

By: Representative Barker

To: Education

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 926

1 AN ACT TO PROVIDE THAT IN THE HOLMES COUNTY AND DURANT PUBLIC
2 SCHOOL DISTRICTS THERE SHALL BE AN ADMINISTRATIVE CONSOLIDATION
3 INTO ONE SCHOOL DISTRICT TO BE DESIGNATED AS THE HOLMES COUNTY
4 CONSOLIDATED SCHOOL DISTRICT EFFECTIVE JULY 1, 2017; TO PROVIDE
5 FOR THE COMPOSITION AND SELECTION OF THE BOARD OF TRUSTEES OF THE
6 NEW HOLMES COUNTY CONSOLIDATED SCHOOL DISTRICT; TO DIRECT THE
7 STATE BOARD OF EDUCATION TO ADMINISTRATIVELY CONSOLIDATE ANY
8 SCHOOL DISTRICT WHICH DOES NOT VOLUNTARILY FOLLOW THE
9 CONSOLIDATION ORDER; TO ABOLISH THE FORMER SCHOOL DISTRICTS
10 FOLLOWING THE ADMINISTRATIVE CONSOLIDATION AND PROVIDE FOR THE
11 TRANSFER OF SCHOOL DISTRICT ASSETS AND LIABILITIES; TO PROVIDE FOR
12 EXECUTION OF TEACHER AND SCHOOL DISTRICT EMPLOYEE CONTRACTS AND
13 THE PREPARATION OF A SCHOOL DISTRICT BUDGET IN THE NEW SCHOOL
14 DISTRICT; TO DIRECT THE STATE BOARD OF EDUCATION TO PROMULGATE
15 REGULATIONS TO IMPLEMENT SUCH ADMINISTRATIVE CONSOLIDATION; TO
16 AMEND SECTIONS 37-7-103 AND 37-5-7, MISSISSIPPI CODE OF 1972, IN
17 CONFORMITY; AND FOR RELATED PURPOSES.

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

19 **SECTION 1.** (1) In Holmes County, Mississippi, in which are
20 located, as of January 1, 2016, two (2) school districts, there
21 shall be an administrative consolidation of all of those school
22 districts in the county into one (1) new countywide school
23 district to be designated as Holmes County Consolidated School
24 District which shall consist of the territory of the former Holmes
25 County School District and the Durant Public School District,



26 effective on July 1, 2017. At such time that the administrative
27 consolidation becomes effective, the central administrative office
28 of the Holmes County Consolidated School District shall be located
29 in Lexington, Mississippi.

30 (2) (a) On or before September 1, 2016, the State Board of
31 Education shall serve the local school boards of the Holmes County
32 School District and the Durant Public School District with notice
33 and instructions regarding the timetable for action to be taken to
34 comply with the administrative consolidation required in this
35 section. The State Board of Education shall provide for the
36 administrative consolidation of Holmes County School District and
37 the Durant Public School District on or before July 1, 2017. In
38 the new Holmes County Consolidated School District, there shall be
39 a new county board of education elected on the first Tuesday after
40 the first Monday in November 2016 at the same time and in the same
41 manner as the presidential election is held and conducted, for
42 that purpose. The new county board of education shall be elected
43 and the terms of office established as provided in Section
44 37-5-7(3). The State Board of Education shall declare that the
45 territory embraced by Holmes County, Mississippi, shall be the
46 boundary lines for the territory of the new Holmes County
47 Consolidated School District and shall spread a legal description
48 of the new school district on the minutes of its August 2016
49 meeting and shall serve the applicable school boards and the board
50 of supervisors with an adequate legal description of these new



51 boundaries. It shall be the responsibility of the board of
52 supervisors of such county to apportion the newly consolidated
53 school district into five (5) new single member board of education
54 election districts, which shall be consistent with the supervisors
55 district lines in the county. The board of supervisors of the
56 county shall thereafter publish the same in some newspaper of
57 general circulation in the county for at least three (3)
58 consecutive weeks and after having given notice of publication and
59 recording the same upon the minutes of the school boards of each
60 appropriate school district in the county, the new district lines
61 will thereafter be effective for the November 2016 general
62 election.

63 (b) Any school district affected by the required
64 administrative consolidation in Holmes County that does not
65 voluntarily consolidate as ordered by the State Board of Education
66 shall be administratively consolidated by the State Board of
67 Education, to be effective on July 1 following the November 2016
68 election of the new school board members. The State Board of
69 Education shall promptly move on its own motion to
70 administratively consolidate a school district which does not
71 voluntarily consolidate in order to enable the affected school
72 districts to reasonably accomplish the resulting administrative
73 consolidation into the Holmes County Consolidated School District
74 by July 1, 2017, following the election of the new board of
75 trustees. The affected school districts shall comply with any



76 consolidation order issued by the State Board of Education on or
77 before July 1 following the election of the new board of trustees.

78 (3) (a) On July 1, 2017, following the election of the new
79 board of trustees of the Holmes County Consolidated School
80 District, the former county board of education for Holmes County
81 and the former board of trustees of the Durant Public School
82 Districts shall be abolished. All real and personal property
83 which is owned or titled in the name of the school district
84 located in such former school districts shall be transferred to
85 the new Holmes County Consolidated School District.

86 (b) The new board of trustees of the Holmes County
87 Consolidated School District shall be responsible for establishing
88 the contracts for teachers, principals, clerical and
89 administrative staff personnel for the 2017-2018 school year and
90 each school year thereafter.

91 (c) The new board of trustees for the Holmes County
92 Consolidated School District shall appoint the superintendent of
93 schools for the school district. The superintendent of schools
94 for the Holmes County Consolidated School District may appoint an
95 assistant superintendent of schools for the district, but in no
96 instance shall the administrative leadership of the Holmes County
97 Consolidated School District have more than one (1) assistant
98 superintendent of education. The subsequent superintendent of
99 schools of the consolidated school district shall not be elected,
100 but shall thereafter be appointed by the successor board of



101 trustees in the manner provided in Section 37-9-25. It shall be
102 the responsibility of the successor board of trustees to prepare
103 and approve the budget of the new consolidated district, and the
104 successor board of trustees may use staff from the former school
105 districts to prepare the budget. Any proposed order of the State
106 Board of Education directing the transfer of the assets, real or
107 personal property of an affected school district in the county,
108 shall be final and conclusive for the purposes of the transfer of
109 property required by such administrative consolidation.

110 (d) Any person or school district aggrieved by an order
111 of the successor newly selected board of trustees of the Holmes
112 County Consolidated School District pursuant to the required
113 administrative consolidation may appeal therefrom within ten (10)
114 days from the date of the adjournment of the meeting at which such
115 order is entered. The appeal shall be taken in the same manner as
116 appeals are taken from judgments or decisions of the board of
117 supervisors as provided in Section 11-51-75, the provisions of
118 which shall be fully applicable to appeals taken hereunder. The
119 board of trustees of the Holmes County Consolidated School
120 District shall not pass upon or approve or disapprove any such
121 order until the time for an appeal therefrom has expired, nor
122 shall the board pass upon or approve or disapprove any such order
123 from which an appeal is taken until said appeal has been finally
124 determined.



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

133 (5) The State Board of Education shall promulgate rules and
134 regulations to facilitate the administrative consolidation of the
135 school districts in Holmes County pursuant to this section. The
136 consolidated districts shall make an election within one (1) year
137 of consolidation concerning the group term life insurance
138 described in subsection (6) of Section 25-15-9.

139 (6) The County Board of Education and the Superintendent of
140 Education of the former Holmes County School District and the
141 local school board and Superintendent of Schools of the Durant
142 Public School District shall cooperate with the State Department
143 of Education, as soon as practicable after the effective date of
144 this act, for the planning and transition of programs, services
145 and alignment of curriculum for the administratively consolidated
146 school districts.

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



149 37-7-103. From and after July 1, 1987, the school board of
150 any school district shall have full jurisdiction, power and
151 authority, at any regular meeting thereof or at any special
152 meeting called for that purpose, to abolish such existing
153 district, or to reorganize, change or alter the boundaries of any
154 such district. In addition thereto, with the consent of the
155 school board of the school district involved, the school board may
156 add to such school district any part of the school district
157 adjoining same, and with the consent of the school board of the
158 school district involved, may detach territory from such school
159 district and annex same to an adjoining district. Provided,
160 however, that the consent of the school board of the school
161 districts involved in implementing the provisions of Section
162 37-7-104 or * * * Section 1 of this act shall not be required for
163 the administrative consolidation of such school districts pursuant
164 to the order of the State Board of Education.

165 **SECTION 3.** Section 37-5-7, Mississippi Code of 1972, is
166 amended as follows:

167 37-5-7. (1) On the first Tuesday after the first Monday in
168 May, 1954, an election shall be held in each county in this state
169 in the same manner as general state and county elections are held
170 and conducted, which election shall be held for the purpose of
171 electing the county boards of education established under the
172 provisions of this chapter. At such election, the members of the
173 said board from Supervisors Districts One and Two shall be elected



174 for the term expiring on the first Monday of January, 1957;
175 members of the board from Supervisors Districts Three and Four
176 shall be elected for a term expiring on the first Monday of
177 January, 1959; and the member of the board from Supervisors
178 District Five shall be elected for a term expiring on the first
179 Monday of January, 1955. Except as otherwise provided in
180 subsection (2), all subsequent members of the board shall be
181 elected for a term of six (6) years at the regular general
182 election held on the first Monday in November next preceding the
183 expiration of the term of office of the respective member or
184 members of such board. All members of the county board of
185 education as herein constituted, shall take office on the first
186 Monday of January following the date of their election.

187 (2) On the first Tuesday after the first Monday in November,
188 in any year in which any county shall elect to utilize the
189 authority contained in Section 37-5-1(2), an election shall be
190 held in each such county in this state for the purpose of electing
191 the county boards of education in such counties. At said election
192 the members of the said county board of education from Districts
193 One and Two shall be elected for a term of four (4) years, the
194 members from Districts Three and Four shall be elected for a term
195 of six (6) years, and the member from District Five shall be
196 elected for a term of (2) years. Thereafter, members shall be
197 elected at general elections as vacancies occur for terms of six
198 (6) years each. All members of the county board of education



199 shall take office on the first Monday of January following the
200 date of their election.

201 (3) On the first Tuesday after the first Monday in November
202 2016, an election shall be held in Holmes County at the same time
203 and in the same manner as the presidential election is held and
204 conducted, for the purpose of electing the county board of
205 education in the new Holmes County Consolidated School District.
206 At the election, the members of the said county board of education
207 from single member board of education districts, which shall be
208 consistent with the supervisors district lines in the county, and
209 shall be elected for a term of four (4) years, and every four (4)
210 years thereafter at the same time as general presidential
211 elections are held. All members of the county board of education
212 in the new Holmes County School District shall take office on the
213 first Monday of January following the date of their election.

214 **SECTION 4.** This act shall take effect and be in force from
215 and after July 1, 2016.

