

By: Senator(s) Tollison

To: Education

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2495

1 AN ACT TO PROVIDE THAT IN THE CARROLL COUNTY, MONTGOMERY
2 COUNTY AND WINONA MUNICIPAL SEPARATE SCHOOL DISTRICTS THERE SHALL
3 BE AN ADMINISTRATIVE CONSOLIDATION INTO ONE SCHOOL DISTRICT TO BE
4 DESIGNATED AS THE CARROLL-MONTGOMERY CONSOLIDATED SCHOOL DISTRICT,
5 WHICH SHALL BE A LINE CONSOLIDATED SCHOOL DISTRICT EFFECTIVE JULY
6 1, 2017; TO PROVIDE FOR THE COMPOSITION OF THE BOARD OF TRUSTEES
7 OF THE NEW CARROLL-MONTGOMERY CONSOLIDATED SCHOOL DISTRICT; TO
8 DIRECT THE STATE BOARD OF EDUCATION TO ADMINISTRATIVELY
9 CONSOLIDATE ANY SCHOOL DISTRICT WHICH DOES NOT VOLUNTARILY FOLLOW
10 THE CONSOLIDATION ORDER; TO ABOLISH THE FORMER SCHOOL DISTRICTS
11 FOLLOWING THE ADMINISTRATIVE CONSOLIDATION AND PROVIDE FOR THE
12 TRANSFER OF SCHOOL DISTRICT ASSETS AND LIABILITIES; TO PROVIDE FOR
13 EXECUTION OF TEACHER AND SCHOOL DISTRICT EMPLOYEE CONTRACTS AND
14 THE PREPARATION OF A SCHOOL DISTRICT BUDGET IN THE NEW SCHOOL
15 DISTRICT; TO DIRECT THE STATE BOARD OF EDUCATION TO PROMULGATE
16 REGULATIONS TO IMPLEMENT SUCH ADMINISTRATIVE CONSOLIDATION; TO
17 PROVIDE A TWO-YEAR WAIVER FROM ACCOUNTABILITY AND STATE ASSESSMENT
18 REQUIREMENTS FOR THE NEW STUDENT POPULATION; TO AMEND SECTIONS
19 37-7-103 AND 37-7-207, MISSISSIPPI CODE OF 1972, IN CONFORMITY;
20 AND FOR RELATED PURPOSES.

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

22 **SECTION 1.** (1) In Carroll County, Mississippi, and
23 Montgomery County, Mississippi, in which are located, as of
24 January 1, 2016, three (3) school districts, there shall be an
25 administrative consolidation of all of those school districts in
26 the county into one (1) new line consolidated school district to
27 be designated as Carroll-Montgomery Consolidated School District



28 which shall consist of the territory of the former Carroll County
29 School District, the Montgomery County School District, and the
30 Winona Municipal Separate School District, effective on July 1,
31 2017. At such time that the administrative consolidation becomes
32 effective, the central administrative office of the
33 Carroll-Montgomery Consolidated School District shall be located
34 in Winona, Mississippi.

35 (2) As soon as practicable after July 1, 2016, the State
36 Board of Education may appoint an interim trustee to manage the
37 transition for the consolidation of the former Carroll County
38 School District, Montgomery County School District and the former
39 Winona Municipal Separate School District. The State Board of
40 Education shall determine the compensation to be paid to the
41 interim trustee which shall be paid on a 50/50 matching basis from
42 state and local school district funds. The State Board of
43 Education may, in its discretion, assign an interim trustee to the
44 school district or may contract with an appropriate private entity
45 with experience in the academic, finance and other operational
46 functions of schools and school districts. The interim trustee
47 shall be responsible for the administration, management and
48 operation of the school district from July 1, 2016, until July 1,
49 2018, including, but not limited to, the following activities:
50 (a) merging the existing budgets with the budget of the new
51 consolidated school district, (b) nonrenewal of central office
52 staff as necessary, (c) construction of a new salary scale for



53 licensed and nonlicensed employees, (d) supplemental duties of
54 school district employees, (e) assist local officials with school
55 tax assessment, (f) assist with the search for a new
56 superintendent, and (g) veto authority over decisions of the
57 former school boards until the new Carroll-Montgomery Consolidated
58 School District Board of Trustees are in place. The County Board
59 of Education and the Superintendent of Education of the former
60 Carroll County School District, Montgomery County School District
61 and the local school board and Superintendent of Schools of the
62 Winona Municipal Separate School District shall cooperate with the
63 State Department of Education, as soon as practicable after the
64 effective date of this act, for the planning and transition of
65 programs, services and alignment of curriculum for the
66 administratively consolidated school districts.

67 (3) On or before July 1, 2016, the State Board of Education
68 shall serve the local school board of the Carroll County School
69 District, the Montgomery County School District, and the Winona
70 Municipal Separate School District with notice and instructions
71 regarding the timetable for action to be taken to comply with the
72 administrative consolidation required in this section. The State
73 Board of Education shall provide for the administrative
74 consolidation of Carroll County School District, Montgomery County
75 School District and Winona Municipal Separate School District on
76 or before July 1, 2017. In the new Carroll-Montgomery
77 Consolidated School District, there shall be a new consolidated



78 school district board of trustees elected in a November 2016
79 special election which shall be called by the Governor for that
80 purpose. The new consolidated school district board of trustees
81 shall be elected and the terms of office established as provided
82 in Section 37-7-207(2), Mississippi Code of 1972. The State Board
83 of Education shall determine the boundary lines for the territory
84 of the new school district and shall spread a legal description of
85 the new school district on the minutes of its August 2016 meeting
86 and shall serve the applicable school boards and the board of
87 supervisors with an adequate legal description of these new
88 boundaries. It shall be the responsibility of the State Board of
89 Education with the assistance of the Joint Legislative Committee
90 on Performance Evaluation and Expenditure Review (PEER) to
91 apportion the territory of the new school district into five (5)
92 new board of trustee election districts. The State Board of
93 Education shall thereafter publish the same in some newspaper of
94 general circulation in said counties for at least three (3)
95 consecutive weeks and after having given notice of publication and
96 recording the same upon the minutes of the school boards of each
97 appropriate school district in the counties, said new district
98 lines will thereafter be effective for the November 2016 special
99 election. Any school board member of the former school districts
100 residing in the proper election district shall be eligible for
101 election to the new board of trustees for Carroll-Montgomery
102 Consolidated School District. The board of trustees of the new



103 school district shall reapportion the board of trustees districts
104 in accordance with the procedure described in Section 37-7-207(2),
105 Mississippi Code of 1972, as is necessary as soon as practicable
106 after the 2020 decennial census are published and as soon as
107 practicable after every decennial census thereafter. Any school
108 district affected by the required administrative consolidation in
109 the county that does not voluntarily consolidate as ordered by the
110 State Board of Education shall be administratively consolidated by
111 the State Board of Education, to be effective immediately upon
112 action of the State Board of Education. The State Board of
113 Education shall promptly move on its own motion to
114 administratively consolidate a school district which does not
115 voluntarily consolidate in order to enable the affected school
116 districts to reasonably accomplish the resulting administrative
117 consolidation into the Carroll-Montgomery School District by July
118 1, 2017, following the motion to consolidate. The affected school
119 districts shall comply with any consolidation order issued by the
120 State Board of Education.

121 (4) The successor Carroll-Montgomery Consolidated School
122 District Board of Trustees shall conduct a search for a new
123 Superintendent of Schools for the Carroll-Montgomery Consolidated
124 School District to be selected no later than July 1, 2017, in the
125 manner provided in Section 37-9-13. The position of
126 Carroll-Montgomery Consolidated School District Superintendent of
127 Schools shall be an appointive position. The successor



128 Carroll-Montgomery Consolidated School District Board of Trustees
129 shall also employ central office staff for the Carroll-Montgomery
130 Consolidated School District no later than July 1, 2017, or as
131 soon as practicable thereafter.

132 (5) On January 1, 2017, following the motion of the State
133 Board of Education to consolidate school districts in Carroll
134 County, Montgomery County and the Winona Municipal Separate School
135 Districts, the Carroll County, Montgomery County and the Winona
136 Municipal Separate School Districts shall be abolished. All real
137 and personal property which is owned or titled in the name of the
138 school district located in such former school district shall be
139 transferred to the Carroll-Montgomery Consolidated School
140 District. The Board of Trustees of the Carroll-Montgomery
141 Consolidated School District shall be responsible for establishing
142 the contracts for teachers, principals, clerical and
143 administrative staff personnel for the 2017-2018 school year and
144 thereafter. The superintendent and assistant superintendent(s) of
145 schools of the former Carroll County School District, Montgomery
146 County School District and the Winona Municipal Separate School
147 District may continue to serve in like administrative capacities
148 of the Carroll-Montgomery Consolidated School District, but in no
149 instance shall the administrative leadership of the
150 Carroll-Montgomery Consolidated School District exceed three (3)
151 assistant superintendents. No superintendent serving in a school
152 district placed under conservatorship shall be eligible for



153 appointment as a superintendent or assistant superintendent in the
154 Carroll-Montgomery Consolidated School District. It shall be the
155 responsibility of the board of trustees to prepare and approve the
156 budget of the respective new reorganized district, and the board
157 of trustees may use staff from the former school districts to
158 prepare the budget. Any proposed order of the State Board of
159 Education directing the transfer of the assets, real or personal
160 property of an affected school district in the county, shall be
161 final and conclusive for the purposes of the transfer of property
162 required by such administrative consolidation.

163 (6) From and after July 1, 2017, all outstanding debt of the
164 former Carroll County School District, Montgomery County School
165 District and the Winona Municipal Separate School District shall
166 be assumed by and become the debt of the new Carroll-Montgomery
167 Consolidated School District. Any debt assumed by the
168 Carroll-Montgomery Consolidated School District secured by a
169 special ad valorem tax shall become secured by and payable from a
170 mandatory, special ad valorem tax which shall be levied on all
171 taxable property in the territory of the former Carroll County
172 School District, Montgomery County School District or the Winona
173 Municipal Separate School District, as the case may be, by the
174 levying authority of the Carroll-Montgomery Consolidated School
175 District. It is the intent of the Legislature that any such
176 pledges of the former school districts will remain in effect and
177 that the pledged funds will be available to the new



178 Carroll-Montgomery Consolidated School District to pay its debt to
179 which the funds are pledged. The Board of Supervisors of
180 Montgomery County shall be the "levying authority" for the new
181 Carroll-Montgomery Consolidated School District.

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

190 (8) The State Board of Education, acting through the interim
191 trustee, shall promulgate rules and regulations to facilitate the
192 administrative consolidation of the school districts in Carroll
193 County, Montgomery County, and Winona, Mississippi, pursuant to
194 this section. The consolidated district shall make an election
195 within one (1) year of consolidation concerning the group term
196 life insurance described in Section 25-15-9(7).

197 (9) For the initial three (3) years following the
198 administrative consolidation required by this section, conditioned
199 upon approval by the U.S. Department of Education, the State
200 Department of Education shall grant a waiver of accountability and
201 state assessment requirements to the Carroll-Montgomery
202 Consolidated School District for the student population enrolled



203 therein from the former Carroll County School District, Montgomery
204 County School District, and the Winona Municipal Separate School
205 District, when determining the new consolidated school district
206 accreditation level based on the performance and accountability
207 rating model.

208 (10) The local school board and superintendent of schools of
209 the Carroll County School District, Montgomery County School
210 District, and the Winona Municipal Separate School District shall
211 collaborate with the State Department of Education, as soon as
212 practicable after the effective date of this act, for the planning
213 and transition of programs, services and alignment of curriculum
214 for the administratively consolidated school districts.

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

217 37-7-103. From and after July 1, 1987, the school board of
218 any school district shall have full jurisdiction, power and
219 authority, at any regular meeting thereof or at any special
220 meeting called for that purpose, to abolish such existing
221 district, or to reorganize, change or alter the boundaries of any
222 such district. In addition thereto, with the consent of the
223 school board of the school district involved, the school board may
224 add to such school district any part of the school district
225 adjoining same, and with the consent of the school board of the
226 school district involved, may detach territory from such school
227 district and annex same to an adjoining district. Provided,



228 however, that the consent of the school board of the school
229 districts involved in implementing the provisions of Section
230 37-7-104 or * * * Section 1 of this act shall not be required for
231 the administrative consolidation of such school districts pursuant
232 to the order of the State Board of Education.

233 **SECTION 3.** Section 37-7-207, Mississippi Code of 1972, is
234 amended as follows:

235 37-7-207. (1) All school districts reconstituted or created
236 under the provisions of Article 1 of this chapter, and which lie
237 wholly within one (1) county, but not including municipal separate
238 and countywide districts, shall be governed by a board of five (5)
239 trustees. The first board of trustees of such districts shall be
240 appointed by the county board of education, and the original
241 appointments shall be so made that one (1) trustee shall be
242 appointed to serve until the first Saturday of March following
243 such appointments, one (1) for one (1) year longer, one (1) for
244 two (2) years longer, one (1) for three (3) years longer, and one
245 (1) for four (4) years longer. After such original appointments,
246 the trustees of such school districts shall be elected by the
247 qualified electors of such school districts in the manner provided
248 for in Sections 37-7-223 through 37-7-229, with each trustee to be
249 elected for a term of five (5) years. The five (5) members of the
250 board of trustees of such consolidated school district shall be
251 elected from special trustee election districts by the qualified
252 electors thereof, as herein provided. The board of trustees of



253 any such consolidated school district shall apportion the
254 consolidated school district into five (5) special trustee
255 election districts. The board of trustees of such school district
256 shall place upon its minutes the boundaries determined for the new
257 five (5) trustee election districts. The board of trustees shall
258 thereafter publish the same in a newspaper of general circulation
259 within said school district for at least three (3) consecutive
260 weeks; and after having given notice of publication and recording
261 the same upon the minutes of the board of trustees, said new
262 district lines shall thereafter be effective.

263 On the first Tuesday after the first Monday in November, in
264 any year in which any consolidated school district shall elect to
265 utilize the authority to create single member election districts,
266 an election shall be held in each such district in this state for
267 the purpose of electing the board of trustees of such district.
268 At said election the member of the said board from District One
269 shall be elected for a term of one (1) year, the member from
270 District Two shall be elected for a term of two (2) years, the
271 member from District Three shall be elected for a term of three
272 (3) years, the member from District Four shall be elected for a
273 term of four (4) years, and the member from District Five shall be
274 elected for a term of five (5) years. Thereafter, members shall
275 be elected at general elections as vacancies occur for terms of
276 five (5) years each. Trustees elected from single member election
277 districts as provided above shall otherwise be elected as provided



278 for in Sections 37-7-223 through 37-7-229. All members of the
279 said board of trustees shall take office on the first Monday of
280 January following the date of their election. All vacancies which
281 may occur during a term shall be filled by appointment of the
282 consolidated school district trustees, but the person so appointed
283 shall serve only until the next general election following such
284 appointment, at which time a person shall be elected for the
285 remainder of the unexpired term at the same time and in the same
286 manner as a trustee is elected for the full term then expiring.
287 The person so elected to the unexpired term shall take office
288 immediately. Said appointee shall be selected from the qualified
289 electors of the district in which the vacancy occurs. In the
290 event the school district is under conservatorship and no members
291 of the board of trustees remain in office, the Governor shall call
292 a special election to fill the vacancies and the said election
293 will be conducted by the county election commission.

294 (2) All school districts reconstituted and created under the
295 provisions of Article 1 of this chapter, which embrace territory
296 in two (2) or more counties, but not including municipal separate
297 school districts, shall be governed by a board of five (5)
298 trustees. In making the original appointments, the several county
299 boards of education shall appoint the trustee or trustees to which
300 the territory in such county is entitled, and, by agreement
301 between the county boards concerned, one (1) person shall be
302 appointed to serve until the first Saturday of March following,



303 one (1) for one (1) year longer, one (1) for two (2) years longer,
304 one (1) for three (3) years longer and one (1) for four (4) years
305 longer. Thereafter, such trustees shall be elected as is provided
306 for in Sections 37-7-223 through 37-7-229, for a term of five (5)
307 years. In the case of the new Carroll-Montgomery Consolidated
308 School District established under Section 1 of this act, the State
309 Board of Education shall designate the term of office of the
310 original board of trustees election districts, with one (1) member
311 to serve for one (1) year, one (1) member to service for two (2)
312 years, one (1) member to serve for three (3) years, one (1) member
313 to serve for four (4) years, and one (1) member to serve for five
314 (5) years, and thereafter, such trustees shall be elected as
315 provided in Sections 37-7-223 through 37-7-229 for a term of five
316 (5) years. The five (5) members of the board of trustees of such
317 line consolidated school district shall be elected from special
318 trustee election districts by the qualified electors thereof, as
319 herein provided. The existing board of trustees of such line
320 consolidated school district shall apportion the line consolidated
321 school district into five (5) special trustee election districts.
322 The board of trustees shall place upon its minutes the boundaries
323 determined for the new five (5) trustee election districts. The
324 board of trustees shall thereafter publish the same in a newspaper
325 of general circulation within said school district for at least
326 three (3) consecutive weeks; and after having given notice of
327 publication and recording the same upon the minutes of the board



328 of trustees, said new district lines shall thereafter be
329 effective. Provided, however, that in any line consolidated
330 school district encompassing two (2) or more counties created
331 pursuant to Laws, 1953, Extraordinary Session, Chapter 12, Section
332 8, in which, as a condition precedent to the creation of said
333 district, each county belonging thereto was contractually
334 guaranteed to always have at least one (1) representative on said
335 board, in order that said condition precedent may be honored and
336 guaranteed, in any year in which the board of trustees of such
337 line consolidated school district does not have at least one (1)
338 member from each county or part thereof forming such district, the
339 board of trustees in such district shall be governed by a board of
340 a sufficient number of trustees to fulfill this guarantee, five
341 (5) of whom shall be elected from the five (5) special trustee
342 election districts which shall be as nearly equal as possible and
343 one (1) member trustee appointed at large from each county not
344 having representation on the elected board. In such cases, the
345 board of supervisors of each county shall make written agreement
346 to guarantee the manner of appointment of at least one (1)
347 representative from each county in the district, placing such
348 written agreement on the minutes of each board of supervisors in
349 each county.

350 On the first Tuesday after the first Monday in November, in
351 any year in which any line consolidated school district shall
352 elect to utilize the authority to create single member election



353 districts, an election shall be held in each such district in this
354 state for the purpose of electing the board of trustees of such
355 district. At said election the member of the said board from
356 District One shall be elected for a term of one (1) year, the
357 member from District Two shall be elected for a term of two (2)
358 years, the member from District Three shall be elected for a term
359 of three (3) years, the member from District Four shall be elected
360 for a term of four (4) years, and the member from District Five
361 shall be elected for a term of five (5) years. Thereafter,
362 members shall be elected at general elections as vacancies occur
363 for terms of five (5) years each. Trustees elected from single
364 member election districts as provided above shall otherwise be
365 elected as provided for in Sections 37-7-223 through 37-7-229.
366 All members of the said board of trustees shall take office on the
367 first Monday of January following the date of their election. In
368 all elections, the trustee elected shall be a resident and
369 qualified elector of the district entitled to the representation
370 upon the board, and he shall be elected only by the qualified
371 electors of such district. All vacancies which may occur during a
372 term of office shall be filled by appointment of the consolidated
373 line school district trustees, but the person so appointed shall
374 serve only until the next general election following such
375 appointment, at which time a person shall be elected for the
376 remainder of the unexpired term at the same time and in the same
377 manner as the trustee is elected for the full term then expiring.



378 The person so elected to the unexpired term shall take office
379 immediately. In the event the school district is under
380 conservatorship and no members of the board of trustees remain in
381 office, the Governor shall call a special election to fill the
382 vacancies and the said election will be conducted by the county
383 election commission.

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

