

By: Representative Dixon

To: Education

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 442

1 AN ACT TO REQUIRE THE ELECTION OF ALL SCHOOL BOARD MEMBERS  
2 AND TO ESTABLISH A TERM OF FOUR YEARS FOR ALL SCHOOL BOARD  
3 MEMBERS; TO PROVIDE THAT THREE MEMBERS OF EACH SCHOOL BOARD WILL  
4 BE ELECTED AT THE TIME OF THE PRESIDENTIAL ELECTION AND TWO  
5 MEMBERS WILL BE ELECTED AT THE NOVEMBER ELECTION TWO YEARS AFTER  
6 THE PRESIDENTIAL ELECTION; TO AMEND SECTION 37-5-7, MISSISSIPPI  
7 CODE OF 1972, TO REVISE THE TIME OF THE ELECTION OF THE MEMBERS OF  
8 THE COUNTY BOARDS OF EDUCATION AND TO ESTABLISH A TERM OF FOUR  
9 YEARS FOR THAT OFFICE; TO AMEND SECTION 37-5-19, MISSISSIPPI CODE  
10 OF 1972, IN CONFORMITY THERETO; TO AMEND SECTION 37-7-203,  
11 MISSISSIPPI CODE OF 1972, TO REVISE THE TIME OF THE ELECTION OF  
12 THE TRUSTEES OF THE MUNICIPAL SEPARATE SCHOOL DISTRICTS AND  
13 SPECIAL MUNICIPAL SEPARATE SCHOOL DISTRICTS AND TO ESTABLISH A  
14 TERM OF FOUR YEARS FOR THAT OFFICE; TO AMEND SECTION 37-7-207,  
15 MISSISSIPPI CODE OF 1972, TO REVISE THE TIME OF THE ELECTION OF  
16 MEMBERS OF THE BOARDS OF TRUSTEES OF CONSOLIDATED SCHOOL DISTRICTS  
17 AND LINE CONSOLIDATED SCHOOL DISTRICTS IN THE SAME MANNER AND TO  
18 ESTABLISH A TERM OF FOUR YEARS FOR THOSE OFFICES; TO AMEND SECTION  
19 37-7-703, MISSISSIPPI CODE OF 1972, TO REVISE THE TIME OF THE  
20 ELECTION OF THE TRUSTEES OF THE COUNTYWIDE SPECIAL MUNICIPAL  
21 SEPARATE SCHOOL DISTRICTS AND TO ESTABLISH A TERM OF FOUR YEARS  
22 FOR THAT OFFICE; TO AMEND SECTION 37-7-713, MISSISSIPPI CODE OF  
23 1972, TO REVISE THE TIME OF THE ELECTION OF THE TRUSTEES OF THE  
24 SPECIAL MUNICIPAL SCHOOL DISTRICTS THAT EMBRACE LESS THAN THE  
25 ENTIRE COUNTY AND TO ESTABLISH A TERM OF FOUR YEARS FOR THAT  
26 OFFICE; TO REPEAL SECTIONS 37-7-204 AND 37-7-209 THROUGH 37-7-229,  
27 MISSISSIPPI CODE OF 1972, WHICH PROVIDE CERTAIN METHODS FOR  
28 FILLING VACANCIES AND ELECTING TRUSTEES OF MUNICIPAL SEPARATE  
29 SCHOOL DISTRICTS, SPECIAL MUNICIPAL SEPARATE SCHOOL DISTRICTS,  
30 CONSOLIDATED SCHOOL DISTRICTS AND LINE CONSOLIDATED SCHOOL  
31 DISTRICTS; TO REPEAL SECTIONS 37-7-705 THROUGH 37-7-711, 37-7-715  
32 AND 37-7-717, MISSISSIPPI CODE OF 1972, WHICH PROVIDE ADDITIONAL  
33 METHODS FOR SELECTING TRUSTEES OF SPECIAL MUNICIPAL SEPARATE  
34 SCHOOL DISTRICTS; TO BRING FORWARD SECTION 37-7-104, MISSISSIPPI



35 CODE OF 1972, WHICH REQUIRES THE CONSOLIDATION OF CERTAIN COUNTY  
36 SCHOOL DISTRICTS UNDER CONSERVATORSHIP, FOR PURPOSES OF POSSIBLE  
37 AMENDMENT; TO BRING FORWARD SECTION 37-7-104.1, MISSISSIPPI CODE  
38 OF 1972, WHICH REQUIRES THE ADMINISTRATIVE CONSOLIDATION OF  
39 CERTAIN SCHOOL DISTRICTS IN BOLIVAR COUNTY, FOR PURPOSES OF  
40 POSSIBLE AMENDMENT; TO BRING FORWARD SECTION 37-7-104.2,  
41 MISSISSIPPI CODE OF 1972, WHICH REQUIRES THE ADMINISTRATIVE  
42 CONSOLIDATION OF ALL SCHOOL DISTRICTS IN CLAY COUNTY, FOR PURPOSES  
43 OF POSSIBLE AMENDMENT; TO BRING FORWARD SECTION 37-7-104.3,  
44 MISSISSIPPI CODE OF 1972, WHICH REQUIRES THE ADMINISTRATIVE  
45 CONSOLIDATION OF ALL SCHOOL DISTRICTS IN OKTIBBEHA COUNTY, FOR  
46 PURPOSES OF POSSIBLE AMENDMENT; TO AMEND SECTION 37-7-201,  
47 MISSISSIPPI CODE OF 1972, TO ESTABLISH EDUCATIONAL QUALIFICATIONS  
48 FOR THE OFFICE OF SCHOOL BOARD MEMBERS; AND FOR RELATED PURPOSES.

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

50 **SECTION 1.** Section 37-5-7, Mississippi Code of 1972, is  
51 amended as follows:

52 37-5-7. (1) On the first Tuesday after the first Monday  
53 in \* \* \* November 2016, an election shall be held in each county  
54 in this state in the same manner and at the same time as \* \* \* the  
55 presidential election is held and conducted, \* \* \* for the  
56 purpose of electing members of the county boards of education  
57 established under the provisions of this chapter. \* \* \* At the  
58 2016 election, the members of the board from Supervisors Districts  
59 One and Two shall be elected to serve an initial term of two (2)  
60 years expiring on the first Monday of January 2019, and the  
61 members of the board from Supervisors Districts Three, Four and  
62 Five shall be elected for an initial term of four (4) years  
63 expiring on the first Monday of January 2021. Except for the  
64 initial term of two (2) years for the members elected from  
65 Supervisors Districts One and Two in the 2016 election, the term  
66 of office for all school board members shall be four (4) years.



67           At the election held in November 2018 and every four (4)  
68 years thereafter, members of the board from Supervisors Districts  
69 One and Two shall be elected for a term of four (4) years. At the  
70 election held in November 2020 and every four (4) years  
71 thereafter, members of the board from Supervisors Districts Three,  
72 Four and Five shall be elected for a term of four (4) years. All  
73 members of the county board of education \* \* \* shall take office  
74 on the first Monday of January following the date of their  
75 election. However, in order to provide for an orderly transition,  
76 the term of each member of the board serving on July 1, 2015,  
77 which otherwise would expire after the first Monday in January  
78 2017, shall expire on the first Monday of January 2017. Each  
79 member of the board whose term expires after July 1, 2015, but  
80 before the first Monday of January 2017, shall continue to serve  
81 for the remainder of the unexpired term, at which time the vacancy  
82 shall be filled in the manner provided in Section 37-5-19.

83           (2) On the first Tuesday after the first Monday in November  
84 2016, in any year in which any county shall elect to utilize the  
85 authority contained in Section 37-5-1(2), an election shall be  
86 held in each such county in this state for the purpose of electing  
87 the county boards of education in such counties. At \* \* \* the  
88 2016 election, the members of the \* \* \* county board of education  
89 from Districts One and Two shall be elected for \* \* \* an initial  
90 term of \* \* \* two (2) years expiring on the first Monday of  
91 January 2019, and the members of the board from Districts Three,



92 Four and Five shall be elected for an initial term of four (4)  
93 years expiring on the first Monday of January 2021. Except for  
94 the initial term of two (2) years for the members elected from  
95 Supervisors Districts One and Two in the 2016 election, the term  
96 of office for all school board members shall be four (4) years.

97 At the election held in November 2018 and every four (4)  
98 years thereafter, members of the board from Districts One and Two  
99 shall be elected for a term of four (4) years. At the election  
100 held in November 2020 and every four (4) years thereafter, members  
101 of the board from Districts Three, Four and Five shall be elected  
102 for a term of four (4) years. \* \* \* All members of the county  
103 board of education shall take office on the first Monday of  
104 January following the date of their election.

105 However, in order to provide for an orderly transition, the  
106 term of each member of the board serving on July 1, 2015, which  
107 otherwise would expire after the first Monday in January 2017,  
108 shall expire on the first Monday of January 2017. Each member of  
109 the board whose term expires after July 1, 2015, but before the  
110 first Monday of January 2017, shall continue to serve for the  
111 remainder of the unexpired term, at which time the vacancy shall  
112 be filled in the manner provided in Section 37-5-19.

113 **SECTION 2.** Section 37-5-19, Mississippi Code of 1972, is  
114 amended as follows:

115 37-5-19. Vacancies in the membership of the county board of  
116 education shall be filled by appointment, within sixty (60) days



117 after the vacancy occurs, by the remaining members of the county  
118 board of education. Said appointee shall be selected from the  
119 qualified electors of the district in which the vacancy occurs,  
120 and shall serve until the first Monday of January next succeeding  
121 the next \* \* \* scheduled election for the district in which the  
122 vacancy occurs, at which \* \* \* election a member shall be elected  
123 to fill the remainder of the unexpired term in the same manner and  
124 with the same qualifications applicable to the election of a  
125 member for the full term. However, if the vacancy occurs more  
126 than ninety (90) days before the general election in a calendar  
127 year during which a general state election will be held, the  
128 appointee shall serve until the first Monday of January next  
129 succeeding the general state election, at which election a member  
130 will be elected to fill the remainder of the unexpired term in the  
131 same manner and with the same qualifications applicable to the  
132 election of a member for the full term. In the event the school  
133 district is under conservatorship and no members of the county  
134 board of education remain in office, the Governor shall call a  
135 special election to fill the vacancies and said election will be  
136 conducted by the county election commission.

137 In the event the vacancy occurs more than five (5) months  
138 prior to the next general election and the remaining members of  
139 the county board of education are unable to agree upon an  
140 individual to be appointed, any two (2) of the remaining members  
141 may certify such disagreement to the county election commission.



142 Upon the receipt of such a certificate by the county election  
143 commission, or any member thereof, the commission shall hold a  
144 special election to fill the vacancy, which said election, notice  
145 thereof and ballot shall be controlled by the laws concerning  
146 special elections to fill vacancies in county or county district  
147 offices. The person elected at such a special election shall  
148 serve for the remainder of the unexpired term.

149 **SECTION 3.** Section 37-7-203, Mississippi Code of 1972, is  
150 amended as follows:

151 37-7-203. (1) \* \* \* The boards of trustees of all municipal  
152 separate school districts and all special municipal separate  
153 school districts created under this chapter, either with or  
154 without added territory, shall consist of five (5) members, each  
155 to be \* \* \* elected for a term of \* \* \* four (4) years \* \* \* in  
156 the manner provided in this section. On the first Tuesday after  
157 the first Monday in November 2016, an election shall be held in  
158 each municipal separate school district and special municipal  
159 separate school district in this state, in the same manner and at  
160 the same time as the presidential election is held and conducted,  
161 for the purpose of electing the members of the board of trustees.  
162 Each member of the board of trustees shall take office on the  
163 first Monday of January following the date of their election. The  
164 five (5) members of the board of trustees of the school district  
165 shall be elected from special trustee election districts by the  
166 qualified electors of the districts, as provided in this section.



167 The governing authority of the municipality shall apportion the  
168 municipal separate school district or special municipal separate  
169 school district, including added territory, into five (5) special  
170 trustee election districts as nearly equal as possible according  
171 to population, incumbency and other factors pronounced by the  
172 courts before July 1, 2015. The municipal governing authority  
173 shall place upon its minutes the boundaries determined for the new  
174 five (5) trustee election districts and shall publish the same in  
175 a newspaper of general circulation within the school district for  
176 at least three (3) consecutive weeks. After having given notice  
177 of publication and recording the same upon the minutes of the  
178 municipal governing authority, the new district lines shall be  
179 effective.

180 At the 2016 election, the members of the board of trustees  
181 from election districts One and Two shall be elected for an  
182 initial term of two (2) years expiring on the first Monday of  
183 January 2019, and the members of the board from election districts  
184 Three, Four and Five shall be elected for an initial term of four  
185 (4) years expiring on the first Monday of January 2021. Except  
186 for the initial term of two (2) years for the members elected from  
187 districts One and Two in the 2016 election, the term of office for  
188 all trustees shall be four (4) years.

189 At the election held in November 2018 and every four (4)  
190 years thereafter, members of the board of trustees from election  
191 districts One and Two shall be elected for a term of four (4)



192 years. At the election held in November 2020 and every four (4)  
193 years thereafter, members of the board from election districts  
194 Three, Four and Five shall be elected for a term of four (4)  
195 years. However, in order to provide for an orderly transition,  
196 the term of each member of the board of trustees serving on July  
197 1, 2015, which otherwise would expire after the first Monday in  
198 January 2017, shall expire on the first Monday of January 2017.  
199 Each member of the board whose term expires after July 1, 2015,  
200 but before the first Monday of January 2017, shall continue to  
201 serve for the remainder of the unexpired term, at which time the  
202 vacancy shall be filled in the manner provided in subsection (2)  
203 of this section.

204 (2) Vacancies in the membership of the board of trustees of  
205 any municipal separate school district or special municipal  
206 separate school district must be filled by appointment within  
207 sixty (60) days after the vacancy occurs by the remaining members  
208 of the board of trustees. The appointee must be selected from the  
209 qualified electors of the trustee election district in which the  
210 vacancy occurs and shall serve until the first Monday of January  
211 next succeeding the next scheduled election for the election  
212 district in which the vacancy occurs, at which election a member  
213 shall be elected for a full term. The president of the municipal  
214 governing authority shall certify to the Secretary of State the  
215 fact of the appointment, and the person appointed shall be  
216 commissioned by the Governor. However, if the vacancy occurs





217 more than ninety (90) days before the general election in a  
218 calendar year during which a general state election will be held,  
219 the appointee shall serve until the first Monday of January next  
220 succeeding the general state election, at which election a member  
221 will be elected to fill the remainder of the unexpired term in the  
222 same manner and with the same qualifications applicable to the  
223 election of a member for the full term.

224 If the vacancy occurs more than five (5) months before the  
225 next scheduled election for the election district in which the  
226 vacancy occurs and the remaining members of the board of trustees  
227 are unable to agree upon an individual to be appointed, any two  
228 (2) of the remaining members may certify the disagreement to the  
229 municipal governing authority. Upon the receipt of such a  
230 certificate, the president of the municipal governing authority  
231 shall make an order in writing directed to the commissioners of  
232 election, commanding an election to be held on the next regular  
233 special election day to fill the vacancy. The election  
234 commissioners shall require each candidate to qualify at least  
235 sixty (60) days before the date of the election. The election,  
236 notice thereof and ballot shall be controlled by the laws  
237 concerning special elections to fill vacancies in other municipal  
238 offices. The election commissioners shall give a certificate of  
239 election to the person elected and shall return to the Secretary  
240 of State a copy of the order of holding the election and showing  
241 the results, certified by the president of the municipal governing



242 authority. The Governor shall commission the person elected at  
243 the special election, who shall serve for the remainder of the  
244 unexpired term.

245 However, if only one (1) person qualifies to be a candidate  
246 within the time provided by law, the commissioners of election  
247 shall certify to the municipal governing authority that there is  
248 but one (1) candidate. The municipal governing authority shall  
249 dispense with the election and shall appoint the candidate that is  
250 certified to fill the unexpired term. The president of the  
251 municipal governing authority shall certify to the Secretary of  
252 State the candidate that is appointed to serve in the office, and  
253 the Governor shall commission that candidate. If no person has  
254 qualified at least sixty (60) days before the date of the  
255 election, the commissioners of election shall certify that fact to  
256 the municipal governing authority, which shall dispense with the  
257 election and fill the vacancy by appointment. The president of  
258 the municipal governing authority shall certify to the Secretary  
259 of State the fact of the appointment, and the Governor shall  
260 commission the person appointed.

261 **SECTION 4.** Section 37-7-207, Mississippi Code of 1972, is  
262 amended as follows:

263 37-7-207. (1) All school districts reconstituted or created  
264 under the provisions of Article \* \* \* 3 of this chapter, and which  
265 lie wholly within one (1) county, but not including municipal  
266 separate and countywide districts, shall be governed by a board of



267 five (5) trustees. The first board of trustees of such districts  
268 shall be appointed by the county board of education, and the  
269 original appointments shall be so made that one (1) trustee shall  
270 be appointed to serve until the first Saturday of March following  
271 such appointments, one (1) for one (1) year longer, one (1) for  
272 two (2) years longer, one (1) for three (3) years longer, and one  
273 (1) for four (4) years longer. After such original appointments,  
274 the trustees of such school districts shall be elected by the  
275 qualified electors of such school districts in the manner provided  
276 for in \* \* \* this section. The five (5) members of the board of  
277 trustees of such consolidated school district shall be elected  
278 from special trustee election districts by the qualified electors  
279 thereof, as herein provided. The board of trustees of any such  
280 consolidated school district shall apportion the consolidated  
281 school district into five (5) special trustee election districts.  
282 The board of trustees of such school district shall place upon its  
283 minutes the boundaries determined for the new five (5) trustee  
284 election districts. The board of trustees shall thereafter  
285 publish the same in a newspaper of general circulation within said  
286 school district for at least three (3) consecutive weeks; and  
287 after having given notice of publication and recording the same  
288 upon the minutes of the board of trustees, said new district lines  
289 shall thereafter be effective.

290 On the first Tuesday after the first Monday in November 2016,  
291 in \* \* \* each consolidated school district \* \* \*, an election



292 shall be held in \* \* \* the same manner and at the same time as the  
293 presidential election is held and conducted for the purpose of  
294 electing the board of trustees of such district. \* \* \* At the  
295 2016 election, the members of the board from election districts  
296 One and Two shall be elected to serve an initial term of two (2)  
297 years expiring on the first Monday of January 2019, and the  
298 members of the board from election districts Three, Four and Five  
299 shall be elected for an initial term of four (4) years expiring on  
300 the first Monday of January 2021. Except for the initial term of  
301 two (2) years for the members elected from election districts One  
302 and Two in the 2016 election, the term of office for all trustees  
303 shall be four (4) years.

304 At the election held in November 2018 and every four (4)  
305 years thereafter, members of the board from trustee election  
306 districts One and Two shall be elected for a term of four (4)  
307 years. At the election held in November 2020 and every four (4)  
308 years thereafter, members of the board from election districts  
309 Three, Four and Five shall be elected for a term of four (4)  
310 years. However, in order to provide for an orderly transition,  
311 the term of each member of the board of trustees serving on July  
312 1, 2015, which otherwise would expire after the first Monday in  
313 January 2017, shall expire on the first Monday of January 2017.  
314 Each member of the board whose term expires after July 1, 2015,  
315 but before the first Monday of January 2017, shall continue to  
316 serve for the remainder of the unexpired term, at which time the



317 vacancy shall be filled in the manner provided in this subsection.  
318 All members of the said board of trustees shall take office on the  
319 first Monday of January following the date of their election. All  
320 vacancies which may occur during a term shall be filled by  
321 appointment of the consolidated school district trustees, but the  
322 person so appointed shall serve only until the next general  
323 election following such appointment, at which time a person shall  
324 be elected for the remainder of the unexpired term at the same  
325 time and in the same manner as a trustee is elected for the full  
326 term then expiring. The person so elected to the unexpired term  
327 shall take office immediately. Said appointee shall be selected  
328 from the qualified electors of the district in which the vacancy  
329 occurs. In the event the school district is under conservatorship  
330 and no members of the board of trustees remain in office, the  
331 Governor shall call a special election to fill the vacancies and  
332 the said election will be conducted by the county election  
333 commission.

334 (2) All school districts reconstituted and created under the  
335 provisions of Article \* \* \* 3 of this chapter, which embrace  
336 territory in two (2) or more counties, but not including municipal  
337 separate school districts, shall be governed by a board of five  
338 (5) trustees. In making the original appointments, the several  
339 county boards of education shall appoint the trustee or trustees  
340 to which the territory in such county is entitled, and, by  
341 agreement between the county boards concerned, one (1) person



342 shall be appointed to serve until the first Saturday of March  
343 following, one (1) for one (1) year longer, one (1) for two (2)  
344 years longer, one (1) for three (3) years longer and one (1) for  
345 four (4) years longer. Thereafter, such trustees shall be  
346 elected \* \* \* in the manner provided for in \* \* \* this section for  
347 a term of \* \* \* four (4) years. The five (5) members of the board  
348 of trustees of such line consolidated school district shall be  
349 elected from special trustee election districts by the qualified  
350 electors thereof, as \* \* \* provided in this section. The existing  
351 board of trustees of such line consolidated school district shall  
352 apportion the line consolidated school district into five (5)  
353 special trustee election districts. The board of trustees shall  
354 place upon its minutes the boundaries determined for the new five  
355 (5) trustee election districts. The board of trustees shall  
356 thereafter publish the same in a newspaper of general circulation  
357 within said school district for at least three (3) consecutive  
358 weeks; and after having given notice of publication and recording  
359 the same upon the minutes of the board of trustees, said new  
360 district lines shall thereafter be effective. Provided, however,  
361 that in any line consolidated school district encompassing two (2)  
362 or more counties created pursuant to Laws, 1953, Extraordinary  
363 Session, Chapter 12, Section 8, in which, as a condition precedent  
364 to the creation of said district, each county belonging thereto  
365 was contractually guaranteed to always have at least one (1)  
366 representative on said board, in order that said condition



367 precedent may be honored and guaranteed, in any year in which the  
368 board of trustees of such line consolidated school district does  
369 not have at least one (1) member from each county or part thereof  
370 forming such district, the board of trustees in such district  
371 shall be governed by a board of a sufficient number of trustees to  
372 fulfill this guarantee, five (5) of whom shall be elected from the  
373 five (5) special trustee election districts which shall be as  
374 nearly equal as possible and one (1) member trustee \* \* \* elected  
375 at large from each county not having representation on the elected  
376 board in the same manner and at the same time as provided for the  
377 election of trustees from elections districts One and Two under  
378 this section. In such cases, the board of supervisors of each  
379 county shall make written agreement to guarantee the manner  
380 of \* \* \* election of at least one (1) representative from each  
381 county in the district, placing such written agreement on the  
382 minutes of each board of supervisors in each county.

383 On the first Tuesday after the first Monday in November 2016,  
384 in \* \* \* each line consolidated school district \* \* \*, an election  
385 shall be held in \* \* \* the same manner and at the same time as the  
386 presidential election is held and conducted for the purpose of  
387 electing the board of trustees of such district. At said election  
388 \* \* \*, the members of the board from election Districts One and  
389 Two shall be elected to serve an initial term of two (2) years  
390 expiring on the first Monday of January 2019, and the members of  
391 the board from election districts Three, Four and Five shall be



392 elected for an initial term of four (4) years expiring on the  
393 first Monday of January 2021. Except for the initial term of two  
394 (2) years for the members elected from election districts One and  
395 Two in the 2016 election, the term of office for all trustees  
396 shall be four (4) years.

397 At the election held in November 2018 and every four (4)  
398 years thereafter, members of the board from trustee election  
399 districts One and Two shall be elected for a term of four (4)  
400 years. At the election held in November 2020 and every four (4)  
401 years thereafter, members of the board from election districts  
402 Three, Four and Five shall be elected for a term of four (4)  
403 years. However, in order to provide for an orderly transition,  
404 the term of each member of the board of trustees serving on July  
405 1, 2015, which otherwise would expire after the first Monday in  
406 January 2017, shall expire on the first Monday of January 2017.  
407 Each member of the board whose term expires after July 1, 2015,  
408 but before the first Monday of January 2017, shall continue to  
409 serve for the remainder of the unexpired term, at which time the  
410 vacancy shall be filled in the manner provided in this  
411 subsection. All members of the said board of trustees shall take  
412 office on the first Monday of January following the date of their  
413 election. In all elections, the trustee elected shall be a  
414 resident and qualified elector of the district entitled to the  
415 representation upon the board, and he shall be elected only by the  
416 qualified electors of such district. All vacancies which may





417 occur during a term of office shall be filled by appointment of  
418 the consolidated line school district trustees, but the person so  
419 appointed shall serve only until the next general election  
420 following such appointment, at which time a person shall be  
421 elected for the remainder of the unexpired term at the same time  
422 and in the same manner as the trustee is elected for the full term  
423 then expiring. The person so elected to the unexpired term shall  
424 take office immediately. In the event the school district is  
425 under conservatorship and no members of the board of trustees  
426 remain in office, the Governor shall call a special election to  
427 fill the vacancies and the said election will be conducted by the  
428 county election commission.

429 \* \* \*

430 **SECTION 5.** Section 37-7-703, Mississippi Code of 1972, is  
431 amended as follows:

432 37-7-703. In all such special municipal separate school  
433 districts which embrace the entire county \* \* \*, the board of  
434 trustees of such special municipal separate school district shall  
435 be \* \* \* elected in the manner provided by subsection (1) of  
436 Section 37-7-203, and all of the provisions thereof shall be fully  
437 applicable in all respects to the selection and constitution of  
438 such board of trustees.

439 **SECTION 6.** Section 37-7-713, Mississippi Code of 1972, is  
440 amended as follows:



441           37-7-713. In all special municipal separate school districts  
442 where the district embraces less than the entire area of the  
443 county \* \* \*, the said special municipal separate school district  
444 shall be governed by a board of trustees \* \* \* to be elected by  
445 the qualified electors of such municipal separate school  
446 district \* \* \* in the manner provided by \* \* \* Section  
447 37-7-203(1). All vacancies which may occur during a term of  
448 office shall be filled \* \* \* in the manner provided in Section  
449 37-7-203(2).

450           **SECTION 7.** Sections 37-7-204, 37-7-209, 37-7-211, 37-7-215,  
451 37-7-217, 37-7-219, 37-7-221, 37-7-223, 37-7-225, 37-7-227 and  
452 37-7-229, Mississippi Code of 1972, which provide certain methods  
453 for filling vacancies and prescribe certain procedures for  
454 electing trustees of municipal and special municipal separate  
455 school districts and consolidated and line consolidated school  
456 districts, are repealed.

457           **SECTION 8.** Sections 37-7-705, 37-7-707, 37-7-709, 37-7-711,  
458 37-7-715 and 37-7-717, Mississippi Code of 1972, which provide  
459 certain additional methods for selecting trustees of special  
460 municipal separate school districts, are repealed.

461           **SECTION 9.** Section 37-7-104, Mississippi Code of 1972, is  
462 brought forward as follows:

463           37-7-104. (1) In any Mississippi county in which are  
464 located, as of February 8, 2012, three (3) school districts and  
465 only three (3) school districts, all of which are under



466 conservatorship as defined by the Mississippi Department of  
467 Education as of February 8, 2012, there shall be an administrative  
468 consolidation of all of the school districts in the county into  
469 one (1) countywide school district with one (1) county board of  
470 education. The State Board of Education shall determine the  
471 school district(s) applicable to the provisions of this section  
472 and spread this finding on the minutes of its August 2012 meeting.  
473 On or before September 1, 2012, the State Board of Education shall  
474 serve the local school boards applicable to the provisions of this  
475 section, or the Mississippi Department of Education Conservator  
476 for each of the three (3) school districts, with notice and  
477 instruction regarding the action to be taken to comply with this  
478 section. In such county, there shall be a new county board of  
479 education elected in a November 2013 special election which shall  
480 be called for that purpose and the new county board members shall  
481 be elected as provided in Section 37-5-7, Mississippi Code of  
482 1972. No previous board member shall be eligible to serve on the  
483 newly elected board. Provided, however, that it shall be the  
484 responsibility of the board of supervisors of such county to  
485 apportion the countywide school district into five (5) new single  
486 member board of education districts which shall be consistent with  
487 the supervisors district lines in said county. The board of  
488 supervisors of said county shall thereafter publish the same in  
489 some newspaper of general circulation within said county for at  
490 least three (3) consecutive weeks and after having given notice of



491 publication and recording the same upon the minutes of the board  
492 of supervisors of said county, said new district lines will  
493 thereafter be effective for the November 2013 special election.  
494 If necessary, the county board of education of said county shall  
495 reapportion the board of education districts in accordance with  
496 applicable law as soon as practicable after the results of the  
497 2020 decennial census are published and as soon as practicable  
498 after every decennial census thereafter. The new county board of  
499 education, with the written approval of the Mississippi Department  
500 of Education Conservator and the State Board of Education, shall  
501 provide for the administrative consolidation of all school  
502 districts in the county into one (1) countywide school district on  
503 or before July 1 next following the November 2013 election. The  
504 new county board of education shall serve as the school board for  
505 the county. Any school district affected by the required  
506 administrative consolidation that does not voluntarily consolidate  
507 with the new school district ordered by the county board of  
508 education shall be administratively consolidated by the State  
509 Board of Education with the countywide school district, to be  
510 effective on July 1 following the election of the new county board  
511 of education. The State Board of Education shall promptly move on  
512 its own motion to administratively consolidate any school district  
513 which does not voluntarily consolidate in order to enable the  
514 affected school districts to reasonably accomplish the resulting  
515 administrative consolidation into one (1) countywide district by



516 July 1 following the election of the new county board of  
517 education. All affected school districts shall comply with any  
518 consolidation order issued by the county board of education or the  
519 State Board of Education, as the case may be, on or before July 1  
520 following the election of the new county board of education.

521 (2) On July 1 following the election of the new county board  
522 of education, the former county board of education and the former  
523 board of trustees of any municipal separate, or special municipal  
524 separate school district located in such county shall be  
525 abolished. All real and personal property which is owned or  
526 titled in the name of a school district located in such county  
527 shall be transferred to the new reorganized school district of the  
528 county in which such school district is located. The Mississippi  
529 Department of Education Conservator and the State Board of  
530 Education shall be responsible for establishing the contracts for  
531 teachers and principals for the next school year following the  
532 required administrative consolidation with the consultation of the  
533 newly elected successor county board of education. The successor  
534 county board of education shall appoint the new county  
535 superintendent of education for the reorganized school district.  
536 The county superintendent of education of said reorganized school  
537 district shall not be elected but shall thereafter be appointed by  
538 the successor county board of education in the manner provided in  
539 Section 37-9-25. The superintendents of the former  
540 under-performing school districts located in the county shall not



541 be eligible for appointment as the new superintendent. The  
542 selection of the appointed county superintendent of education and  
543 the assistant superintendent of education in the central  
544 administration office of the successor countywide school district  
545 shall be the responsibility of the successor county board of  
546 education with the approval of the Mississippi Department of  
547 Education Conservator and the State Board of Education. No such  
548 administratively consolidated school district shall have more than  
549 one (1) assistant superintendent of education. It shall be the  
550 responsibility of the successor county board of education, with  
551 approval of the Mississippi Department of Education Conservator  
552 and the State Board of Education, to prepare and approve the  
553 budget of the new reorganized districts, and the county board of  
554 education may use staff from the former school districts to  
555 prepare the budget. Any proposed order of the successor county  
556 board of education directing the transfer of the assets, real or  
557 personal property of an affected school district in the county,  
558 shall be submitted and approved by the State Board of Education.  
559 The finding of the State Board of Education shall be final and  
560 conclusive for the purposes of the transfer of property required  
561 by such administrative consolidation. Any person or school  
562 district aggrieved by an order of the successor county school  
563 board of education pursuant to the required administrative  
564 consolidation may appeal therefrom to the State Board of Education  
565 within ten (10) days from the date of the adjournment of the



566 meeting at which such order is entered. Such appeal shall be de  
567 novo, and the finding of the State Board of Education upon such  
568 question shall be final and conclusive for the purpose of the  
569 approval or disapproval of the action by said county board of  
570 education.

571 (3) When any school district in such county is abolished  
572 under the provisions of this section, the abolition thereof shall  
573 not impair or release the property of such former school district  
574 from liability for the payment of the bonds or other indebtedness  
575 of such district and it shall be the duty of the board of  
576 supervisors of said county to levy taxes on the property of said  
577 district so abolished from year to year according to the terms of  
578 such indebtedness until same shall be fully paid.

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

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



590           (6) The State Board of Education shall promulgate rules and  
591 regulations to facilitate the administrative consolidation of the  
592 school districts in a county pursuant to this section. When the  
593 orders of the successor county board of education adopting the  
594 boundaries of the successor countywide school district have been  
595 entered and are final, as approved by the State Board of  
596 Education, the new district lines shall be submitted by the State  
597 Board of Education with the assistance of the Attorney General to  
598 the Attorney General of the United States for preclearance or to  
599 the United States District Court for the District of Columbia for  
600 a declaratory judgment in accordance with the provisions of the  
601 Voting Rights Act of 1965, as amended and extended. In the event  
602 the change in the school district lines are precleared or  
603 approved, the State Board of Education shall formally declare the  
604 new lines as the new boundaries of the consolidated countywide  
605 school district.

606           **SECTION 10.** Section 37-7-104.1, Mississippi Code of 1972, is  
607 brought forward as follows:

608           37-7-104.1. (1) In Bolivar County, Mississippi, in which  
609 are located, as of January 1, 2012, six (6) school districts,  
610 there shall be an administrative consolidation of all of the  
611 school districts in the county into three (3) school districts as  
612 follows:

613           (a) One (1) existing school district which shall be the  
614 Cleveland School District;





615           (b) One (1) new consolidated school district to be  
616 designated as North Bolivar Consolidated School District which  
617 shall consist of the territory of the former North Bolivar School  
618 District and the Mound Bayou Public School District. The central  
619 administrative office of the North Bolivar Consolidated School  
620 District shall be located in Mound Bayou, Mississippi; and

621           (c) One (1) new consolidated school district to be  
622 designated as West Bolivar Consolidated School District which  
623 shall consist of the territory of the former West Bolivar School  
624 District, Shaw School District and Benoit School District. The  
625 central administrative office of the West Bolivar Consolidated  
626 School District shall be located in Rosedale, Mississippi.

627           (2) On or before September 1, 2012, the State Board of  
628 Education shall serve the local school boards in Bolivar County  
629 with notice and instructions regarding the timetable for action to  
630 be taken to comply with the administrative consolidation required  
631 in this section. The State Board of Education shall provide for  
632 the administrative consolidation of all school districts in the  
633 county outside of the territory of Cleveland School District into  
634 North Bolivar Consolidated School District and West Bolivar  
635 Consolidated School District on or before July 1, 2014. In each  
636 new consolidated school district there shall be a new consolidated  
637 school district board of trustees elected in a November 2013  
638 special election which shall be called by the Governor for that  
639 purpose. The new consolidated school district boards of trustees



640 shall be elected and the terms of office established as provided  
641 in Section 37-7-207, Mississippi Code of 1972. The State Board of  
642 Education shall determine the boundary lines for the territory of  
643 the two (2) new school districts and shall spread a legal  
644 description of the new school districts on the minutes of its  
645 August 2012 meeting and shall serve the applicable school boards  
646 and the board of supervisors with an adequate legal description of  
647 these new boundaries. It shall be the responsibility of the State  
648 Board of Education with the assistance of the Joint Legislative  
649 Committee on Performance Evaluation and Expenditure Review (PEER)  
650 to apportion the territory of the two (2) new school districts  
651 into five (5) new board of trustee election districts for each new  
652 school district. The State Board of Education shall thereafter  
653 publish the same in some newspaper of general circulation in said  
654 county for at least three (3) consecutive weeks and after having  
655 given notice of publication and recording the same upon the  
656 minutes of the school boards of each school district in the  
657 county, said new district lines will thereafter be effective for  
658 the November 2013 special election. Any school board member of  
659 the former school district residing in the proper election  
660 district shall be eligible for election to the new board of  
661 trustees for North Bolivar Consolidated School District or West  
662 Bolivar Consolidated School District. The local school board of  
663 each new school district shall reapportion the school board  
664 districts in accordance with the procedure described in Section



665 37-7-207, Mississippi Code of 1972, as is necessary as soon as  
666 practicable after the 2020 decennial census are published and as  
667 soon as practicable after every decennial census thereafter. Any  
668 school district affected by the required administrative  
669 consolidation in such county that does not voluntarily consolidate  
670 with the two (2) new school districts ordered by the State Board  
671 of Education shall be administratively consolidated by the State  
672 Board of Education with the appropriate school district in which  
673 such district is located, to be effective on July 1 following the  
674 election of the new local school boards. The State Board of  
675 Education shall promptly move on its own motion to  
676 administratively consolidate a school district which does not  
677 voluntarily consolidate in order to enable the affected school  
678 districts to reasonably accomplish the resulting administrative  
679 consolidation into two (2) school districts by July 1 following  
680 the election of the new school boards. All affected school  
681 districts shall comply with any consolidation order issued by the  
682 State Board of Education on or before July 1 following the  
683 election of the new school boards.

684 (3) On July 1 following the election of the new school  
685 district boards of trustees in Bolivar County, the former county  
686 board of education and the former board of trustees of North  
687 Bolivar School District, Mound Bayou Public School District, West  
688 Bolivar School District, Shaw School District and Benoit School  
689 District shall be abolished. All real and personal property which



690 is owned or titled in the name of a school district located in  
691 such former school district shall be transferred to the new  
692 reorganized school district of Bolivar County in which such former  
693 school district is located. Each former school board shall be  
694 responsible for establishing the contracts for teachers and  
695 principals for the next school year following the required  
696 administrative consolidation with the consultation of the newly  
697 elected successor school boards. The new Board of Trustees for  
698 the North Bolivar Consolidated School District shall appoint the  
699 Superintendent of Schools for said school district, and the Board  
700 of Trustees for the West Bolivar Consolidated School District  
701 shall appoint the Superintendent of Schools for said school  
702 district. The subsequent superintendent of schools of said  
703 reorganized school districts shall not be elected but shall  
704 thereafter be appointed by the successor boards of trustees in the  
705 manner provided in Section 37-9-25. Any superintendent serving in  
706 the former school districts shall be eligible for appointment as a  
707 superintendent in North Bolivar Consolidated School District or  
708 West Bolivar Consolidated School District. North Bolivar  
709 Consolidated School District and West Bolivar Consolidated School  
710 District shall not have more than one (1) assistant  
711 superintendent. It shall be the responsibility of the successor  
712 boards of trustees to prepare and approve the budget of the  
713 respective new reorganized districts, and the successor boards of  
714 trustees may use staff from the former school districts to prepare



715 the budget. Any proposed order of the State Board of Education  
716 directing the transfer of the assets, real or personal property of  
717 an affected school district in the county, shall be final and  
718 conclusive for the purposes of the transfer of property required  
719 by such administrative consolidation. Any person or school  
720 district aggrieved by an order of the successor newly elected  
721 board of trustees of a consolidated school district pursuant to  
722 the required administrative consolidation may appeal therefrom to  
723 the State Board of Education within ten (10) days from the date of  
724 the adjournment of the meeting at which such order is entered.  
725 Such appeal shall be de novo, and the finding of the State Board  
726 of Education upon such question shall be final and conclusive for  
727 the purpose of the approval or disapproval of the action by said  
728 county board of education.

729 (4) When any school district in such county is abolished  
730 under the provisions of this section, the abolition thereof shall  
731 not impair or release the property of such former school district  
732 from liability for the payment of the bonds or other indebtedness  
733 of such district.

734 (5) Nothing in this section shall be construed to require  
735 the closing of any school or school facility, unless such facility  
736 is an unneeded administrative office located within a school  
737 district which has been abolished under the provisions of this  
738 section. All administrative consolidations under this section  
739 shall be accomplished so as not to delay or in any manner



740 negatively affect the desegregation of another school district in  
741 the county pursuant to court order.

742 (6) The State Board of Education shall promulgate rules and  
743 regulations to facilitate the administrative consolidation of the  
744 school districts in Bolivar County pursuant to this section. The  
745 consolidated districts shall make an election within one (1) year  
746 of consolidation concerning the group term life insurance  
747 described in subsection (7) of Section 25-15-9. When the orders  
748 of the State Board of Education adopting the boundaries of the  
749 successor school districts and the successor board of trustees  
750 election districts have been entered and are final, as directed by  
751 the State Board of Education, the new district lines shall be  
752 submitted by the State Board of Education with the assistance of  
753 the Attorney General to the Attorney General of the United States  
754 for preclearance or to the United States District Court for the  
755 District of Columbia for a declaratory judgment in accordance with  
756 the provisions of the Voting Rights Act of 1965, as amended and  
757 extended. In the event the change in the school district lines  
758 and election districts are precleared or approved, the State Board  
759 of Education shall formally declare the new lines as the new  
760 boundaries of the successor school districts.

761 **SECTION 11.** Section 37-7-104.2, Mississippi Code of 1972, is  
762 brought forward as follows:

763 37-7-104.2. (1) In Clay County, Mississippi, in which are  
764 located, as of January 1, 2013, two (2) school districts, there



765 shall be an administrative consolidation of all of those school  
766 districts in the county into one (1) new consolidated school  
767 district to be designated as West Point Consolidated School  
768 District which shall consist of the territory of the former Clay  
769 County School District and the West Point School District. The  
770 central administrative office of the West Point Consolidated  
771 School District shall be located in West Point, Mississippi.

772 (2) On or before September 1, 2013, the State Board of  
773 Education shall serve the local school boards in Clay County with  
774 notice and instructions regarding the timetable for action to be  
775 taken to comply with the administrative consolidation required in  
776 this section. The State Board of Education shall provide for the  
777 administrative consolidation of the school districts in the county  
778 on or before July 1, 2015. In the new West Point Consolidated  
779 School District, there shall be a new board of trustees comprised  
780 of five (5) members selected as follows: (a) the Mayor and Board  
781 of Aldermen of the City of West Point shall appoint three (3) of  
782 the five (5) members, each to be selected for a term of four (4)  
783 years; and (b) two (2) members to be elected for a term of four  
784 (4) years by the electors of Clay County residing outside of the  
785 West Point corporate limits who shall be residents of that  
786 territory and who shall be elected in a November 2014 special  
787 election which shall be called by the Governor for that purpose.  
788 All subsequent members of the board elected from the territory  
789 outside of the West Point corporate limits shall be elected for a



790 term of four (4) years at the regular general election held on the  
791 first Monday in November next preceding the expiration of the term  
792 of office of the respective member or members. All elected and  
793 appointed members shall take office on the first Monday of January  
794 following the date of their election or appointment. The State  
795 Board of Education, with the assistance of the Joint Legislative  
796 Committee on Performance Evaluation and Expenditure Review (PEER),  
797 shall apportion the territory of the new consolidated school  
798 district located outside the West Point corporate limits into two  
799 (2) new single member board of trustee election districts. The  
800 State Board of Education shall thereafter publish the same in some  
801 newspaper of general circulation in the county for at least three  
802 (3) consecutive weeks and after having given notice of publication  
803 and recording the same upon the minutes of the school boards of  
804 each school district in the county, the new district lines will  
805 thereafter be effective for the November 2014 special election.  
806 Any school board member of the former school districts residing in  
807 the proper territory shall be eligible for appointment or election  
808 to the new Board of Trustees for West Point Consolidated School  
809 District.

810 Any school district affected by the required administrative  
811 consolidation in Clay County that does not voluntarily consolidate  
812 as ordered by the State Board of Education shall be  
813 administratively consolidated by the State Board of Education, to  
814 be effective on July 1 following the election of the new local





815 school board. The State Board of Education shall promptly move on  
816 its own motion to administratively consolidate a school district  
817 which does not voluntarily consolidate in order to enable the  
818 affected school districts to reasonably accomplish the resulting  
819 administrative consolidation into one (1) consolidated school  
820 district by July 1 following the selection of the new board of  
821 trustees. The affected school districts shall comply with any  
822 consolidation order issued by the State Board of Education on or  
823 before July 1 following the selection of the new school boards.

824 (3) On July 1 following the selection of the new Board of  
825 Trustees of the West Point Consolidated School District, the  
826 former county board of education and the former Board of Trustees  
827 of the West Point School District shall be abolished. All real  
828 and personal property which is owned or titled in the name of a  
829 school district located in such former school district shall be  
830 transferred to the new reorganized school district of West Point  
831 Consolidated School District in which such former school district  
832 is located. Each former school board shall be responsible for  
833 establishing the contracts for teachers and principals for the  
834 next school year following the required administrative  
835 consolidation with the consultation of the newly elected successor  
836 school board. The new Board of Trustees for the West Point  
837 Consolidated School District shall appoint the Superintendent of  
838 Schools for the school district. The Superintendent of Schools  
839 for the West Point Consolidated School District may appoint



840 assistant superintendent(s) of schools for the district, but in no  
841 instance shall the administrative leadership of the West Point  
842 Consolidated School District exceed the number of assistant  
843 superintendents employed in the former West Point School District.  
844 The subsequent superintendent of schools of the reorganized school  
845 district shall not be elected, but shall thereafter be appointed  
846 by the successor board of trustees in the manner provided in  
847 Section 37-9-25. It shall be the responsibility of the successor  
848 board of trustees to prepare and approve the budget of the new  
849 reorganized district, and the successor board of trustees may use  
850 staff from the former school districts to prepare the budget. Any  
851 proposed order of the State Board of Education directing the  
852 transfer of the assets, real or personal property of an affected  
853 school district in the county, shall be final and conclusive for  
854 the purposes of the transfer of property required by such  
855 administrative consolidation. Any person or school district  
856 aggrieved by an order of the successor newly selected Board of  
857 Trustees of the West Point Consolidated School District pursuant  
858 to the required administrative consolidation may appeal therefrom  
859 within ten (10) days from the date of the adjournment of the  
860 meeting at which such order is entered. Said appeal shall be  
861 taken in the same manner as appeals are taken from judgments or  
862 decisions of the board of supervisors as provided in Section  
863 11-51-75, Mississippi Code of 1972, the provisions of which shall  
864 be fully applicable to appeals taken hereunder. The Board of



865 Trustees of the West Point Consolidated School District shall not  
866 pass upon or approve or disapprove any such order until the time  
867 for an appeal therefrom shall have expired, nor shall said board  
868 pass upon or approve or disapprove any such order from which an  
869 appeal is taken until said appeal shall have been finally  
870 determined.

871 (4) When any school district in the county is abolished  
872 under the provisions of this section, the abolition thereof shall  
873 not impair or release the property of that former school district  
874 from liability for the payment of the bonds or other indebtedness  
875 of such district.

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

884 (6) The State Board of Education shall promulgate rules and  
885 regulations to facilitate the administrative consolidation of the  
886 school districts in Clay County pursuant to this section. The  
887 consolidated districts shall make an election within one (1) year  
888 of consolidation concerning the group term life insurance  
889 described in subsection (7) of Section 25-15-9. When the orders



890 of the State Board of Education adopting the boundaries of the  
891 successor board of trustees election districts have been entered  
892 and are final, as directed by the State Board of Education, the  
893 new district lines shall be submitted by the State Board of  
894 Education with the assistance of the Attorney General to the  
895 Attorney General of the United States for preclearance or to the  
896 United States District Court for the District of Columbia for a  
897 declaratory judgment in accordance with the provisions of the  
898 Voting Rights Act of 1965, as amended and extended. In the event  
899 the change in the school district lines and election districts are  
900 precleared or approved, the State Board of Education shall  
901 formally declare the new lines as the new boundaries of the  
902 successor school district.

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

911 **SECTION 12.** Section 37-7-104.3, Mississippi Code of 1972, is  
912 brought forward as follows:

913 37-7-104.3. (1) In Oktibbeha County, Mississippi, in which  
914 are located, as of January 1, 2013, two (2) school districts,



915 there shall be an administrative consolidation of all of those  
916 school districts in the county into one (1) new countywide  
917 municipal separate school district to be designated as Starkville  
918 Consolidated School District which shall consist of the territory  
919 of the former Oktibbeha County School District and the Starkville  
920 School District, effective on July 1, 2015. Until June 30, 2015,  
921 preceding the effective date of the required administrative  
922 consolidation of school districts in the county, the Oktibbeha  
923 County School District shall remain in conservatorship, under the  
924 authority and control of the Mississippi Recovery School District  
925 of the State Department of Education. At such time that the  
926 administrative consolidation becomes effective, the central  
927 administrative office of the Starkville Consolidated School  
928 District shall be located in Starkville, Mississippi.

929 (2) On or before July 1, 2014, the State Board of Education  
930 shall serve the local school board of the Starkville School  
931 District with notice and instructions regarding the timetable for  
932 action to be taken to comply with the administrative consolidation  
933 required in this section. In the new consolidated school district  
934 there shall be a countywide municipal separate school district  
935 board of trustees, which shall consist of the existing members of  
936 the Board of Trustees of the Starkville School District serving as  
937 a member on July 1, 2015. However, upon the first occurrence of a  
938 vacancy on the board as a result of an expired term of an  
939 appointed board member, that vacancy shall become an elected



940 position and shall be filled by the election of a board member by  
941 the county board of supervisors in the manner prescribed in  
942 Section 37-7-203(1) for the election of a member who resides  
943 outside of the incorporated municipal limits. The Board of  
944 Supervisors of Oktibbeha County shall thereafter publish the same  
945 in some newspaper of general circulation in the county for at  
946 least three (3) consecutive weeks and after having given notice of  
947 publication and recording the same upon the minutes of the school  
948 boards of each school district in the county. Any school district  
949 affected by the required administrative consolidation in the  
950 county that does not voluntarily consolidate as ordered by the  
951 State Board of Education shall be administratively consolidated by  
952 the State Board of Education, to be effective immediately upon  
953 action of the State Board of Education. The State Board of  
954 Education shall promptly move on its own motion to  
955 administratively consolidate a school district which does not  
956 voluntarily consolidate in order to enable the affected school  
957 districts to reasonably accomplish the resulting administrative  
958 consolidation into one (1) consolidated school district by July 1  
959 following the motion to consolidate. The affected school  
960 districts shall comply with any consolidation order issued by the  
961 State Board of Education.

962 (3) On July 1, 2015, following the motion of State Board of  
963 Education to consolidate school districts in Oktibbeha County, the  
964 Oktibbeha County School District shall be abolished. All real and



965 personal property which is owned or titled in the name of the  
966 school district located in such former school district shall be  
967 transferred to the Starkville Consolidated School District. The  
968 Board of Trustees of the Starkville Consolidated School District  
969 shall be responsible for establishing the contracts for teachers,  
970 principals, clerical and administrative staff personnel for the  
971 2015-2016 school year and thereafter and shall consult with the  
972 conservator for the establishment of contracts for teachers,  
973 principals, clerical and administrative staff personnel located in  
974 the former Oktibbeha County School District for the 2015-2016  
975 school year. The superintendent and assistant superintendent(s)  
976 of schools of the former Starkville School District shall continue  
977 to serve in like administrative capacities of the Starkville  
978 Consolidated School District, but in no instance shall the  
979 administrative leadership of the Starkville Consolidated School  
980 District exceed three (3) assistant superintendents to be  
981 appointed by the superintendent of the former Starkville School  
982 District. No superintendent serving in the former school district  
983 located in the county designated as an under-performing school  
984 district or placed under conservatorship shall be eligible for  
985 appointment as a superintendent or assistant superintendent in the  
986 Starkville Consolidated School District. Likewise, no trustee  
987 serving in the former school district located in the county  
988 designated as an under-performing school district or placed under  
989 conservatorship shall be eligible for election to the new Board of



990 Trustees of the Starkville Consolidated School District. It shall  
991 be the responsibility of the board of trustees to prepare and  
992 approve the budget of the respective new reorganized district, and  
993 the board of trustees may use staff from the former school  
994 district to prepare the budget. Any proposed order of the State  
995 Board of Education directing the transfer of the assets, real or  
996 personal property of an affected school district in the county,  
997 shall be final and conclusive for the purposes of the transfer of  
998 property required by such administrative consolidation.

999 (4) Nothing in this section shall be construed to require  
1000 the closing of any school or school facility, unless the facility  
1001 is an unneeded administrative office located within a school  
1002 district which has been abolished under the provisions of this  
1003 section. All administrative consolidations under this section  
1004 shall be accomplished so as not to delay or in any manner  
1005 negatively affect the desegregation of another school district in  
1006 the county pursuant to court order.

1007 (5) The State Board of Education shall promulgate rules and  
1008 regulations to facilitate the administrative consolidation of the  
1009 school districts in Oktibbeha County pursuant to this section.  
1010 The consolidated districts shall make an election within one (1)  
1011 year of consolidation concerning the group term life insurance  
1012 described in Section 25-15-9(7).

1013 (6) For the initial three (3) years following the  
1014 administrative consolidation required by this section, the State





1015 Department of Education shall grant a waiver of accountability and  
1016 state assessment requirements to the Starkville Consolidated  
1017 School District for the student population enrolled therein from  
1018 the former Oktibbeha County School District when determining the  
1019 new consolidated school district accreditation level on the  
1020 performance and accountability rating model.

1021 (7) The governing school board and superintendent of schools  
1022 of the Starkville Public School District shall collaborate with  
1023 the State Department of Education and the appointed conservator of  
1024 the Oktibbeha County School District, as soon as practicable after  
1025 the effective date of this act, for the planning and transition of  
1026 programs, services and alignment of curriculum for the  
1027 administratively consolidated school districts.

1028 **SECTION 13.** Section 37-7-201, Mississippi Code of 1972, is  
1029 amended as follows:

1030 37-7-201. In order for a person to be eligible to \* \* \*  
1031 serve as a member of the county board of education or as a trustee  
1032 of any school district, such person must:

1033 (a) Be a bona fide resident and a qualified elector of such  
1034 school district, and, in the case of a school district lying in  
1035 two (2) or more counties, but not including municipal separate  
1036 school districts, \* \* \* be a bona fide resident and a qualified  
1037 elector of the territory entitled to such representation on the  
1038 board; and



1039           (b) Possess a higher education degree awarded by an  
1040 institution of higher learning, including an associate degree or  
1041 certificate awarded by an accredited two-year community or junior  
1042 college.

1043           **SECTION 14.** This act shall take effect and be in force from  
1044 and after July 1, 2015.

