

By: Senator(s) Tollison

To: Education

SENATE BILL NO. 2495
(As Sent to Governor)

1 AN ACT TO PROVIDE THAT IN THE MONTGOMERY COUNTY AND WINONA
2 MUNICIPAL SEPARATE SCHOOL DISTRICTS THERE SHALL BE AN
3 ADMINISTRATIVE CONSOLIDATION INTO ONE SCHOOL DISTRICT TO BE
4 DESIGNATED AS THE WINONA-MONTGOMERY CONSOLIDATED SCHOOL DISTRICT,
5 WHICH SHALL BE A LINE CONSOLIDATED SCHOOL DISTRICT EFFECTIVE JULY
6 1, 2018; TO PROVIDE FOR THE COMPOSITION OF THE BOARD OF TRUSTEES
7 OF THE NEW WINONA-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 AMEND SECTION 37-7-103, MISSISSIPPI CODE OF 1972, IN CONFORMITY;
18 AND FOR RELATED PURPOSES.

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

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



27 and the Winona Municipal Separate School District, effective on
28 July 1, 2018. At such time that the administrative consolidation
29 becomes effective, the central administrative office of the
30 Winona-Montgomery Consolidated School District shall be located in
31 Winona, Mississippi.

32 (2) As soon as practicable, a financial advisor and/or other
33 facilitator with school district experience may be assigned by the
34 Mississippi Department of Education to oversee the budgeting and
35 financial matters relating to the consolidation of the districts
36 slated for consolidation. The financial advisor and/or
37 facilitator may, at the discretion of the Mississippi Department
38 of Education, continue duties for one (1) year after the
39 consolidation to ensure that all financial matters are in place.
40 All financial expenditures of districts that are closing must be
41 approved by the financial advisor and/or facilitator. If the
42 superintendent and/or school board approves expenditures outside
43 of this approval, they shall be personally liable for the excess
44 expenditures. The State Board of Education shall determine the
45 compensation to be paid to the financial advisor and/or
46 facilitator which shall be paid by the local school district to
47 which the financial advisor and/or facilitator is assigned.

48 (3) (a) On or before September 1, 2017, the State Board of
49 Education shall serve the local school board of the Winona
50 Municipal Separate School District and the local school board of
51 the Montgomery County School District with notice and instructions



52 regarding the timetable for action to be taken to comply with the
53 administrative consolidation required in this section.

54 (b) In the new Winona-Montgomery Consolidated School
55 District, there shall be a new countywide municipal separate
56 school district board of trustees comprised of five (5) members,
57 which shall consist of the existing members of the Board of
58 Trustees of the Winona Municipal Separate School District.
59 However, when consolidation becomes effective, the two (2)
60 appointed board members of the Winona Municipal Separate School
61 District whose terms are nearest to expiration shall expire on
62 January 1, 2019, shall thereafter become elected positions to be
63 filled by the election of board members in a manner prescribed in
64 subparagraph (ii) of this paragraph (b). The new countywide
65 municipal separate school district board of trustees of the
66 Winona-Montgomery Consolidated School District shall be comprised
67 as follows:

68 (i) The three (3) members of the existing Board of
69 Trustees of the Winona Municipal Separate School District
70 appointed by the Board of Aldermen of the City of Winona with the
71 most years remaining in their terms shall serve until the
72 expiration of such appointed term and thereafter, appointments
73 shall each be selected for a term of four (4) years beginning on
74 January 1 of the year next succeeding the appointment;

75 (ii) The two (2) members of the board elected
76 after the appropriate appointments become permanently elected



77 positions, shall be elected for a term of four (4) years by the
78 electors of Montgomery County residing outside of the Winona
79 corporate limits who shall be residents of that territory and who
80 shall be elected in an election held on Tuesday after the first
81 Monday in November 2018, in the manner prescribed in Section
82 37-7-203, and the elected members will take office on January 1,
83 2019. All subsequent members of the board elected from the
84 territory outside of the Winona corporate limits shall be elected
85 for a term of four (4) years at the regular general election held
86 on the first Monday in November next preceding the expiration of
87 the term of office of the respective member or members, and shall
88 take office on January 1 next succeeding the election; and
89 (iii) The Board of Supervisors of Montgomery
90 County and the State Board of Education, with the assistance of
91 the Joint Legislative Committee on Performance Evaluation and
92 Expenditure Review (PEER), shall apportion the territory of the
93 new consolidated school district located outside the Winona
94 corporate limits into two (2) new proportionately equal single
95 member board of trustee election districts. The board of
96 supervisors shall thereafter publish the same in some newspaper of
97 general circulation in the county for at least three (3)
98 consecutive weeks and after having given notice of publication and
99 recording the same upon the minutes of the school boards of each
100 school district in the county, the new district lines will
101 thereafter be effective for the November 2017 special election.



102 Any school board member of the former school districts residing in
103 the proper territory shall be eligible for appointment or election
104 to the new Board of Trustees for Winona-Montgomery Consolidated
105 School District.

106 (c) Any school district affected by the required
107 administrative consolidation in the county that does not
108 voluntarily consolidate as ordered by the State Board of Education
109 shall be administratively consolidated by the State Board of
110 Education, to be effective immediately upon action of the State
111 Board of Education. The State Board of Education shall promptly
112 move on its own motion to administratively consolidate a school
113 district which does not voluntarily consolidate in order to enable
114 the affected school districts to reasonably accomplish the
115 resulting administrative consolidation into one (1) consolidated
116 school district by July 1 following the motion to consolidate.
117 The affected school districts shall comply with any consolidation
118 order issued by the State Board of Education.

119 (4) (a) On July 1, 2018, following the motion of the State
120 Board of Education to consolidate school districts in Montgomery
121 County, the Montgomery County School District shall be abolished.
122 All real and personal property which is owned or titled in the
123 name of the school district located in such former school district
124 shall be transferred to the Winona-Montgomery Consolidated School
125 District as of July 1, 2018.



126 (b) The new board of trustees of the Winona-Montgomery
127 Consolidated School District shall be responsible for establishing
128 the contracts for operations, teachers, principals, clerical and
129 administrative staff personnel for the 2018-2019 school year and
130 each school year thereafter.

131 (c) The superintendent of the Winona-Montgomery
132 Consolidated School District shall be appointed by the board and
133 is authorized to appoint an assistant superintendent, but in no
134 instance shall the administrative leadership of the
135 Winona-Montgomery Consolidated School District exceed three (3)
136 assistant superintendents to be appointed by the superintendent of
137 the Winona-Montgomery Consolidated School District.

138 (d) It shall be the responsibility of the board of
139 trustees to prepare and approve the budget of the respective new
140 reorganized district, and the board of trustees may use staff from
141 the former school district to prepare the budget. Any transfer of
142 the assets, real or personal property of the Montgomery County
143 School District mandated by this section shall be final and
144 conclusive for the purposes of the transfer of property required
145 by this section to effectuate the administrative consolidation.

146 (e) Any person or school district aggrieved by an order
147 of the successor newly selected board of trustees of the
148 Winona-Montgomery Consolidated School District pursuant to the
149 required administrative consolidation may appeal therefrom within
150 ten (10) days from the date of the adjournment of the meeting at



151 which such order is entered. The appeal shall be taken in the
152 same manner as appeals are taken from judgments or decisions of
153 the board of supervisors as provided in Section 11-51-75, the
154 provisions of which shall be fully applicable to appeals taken
155 hereunder. The board of trustees of the Winona-Montgomery
156 Consolidated School District shall not pass upon or approve or
157 disapprove any such order until the time for an appeal therefrom
158 has expired, nor shall the board pass upon or approve or
159 disapprove any such order from which an appeal is taken until said
160 appeal has been finally determined.

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

169 (6) The State Board of Education shall promulgate rules and
170 regulations to facilitate the administrative consolidation of the
171 school districts in Montgomery County pursuant to the requirements
172 of this section. Beginning with the insurance cafeteria plan year
173 of November 1, 2018, the consolidated districts shall fall under
174 all insurance plans and policies elected by the Winona-Montgomery



175 Consolidated School District, including the group term life
176 insurance described in Section 25-15-9(7).

177 (7) The County Board of Education and the Superintendent of
178 Education of the former Montgomery County School District and the
179 local school board and Superintendent of Schools of the Winona
180 Municipal Separate School District shall cooperate with the State
181 Department of Education, as soon as practicable after the
182 effective date of this act, for the planning and transition of
183 programs, services and alignment of curriculum for the
184 administratively consolidated school districts.

185 (8) It shall be the responsibility of the Board of
186 Supervisors of Montgomery County to provide office, furnishing and
187 utilities for the administrative Office of the Superintendent of
188 the Winona-Montgomery Consolidated School District.

189 (9) One (1) year prior to the date of consolidation, a
190 financial advisor and/or other facilitator with school district
191 experience may be assigned by the Mississippi Department of
192 Education to oversee the budgeting and financial matters relating
193 to the consolidation of the districts slated for consolidation.
194 The financial advisor and/or facilitator may, at the discretion of
195 the Mississippi Department of Education, continue duties for one
196 year after the consolidation to ensure that all financial matters
197 are in place. All financial expenditures of districts that are
198 closing must be approved by the financial advisor and/or
199 facilitator. If the superintendent and/or school board approves



200 expenditures outside of this approval, they shall be personally
201 liable for the excess expenditures. The State Board of Education
202 shall determine the compensation to be paid to the financial
203 advisor and/or facilitator which shall be paid by the local school
204 district.

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

207 37-7-103. From and after July 1, 1987, the school board of
208 any school district shall have full jurisdiction, power and
209 authority, at any regular meeting thereof or at any special
210 meeting called for that purpose, to abolish such existing
211 district, or to reorganize, change or alter the boundaries of any
212 such district. In addition thereto, with the consent of the
213 school board of the school district involved, the school board may
214 add to such school district any part of the school district
215 adjoining same, and with the consent of the school board of the
216 school district involved, may detach territory from such school
217 district and annex same to an adjoining district. Provided,
218 however, that the consent of the school board of the school
219 districts involved in implementing the provisions of Section
220 37-7-104 or * * * Section 1 of this act shall not be required for
221 the administrative consolidation of such school districts pursuant
222 to the order of the State Board of Education.

223 **SECTION 3.** This act shall take effect and be in force from
224 and after July 1, 2016.

