

By: Representatives Moore, Barton, Boyd,
Byrd, Chism, Denny, Guice, Kinkade, Ladner,
Martinson, Staples, Taylor, Turner

To: Education

HOUSE BILL NO. 838

1 AN ACT TO REQUIRE THE ELECTION OF ALL SCHOOL BOARD MEMBERS AT
2 THE SAME TIME AS THE PRESIDENTIAL ELECTION AND TO ESTABLISH A TERM
3 OF FOUR YEARS FOR ALL SCHOOL BOARD MEMBERS; TO AMEND SECTION
4 37-5-7, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE ELECTION OF
5 MEMBERS OF THE COUNTY BOARDS OF EDUCATION AT THE SAME TIME AS THE
6 PRESIDENTIAL ELECTION AND TO ESTABLISH A TERM OF FOUR YEARS FOR
7 THAT OFFICE; TO AMEND SECTION 37-5-19, MISSISSIPPI CODE OF 1972,
8 IN CONFORMITY THERETO; TO AMEND SECTION 37-7-203, MISSISSIPPI CODE
9 OF 1972, TO PROVIDE FOR THE ELECTION OF THE TRUSTEES OF THE
10 MUNICIPAL SEPARATE SCHOOL DISTRICTS AND SPECIAL MUNICIPAL SEPARATE
11 SCHOOL DISTRICTS AT THE SAME TIME AS THE PRESIDENTIAL ELECTION AND
12 TO ESTABLISH A TERM OF FOUR YEARS FOR THAT OFFICE; TO AMEND
13 SECTION 37-7-207, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE
14 ELECTION OF MEMBERS OF THE BOARDS OF TRUSTEES OF CONSOLIDATED
15 SCHOOL DISTRICTS AND LINE CONSOLIDATED SCHOOL DISTRICTS IN THE
16 SAME MANNER AND AT THE SAME TIME AS THE PRESIDENTIAL ELECTION AND
17 TO ESTABLISH A TERM OF FOUR YEARS FOR THOSE OFFICES; TO AMEND
18 SECTION 37-7-703, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE
19 ELECTION OF THE TRUSTEES OF THE COUNTYWIDE SPECIAL MUNICIPAL
20 SEPARATE SCHOOL DISTRICTS AT THE SAME TIME AS THE PRESIDENTIAL
21 ELECTION AND TO ESTABLISH A TERM OF FOUR YEARS FOR THAT OFFICE; TO
22 AMEND SECTION 37-7-713, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR
23 THE ELECTION OF THE TRUSTEES OF THE SPECIAL MUNICIPAL SCHOOL
24 DISTRICTS THAT EMBRACE LESS THAN THE ENTIRE COUNTY AT THE SAME
25 TIME AS THE PRESIDENTIAL ELECTION AND TO ESTABLISH A TERM OF FOUR
26 YEARS FOR THAT OFFICE; TO REPEAL SECTIONS 37-7-204 AND 37-7-209
27 THROUGH 37-7-229, MISSISSIPPI CODE OF 1972, WHICH PROVIDE CERTAIN
28 METHODS FOR FILLING VACANCIES AND ELECTING TRUSTEES OF MUNICIPAL
29 SEPARATE SCHOOL DISTRICTS, SPECIAL MUNICIPAL 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; AND FOR RELATED PURPOSES.

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

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

50 37-5-7. (1) On the first Tuesday after the first Monday in
51 November 2016 and every four (4) years thereafter, an election
52 shall be held in each county in this state in the same manner and
53 at the same time as the presidential election is held and
54 conducted, * * * for the purpose of electing the county boards of
55 education established under the provisions of this chapter. * * *
56 All members of the county board of education * * * shall take
57 office on the first Monday of January following the date of their
58 election and shall serve for a term of four (4) years. However,
59 in order to provide for an orderly transition, the term of each
60 member of the board serving on July 1, 2015, which otherwise would
61 expire after the first Monday in January 2017, shall expire on the
62 first Monday of January 2017. Each member of the board whose term
63 expires after July 1, 2015, but before the first Monday of January
64 2017, shall continue to serve for the remainder of the unexpired



65 term, at which time the vacancy shall be filled in the manner
66 provided in Section 37-5-19.

67 (2) On the first Tuesday after the first Monday in November
68 2016 and every four (4) years thereafter, in any * * * county
69 electing to utilize the authority contained in Section 37-5-1(2),
70 an election shall be held in the same manner and at the same time
71 as the presidential election is held and conducted, for the
72 purpose of electing the county board of education in that county.

73 * * * All members of the county board of education shall take
74 office on the first Monday of January following the date of their
75 election and shall serve for a term of four (4) years. However,
76 in order to provide for an orderly transition, the term of each
77 member of the board serving on July 1, 2015, that otherwise would
78 expire after the first Monday in January 2017, shall expire on the
79 first Monday of January 2017. Each member of the board whose term
80 expires after July 1, 2015, but before the first Monday of January
81 2017, shall continue to serve for the remainder of the unexpired
82 term, at which time the vacancy shall be filled in the manner
83 provided in Section 37-5-19.

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

86 37-5-19. Vacancies in the membership of the county board of
87 education shall be filled by appointment, within sixty (60) days
88 after the vacancy occurs, by the remaining members of the county
89 board of education. Said appointee shall be selected from the



90 qualified electors of the district in which the vacancy occurs,
91 and shall serve until the first Monday of January next succeeding
92 the next * * * presidential election, at which * * * presidential
93 election a member shall be elected * * * for * * * a full term.
94 However, if the vacancy occurs more than ninety (90) days before
95 the general election in a calendar year during which a general
96 state election will be held, the appointee shall serve until the
97 first Monday of January next succeeding the general state
98 election, at which election a member will be elected to fill the
99 remainder of the unexpired term in the same manner and with the
100 same qualifications applicable to the election of a member for the
101 full term. In the event the school district is under
102 conservatorship and no members of the county board of education
103 remain in office, the Governor shall call a special election to
104 fill the vacancies and said election will be conducted by the
105 county election commission.

106 In the event the vacancy occurs more than five (5) months
107 prior to the next general state or presidential election and the
108 remaining members of the county board of education are unable to
109 agree upon an individual to be appointed, any two (2) of the
110 remaining members may certify such disagreement to the county
111 election commission. Upon the receipt of such a certificate by
112 the county election commission, or any member thereof, the
113 commission shall hold a special election to fill the vacancy,
114 which said election, notice thereof and ballot shall be controlled



115 by the laws concerning special elections to fill vacancies in
116 county or county district offices. The person elected at such a
117 special election shall serve for the remainder of the unexpired
118 term.

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

121 37-7-203. (1) * * * The boards of trustees of all municipal
122 separate school districts and all special municipal separate
123 school districts created under this chapter, either with or
124 without added territory, shall consist of five (5) members, each
125 to be * * * elected for a term of * * * four (4) years * * *.

126 * * * On the first Tuesday after the first Monday in November
127 2016, and every four (4) years thereafter, an election shall be
128 held in each municipal separate school district and special
129 municipal separate school district in this state, in the same
130 manner and at the same time as the presidential election is held
131 and conducted, for the purpose of electing the members of the
132 board of trustees. Each member of the board of trustees shall
133 take office on the first Monday of January following the date of
134 their election. The five (5) members of the board of trustees of
135 the school district shall be elected from special trustee election
136 districts by the qualified electors of the districts, as provided
137 in this section. The governing authority of the municipality
138 shall apportion the municipal separate school district or special
139 municipal separate school district, including added territory,



140 into five (5) special trustee election districts as nearly equal
141 as possible according to population, incumbency and other factors
142 pronounced by the courts before July 1, 2015. The municipal
143 governing authority shall place upon its minutes the boundaries
144 determined for the new five (5) trustee election districts and
145 shall publish the same in a newspaper of general circulation
146 within the school district for at least three (3) consecutive
147 weeks. After having given notice of publication and recording the
148 same upon the minutes of the municipal governing authority, the
149 new district lines shall be effective. However, in order to
150 provide for an orderly transition, the term of each member of the
151 board of trustees serving on July 1, 2015, which otherwise would
152 expire after the first Monday in January 2017, shall expire on the
153 first Monday of January 2017. Each member of the board whose term
154 expires after July 1, 2015, but before the first Monday of January
155 2017, shall continue to serve for the remainder of the unexpired
156 term, at which time the vacancy shall be filled in the manner
157 provided in subsection (2) of this section.

158 * * *

159 (2) * * * Vacancies in the membership of the board of
160 trustees of any municipal separate school district or special
161 municipal separate school district must be filled by appointment
162 within sixty (60) days after the vacancy occurs by the remaining
163 members of the board of trustees. The appointee must be selected
164 from the qualified electors of the trustee election district in



165 which the vacancy occurs and shall serve until the first Monday of
166 January next succeeding the next presidential election, at which
167 presidential election a member shall be elected for a full term.
168 The president of the municipal governing authority shall certify
169 to the Secretary of State the fact of the appointment, and the
170 person appointed shall be commissioned by the Governor.
171 However, if the vacancy occurs more than ninety (90) days before
172 the general election in a calendar year during which a general
173 state election will be held, the appointee shall serve until the
174 first Monday of January next succeeding the general state
175 election, at which election a member will be elected to fill the
176 remainder of the unexpired term in the same manner and with the
177 same qualifications applicable to the election of a member for the
178 full term.

179 If the vacancy occurs more than five (5) months before the
180 next general state or presidential election and the remaining
181 members of the board of trustees are unable to agree upon an
182 individual to be appointed, any two (2) of the remaining members
183 may certify the disagreement to the municipal governing authority.
184 Upon the receipt of such a certificate, the president of the
185 municipal governing authority shall make an order in writing
186 directed to the commissioners of election, commanding an election
187 to be held on the next regular special election day to fill the
188 vacancy. The election commissioners shall require each candidate
189 to qualify at least sixty (60) days before the date of the



190 election. The election, notice thereof and ballot shall be
191 controlled by the laws concerning special elections to fill
192 vacancies in other municipal offices. The election commissioners
193 shall give a certificate of election to the person elected and
194 shall return to the Secretary of State a copy of the order of
195 holding the election and showing the results, certified by the
196 president of the municipal governing authority. The Governor
197 shall commission the person elected at the special election, who
198 shall serve for the remainder of the unexpired term.

199 However, if only one (1) person qualifies to be a candidate
200 within the time provided by law, the commissioners of election
201 shall certify to the municipal governing authority that there is
202 but one (1) candidate. The municipal governing authority shall
203 dispense with the election and shall appoint the candidate that is
204 certified to fill the unexpired term. The president of the
205 municipal governing authority shall certify to the Secretary of
206 State the candidate that is appointed to serve in the office, and
207 the Governor shall commission that candidate. If no person has
208 qualified at least sixty (60) days before the date of the
209 election, the commissioners of election shall certify that fact to
210 the municipal governing authority, which shall dispense with the
211 election and fill the vacancy by appointment. The president of
212 the municipal governing authority shall certify to the Secretary
213 of State the fact of the appointment, and the Governor shall
214 commission the person appointed.



215 * * *

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

218 37-7-207. (1) All school districts reconstituted or created
219 under the provisions of Article * * * 3 of this chapter, and which
220 lie wholly within one (1) county, but not including municipal
221 separate and countywide districts, shall be governed by a board of
222 five (5) trustees. The first board of trustees of such districts
223 shall be appointed by the county board of education, and the
224 original appointments shall be so made that one (1) trustee shall
225 be appointed to serve until the first Saturday of March following
226 such appointments, one (1) for one (1) year longer, one (1) for
227 two (2) years longer, one (1) for three (3) years longer, and one
228 (1) for four (4) years longer. After such original appointments,
229 the trustees of such school districts shall be elected by the
230 qualified electors of such school districts in the manner provided
231 for in * * * this section and Section 37-7-225, with each trustee
232 to be elected for a term of * * * four (4) years. The five (5)
233 members of the board of trustees of such consolidated school
234 district shall be elected from special trustee election districts
235 by the qualified electors thereof, as herein provided. The board
236 of trustees of any such consolidated school district shall
237 apportion the consolidated school district into five (5) special
238 trustee election districts. The board of trustees of such school
239 district shall place upon its minutes the boundaries determined



240 for the new five (5) trustee election districts. The board of
241 trustees shall thereafter publish the same in a newspaper of
242 general circulation within said school district for at least three
243 (3) consecutive weeks; and after having given notice of
244 publication and recording the same upon the minutes of the board
245 of trustees, said new district lines shall thereafter be
246 effective.

247 On the first Tuesday after the first Monday in November 2016
248 and every four (4) years thereafter, in * * * each consolidated
249 school district * * *, an election shall be held in * * * the same
250 manner and at the same time as the presidential election is held
251 and conducted, for the purpose of electing the board of trustees
252 of such district. At said election * * *, members of the board
253 shall be elected * * * for * * * a term of * * * four (4) years
254 each. However, in order to provide for an orderly transition, the
255 term of each member of the board serving on July 1, 2015, which
256 otherwise would expire after the first Monday in January 2017,
257 shall expire on the first Monday of January 2017. Each member of
258 the board whose term expires after July 1, 2015, but before the
259 first Monday of January 2017, shall continue to serve for the
260 remainder of the unexpired term, at which time the vacancy shall
261 be filled in the manner provided in this paragraph. If no
262 candidate receives a majority of the votes cast at the election, a
263 runoff shall be held three (3) weeks following the date of the
264 election between the two (2) candidates receiving the highest



265 number of votes on the first ballot. * * * All members of the
266 said board of trustees shall take office on the first Monday of
267 January following the date of their election. All vacancies which
268 may occur during a term shall be filled by appointment of the
269 consolidated school district trustees, but the person so appointed
270 shall serve only until the next general election following such
271 appointment, at which time a person shall be elected for the
272 remainder of the unexpired term at the same time and in the same
273 manner as a trustee is elected for the full term then expiring.
274 The person so elected to the unexpired term shall take office
275 immediately. Said appointee shall be selected from the qualified
276 electors of the district in which the vacancy occurs. In the
277 event the school district is under conservatorship and no members
278 of the board of trustees remain in office, the Governor shall call
279 a special election to fill the vacancies and the said election
280 will be conducted by the county election commission.

281 (2) All school districts reconstituted and created under the
282 provisions of Article * * * 3 of this chapter, which embrace
283 territory in two (2) or more counties, but not including municipal
284 separate school districts, shall be governed by a board of five
285 (5) trustees. In making the original appointments, the several
286 county boards of education shall appoint the trustee or trustees
287 to which the territory in such county is entitled, and, by
288 agreement between the county boards concerned, one (1) person
289 shall be appointed to serve until the first Saturday of March



290 following, one (1) for one (1) year longer, one (1) for two (2)
291 years longer, one (1) for three (3) years longer and one (1) for
292 four (4) years longer. Thereafter, such trustees shall be
293 elected * * * in the manner provided for in * * * this section and
294 Section 37-7-225, for a term of * * * four (4) years. The five
295 (5) members of the board of trustees of such line consolidated
296 school district shall be elected from special trustee election
297 districts by the qualified electors thereof, as * * * provided in
298 this section. The existing board of trustees of such line
299 consolidated school district shall apportion the line consolidated
300 school district into five (5) special trustee election districts.
301 The board of trustees shall place upon its minutes the boundaries
302 determined for the new five (5) trustee election districts. The
303 board of trustees shall thereafter publish the same in a newspaper
304 of general circulation within said school district for at least
305 three (3) consecutive weeks; and after having given notice of
306 publication and recording the same upon the minutes of the board
307 of trustees, said new district lines shall thereafter be
308 effective. Provided, however, that in any line consolidated
309 school district encompassing two (2) or more counties created
310 pursuant to Laws, 1953, Extraordinary Session, Chapter 12, Section
311 8, in which, as a condition precedent to the creation of said
312 district, each county belonging thereto was contractually
313 guaranteed to always have at least one (1) representative on said
314 board, in order that said condition precedent may be honored and



315 guaranteed, in any year in which the board of trustees of such
316 line consolidated school district does not have at least one (1)
317 member from each county or part thereof forming such district, the
318 board of trustees in such district shall be governed by a board of
319 a sufficient number of trustees to fulfill this guarantee, five
320 (5) of whom shall be elected from the five (5) special trustee
321 election districts which shall be as nearly equal as possible and
322 one (1) member trustee * * * elected at large from each county not
323 having representation on the elected board in the same manner and
324 at the same time as provided for the election of trustees under
325 this section. In such cases, the board of supervisors of each
326 county shall make written agreement to guarantee the * * *
327 election of at least one (1) representative from each county in
328 the district, placing such written agreement on the minutes of
329 each board of supervisors in each county.

330 On the first Tuesday after the first Monday in November 2016
331 and every four (4) years thereafter, in * * * each line
332 consolidated school district * * *, an election shall be held
333 in * * * the same manner and at the same time as the presidential
334 election is held and conducted for the purpose of electing the
335 board of trustees of such district. At said election, the * * *
336 members shall be elected * * * for terms of * * * four (4) years
337 each. * * * However, in order to provide for an orderly
338 transition, the term of each member of the board serving on July
339 1, 2015, which otherwise would expire after the first Monday in



340 January 2017, shall expire on the first Monday of January 2017.
341 Each member of the board whose term expires after July 1, 2015,
342 but before the first Monday of January 2017, shall continue to
343 serve for the remainder of the unexpired term, at which time the
344 vacancy shall be filled in the manner provided in this paragraph.
345 If no candidate receives a majority of the votes cast at the
346 election, a runoff shall be held three (3) weeks following the
347 date of the election between the two (2) candidates receiving the
348 highest number of votes on the first ballot. All members of the
349 said board of trustees shall take office on the first Monday of
350 January following the date of their election. In all elections,
351 the trustee elected shall be a resident and qualified elector of
352 the district entitled to the representation upon the board, and he
353 shall be elected only by the qualified electors of such district.
354 All vacancies which may occur during a term of office shall be
355 filled by appointment of the consolidated line school district
356 trustees, but the person so appointed shall serve only until the
357 next general election following such appointment, at which time a
358 person shall be elected for the remainder of the unexpired term at
359 the same time and in the same manner as the trustee is elected for
360 the full term then expiring. The person so elected to the
361 unexpired term shall take office immediately. In the event the
362 school district is under conservatorship and no members of the
363 board of trustees remain in office, the Governor shall call a



364 special election to fill the vacancies and the said election will
365 be conducted by the county election commission.

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

368 37-7-703. In all such special municipal separate school
369 districts which embrace the entire county * * *, the board of
370 trustees of such special municipal separate school district shall
371 be * * * elected in the manner provided by subsection (1) of
372 Section 37-7-203, and all of the provisions thereof shall be fully
373 applicable in all respects to the selection and constitution of
374 such board of trustees.

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

377 37-7-713. In all special municipal separate school districts
378 where the district embraces less than the entire area of the
379 county * * *, the said special municipal separate school district
380 shall be governed by a board of trustees * * * to be elected by
381 the qualified electors of such municipal separate school
382 district * * * in the manner provided by * * * Section
383 37-7-203(1). All vacancies which may occur during a term of
384 office shall be filled * * * in the manner provided in Section
385 37-7-203(2).

386 **SECTION 7.** Sections 37-7-204, 37-7-209, 37-7-211, 37-7-215,
387 37-7-217, 37-7-219, 37-7-221, 37-7-223, 37-7-225, 37-7-227 and
388 37-7-229, Mississippi Code of 1972, which provide certain methods



389 for filling vacancies and prescribe certain procedures for
390 electing trustees of municipal and special municipal school
391 districts and consolidated and line consolidated school districts,
392 are repealed.

393 **SECTION 8.** Sections 37-7-705, 37-7-707, 37-7-709, 37-7-711,
394 37-7-715 and 37-7-717, Mississippi Code of 1972, which provide
395 certain additional methods for selecting trustees of special
396 municipal separate school districts, are repealed.

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

399 37-7-104. (1) In any Mississippi county in which are
400 located, as of February 8, 2012, three (3) school districts and
401 only three (3) school districts, all of which are under
402 conservatorship as defined by the Mississippi Department of
403 Education as of February 8, 2012, there shall be an administrative
404 consolidation of all of the school districts in the county into
405 one (1) countywide school district with one (1) county board of
406 education. The State Board of Education shall determine the
407 school district(s) applicable to the provisions of this section
408 and spread this finding on the minutes of its August 2012 meeting.
409 On or before September 1, 2012, the State Board of Education shall
410 serve the local school boards applicable to the provisions of this
411 section, or the Mississippi Department of Education Conservator
412 for each of the three (3) school districts, with notice and
413 instruction regarding the action to be taken to comply with this



414 section. In such county, there shall be a new county board of
415 education elected in a November 2013 special election which shall
416 be called for that purpose and the new county board members shall
417 be elected as provided in Section 37-5-7, Mississippi Code of
418 1972. No previous board member shall be eligible to serve on the
419 newly elected board. Provided, however, that it shall be the
420 responsibility of the board of supervisors of such county to
421 apportion the countywide school district into five (5) new single
422 member board of education districts which shall be consistent with
423 the supervisors district lines in said county. The board of
424 supervisors of said county shall thereafter publish the same in
425 some newspaper of general circulation within said county for at
426 least three (3) consecutive weeks and after having given notice of
427 publication and recording the same upon the minutes of the board
428 of supervisors of said county, said new district lines will
429 thereafter be effective for the November 2013 special election.
430 If necessary, the county board of education of said county shall
431 reapportion the board of education districts in accordance with
432 applicable law as soon as practicable after the results of the
433 2020 decennial census are published and as soon as practicable
434 after every decennial census thereafter. The new county board of
435 education, with the written approval of the Mississippi Department
436 of Education Conservator and the State Board of Education, shall
437 provide for the administrative consolidation of all school
438 districts in the county into one (1) countywide school district on



439 or before July 1 next following the November 2013 election. The
440 new county board of education shall serve as the school board for
441 the county. Any school district affected by the required
442 administrative consolidation that does not voluntarily consolidate
443 with the new school district ordered by the county board of
444 education shall be administratively consolidated by the State
445 Board of Education with the countywide school district, to be
446 effective on July 1 following the election of the new county board
447 of education. The State Board of Education shall promptly move on
448 its own motion to administratively consolidate any school district
449 which does not voluntarily consolidate in order to enable the
450 affected school districts to reasonably accomplish the resulting
451 administrative consolidation into one (1) countywide district by
452 July 1 following the election of the new county board of
453 education. All affected school districts shall comply with any
454 consolidation order issued by the county board of education or the
455 State Board of Education, as the case may be, on or before July 1
456 following the election of the new county board of education.

457 (2) On July 1 following the election of the new county board
458 of education, the former county board of education and the former
459 board of trustees of any municipal separate, or special municipal
460 separate school district located in such county shall be
461 abolished. All real and personal property which is owned or
462 titled in the name of a school district located in such county
463 shall be transferred to the new reorganized school district of the



464 county in which such school district is located. The Mississippi
465 Department of Education Conservator and the State Board of
466 Education shall be responsible for establishing the contracts for
467 teachers and principals for the next school year following the
468 required administrative consolidation with the consultation of the
469 newly elected successor county board of education. The successor
470 county board of education shall appoint the new county
471 superintendent of education for the reorganized school district.
472 The county superintendent of education of said reorganized school
473 district shall not be elected but shall thereafter be appointed by
474 the successor county board of education in the manner provided in
475 Section 37-9-25. The superintendents of the former
476 under-performing school districts located in the county shall not
477 be eligible for appointment as the new superintendent. The
478 selection of the appointed county superintendent of education and
479 the assistant superintendent of education in the central
480 administration office of the successor countywide school district
481 shall be the responsibility of the successor county board of
482 education with the approval of the Mississippi Department of
483 Education Conservator and the State Board of Education. No such
484 administratively consolidated school district shall have more than
485 one (1) assistant superintendent of education. It shall be the
486 responsibility of the successor county board of education, with
487 approval of the Mississippi Department of Education Conservator
488 and the State Board of Education, to prepare and approve the



489 budget of the new reorganized districts, and the county board of
490 education may use staff from the former school districts to
491 prepare the budget. Any proposed order of the successor county
492 board of education directing the transfer of the assets, real or
493 personal property of an affected school district in the county,
494 shall be submitted and approved by the State Board of Education.
495 The finding of the State Board of Education shall be final and
496 conclusive for the purposes of the transfer of property required
497 by such administrative consolidation. Any person or school
498 district aggrieved by an order of the successor county school
499 board of education pursuant to the required administrative
500 consolidation may appeal therefrom to the State Board of Education
501 within ten (10) days from the date of the adjournment of the
502 meeting at which such order is entered. Such appeal shall be de
503 novo, and the finding of the State Board of Education upon such
504 question shall be final and conclusive for the purpose of the
505 approval or disapproval of the action by said county board of
506 education.

507 (3) When any school district in such county is abolished
508 under the provisions of this section, the abolition thereof shall
509 not impair or release the property of such former school district
510 from liability for the payment of the bonds or other indebtedness
511 of such district and it shall be the duty of the board of
512 supervisors of said county to levy taxes on the property of said



513 district so abolished from year to year according to the terms of
514 such indebtedness until same shall be fully paid.

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

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

526 (6) The State Board of Education shall promulgate rules and
527 regulations to facilitate the administrative consolidation of the
528 school districts in a county pursuant to this section. When the
529 orders of the successor county board of education adopting the
530 boundaries of the successor countywide school district have been
531 entered and are final, as approved by the State Board of
532 Education, the new district lines shall be submitted by the State
533 Board of Education with the assistance of the Attorney General to
534 the Attorney General of the United States for preclearance or to
535 the United States District Court for the District of Columbia for
536 a declaratory judgment in accordance with the provisions of the
537 Voting Rights Act of 1965, as amended and extended. In the event



538 the change in the school district lines are precleared or
539 approved, the State Board of Education shall formally declare the
540 new lines as the new boundaries of the consolidated countywide
541 school district.

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

544 37-7-104.1. (1) In Bolivar County, Mississippi, in which
545 are located, as of January 1, 2012, six (6) school districts,
546 there shall be an administrative consolidation of all of the
547 school districts in the county into three (3) school districts as
548 follows:

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

551 (b) One (1) new consolidated school district to be
552 designated as North Bolivar Consolidated School District which
553 shall consist of the territory of the former North Bolivar School
554 District and the Mound Bayou Public School District. The central
555 administrative office of the North Bolivar Consolidated School
556 District shall be located in Mound Bayou, Mississippi; and

557 (c) One (1) new consolidated school district to be
558 designated as West Bolivar Consolidated School District which
559 shall consist of the territory of the former West Bolivar School
560 District, Shaw School District and Benoit School District. The
561 central administrative office of the West Bolivar Consolidated
562 School District shall be located in Rosedale, Mississippi.



563 (2) On or before September 1, 2012, the State Board of
564 Education shall serve the local school boards in Bolivar County
565 with notice and instructions regarding the timetable for action to
566 be taken to comply with the administrative consolidation required
567 in this section. The State Board of Education shall provide for
568 the administrative consolidation of all school districts in the
569 county outside of the territory of Cleveland School District into
570 North Bolivar Consolidated School District and West Bolivar
571 Consolidated School District on or before July 1, 2014. In each
572 new consolidated school district there shall be a new consolidated
573 school district board of trustees elected in a November 2013
574 special election which shall be called by the Governor for that
575 purpose. The new consolidated school district boards of trustees
576 shall be elected and the terms of office established as provided
577 in Section 37-7-207, Mississippi Code of 1972. The State Board of
578 Education shall determine the boundary lines for the territory of
579 the two (2) new school districts and shall spread a legal
580 description of the new school districts on the minutes of its
581 August 2012 meeting and shall serve the applicable school boards
582 and the board of supervisors with an adequate legal description of
583 these new boundaries. It shall be the responsibility of the State
584 Board of Education with the assistance of the Joint Legislative
585 Committee on Performance Evaluation and Expenditure Review (PEER)
586 to apportion the territory of the two (2) new school districts
587 into five (5) new board of trustee election districts for each new



588 school district. The State Board of Education shall thereafter
589 publish the same in some newspaper of general circulation in said
590 county for at least three (3) consecutive weeks and after having
591 given notice of publication and recording the same upon the
592 minutes of the school boards of each school district in the
593 county, said new district lines will thereafter be effective for
594 the November 2013 special election. Any school board member of
595 the former school district residing in the proper election
596 district shall be eligible for election to the new board of
597 trustees for North Bolivar Consolidated School District or West
598 Bolivar Consolidated School District. The local school board of
599 each new school district shall reapportion the school board
600 districts in accordance with the procedure described in Section
601 37-7-207, Mississippi Code of 1972, as is necessary as soon as
602 practicable after the 2020 decennial census are published and as
603 soon as practicable after every decennial census thereafter. Any
604 school district affected by the required administrative
605 consolidation in such county that does not voluntarily consolidate
606 with the two (2) new school districts ordered by the State Board
607 of Education shall be administratively consolidated by the State
608 Board of Education with the appropriate school district in which
609 such district is located, to be effective on July 1 following the
610 election of the new local school boards. The State Board of
611 Education shall promptly move on its own motion to
612 administratively consolidate a school district which does not



613 voluntarily consolidate in order to enable the affected school
614 districts to reasonably accomplish the resulting administrative
615 consolidation into two (2) school districts by July 1 following
616 the election of the new school boards. All affected school
617 districts shall comply with any consolidation order issued by the
618 State Board of Education on or before July 1 following the
619 election of the new school boards.

620 (3) On July 1 following the election of the new school
621 district boards of trustees in Bolivar County, the former county
622 board of education and the former board of trustees of North
623 Bolivar School District, Mound Bayou Public School District, West
624 Bolivar School District, Shaw School District and Benoit School
625 District shall be abolished. All real and personal property which
626 is owned or titled in the name of a school district located in
627 such former school district shall be transferred to the new
628 reorganized school district of Bolivar County in which such former
629 school district is located. Each former school board shall be
630 responsible for establishing the contracts for teachers and
631 principals for the next school year following the required
632 administrative consolidation with the consultation of the newly
633 elected successor school boards. The new Board of Trustees for
634 the North Bolivar Consolidated School District shall appoint the
635 Superintendent of Schools for said school district, and the Board
636 of Trustees for the West Bolivar Consolidated School District
637 shall appoint the Superintendent of Schools for said school



638 district. The subsequent superintendent of schools of said
639 reorganized school districts shall not be elected but shall
640 thereafter be appointed by the successor boards of trustees in the
641 manner provided in Section 37-9-25. Any superintendent serving in
642 the former school districts shall be eligible for appointment as a
643 superintendent in North Bolivar Consolidated School District or
644 West Bolivar Consolidated School District. North Bolivar
645 Consolidated School District and West Bolivar Consolidated School
646 District shall not have more than one (1) assistant
647 superintendent. It shall be the responsibility of the successor
648 boards of trustees to prepare and approve the budget of the
649 respective new reorganized districts, and the successor boards of
650 trustees may use staff from the former school districts to prepare
651 the budget. Any proposed order of the State Board of Education
652 directing the transfer of the assets, real or personal property of
653 an affected school district in the county, shall be final and
654 conclusive for the purposes of the transfer of property required
655 by such administrative consolidation. Any person or school
656 district aggrieved by an order of the successor newly elected
657 board of trustees of a consolidated school district pursuant to
658 the required administrative consolidation may appeal therefrom to
659 the State Board of Education within ten (10) days from the date of
660 the adjournment of the meeting at which such order is entered.
661 Such appeal shall be de novo, and the finding of the State Board
662 of Education upon such question shall be final and conclusive for



663 the purpose of the approval or disapproval of the action by said
664 county board of education.

665 (4) When any school district in such county is abolished
666 under the provisions of this section, the abolition thereof shall
667 not impair or release the property of such former school district
668 from liability for the payment of the bonds or other indebtedness
669 of such district.

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

678 (6) The State Board of Education shall promulgate rules and
679 regulations to facilitate the administrative consolidation of the
680 school districts in Bolivar County pursuant to this section. The
681 consolidated districts shall make an election within one (1) year
682 of consolidation concerning the group term life insurance
683 described in subsection (7) of Section 25-15-9. When the orders
684 of the State Board of Education adopting the boundaries of the
685 successor school districts and the successor board of trustees
686 election districts have been entered and are final, as directed by
687 the State Board of Education, the new district lines shall be



688 submitted by the State Board of Education with the assistance of
689 the Attorney General to the Attorney General of the United States
690 for preclearance or to the United States District Court for the
691 District of Columbia for a declaratory judgment in accordance with
692 the provisions of the Voting Rights Act of 1965, as amended and
693 extended. In the event the change in the school district lines
694 and election districts are precleared or approved, the State Board
695 of Education shall formally declare the new lines as the new
696 boundaries of the successor school districts.

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

699 37-7-104.2. (1) In Clay County, Mississippi, in which are
700 located, as of January 1, 2013, two (2) school districts, there
701 shall be an administrative consolidation of all of those school
702 districts in the county into one (1) new consolidated school
703 district to be designated as West Point Consolidated School
704 District which shall consist of the territory of the former Clay
705 County School District and the West Point School District. The
706 central administrative office of the West Point Consolidated
707 School District shall be located in West Point, Mississippi.

708 (2) On or before September 1, 2013, the State Board of
709 Education shall serve the local school boards in Clay County with
710 notice and instructions regarding the timetable for action to be
711 taken to comply with the administrative consolidation required in
712 this section. The State Board of Education shall provide for the



713 administrative consolidation of the school districts in the county
714 on or before July 1, 2015. In the new West Point Consolidated
715 School District, there shall be a new board of trustees comprised
716 of five (5) members selected as follows: (a) the Mayor and Board
717 of Aldermen of the City of West Point shall appoint three (3) of
718 the five (5) members, each to be selected for a term of four (4)
719 years; and (b) two (2) members to be elected for a term of four
720 (4) years by the electors of Clay County residing outside of the
721 West Point corporate limits who shall be residents of that
722 territory and who shall be elected in a November 2014 special
723 election which shall be called by the Governor for that purpose.
724 All subsequent members of the board elected from the territory
725 outside of the West Point corporate limits shall be elected for a
726 term of four (4) years at the regular general election held on the
727 first Monday in November next preceding the expiration of the term
728 of office of the respective member or members. All elected and
729 appointed members shall take office on the first Monday of January
730 following the date of their election or appointment. The State
731 Board of Education, with the assistance of the Joint Legislative
732 Committee on Performance Evaluation and Expenditure Review (PEER),
733 shall apportion the territory of the new consolidated school
734 district located outside the West Point corporate limits into two
735 (2) new single member board of trustee election districts. The
736 State Board of Education shall thereafter publish the same in some
737 newspaper of general circulation in the county for at least three



738 (3) consecutive weeks and after having given notice of publication
739 and recording the same upon the minutes of the school boards of
740 each school district in the county, the new district lines will
741 thereafter be effective for the November 2014 special election.
742 Any school board member of the former school districts residing in
743 the proper territory shall be eligible for appointment or election
744 to the new Board of Trustees for West Point Consolidated School
745 District.

746 Any school district affected by the required administrative
747 consolidation in Clay County that does not voluntarily consolidate
748 as ordered by the State Board of Education shall be
749 administratively consolidated by the State Board of Education, to
750 be effective on July 1 following the election of the new local
751 school board. The State Board of Education shall promptly move on
752 its own motion to administratively consolidate a school district
753 which does not voluntarily consolidate in order to enable the
754 affected school districts to reasonably accomplish the resulting
755 administrative consolidation into one (1) consolidated school
756 district by July 1 following the selection of the new board of
757 trustees. The affected school districts shall comply with any
758 consolidation order issued by the State Board of Education on or
759 before July 1 following the selection of the new school boards.

760 (3) On July 1 following the selection of the new Board of
761 Trustees of the West Point Consolidated School District, the
762 former county board of education and the former Board of Trustees



763 of the West Point School District shall be abolished. All real
764 and personal property which is owned or titled in the name of a
765 school district located in such former school district shall be
766 transferred to the new reorganized school district of West Point
767 Consolidated School District in which such former school district
768 is located. Each former school board shall be responsible for
769 establishing the contracts for teachers and principals for the
770 next school year following the required administrative
771 consolidation with the consultation of the newly elected successor
772 school board. The new Board of Trustees for the West Point
773 Consolidated School District shall appoint the Superintendent of
774 Schools for the school district. The Superintendent of Schools
775 for the West Point Consolidated School District may appoint
776 assistant superintendent(s) of schools for the district, but in no
777 instance shall the administrative leadership of the West Point
778 Consolidated School District exceed the number of assistant
779 superintendents employed in the former West Point School District.
780 The subsequent superintendent of schools of the reorganized school
781 district shall not be elected, but shall thereafter be appointed
782 by the successor board of trustees in the manner provided in
783 Section 37-9-25. It shall be the responsibility of the successor
784 board of trustees to prepare and approve the budget of the new
785 reorganized district, and the successor board of trustees may use
786 staff from the former school districts to prepare the budget. Any
787 proposed order of the State Board of Education directing the



788 transfer of the assets, real or personal property of an affected
789 school district in the county, shall be final and conclusive for
790 the purposes of the transfer of property required by such
791 administrative consolidation. Any person or school district
792 aggrieved by an order of the successor newly selected Board of
793 Trustees of the West Point Consolidated School District pursuant
794 to the required administrative consolidation may appeal therefrom
795 within ten (10) days from the date of the adjournment of the
796 meeting at which such order is entered. Said appeal shall be
797 taken in the same manner as appeals are taken from judgments or
798 decisions of the board of supervisors as provided in Section
799 11-51-75, Mississippi Code of 1972, the provisions of which shall
800 be fully applicable to appeals taken hereunder. The Board of
801 Trustees of the West Point Consolidated School District shall not
802 pass upon or approve or disapprove any such order until the time
803 for an appeal therefrom shall have expired, nor shall said board
804 pass upon or approve or disapprove any such order from which an
805 appeal is taken until said appeal shall have been finally
806 determined.

807 (4) When any school district in the county is abolished
808 under the provisions of this section, the abolition thereof shall
809 not impair or release the property of that former school district
810 from liability for the payment of the bonds or other indebtedness
811 of such district.



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

820 (6) The State Board of Education shall promulgate rules and
821 regulations to facilitate the administrative consolidation of the
822 school districts in Clay County pursuant to this section. The
823 consolidated districts shall make an election within one (1) year
824 of consolidation concerning the group term life insurance
825 described in subsection (7) of Section 25-15-9. When the orders
826 of the State Board of Education adopting the boundaries of the
827 successor board of trustees election districts have been entered
828 and are final, as directed by the State Board of Education, the
829 new district lines shall be submitted by the State Board of
830 Education with the assistance of the Attorney General to the
831 Attorney General of the United States for preclearance or to the
832 United States District Court for the District of Columbia for a
833 declaratory judgment in accordance with the provisions of the
834 Voting Rights Act of 1965, as amended and extended. In the event
835 the change in the school district lines and election districts are
836 precleared or approved, the State Board of Education shall



837 formally declare the new lines as the new boundaries of the
838 successor school district.

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

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

849 37-7-104.3. (1) In Oktibbeha County, Mississippi, in which
850 are located, as of January 1, 2013, two (2) school districts,
851 there shall be an administrative consolidation of all of those
852 school districts in the county into one (1) new countywide
853 municipal separate school district to be designated as Starkville
854 Consolidated School District which shall consist of the territory
855 of the former Oktibbeha County School District and the Starkville
856 School District, effective on July 1, 2015. Until June 30, 2015,
857 preceding the effective date of the required administrative
858 consolidation of school districts in the county, the Oktibbeha
859 County School District shall remain in conservatorship, under the
860 authority and control of the Mississippi Recovery School District
861 of the State Department of Education. At such time that the



862 administrative consolidation becomes effective, the central
863 administrative office of the Starkville Consolidated School
864 District shall be located in Starkville, Mississippi.

865 (2) On or before July 1, 2014, the State Board of Education
866 shall serve the local school board of the Starkville School
867 District with notice and instructions regarding the timetable for
868 action to be taken to comply with the administrative consolidation
869 required in this section. In the new consolidated school district
870 there shall be a countywide municipal separate school district
871 board of trustees, which shall consist of the existing members of
872 the Board of Trustees of the Starkville School District serving as
873 a member on July 1, 2015. However, upon the first occurrence of a
874 vacancy on the board as a result of an expired term of an
875 appointed board member, that vacancy shall become an elected
876 position and shall be filled by the election of a board member by
877 the county board of supervisors in the manner prescribed in
878 Section 37-7-203(1) for the election of a member who resides
879 outside of the incorporated municipal limits. The Board of
880 Supervisors of Oktibbeha County shall thereafter publish the same
881 in some newspaper of general circulation in the county for at
882 least three (3) consecutive weeks and after having given notice of
883 publication and recording the same upon the minutes of the school
884 boards of each school district in the county. Any school district
885 affected by the required administrative consolidation in the
886 county that does not voluntarily consolidate as ordered by the



887 State Board of Education shall be administratively consolidated by
888 the State Board of Education, to be effective immediately upon
889 action of the State Board of Education. The State Board of
890 Education shall promptly move on its own motion to
891 administratively consolidate a school district which does not
892 voluntarily consolidate in order to enable the affected school
893 districts to reasonably accomplish the resulting administrative
894 consolidation into one (1) consolidated school district by July 1
895 following the motion to consolidate. The affected school
896 districts shall comply with any consolidation order issued by the
897 State Board of Education.

898 (3) On July 1, 2015, following the motion of State Board of
899 Education to consolidate school districts in Oktibbeha County, the
900 Oktibbeha County School District shall be abolished. All real and
901 personal property which is owned or titled in the name of the
902 school district located in such former school district shall be
903 transferred to the Starkville Consolidated School District. The
904 Board of Trustees of the Starkville Consolidated School District
905 shall be responsible for establishing the contracts for teachers,
906 principals, clerical and administrative staff personnel for the
907 2015-2016 school year and thereafter and shall consult with the
908 conservator for the establishment of contracts for teachers,
909 principals, clerical and administrative staff personnel located in
910 the former Oktibbeha County School District for the 2015-2016
911 school year. The superintendent and assistant superintendent(s)



912 of schools of the former Starkville School District shall continue
913 to serve in like administrative capacities of the Starkville
914 Consolidated School District, but in no instance shall the
915 administrative leadership of the Starkville Consolidated School
916 District exceed three (3) assistant superintendents to be
917 appointed by the superintendent of the former Starkville School
918 District. No superintendent serving in the former school district
919 located in the county designated as an under-performing school
920 district or placed under conservatorship shall be eligible for
921 appointment as a superintendent or assistant superintendent in the
922 Starkville Consolidated School District. Likewise, no trustee
923 serving in the former school district located in the county
924 designated as an under-performing school district or placed under
925 conservatorship shall be eligible for election to the new Board of
926 Trustees of the Starkville Consolidated School District. It shall
927 be the responsibility of the board of trustees to prepare and
928 approve the budget of the respective new reorganized district, and
929 the board of trustees may use staff from the former school
930 district to prepare the budget. Any proposed order of the State
931 Board of Education directing the transfer of the assets, real or
932 personal property of an affected school district in the county,
933 shall be final and conclusive for the purposes of the transfer of
934 property required by such administrative consolidation.

935 (4) Nothing in this section shall be construed to require
936 the closing of any school or school facility, unless the facility



937 is an unneeded administrative office located within a school
938 district which has been abolished under the provisions of this
939 section. All administrative consolidations under this section
940 shall be accomplished so as not to delay or in any manner
941 negatively affect the desegregation of another school district in
942 the county pursuant to court order.

943 (5) The State Board of Education shall promulgate rules and
944 regulations to facilitate the administrative consolidation of the
945 school districts in Oktibbeha County pursuant to this section.
946 The consolidated districts shall make an election within one (1)
947 year of consolidation concerning the group term life insurance
948 described in Section 25-15-9(7).

949 (6) For the initial three (3) years following the
950 administrative consolidation required by this section, the State
951 Department of Education shall grant a waiver of accountability and
952 state assessment requirements to the Starkville Consolidated
953 School District for the student population enrolled therein from
954 the former Oktibbeha County School District when determining the
955 new consolidated school district accreditation level on the
956 performance and accountability rating model.

957 (7) The governing school board and superintendent of schools
958 of the Starkville Public School District shall collaborate with
959 the State Department of Education and the appointed conservator of
960 the Oktibbeha County School District, as soon as practicable after
961 the effective date of this act, for the planning and transition of



962 programs, services and alignment of curriculum for the
963 administratively consolidated school districts.

964 **SECTION 13.** This act shall take effect and be in force from
965 and after July 1, 2015.

