of Section  
160 37-7-104 \* \* \* or Section 1 of this act shall not be required for  
161 the administrative consolidation of such school districts pursuant  
162 to the order of the State Board of Education.

163       **SECTION 3.** The Attorney General of the State of Mississippi  
164 shall submit this act, immediately upon approval by the Governor,  
165 or upon approval by the Legislature subsequent to a veto, to the  
166 Attorney General of the United States or to the United States  
167 District Court for the District of Columbia in accordance with the  
168 provisions of the Voting Rights Act of 1965, as amended and  
169 extended.

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

