

By: Senator(s) Tollison

To: Education

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2637

1 AN ACT TO PROVIDE THAT IN CLAY COUNTY THERE SHALL BE AN
2 ADMINISTRATIVE CONSOLIDATION INTO ONE SCHOOL DISTRICT TO BE
3 DESIGNATED AS WEST POINT CONSOLIDATED SCHOOL DISTRICT; TO
4 AUTHORIZE AND DIRECT THE STATE BOARD OF EDUCATION TO DEVELOP AND
5 PROMULGATE A CONSOLIDATION ORDER FOR THE SCHOOL DISTRICTS IN THE
6 COUNTY UNDER CERTAIN STANDARDS; TO PROVIDE FOR THE SELECTION OF
7 THE NEW BOARD OF TRUSTEES OF THE WEST POINT CONSOLIDATED SCHOOL
8 DISTRICT; TO DIRECT THE STATE BOARD OF EDUCATION TO
9 ADMINISTRATIVELY CONSOLIDATE ANY SCHOOL DISTRICT WHICH DOES NOT
10 VOLUNTARILY FOLLOW THE CONSOLIDATION ORDER; TO ABOLISH THE FORMER
11 SCHOOL BOARDS FOLLOWING THE ADMINISTRATIVE CONSOLIDATION AND
12 PROVIDE FOR THE TRANSFER OF SCHOOL DISTRICT ASSETS AND
13 LIABILITIES; TO PROVIDE FOR EXECUTION OF TEACHER AND SCHOOL
14 DISTRICT EMPLOYEE CONTRACTS IN THE NEW SCHOOL DISTRICT AND TO
15 PROVIDE FOR THE PREPARATION OF A SCHOOL DISTRICT BUDGET IN THE NEW
16 SCHOOL DISTRICT; TO DIRECT THE STATE BOARD OF EDUCATION TO
17 PROMULGATE REGULATIONS TO IMPLEMENT SUCH ADMINISTRATIVE
18 CONSOLIDATION; TO PROVIDE A TWO-YEAR WAIVER FROM ACCOUNTABILITY
19 AND STATE ASSESSMENT REQUIREMENTS FOR THE NEW STUDENT POPULATION;
20 TO AMEND SECTION 37-7-103, MISSISSIPPI CODE OF 1972, IN
21 CONFORMITY; AND FOR RELATED PURPOSES.

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

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



District which shall consist of the territory of the former Clay County School District and the West Point School District. The central administrative office of the West Point Consolidated School District shall be located in West Point, Mississippi.

(2) On or before September 1, 2013, the State Board of Education shall serve the local school boards in Clay County with notice and instructions regarding the timetable for action to be taken to comply with the administrative consolidation required in this section. The State Board of Education shall provide for the administrative consolidation of the school districts in the county on or before July 1, 2015. In the new West Point Consolidated School District, there shall be a new board of trustees comprised of five (5) members selected as follows: (a) the Mayor and Board of Aldermen of the City of West Point shall appoint three (3) of the five (5) members, each to be selected for a term of five (5) years, but so chosen so that the term of office of one (1) member shall expire each year; and (b) two (2) members to be elected for a term of five (5) years by the electors of Clay County residing outside of the former West Point School District who shall be residents of that territory and who shall be elected in a November 2014 special election which shall be called by the Governor for that purpose. The State Board of Education with the assistance of the Joint Legislative Committee on Performance Evaluation and Expenditure Review (PEER) shall apportion the territory of the new consolidated school district located outside the former West Point



53 School District into two (2) new single member board of trustee
54 election districts. The State Board of Education shall thereafter
55 publish the same in some newspaper of general circulation in the
56 county for at least three (3) consecutive weeks and after having
57 given notice of publication and recording the same upon the
58 minutes of the school boards of each school district in the
59 county, the new district lines will thereafter be effective for
60 the November 2014 special election. Any school board member of
61 the former school districts residing in the proper territory shall
62 be eligible for appointment or election to the new Board of
63 Trustees for West Point Consolidated School District. Any school
64 district affected by the required administrative consolidation in
65 Clay County that does not voluntarily consolidate as ordered by
66 the State Board of Education shall be administratively
67 consolidated by the State Board of Education, to be effective on
68 July 1 following the election of the new local school board. The
69 State Board of Education shall promptly move on its own motion to
70 administratively consolidate a school district which does not
71 voluntarily consolidate in order to enable the affected school
72 districts to reasonably accomplish the resulting administrative
73 consolidation into one (1) consolidated school district by July 1
74 following the selection of the new board of trustees. The
75 affected school districts shall comply with any consolidation
76 order issued by the State Board of Education on or before July 1
77 following the selection of the new school boards.



78 (3) On July 1 following the selection of the new Board of
79 Trustees of the West Point Consolidated School District, the
80 former county board of education and the former Board of Trustees
81 of the West Point School District shall be abolished. All real
82 and personal property which is owned or titled in the name of a
83 school district located in such former school district shall be
84 transferred to the new reorganized school district of West Point
85 Consolidated School District in which such former school district
86 is located. Each former school board shall be responsible for
87 establishing the contracts for teachers and principals for the
88 next school year following the required administrative
89 consolidation with the consultation of the newly elected successor
90 school board. The new Board of Trustees for the West Point
91 Consolidated School District shall appoint the Superintendent of
92 Schools for the school district and assistant superintendent(s) of
93 schools, but in no instance shall the administrative leadership of
94 the West Point Consolidated School District exceed the number of
95 assistant superintendents than the former West Point School
96 District. The subsequent superintendent of schools of the
97 reorganized school district shall not be elected, but shall
98 thereafter be appointed by the successor board of trustees in the
99 manner provided in Section 37-9-25. No superintendent serving in
100 the former school district located in the county designated as an
101 under-performing school district or placed under conservatorship
102 shall be eligible for appointment as a superintendent in the West



Point Consolidated School District. Likewise, no trustee serving in the former school district located in the county designated as an under-performing school district or placed under conservatorship shall be eligible for appointment or election to the new Board of Trustees of the West Point Consolidated School District. It shall be the responsibility of the successor board of trustees to prepare and approve the budget of the new reorganized district, and the successor board of trustees may use staff from the former school districts to prepare the budget. Any proposed order of the State Board of Education directing the transfer of the assets, real or personal property of an affected school district in the county, shall be final and conclusive for the purposes of the transfer of property required by such administrative consolidation. Any person or school district aggrieved by an order of the successor newly selected Board of Trustees of the West Point Consolidated School District pursuant to the required administrative consolidation may appeal therefrom to the State Board of Education within ten (10) days from the date of the adjournment of the meeting at which such order is entered. Such appeal shall be de novo, and the finding of the State Board of Education upon such question shall be final and conclusive for the purpose of the approval or disapproval of the action by said Board of Trustees of the West Point Consolidated School District.

(4) When any school district in the county is abolished under the provisions of this section, the abolition thereof shall



not impair or release the property of that former school district from liability for the payment of the bonds or other indebtedness of such district. Should any district at the time of consolidation have more liabilities than assets, then the successor board of trustees may levy an ad valorem tax upon the taxable property in the territory of the district where the deficit exists, not to exceed five percent (5%) of the existing tax levy, for the sole purpose of reducing the deficit. When the deficit is eliminated, then the tax levy shall be terminated. Any taxes levied to bring about the equalization of funding, to equalize pay scales or levied in the territory of the new consolidated school district where a deficit exists, shall constitute a "new program" for the purposes of ad valorem tax limitations as prescribed in Sections 27-39-321 and 37-57-107.

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

(6) The State Board of Education shall promulgate rules and regulations to facilitate the administrative consolidation of the school districts in Clay County pursuant to this section. The



consolidated districts shall make an election within one (1) year of consolidation concerning the group term life insurance described in subsection (7) of Section 25-15-9. When the orders of the State Board of Education adopting the boundaries of the successor board of trustees election districts have been entered and are final, as directed by the State Board of Education, the new district lines shall be submitted by the State Board of Education with the assistance of the Attorney General to the Attorney General of the United States for preclearance or to the United States District Court for the District of Columbia for a declaratory judgment in accordance with the provisions of the Voting Rights Act of 1965, as amended and extended. In the event the change in the school district lines and election districts are precleared or approved, the State Board of Education shall formally declare the new lines as the new boundaries of the successor school district.

(7) For the initial two (2) years following the administrative consolidation required by this section, the State Department of Education shall grant a waiver of accountability and state assessment requirements to the West Point Consolidated School District for the student population enrolled therein from the former Clay County School District when determining the new consolidated school district accreditation level on the performance and accountability rating model.



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

179 37-7-103. From and after July 1, 1987, the school board of
180 any school district shall have full jurisdiction, power and
181 authority, at any regular meeting thereof or at any special
182 meeting called for that purpose, to abolish such existing
183 district, or to reorganize, change or alter the boundaries of any
184 such district. In addition thereto, with the consent of the
185 school board of the school district involved, the school board may
186 add to such school district any part of the school district
187 adjoining same, and with the consent of the school board of the
188 school district involved, may detach territory from such school
189 district and annex same to an adjoining district. Provided,
190 however, that the consent of the school board of the school
191 districts involved in implementing the provisions of Section
192 37-7-104 * * * or Section 1 of this act shall not be required for
193 the administrative consolidation of such school districts pursuant
194 to the order of the State Board of Education.

195 **SECTION 3.** The Attorney General of the State of Mississippi
196 shall submit this act, immediately upon approval by the Governor,
197 or upon approval by the Legislature subsequent to a veto, to the
198 Attorney General of the United States or to the United States
199 District Court for the District of Columbia in accordance with the
200 provisions of the Voting Rights Act of 1965, as amended and
201 extended.



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

