

By: Representative Eubanks

To: Education

HOUSE BILL NO. 316

1 AN ACT TO CODIFY NEW SECTION 37-6-17, MISSISSIPPI CODE OF
2 1972, TO REQUIRE THE ELECTION OF ALL SCHOOL BOARD MEMBERS AT THE
3 SAME TIME AS THE PRESIDENTIAL OR GENERAL STATEWIDE ELECTIONS,
4 BEGINNING IN NOVEMBER 2019 OR 2020 AS DETERMINED BY TRUSTEE
5 DISTRICT; TO PROVIDE THAT THE TERMS OF OFFICE OF ALL SCHOOL BOARD
6 MEMBERS SHALL BE FOUR YEARS; TO PROVIDE FOR NOMINATING PETITIONS
7 TO RUN FOR THE OFFICE OF SCHOOL BOARD AND TO REQUIRE A UNIFORM
8 NUMBER OF SIGNATURES ON PETITIONS OF NOMINATION; TO PROVIDE THE
9 PROCEDURE FOR FILLING VACANCIES IN THE OFFICE OF SCHOOL BOARD
10 MEMBERS; TO AMEND SECTIONS 37-5-1, 37-5-3, 37-5-7, 37-5-9,
11 37-5-19, 37-7-203, 37-7-207, 37-7-221 AND 37-7-703, MISSISSIPPI
12 CODE OF 1972, IN CONFORMITY TO THE PROVISIONS OF THIS ACT; TO
13 REPEAL SECTION 37-5-18, MISSISSIPPI CODE OF 1972, WHICH REQUIRES
14 THE ELECTION OF THE COUNTY BOARD OF EDUCATION MEMBERS FROM
15 TERRITORY OUTSIDE THE FOUR MUNICIPAL SEPARATE SCHOOL DISTRICTS IN
16 A CERTAIN COUNTY; TO BRING FORWARD SECTION 37-7-104, MISSISSIPPI
17 CODE OF 1972, WHICH REQUIRES THE CONSOLIDATION OF CERTAIN COUNTY
18 SCHOOL DISTRICTS UNDER CONSERVATORSHIP, FOR PURPOSES OF POSSIBLE
19 AMENDMENT; TO BRING FORWARD SECTION 37-7-104.1, MISSISSIPPI CODE
20 OF 1972, WHICH REQUIRES THE ADMINISTRATIVE CONSOLIDATION OF
21 CERTAIN SCHOOL DISTRICTS IN BOLIVAR COUNTY, FOR PURPOSES OF
22 POSSIBLE AMENDMENT; TO AMEND SECTIONS 37-7-104.2, 37-7-104.3 AND
23 37-7-104.4, MISSISSIPPI CODE OF 1972, WHICH REQUIRE THE
24 ADMINISTRATIVE CONSOLIDATION OF ALL SCHOOL DISTRICTS IN CERTAIN
25 COUNTIES, IN CONFORMITY TO THE PRECEDING PROVISIONS; TO BRING
26 FORWARD SECTIONS 37-7-104.5, 37-7-104.6 AND 37-7-104.7,
27 MISSISSIPPI CODE OF 1972, WHICH REQUIRE THE ADMINISTRATIVE
28 CONSOLIDATION OF ALL SCHOOL DISTRICTS IN CERTAIN COUNTIES, FOR THE
29 PURPOSE OF POSSIBLE AMENDMENTS; AND FOR RELATED PURPOSES.

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



31 **SECTION 1.** The following shall be codified as Section
32 37-6-17, Mississippi Code of 1972:

33 37-6-17. (1) For purposes of this section, the term "school
34 board member" means each member of a school board, as defined
35 under Section 37-6-3.

36 (2) (a) On the first Tuesday after the first Monday in
37 November 2019, and every four (4) years thereafter and
38 concurrently with the general statewide election, there shall be
39 an election for local school board members from trustee election
40 districts 1, 3 and 5 in the manner provided under this section.
41 Except as otherwise provided in this section, the laws regulating
42 the time and manner of conducting general elections shall, apply
43 to and govern elections of school board members.

44 (b) On the first Tuesday after the first Monday in
45 November 2020, and every four (4) years thereafter and
46 concurrently with the federal election for the President of the
47 United States, there shall be an election for local school board
48 members from trustee election districts 2 and 4 in the manner
49 provided under this section. Except as otherwise provided in this
50 section, the laws regulating the time and manner of conducting
51 general elections shall apply to and govern elections of school
52 board members.

53 (3) (a) All school board members elected pursuant to
54 subsection (2) (a) of this section shall serve a term of four (4)
55 years. However, in order to provide for an orderly transition,



each incumbent school board member from trustee election districts 1, 3 and 5 holding office on the effective date of this act shall continue holding office until the first Monday of January in 2020. Any incumbent school board member may qualify to run for a subsequent four-year term under the provisions of this section.

(b) All school board members elected pursuant to subsection (2)(b) of this section shall serve a term of four (4) years. However, in order to provide for an orderly transition, each incumbent school board member from trustee election districts 2 and 4 holding office on the effective date of this act shall continue holding office until the first Monday of January in 2021. Any incumbent school board member may qualify to run for a subsequent four-year term under the provisions of this section.

(4) In order for a person to be eligible to hold the office of school board member, the person must be a bona fide resident and a qualified elector of the territory that the person seeks to represent on the school board. In the case of a school district lying in two (2) or more counties, such person must be a resident and a qualified elector of the territory entitled to such representation on the board as provided in Section 37-7-201.

(5) The name of any qualified elector who is a candidate for the school board shall be placed on the ballot used in the general election by the county election commissioners, provided that the candidate files with the county election commissioners, not more than ninety (90) days and not less than sixty (60) days before the



81 date of the general election, a petition of nomination signed by
82 not less than fifty (50) qualified electors of the county residing
83 within the appropriate school board district, as provided in
84 Section 37-5-9, as the case may be. Where there are less than one
85 hundred (100) qualified electors in the area represented by the
86 school board member, it shall only be required that the petition
87 of nomination be signed by at least twenty percent (20%) of the
88 qualified electors in the area. The petition must contain an
89 affidavit certifying that all signatures are the personal
90 signatures of each person whose name appears on the petition and
91 that each person is a qualified elector. The candidate who
92 receives a majority of the votes cast in the election must be
93 declared elected. If no candidate receives a majority of the
94 votes cast in the district, then the two (2) candidates who
95 receive the highest number of votes cast in the district shall
96 have their names submitted as candidates in a runoff election
97 three (3) weeks after the date of the general election, and the
98 candidate who receives a majority of the votes cast in the
99 district in the runoff election shall be declared elected. If,
100 after the time for candidates to file the petition and affidavit
101 required under this subsection, there is only one (1) person who
102 has qualified for the office of school board member, then no
103 election or notice of election shall be necessary and that person,
104 if otherwise qualified, must be declared elected without
105 opposition.



(6) The names of candidates seeking the office of school board member which appear on the ballot at the general election must be grouped together on a separate portion of the ballot clearly identified as school board member elections and must be listed in alphabetical order.

(7) At the election for school board members, all qualified electors residing within the appropriate school board election district are qualified to vote for a candidate for the office of school board member.

(8) A vacancy in the membership of the school board must be filled by appointment within sixty (60) days after the vacancy occurs by the remaining members of the school board. The appointee must be selected from the qualified electors of the school board member district in which the vacancy occur. The appointee shall serve until the first Monday of January next succeeding the next state or presidential general election, at which general election a member must be elected to fill the remainder of the unexpired term in the same manner and with the same qualifications applicable to the election of a member for the full term as provided in this section. If a school district is under conservatorship and no members of the applicable school board remain in office, the Governor shall call a special election to fill the vacancies, and the election will be conducted by the county or municipal election commission, as the case may be. If the vacancy occurs more than five (5) months before the next



131 general state or presidential election and the remaining members
132 of the school board are unable to agree upon an individual to be
133 appointed, any two (2) of the remaining members may certify the
134 disagreement to the county or municipal election commission, as
135 the case may be. Upon the receipt of such a certificate by the
136 county or municipal election commission, or any member thereof,
137 the commission shall hold a special election to fill the vacancy,
138 which election, notice thereof and ballot must be controlled by
139 the laws concerning special elections to fill vacancies in county
140 or municipal offices. The person elected at the special election
141 shall serve for the remainder of the unexpired term.

142 (9) (a) The provisions of this section shall not be
143 applicable to any municipal, municipal separate or special
144 municipal separate school districts having an accreditation
145 accountability rating of "A" or "B" upon the effective date of
146 this act. Such school districts having and maintaining an "A" or
147 "B" accountability rating shall continue to select members to
148 their respective board of trustees in the manner provided in
149 Chapter 7, Title 37, Mississippi Code of 1972, which apply to the
150 selection of board members in municipal, municipal separate and
151 special municipal separate school districts.

152 (b) However, if at any time such school district
153 receives a reduced accountability rating of "C," "D" or "F" for
154 any academic year's accreditation period, the district shall be
155 required to have its board transformed to the elected method in



the same manner provided in this section. Upon a determination that such school boards shall become elected positions, those individuals shall be elected in the next succeeding statewide general or presidential election, whichever election shall occur first after such determination of accreditation has been assigned.

(c) The provisions of this section shall not be applicable to any school district administratively consolidated by act of the Legislature between 2013 and 2021 for a period of four (4) years from the effective date of such consolidation, which shall be entitled to continue the selection of board members to their respective boards of trustees as provided for by law requiring said consolidation. However, if at the end of the four-year period of exemption from the initial effective date of consolidation the school district has failed to achieve an accountability rating of "A" or "B," such school district shall be required to have its board transformed to the elected method in the same manner as provided in this section. Upon a determination that such school board shall become elected positions, those individuals shall be elected in the next succeeding statewide general or presidential elections, whichever election shall occur first after such determination of accreditation has been assigned.

SECTION 2. Section 37-5-1, Mississippi Code of 1972, is amended as follows:

37-5-1. (1) There is hereby established a county board of education in each county of the State of Mississippi. * * * The



181 county board of education shall consist of five (5) members, one
182 (1) of * * * whom shall be elected by the qualified electors of
183 each board of education district of the county at the time and in
184 the manner provided in Section 37-6-17. * * *

185 (2) The county board of education shall apportion the county
186 school district into five (5) single member board of education
187 districts. The county board of education shall place upon its
188 minutes the boundaries determined for the new five (5) board of
189 education districts. The board of education of said county shall
190 thereafter publish the same in some newspaper of general
191 circulation within said county for at least three (3) consecutive
192 weeks and after having given notice of publication and recording
193 the same upon the minutes of the board of education of said
194 county, said new district lines will thereafter be effective. The
195 board of education of said county shall reapportion the board of
196 education districts in accordance with the procedure described
197 herein for the original apportionment of districts as soon as
198 practicable after the results of the 2000 decennial census are
199 published and as soon as practicable after every decennial census
200 thereafter.

201 (3) In counties where the office of "administrative
202 superintendent" as defined in Section 37-6-3, * * * has been
203 abolished, there shall be no county board of education.

204 **SECTION 3.** Section 37-5-3, Mississippi Code of 1972, is
205 amended as follows:



37-5-3. No person who is a resident of the territory embraced within a municipal separate school district or a special municipal separate school district shall be eligible to be a member of the county board of education. Qualified electors residing within a municipal separate school district or special municipal separate school district shall not be eligible to vote or participate in the election of members of the county board of education provided under Section 37-6-17.

The provisions of this section shall be applicable in the case of a special municipal separate school district and a line consolidated school district of which another county is the home county which together occupy all of the territory of a supervisors district of the county.

SECTION 4. Section 37-5-7, Mississippi Code of 1972, is amended as follows:

37-5-7. (1) (a) * * * On the first Tuesday after the first Monday in November * * * 2019 and every four (4) years thereafter, an election shall be held in each such county in this state for the purpose of electing the county boards of education in such counties as provided in Section 37-6-17. The election shall consists of those persons seeking election from board of education districts 1, 3 and 5. * * *

(b) On the first Tuesday after the first Monday in November 2020, and every four (4) years thereafter, an election shall be held in each such county in this state for the purpose of



electing the county boards of education in such counties as
provided in Section 37-6-17. The election shall consist of those
persons seeking election from board of education districts 2 and
4.

(2) Except as otherwise provided in Section 37-6-17, all
members of the county board of education shall be elected for a
term of four (4) years and shall take office on the first Monday
of January following the date of their election.

(3) (a) Current members of the Board of Trustees of the
Greenwood Public School District serving on November 1, 2017,
shall continue in office as the new County Board of Education of
the Greenwood-Leflore School District until their successors are
elected as follows:

(i) The two (2) appointed board members of the
Greenwood Public School District whose terms are nearest to
expiration shall expire on January 1, 2019, and thereafter become
permanently elected positions to be filled by persons elected as
board members from Supervisors Districts 2 and 3 in a November
2018 election held for that purpose, in the manner prescribed in
Section 37-7-203, and the newly elected members will take office
on January 1, 2019, for a term of four (4) years;

(ii) The final two (2) appointed board members of
the Greenwood Public School District whose terms are the farthest
removed from expiration shall expire on January 1, 2020, and
thereafter become permanently elected positions to be filled by



persons elected as board members from Supervisors Districts 4 and 5 in a November 2019 election held for that purpose, in the manner prescribed in Section 37-7-203, and the newly elected members will take office on January 1, 2020, for a term of four (4) years; and

(iii) One (1) appointed board member of the Greenwood Public School District whose term is next nearest to expiration shall expire on January 1, 2021, and thereafter become a permanently elected position to be filled by a person elected as a board member from Supervisors District 1 in a November 2020 election held for that purpose, in the manner prescribed in Section 37-7-203, and the newly elected members will take office on January 1, 2021, for a term of four (4) years.

(b) All subsequent members shall be elected for a term of four (4) years at the regular general election held on the first Monday in November next preceding the expiration of the term of office of the respective members, and shall take office on January 1 next succeeding the election.

(4) On the first Tuesday after the first Monday in November 2017, an election shall be held in Holmes County for the purpose of electing the county board of education in the new Holmes County Consolidated School District. At the election, the members of the said county board of education shall be elected from single member board of education districts, which shall be consistent with the supervisors district lines in the county, and shall be elected for an initial term of six (6) years. Subsequent elections for the



Holmes County Board of Education shall be held on the first Tuesday after the first Monday in November 2023 and every four (4) years thereafter at the same time and manner as other general elections are held, and the member shall be elected for a term of four (4) years. All members of the county board of education in the new Holmes County Consolidated School District shall take office on the first Monday of January following the date of their election.

SECTION 5. Section 37-5-9, Mississippi Code of 1972, is amended as follows:

37-5-9. As specifically provided in Section 37-6-17, the name of any qualified elector who is a candidate for the county board of education shall be placed on the ballot used in the general elections by the county election commissioners * * *.

* * *

In no case shall any qualified elector residing within a municipal separate school district or special municipal separate school district be eligible to sign a petition of nomination for any candidate for the county board of education * * *.

SECTION 6. Section 37-5-19, Mississippi Code of 1972, is amended as follows:

37-5-19. Vacancies in the membership of the county board of education shall be filled * * * in the manner provided in Section 37-6-17(8).



305 **SECTION 7.** Section 37-7-203, Mississippi Code of 1972, is
306 amended as follows:

307 37-7-203. (1) Except as otherwise provided in subsection
308 (3) of this section, the boards of trustees of all municipal
309 separate school districts and special municipal separate school
310 districts created under this chapter, either with or without added
311 territory, shall consist of five (5) members * * *. Unless
312 otherwise exempted by Section 37-6-17(9), on the first Tuesday
313 after the first Monday in November 2019, and every four (4) years
314 thereafter, an election shall be held pursuant to Section 37-6-17
315 for the purpose of electing the members of the boards of trustees
316 from trustee election districts 1, 3 and 5 of the municipal
317 separate school districts and special municipal separate school
318 districts established under the provisions of this chapter. On
319 the first Tuesday after the first Monday in November 2020, and
320 every four (4) years thereafter, an election shall be held
321 pursuant to Section 37-6-17 for the purpose of electing the
322 members of the boards of trustees from trustee election districts
323 2 and 4 of the municipal separate school districts and special
324 municipal separate school districts established under the
325 provisions of this chapter. The five (5) members of the board of
326 trustees of such school district shall be elected from special
327 trustee election districts by the qualified electors thereof. The
328 board of trustees of such school district shall apportion the
329 municipal separate school district, including added territory,



330 into five (5) special trustee election districts as nearly equal
331 as possible according to population, incumbency and other factors
332 heretofore pronounced by the courts. The board of trustees shall
333 place upon its minutes the boundaries determined for the new five
334 (5) special trustee election districts. The board of trustees
335 shall thereafter publish the same in a newspaper of general
336 circulation within the school district for at least three (3)
337 consecutive weeks; and after having given notice of publication
338 and recording the same upon the minutes of the board of trustees,
339 the new district lines shall be effective. All incumbent trustees
340 holding office at the time of the creation of the trustee election
341 districts shall continue holding their respective offices,
342 provided they reside within the new district, for the remainder of
343 the term of office to which they have heretofore been selected,
344 and their successors shall be elected from the new trustee
345 election districts constituted in the manner provided for in this
346 section.

347 * * *

348 (2) * * * Vacancies in the membership of the board of
349 trustees of any municipal separate school district or special
350 municipal separate school district shall be filled in the manner
351 provided in Section 37-6-17(8).

352 * * *

353 (3) (a) In those school districts having a classification
354 of "A" or "B" on the effective date of this act, the school board



members shall be selected in the manner provided in this subsection. The boards of trustees of all municipal separate school districts having a classification of "A" or "B," either with or without added territory, shall consist of five (5) members, each to be chosen for a term of five (5) years, but so chosen that the term of office of one (1) member shall expire each year. In the event the added territory of a municipal separate school district furnishes fifteen percent (15%) or more of the pupils enrolled in the schools of such district, then at least one (1) member of the board of trustees of such school district shall be a resident of the added territory outside the corporate limits. In the event the added territory of a municipal separate school district furnishes thirty percent (30%) or more of the pupils enrolled in the schools of such district, then not more than two (2) members of the board of trustees of such school district shall be residents of the added territory outside the corporate limits.

(b) The trustees of such a municipal separate school district having a classification of "A" or "B" on the effective date of this act shall be elected by a majority of the governing authorities of the municipality at the first meeting of the governing authorities held in the month of February of each year, and the term of office of the member so elected shall commence on the first Saturday of March following. In the case of a member of the board of trustees who is required to come from the added territory outside the corporate limits as is above provided, such



380 member of the board of trustees shall be elected by the qualified
381 electors of the school district residing in such added territory
382 outside the corporate limits at the same time and in the same
383 manner as is otherwise provided in this article for the election
384 of trustees of school districts other than municipal separate
385 school districts.

386 (c) All vacancies shall be filled for the unexpired
387 terms by appointment of the governing authorities of the
388 municipality; except that in the case of the trustees coming from
389 the added territory outside the corporate limits, the person so
390 appointed shall serve only until the next general election
391 following his appointment, at which time a person shall be elected
392 for the remainder of the unexpired term in the manner otherwise
393 provided herein.

394 (d) No person who is a member of such governing body,
395 or who is an employee of the municipality, or who is a member of
396 the county board of education, or who is a trustee of any public,
397 private or sectarian school or college located in the county,
398 inclusive of the municipal separate school district, or who is a
399 teacher in or a trustee of the school district, shall be eligible
400 for appointment to the board of trustees.

401 (e) However, if at any time a school district having a
402 classification of "A" or "B" on the effective date of this act and
403 which is exempted from the requirements of Section 37-6-17, fails
404 to maintain such accountability rating and receives a decreased



accountability rating of "C," "D" or "F," the exemption shall be
revoked as provided in Section 37-6-17(9)(b), and shall submit the
board to the elected board requirements of Section 37-6-17.

SECTION 8. Section 37-7-207, Mississippi Code of 1972, is
amended as follows:

37-7-207. (1) All school districts reconstituted or created
under the provisions of Article 1 of this chapter, and which lie
wholly within one (1) county, but not including municipal separate
and countywide districts, shall be governed by a board of five (5)
trustees. * * * Beginning with the election on the first Tuesday
after the first Monday in November 2019, and every four (4) years
thereafter, the trustees from trustee election districts 1, 3 and
5 of such school districts shall be elected at the same time and
in the same manner provided in Section 37-6-17 for terms of four
(4) years. Beginning with the election on the first Tuesday after
the first Monday in November 2020, and every four (4) years
thereafter, the trustees from trustee election districts 2 and 4
of such school districts shall be elected at the same time and in
the same manner provided in Section 37-6-17 for terms of four (4)
years. The five (5) members of the board of trustees of such
consolidated school district shall be elected from special trustee
election districts by the qualified electors thereof * * *. The
board of trustees of any such consolidated school district shall
apportion the consolidated school district into five (5) special
trustee election districts. The board of trustees of such school



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

* * * All members of the said board of trustees shall take office on the first Monday of January following the date of their election. All vacancies which may occur during a term shall be filled * * * in the manner provided in Section 37-6-17(8).

(2) All school districts reconstituted and created under the provisions of Article 1 of this chapter, which embrace territory in two (2) or more counties, but not including municipal separate school districts, shall be governed by a board of five (5) trustees. * * * Beginning with the election on the first Tuesday after the first Monday in November 2019, and every four (4) years thereafter, the members from trustee election districts 1, 3 and 5 of such line consolidated school district board of trustees shall be elected at the same time and in the same manner provided in Section 37-6-17 for terms of four (4) years. Beginning with the election on the first Tuesday after the first Monday in November 2020, and every four (4) years thereafter, the members from trustee election districts 2 and 4 of such line consolidated



455 school district board of trustees shall be elected at the same
456 time and in the same manner provided in Section 37-6-17 for terms
457 of four (4) years. The five (5) members of the board of trustees
458 of such line consolidated school district shall be elected from
459 special trustee election districts by the qualified electors
460 thereof * * *. The existing board of trustees of such line
461 consolidated school district shall apportion the line consolidated
462 school district into five (5) special trustee election districts.
463 The board of trustees shall place upon its minutes the boundaries
464 determined for the new five (5) trustee election districts. The
465 board of trustees shall thereafter publish the same in a newspaper
466 of general circulation within said school district for at least
467 three (3) consecutive weeks; and after having given notice of
468 publication and recording the same upon the minutes of the board
469 of trustees, said new district lines shall thereafter be
470 effective. Provided, however, that in any line consolidated
471 school district encompassing two (2) or more counties created
472 pursuant to Laws, 1953, Extraordinary Session, Chapter 12, Section
473 8, in which, as a condition precedent to the creation of said
474 district, each county belonging thereto was contractually
475 guaranteed to always have at least one (1) representative on said
476 board, in order that said condition precedent may be honored and
477 guaranteed, in any year in which the board of trustees of such
478 line consolidated school district does not have at least one (1)
479 member from each county or part thereof forming such district, the



board of trustees in such district shall be governed by a board of
a sufficient number of trustees to fulfill this guarantee, five
(5) of whom shall be elected from the five (5) special trustee
election districts which shall be as nearly equal as possible and
one (1) member trustee * * * elected at large from each county not
having representation on the elected board in the same manner and
at the same time as provided for the election of school board
members under Section 37-6-17. In such cases, the board of
supervisors of each county shall make written agreement to
guarantee the * * * election of at least one (1) representative
from each county in the district, placing such written agreement
on the minutes of each board of supervisors in each county.

* * * All members of the said board of trustees shall take
office on the first Monday of January following the date of their
election. In all elections, the trustee elected shall be a
resident and qualified elector of the district entitled to the
representation upon the board, and he shall be elected only by the
qualified electors of such district in the manner provided in
Section 37-6-17. All vacancies which may occur during a term of
office shall be filled * * * in the manner provided in Section
37-16-7(8).

SECTION 9. Section 37-7-221, Mississippi Code of 1972, is
amended as follows:



37-7-221. The election of consolidated or consolidated line school district trustees shall be held in the manner provided for in * * * Section 37-6-17.

SECTION 10. Section 37-7-703, Mississippi Code of 1972, is amended as follows:

37-7-703. (1) In all such special municipal separate school districts which embrace the entire county * * *, the board of trustees of such special municipal separate school district shall be * * * elected in the manner provided by * * * Section 37-6-17, and all of the provisions thereof shall be fully applicable in all respects to the selection and constitution of such board of trustees unless such board is exempted under Section 37-6-17(9). The board of trustees of any special municipal separate school district shall apportion the new trustee election districts in the manner provided in Section 37-7-203(1).

(2) In those school districts having a classification of "A" or "B" on the effective date of this act, the school board members shall be selected in the manner provided in this subsection. In all such special municipal separate school districts which embrace the entire county, the board of trustees of such special municipal separate school district shall be chosen and selected in the manner provided by Section 37-7-203(3), and all of the provisions thereof shall be fully applicable in all respects to the selection and constitution of such board of trustees. However, if at any time a school district having a classification of "A" or "B" on



the effective date of this act and which is exempted from the
requirements of Section 37-6-17, fails to maintain such
accountability rating and receives a decreased accountability
rating of "C," "D" or "F," the exemption shall be revoked as
provided in Section 37-6-17(9) (b), and shall submit the board to
the elected board requirements of Section 37-6-17.

SECTION 11. Section 37-5-18, Mississippi code of 1972, which requires the election of the members of the county board of education in certain counties having four (4) municipal separate school districts from board of education districts embracing territory only outside the municipal separate school districts, is repealed.

SECTION 12. Section 37-7-104, Mississippi Code of 1972, is brought forward as follows:

37-7-104. (1) In any Mississippi county in which are located, as of February 8, 2012, three (3) school districts and only three (3) school districts, all of which are under conservatorship as defined by the Mississippi Department of Education as of February 8, 2012, there shall be an administrative consolidation of all of the school districts in the county into one (1) countywide school district with one (1) county board of education. The State Board of Education shall determine the school district(s) applicable to the provisions of this section and spread this finding on the minutes of its August 2012 meeting. On or before September 1, 2012, the State Board of Education shall



serve the local school boards applicable to the provisions of this section, or the Mississippi Department of Education Conservator for each of the three (3) school districts, with notice and instruction regarding the action to be taken to comply with this section. In such county, there shall be a new county board of education elected in a November 2013 special election which shall be called for that purpose and the new county board members shall be elected as provided in Section 37-5-7, Mississippi Code of 1972. No previous board member shall be eligible to serve on the newly elected board. Provided, however, that it shall be the responsibility of the board of supervisors of such county to apportion the countywide school district into five (5) new single member board of education districts which shall be consistent with the supervisors district lines in said county. The board of supervisors of said county shall thereafter publish the same in some newspaper of general circulation within said county for at least three (3) consecutive weeks and after having given notice of publication and recording the same upon the minutes of the board of supervisors of said county, said new district lines will thereafter be effective for the November 2013 special election. If necessary, the county board of education of said county shall reapportion the board of education districts in accordance with applicable law as soon as practicable after the results of the 2020 decennial census are published and as soon as practicable after every decennial census thereafter. The new county board of



education, with the written approval of the Mississippi Department of Education Conservator and the State Board of Education, shall provide for the administrative consolidation of all school districts in the county into one (1) countywide school district on or before July 1 next following the November 2013 election. The new county board of education shall serve as the school board for the county. Any school district affected by the required administrative consolidation that does not voluntarily consolidate with the new school district ordered by the county board of education shall be administratively consolidated by the State Board of Education with the countywide school district, to be effective on July 1 following the election of the new county board of education. The State Board of Education shall promptly move on its own motion to administratively consolidate any school district which does not voluntarily consolidate in order to enable the affected school districts to reasonably accomplish the resulting administrative consolidation into one (1) countywide district by July 1 following the election of the new county board of education. All affected school districts shall comply with any consolidation order issued by the county board of education or the State Board of Education, as the case may be, on or before July 1 following the election of the new county board of education.

(2) On July 1 following the election of the new county board of education, the former county board of education and the former board of trustees of any municipal separate, or special municipal



603 separate school district located in such county shall be
604 abolished. All real and personal property which is owned or
605 titled in the name of a school district located in such county
606 shall be transferred to the new reorganized school district of the
607 county in which such school district is located. The Mississippi
608 Department of Education Conservator and the State Board of
609 Education shall be responsible for establishing the contracts for
610 teachers and principals for the next school year following the
611 required administrative consolidation with the consultation of the
612 newly elected successor county board of education. The successor
613 county board of education shall appoint the new county
614 superintendent of education for the reorganized school district.
615 The county superintendent of education of said reorganized school
616 district shall not be elected but shall thereafter be appointed by
617 the successor county board of education in the manner provided in
618 Section 37-9-25. The superintendents of the former
619 under-performing school districts located in the county shall not
620 be eligible for appointment as the new superintendent. The
621 selection of the appointed county superintendent of education and
622 the assistant superintendent of education in the central
623 administration office of the successor countywide school district
624 shall be the responsibility of the successor county board of
625 education with the approval of the Mississippi Department of
626 Education Conservator and the State Board of Education. No such
627 administratively consolidated school district shall have more than



one (1) assistant superintendent of education. It shall be the responsibility of the successor county board of education, with approval of the Mississippi Department of Education Conservator and the State Board of Education, to prepare and approve the budget of the new reorganized districts, and the county board of education may use staff from the former school districts to prepare the budget. Any proposed order of the successor county board of education directing the transfer of the assets, real or personal property of an affected school district in the county, shall be submitted and approved by the State Board of Education. The finding of the State Board of Education shall be final and conclusive for the purposes of the transfer of property required by such administrative consolidation. Any person or school district aggrieved by an order of the successor county school board of education pursuant to the required administrative consolidation may appeal therefrom to the State Board of Education within ten (10) days from the date of the adjournment of the meeting at which such order is entered. Such appeal shall be de novo, and the finding of the State Board of Education upon such question shall be final and conclusive for the purpose of the approval or disapproval of the action by said county board of education.

(3) When any school district in such county is abolished under the provisions of this section, the abolition thereof shall not impair or release the property of such former school district



653 from liability for the payment of the bonds or other indebtedness
654 of such district and it shall be the duty of the board of
655 supervisors of said county to levy taxes on the property of said
656 district so abolished from year to year according to the terms of
657 such indebtedness until same shall be fully paid.

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

661 (5) Nothing in this section shall be construed to require or
662 restrict the closing of any school or school facility, unless such
663 facility is an unneeded administrative office located within a
664 school district which has been abolished under the provisions of
665 this section. All administrative consolidations under this
666 section shall be accomplished so as not to delay or in any manner
667 negatively affect the desegregation of another school district in
668 the county pursuant to court order.

669 (6) The State Board of Education shall promulgate rules and
670 regulations to facilitate the administrative consolidation of the
671 school districts in a county pursuant to this section. When the
672 orders of the successor county board of education adopting the
673 boundaries of the successor countywide school district have been
674 entered and are final, as approved by the State Board of
675 Education, the new district lines shall be submitted by the State
676 Board of Education with the assistance of the Attorney General to
677 the Attorney General of the United States for preclearance or to



678 the United States District Court for the District of Columbia for
679 a declaratory judgment in accordance with the provisions of the
680 Voting Rights Act of 1965, as amended and extended. In the event
681 the change in the school district lines are precleared or
682 approved, the State Board of Education shall formally declare the
683 new lines as the new boundaries of the consolidated countywide
684 school district.

685 **SECTION 13.** Section 37-7-104.1, Mississippi Code of 1972, is
686 brought forward as follows:

687 37-7-104.1. (1) In Bolivar County, Mississippi, in which
688 are located, as of January 1, 2012, six (6) school districts,
689 there shall be an administrative consolidation of all of the
690 school districts in the county into three (3) school districts as
691 follows:

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

694 (b) One (1) new consolidated school district to be
695 designated as North Bolivar Consolidated School District which
696 shall consist of the territory of the former North Bolivar School
697 District and the Mound Bayou Public School District. The central
698 administrative office of the North Bolivar Consolidated School
699 District shall be located in Mound Bayou, Mississippi; and

700 (c) One (1) new consolidated school district to be
701 designated as West Bolivar Consolidated School District which
702 shall consist of the territory of the former West Bolivar School



District, Shaw School District and Benoit School District. The central administrative office of the West Bolivar Consolidated School District shall be located in Rosedale, Mississippi.

(2) On or before September 1, 2012, the State Board of Education shall serve the local school boards in Bolivar County with notice and instructions regarding the timetable for action to be taken to comply with the administrative consolidation required in this section. The State Board of Education shall provide for the administrative consolidation of all school districts in the county outside of the territory of Cleveland School District into North Bolivar Consolidated School District and West Bolivar Consolidated School District on or before July 1, 2014. In each new consolidated school district there shall be a new consolidated school district board of trustees elected in a November 2013 special election which shall be called by the Governor for that purpose. The new consolidated school district boards of trustees shall be elected and the terms of office established as provided in Section 37-7-207, Mississippi Code of 1972. The State Board of Education shall determine the boundary lines for the territory of the two (2) new school districts and shall spread a legal description of the new school districts on the minutes of its August 2012 meeting and shall serve the applicable school boards and the board of supervisors with an adequate legal description of these new boundaries. It shall be the responsibility of the State Board of Education with the assistance of the Joint Legislative



728 Committee on Performance Evaluation and Expenditure Review (PEER)
729 to apportion the territory of the two (2) new school districts
730 into five (5) new board of trustee election districts for each new
731 school district. The State Board of Education shall thereafter
732 publish the same in some newspaper of general circulation in said
733 county for at least three (3) consecutive weeks and after having
734 given notice of publication and recording the same upon the
735 minutes of the school boards of each school district in the
736 county, said new district lines will thereafter be effective for
737 the November 2013 special election. Any school board member of
738 the former school district residing in the proper election
739 district shall be eligible for election to the new board of
740 trustees for North Bolivar Consolidated School District or West
741 Bolivar Consolidated School District. The local school board of
742 each new school district shall reapportion the school board
743 districts in accordance with the procedure described in Section
744 37-7-207, Mississippi Code of 1972, as is necessary as soon as
745 practicable after the 2020 decennial census are published and as
746 soon as practicable after every decennial census thereafter. Any
747 school district affected by the required administrative
748 consolidation in such county that does not voluntarily consolidate
749 with the two (2) new school districts ordered by the State Board
750 of Education shall be administratively consolidated by the State
751 Board of Education with the appropriate school district in which
752 such district is located, to be effective on July 1 following the



election of the new local school boards. The State Board of Education shall promptly move on its own motion to administratively consolidate a school district which does not voluntarily consolidate in order to enable the affected school districts to reasonably accomplish the resulting administrative consolidation into two (2) school districts by July 1 following the election of the new school boards. All affected school districts shall comply with any consolidation order issued by the State Board of Education on or before July 1 following the election of the new school boards.

(3) On July 1 following the election of the new school district boards of trustees in Bolivar County, the former county board of education and the former board of trustees of North Bolivar School District, Mound Bayou Public School District, West Bolivar School District, Shaw School District and Benoit School District shall be abolished. All real and personal property which is owned or titled in the name of a school district located in such former school district shall be transferred to the new reorganized school district of Bolivar County in which such former school district is located. Each former school board shall be responsible for establishing the contracts for teachers and principals for the next school year following the required administrative consolidation with the consultation of the newly elected successor school boards. The new Board of Trustees for the North Bolivar Consolidated School District shall appoint the



778 Superintendent of Schools for said school district, and the Board
779 of Trustees for the West Bolivar Consolidated School District
780 shall appoint the Superintendent of Schools for said school
781 district. The subsequent superintendent of schools of said
782 reorganized school districts shall not be elected but shall
783 thereafter be appointed by the successor boards of trustees in the
784 manner provided in Section 37-9-25. Any superintendent serving in
785 the former school districts shall be eligible for appointment as a
786 superintendent in North Bolivar Consolidated School District or
787 West Bolivar Consolidated School District. North Bolivar
788 Consolidated School District and West Bolivar Consolidated School
789 District shall not have more than one (1) assistant
790 superintendent. It shall be the responsibility of the successor
791 boards of trustees to prepare and approve the budget of the
792 respective new reorganized districts, and the successor boards of
793 trustees may use staff from the former school districts to prepare
794 the budget. Any proposed order of the State Board of Education
795 directing the transfer of the assets, real or personal property of
796 an affected school district in the county, shall be final and
797 conclusive for the purposes of the transfer of property required
798 by such administrative consolidation. Any person or school
799 district aggrieved by an order of the successor newly elected
800 board of trustees of a consolidated school district pursuant to
801 the required administrative consolidation may appeal therefrom to
802 the State Board of Education within ten (10) days from the date of



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

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

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

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



828 successor school districts and the successor board of trustees
829 election districts have been entered and are final, as directed by
830 the State Board of Education, the new district lines shall be
831 submitted by the State Board of Education with the assistance of
832 the Attorney General to the Attorney General of the United States
833 for preclearance or to the United States District Court for the
834 District of Columbia for a declaratory judgment in accordance with
835 the provisions of the Voting Rights Act of 1965, as amended and
836 extended. In the event the change in the school district lines
837 and election districts are precleared or approved, the State Board
838 of Education shall formally declare the new lines as the new
839 boundaries of the successor school districts.

840 **SECTION 14.** Section 37-7-104.2, Mississippi Code of 1972, is
841 amended as follows:

842 37-7-104.2. (1) In Clay County, Mississippi, in which are
843 located, as of January 1, 2013, two (2) school districts, there
844 shall be an administrative consolidation of all of those school
845 districts in the county into one (1) new consolidated school
846 district to be designated as West Point Consolidated School
847 District which shall consist of the territory of the former Clay
848 County School District and the West Point School District. The
849 central administrative office of the West Point Consolidated
850 School District shall be located in West Point, Mississippi.

851 (2) On or before September 1, 2013, the State Board of
852 Education shall serve the local school boards in Clay County with



notice and instructions regarding the timetable for action to be taken to comply with the administrative consolidation required in this section. The State Board of Education shall provide for the administrative consolidation of the school districts in the county on or before July 1, 2015. In the new West Point Consolidated School District, there shall be a new board of trustees comprised of five (5) members selected as follows: (a) the Mayor and Board of Aldermen of the City of West Point shall appoint three (3) of the five (5) members, each to be selected for a term of four (4) years; and (b) two (2) members to be elected for a term of four (4) years by the electors of Clay County residing outside of the West Point corporate limits who shall be residents of that territory and who shall be elected in a November 2014 special election which shall be called by the Governor for that purpose. All subsequent members of the board elected from the territory outside of the West Point corporate limits shall be elected for a term of four (4) years at the regular general election held on the first Monday in November next preceding the expiration of the term of office of the respective member or members. All elected and appointed members shall take office on the first Monday of January following the date of their election or appointment. The State Board of Education, with the assistance of the Joint Legislative Committee on Performance Evaluation and Expenditure Review (PEER), shall apportion the territory of the new consolidated school district located outside the West Point corporate limits into two



878 (2) new single member board of trustee election districts. The
879 State Board of Education shall thereafter publish the same in some
880 newspaper of general circulation in the county for at least three
881 (3) consecutive weeks and after having given notice of publication
882 and recording the same upon the minutes of the school boards of
883 each school district in the county, the new district lines will
884 thereafter be effective for the November 2014 special election.
885 Any school board member of the former school districts residing in
886 the proper territory shall be eligible for appointment or election
887 to the new Board of Trustees for West Point Consolidated School
888 District. However, if the consolidated school district fails to
889 achieve an accountability rating of "A" or "B" as required by
890 Section 37-6-17(9)(c), such school district shall be required to
891 have its board transformed to the elected method in the same
892 manner as provided in this Section 37-6-17.

893 Any school district affected by the required administrative
894 consolidation in Clay County that does not voluntarily consolidate
895 as ordered by the State Board of Education shall be
896 administratively consolidated by the State Board of Education, to
897 be effective on July 1 following the election of the new local
898 school board. The State Board of Education shall promptly move on
899 its own motion to administratively consolidate a school district
900 which does not voluntarily consolidate in order to enable the
901 affected school districts to reasonably accomplish the resulting
902 administrative consolidation into one (1) consolidated school



district by July 1 following the selection of the new board of trustees. The affected school districts shall comply with any consolidation order issued by the State Board of Education on or before July 1 following the selection of the new school boards.

(3) On July 1 following the selection of the new Board of Trustees of the West Point Consolidated School District, the former county board of education and the former Board of Trustees of the West Point School District shall be abolished. All real and personal property which is owned or titled in the name of a school district located in such former school district shall be transferred to the new reorganized school district of West Point Consolidated School District in which such former school district is located. Each former school board shall be responsible for establishing the contracts for teachers and principals for the next school year following the required administrative consolidation with the consultation of the newly elected successor school board. The new Board of Trustees for the West Point Consolidated School District shall appoint the Superintendent of Schools for the school district. The Superintendent of Schools for the West Point Consolidated School District may appoint assistant superintendent(s) of schools for the district, but in no instance shall the administrative leadership of the West Point Consolidated School District exceed the number of assistant superintendents employed in the former West Point School District. The subsequent superintendent of schools of the reorganized school



928 district shall not be elected, but shall thereafter be appointed
929 by the successor board of trustees in the manner provided in
930 Section 37-9-25. It shall be the responsibility of the successor
931 board of trustees to prepare and approve the budget of the new
932 reorganized district, and the successor board of trustees may use
933 staff from the former school districts to prepare the budget. Any
934 proposed order of the State Board of Education directing the
935 transfer of the assets, real or personal property of an affected
936 school district in the county, shall be final and conclusive for
937 the purposes of the transfer of property required by such
938 administrative consolidation. Any person or school district
939 aggrieved by an order of the successor newly selected Board of
940 Trustees of the West Point Consolidated School District pursuant
941 to the required administrative consolidation may appeal therefrom
942 within ten (10) days from the date of the adjournment of the
943 meeting at which such order is entered. Said appeal shall be
944 taken in the same manner as appeals are taken from judgments or
945 decisions of the board of supervisors as provided in Section
946 11-51-75, Mississippi Code of 1972, the provisions of which shall
947 be fully applicable to appeals taken hereunder. The Board of
948 Trustees of the West Point Consolidated School District shall not
949 pass upon or approve or disapprove any such order until the time
950 for an appeal therefrom shall have expired, nor shall said board
951 pass upon or approve or disapprove any such order from which an



952 appeal is taken until said appeal shall have been finally
953 determined.

954 (4) When any school district in the county is abolished
955 under the provisions of this section, the abolition thereof shall
956 not impair or release the property of that former school district
957 from liability for the payment of the bonds or other indebtedness
958 of such district.

959 (5) Nothing in this section shall be construed to require
960 the closing of any school or school facility, unless the facility
961 is an unneeded administrative office located within a school
962 district which has been abolished under the provisions of this
963 section. All administrative consolidations under this section
964 shall be accomplished so as not to delay or in any manner
965 negatively affect the desegregation of another school district in
966 the county pursuant to court order.

967 (6) The State Board of Education shall promulgate rules and
968 regulations to facilitate the administrative consolidation of the
969 school districts in Clay County pursuant to this section. The
970 consolidated districts shall make an election within one (1) year
971 of consolidation concerning the group term life insurance
972 described in subsection (7) of Section 25-15-9. When the orders
973 of the State Board of Education adopting the boundaries of the
974 successor board of trustees election districts have been entered
975 and are final, as directed by the State Board of Education, the
976 new district lines shall be submitted by the State Board of



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

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

SECTION 15. Section 37-7-104.3, Mississippi Code of 1972, is amended as follows:

37-7-104.3. (1) In Oktibbeha County, Mississippi, in which are located, as of January 1, 2013, two (2) school districts, there shall be an administrative consolidation of all of those school districts in the county into one (1) new countywide municipal separate school district to be designated as Starkville-Oktibbeha Consolidated School District which shall



1002 consist of the territory of the former Oktibbeha County School
1003 District and the Starkville School District, effective on July 1,
1004 2015. Until June 30, 2015, preceding the effective date of the
1005 required administrative consolidation of school districts in the
1006 county, the Oktibbeha County School District shall remain in
1007 conservatorship, under the authority and control of the
1008 Mississippi Recovery School District of the State Department of
1009 Education. At such time that the administrative consolidation
1010 becomes effective, the central administrative office of the
1011 Starkville-Oktibbeha Consolidated School District shall be located
1012 in Starkville, Mississippi.

1013 (2) (a) On or before July 1, 2014, the State Board of
1014 Education shall serve the local school board of the Starkville
1015 School District with notice and instructions regarding the
1016 timetable for action to be taken to comply with the administrative
1017 consolidation required in this section.

1018 (b) In the new consolidated school district there shall
1019 be a countywide municipal separate school district board of
1020 trustees, which shall consist of the existing members of the Board
1021 of Trustees of the Starkville School District. However, upon the
1022 first occurrence of a vacancy on the board as a result of an
1023 expired term of an appointed board member, that vacancy shall
1024 become an elected position and shall be filled by the election of
1025 a board member as follows: the 2016 expiring term board member
1026 shall remain in office until January 1, 2017. In November 2016,



an election will be held for a board member who resides outside of the incorporated municipal limits in the manner prescribed in Section 37-7-203, and the elected board member will take office for a five-year term beginning January 1, 2017. Subsequent board members shall be selected in the manner prescribed in Section 37-7-203. The Board of Supervisors of Oktibbeha County shall publish notice of the school board elections in some newspaper of general circulation in the county for at least three (3) consecutive weeks. However, if the consolidated school district fails to achieve an accountability rating of "A" or "B" as required by Section 37-6-17(9)(c), such school district shall be required to have its board transformed to the elected method in the same manner as provided in Section 37-6-17.

(c) Any school district affected by the required administrative consolidation in the county that does not voluntarily consolidate as ordered by the State Board of Education shall be administratively consolidated by the State Board of Education, to be effective immediately upon action of the State Board of Education. The State Board of Education shall promptly move on its own motion to administratively consolidate a school district which does not voluntarily consolidate in order to enable the affected school districts to reasonably accomplish the resulting administrative consolidation into one (1) consolidated school district by July 1 following the motion to consolidate.



The affected school districts shall comply with any consolidation order issued by the State Board of Education.

(3) On July 1, 2015, following the motion of State Board of Education to consolidate school districts in Oktibbeha County, the Oktibbeha County School District shall be abolished. All real and personal property which is owned or titled in the name of the school district located in such former school district shall be transferred to the Starkville-Oktibbeha Consolidated School District as of July 1, 2015. The Conservator of the Oktibbeha County School District is authorized and directed to execute and record all documents and conveyances necessary to convey title to all real and personal property of the Oktibbeha County School District to the Starkville-Oktibbeha Consolidated School District. The conservator is further authorized and directed to sign all documents and to take all actions necessary to assign contracts and other property, contract rights and obligations of the Oktibbeha County School District to the Starkville-Oktibbeha Consolidated School District. The Board of Trustees of the Starkville School District shall be responsible for establishing the contracts for operations, teachers, principals, clerical and administrative staff personnel for the 2015-2016 school year prior to July 1, 2015, and shall consult with the conservator for the establishment of contracts for teachers, principals, clerical and administrative staff personnel located in the former Oktibbeha County School District for the 2015-2016 school year. In order to



1076 prepare for the efficient staffing of the Starkville-Oktibbeha
1077 Consolidated School District, the Conservator of the Oktibbeha
1078 County School District and the Superintendent of the Starkville
1079 School District shall have full authority to nonrenew the
1080 employment contract of any teacher, principal, clerical or
1081 administrative staff located within their respective school
1082 districts for the 2015-2016 school year. The superintendent and
1083 assistant superintendent(s) of schools of the former Starkville
1084 School District shall continue to serve in like administrative
1085 capacities of the Starkville-Oktibbeha Consolidated School
1086 District, but in no instance shall the administrative leadership
1087 of the Starkville-Oktibbeha Consolidated School District exceed
1088 three (3) assistant superintendents to be appointed by the
1089 superintendent of the former Starkville School District. No
1090 superintendent serving in the former Oktibbeha County School
1091 District shall be eligible for appointment as a superintendent or
1092 assistant superintendent in the Starkville-Oktibbeha Consolidated
1093 School District. Likewise, no trustee serving in the former
1094 Oktibbeha County School District shall be eligible for election to
1095 the new Board of Trustees of the Starkville-Oktibbeha Consolidated
1096 School District. It shall be the responsibility of the board of
1097 trustees to prepare and approve the budget of the respective new
1098 reorganized district, and the board of trustees may use staff from
1099 the former school district to prepare the budget. Any transfer of
1100 the assets, real or personal property of the Oktibbeha County



1101 School District mandated by this section shall be final and
1102 conclusive for the purposes of the transfer of property required
1103 by this section to effectuate the administrative consolidation.

1104 (4) Nothing in this section shall be construed to require
1105 the closing of any school or school facility, unless the facility
1106 is an unneeded administrative office located within a school
1107 district which has been abolished under the provisions of this
1108 section. All administrative consolidations under this section
1109 shall be accomplished so as not to delay or in any manner
1110 negatively affect the desegregation of another school district in
1111 the county pursuant to court order.

1112 (5) The State Board of Education shall promulgate rules and
1113 regulations to facilitate the administrative consolidation of the
1114 school districts in Oktibbeha County pursuant to the requirements
1115 of this section. Beginning with the insurance cafeteria plan year
1116 of November 1, 2014, the consolidated districts shall fall under
1117 all insurance plans and policies elected by the Starkville Public
1118 School District, including the group term life insurance described
1119 in Section 25-15-9(7).

1120 (6) For the initial three (3) years following the
1121 administrative consolidation required by this section, the State
1122 Department of Education shall grant a waiver of accountability and
1123 state assessment requirements to the Starkville-Oktibbeha
1124 Consolidated School District, subject to the approval of the State
1125 Board of Education.



1126 (7) As soon as practicable after March 31, 2015, the
1127 Conservator of the Oktibbeha County School District shall initiate
1128 the issuance of notes or certificates of indebtedness of the
1129 Oktibbeha County School District for the purpose of purchasing
1130 school buses, textbooks, computers and software and other
1131 equipment and fixtures for school facilities, and for any purposes
1132 enumerated in Section 37-59-3, Mississippi Code of 1972, and
1133 making repairs, alterations, utility upgrades and additions to two
1134 (2) elementary school buildings located in the Oktibbeha County
1135 School District in order to meet the same physical and educational
1136 standards as the elementary school buildings in Starkville, and to
1137 contribute funds to the Starkville School District for capital
1138 improvements to accommodate county school district students and
1139 increase capacity for the consolidation. The contribution of such
1140 funds to the Starkville School District is hereby authorized.
1141 Said notes or certificates of indebtedness shall be issued under
1142 the authority of Sections 37-59-101 through 37-59-115, Mississippi
1143 Code of 1972, including all notice requirements, however, the
1144 resolution as to the necessity for the issuance of the notes and
1145 the execution of the documents shall be made by the Conservator of
1146 the Oktibbeha County School District. The term of any notes or
1147 certificates of indebtedness issued under this section may not
1148 exceed the useful life of the financed project as determined
1149 according to the upper limit of useful life and depreciation
1150 guidelines established under the United States Internal Revenue



1151 Code and regulations. The levying authority for the Oktibbeha
1152 County School District, and after July 1, 2015, the levying
1153 authority for the Starkville-Oktibbeha Consolidated School
1154 District, shall annually levy a special tax on all taxable
1155 property of the former Oktibbeha County School District in an
1156 amount sufficient to pay the principal of and interest on such
1157 negotiable notes or certificates of indebtedness as the same shall
1158 respectively mature and accrue. Said tax shall be levied as
1159 provided in Section 37-59-107, Mississippi Code of 1972, except
1160 that the levy shall not exceed three (3) mills on the dollar for
1161 the payment of all notes that are subject to the levy under
1162 Section 37-59-107. Any notes or certificates of indebtedness
1163 issued pursuant to this subsection (7) shall become indebtedness
1164 of the new Starkville-Oktibbeha Consolidated School District from
1165 and after July 1, 2015, and the mandatory special ad valorem tax
1166 levied to pay the notes or certificates of indebtedness by the
1167 levying authority pursuant to Section 37-59-101, Mississippi Code
1168 of 1972, shall be levied upon all of the taxable property within
1169 the former Oktibbeha County School District.

1170 (8) For a period beginning July 1, 2014, and ending June 30,
1171 2015, the Conservator of the Oktibbeha County School District
1172 shall issue negotiable bonds of the Oktibbeha County School
1173 District for the purpose of purchasing school buses, textbooks,
1174 computers and software and other equipment and fixtures for school
1175 facilities, and making repairs, alterations and additions and



1176 utility upgrades, and for any purposes allowed by Section 37-59-3,
1177 Mississippi Code of 1972, to school facilities in the Oktibbeha
1178 County School District and in the Starkville School District to
1179 accommodate students in the former Oktibbeha County School
1180 District who will be attending school in the new
1181 Starkville-Oktibbeha Consolidated School District and the
1182 increased capacity needs under the consolidation. Said bonds
1183 shall be issued under the authority of Sections 37-59-1 through
1184 37-59-45, however, the resolution as to the necessity for the
1185 issuance of the bonds and execution of the documents may be made
1186 by the Conservator of the Oktibbeha County School District.
1187 Provided further, that the conservator shall publish notice of the
1188 issuance of the bonds once each week for at least three (3)
1189 consecutive weeks in a newspaper having general circulation in the
1190 Oktibbeha County School District, with the first publication
1191 thereof to be made not less than fifteen (15) days prior to the
1192 date upon which the conservator is to take final action upon the
1193 question of authorizing the issuance of said bonds. If no
1194 petition requesting an election is filed prior to the date on
1195 which the conservator is to take final action on the issuance of
1196 the bonds, then the conservator shall authorize the issuance of
1197 the bonds. If at any time prior to the date on which the
1198 conservator takes final action upon the question of issuing such
1199 bonds a petition signed by not less than twenty percent (20%) of
1200 the qualified electors of the Oktibbeha County School District



1201 shall be filed with the Conservator of the Oktibbeha County School
1202 District requesting that an election be called on the question of
1203 issuing the bonds, then the conservator shall either rescind the
1204 resolution of intent or adopt a resolution calling an election to
1205 be held within the territory of the Oktibbeha County School
1206 District upon such question. The election shall be called and
1207 held, and notice thereof shall be given, in the same manner for
1208 elections upon the question of bond issues under Sections
1209 37-59-13, 37-59-15 and 37-59-17, and the results thereof shall be
1210 certified by the Oktibbeha County Election Commission to the
1211 Conservator of the Oktibbeha County School District. If
1212 three-fifths (3/5) of the qualified electors who voted in such
1213 election vote in favor of the issuance of such bonds, then the
1214 conservator shall authorize the Oktibbeha County School District
1215 to issue such bonds. Notwithstanding any provision to the
1216 contrary, the Oktibbeha County School District may issue bonds
1217 pursuant to this subsection (8) in an amount which, when added to
1218 all of the Oktibbeha County School District's then outstanding
1219 bonded indebtedness, shall not result in the imposition on any of
1220 the property in said district of an indebtedness for school
1221 purposes of more than twenty percent (20%) of the assessed value
1222 of the taxable property within said district, according to the
1223 then last completed assessment for taxation. Any bonds issued
1224 pursuant to this subsection (8) shall become indebtedness of the
1225 new Starkville-Oktibbeha Consolidated School District from and



1226 after July 1, 2015, and the mandatory special ad valorem tax to be
1227 levied by the levying authority pursuant to Section 37-59-23,
1228 Mississippi Code of 1972, to pay the bonds shall be levied only
1229 upon the taxable real property that was within the former
1230 Oktibbeha County School District. The tax for the bonds may not
1231 be imposed on the real property within the former Starkville
1232 School District.

1233 (9) For a period beginning July 1, 2015, and ending July 1,
1234 2024, the new Starkville-Oktibbeha Consolidated School District
1235 Board of Trustees may issue negotiable bonds of the
1236 Starkville-Oktibbeha Consolidated School District for the purpose
1237 of purchasing school buses, textbooks, computers and software and
1238 other equipment and fixtures for school facilities and for any
1239 purposes enumerated in Section 37-59-3, Mississippi Code of 1972.
1240 The term of any such bonds may not exceed the useful life of the
1241 financed project as determined according to the upper limit of
1242 useful life and depreciation guidelines established under the
1243 United States Internal Revenue Code and regulations. Said bonds
1244 shall be issued under the authority of Sections 37-59-1 through
1245 37-59-45, including all notice and publication requirements,
1246 however, the necessity for the issuance of the bonds shall be made
1247 pursuant to a reverse referendum procedure to be followed by the
1248 Starkville-Oktibbeha Consolidated School District Board of
1249 Trustees as follows: the board of trustees shall publish notice
1250 of the issuance of the bonds once each week for at least three (3)



1251 consecutive weeks in a newspaper having general circulation in the
1252 Starkville-Oktibbeha Consolidated School District, with the first
1253 publication thereof to be made not less than fifteen (15) days
1254 prior to the date on which the board of trustees is to take final
1255 action authorizing the issuance of the bonds. If no petition
1256 requesting an election is filed prior to the date on which the
1257 board of trustees is to take final action on the issuance of the
1258 bonds, the board of trustees shall authorize the issuance of the
1259 bonds. If at any time prior to the date on which the board of
1260 trustees is to take final action authorizing the issuance of the
1261 bonds a petition signed by not less than twenty percent (20%) of
1262 the qualified electors of the Starkville-Oktibbeha Consolidated
1263 School District shall be filed with the Board of Trustees of
1264 Starkville-Oktibbeha Consolidated School District requesting that
1265 an election be called on the question of issuing the bonds, then
1266 the board of trustees shall, not later than its next regular
1267 meeting, adopt a resolution calling an election to be held within
1268 the Starkville-Oktibbeha Consolidated School District upon such
1269 question. The election shall be called and held, and notice
1270 thereof shall be given, in the same manner for elections upon the
1271 question of bond issues under Sections 37-59-13, 37-59-15 and
1272 37-59-17, and the results there shall be certified to the
1273 Starkville-Oktibbeha Consolidated School District Board of
1274 Trustees, as the case may be. If three-fifths (3/5) of the
1275 qualified electors who voted in such election vote in favor of the



1276 issuance of such bonds, then the board of trustees shall issue
1277 such bonds. Notwithstanding any provision to the contrary, the
1278 Starkville-Oktibbeha Consolidated School District may issue bonds
1279 pursuant to this subsection (9) in an amount which, when added to
1280 all of the Starkville-Oktibbeha Consolidated School District's
1281 then outstanding bonded indebtedness, shall not result in the
1282 imposition on any of the property in said district of an
1283 indebtedness for school purposes of more than twenty percent (20%)
1284 of the assessed value of the taxable property within said
1285 district, according to the then last completed assessment for
1286 taxation. Any bonds issued pursuant to this subsection (9) shall
1287 be indebtedness of the new Starkville-Oktibbeha Consolidated
1288 School District. The mandatory special ad valorem tax to be
1289 levied by the levying authority pursuant to Section 37-59-23,
1290 Mississippi Code of 1972, shall be levied on all taxable property
1291 of the Starkville-Oktibbeha Consolidated School District.

1292 (10) Notwithstanding any law or any provision of any law to
1293 the contrary, from and after July 1, 2015, all outstanding debt of
1294 the former Oktibbeha County School District and the former
1295 Starkville School District shall be assumed by and become the debt
1296 of the new Starkville-Oktibbeha Consolidated School District. Any
1297 debt assumed by the Starkville-Oktibbeha Consolidated School
1298 District secured by a special ad valorem tax shall be secured by
1299 and payable from a special ad valorem tax levied on taxable
1300 property in the former Starkville School District and the former



1301 Oktibbeha County School District, by its respective levying
1302 authority. All debt secured by a pledge by either district of its
1303 education enhancement funds pursuant to Section 37-61-33,
1304 Mississippi Code of 1972, or by a pledge of its Mississippi
1305 Adequate Education Program funds will continue to be secured by
1306 and payable from the same funds after the debt is assumed by the
1307 Starkville-Oktibbeha Consolidated School District as of July 1,
1308 2015. It is the intent of the Legislature that any such pledges
1309 will remain in effect and that the pledged funds will be available
1310 to the Starkville-Oktibbeha Consolidated School District to pay
1311 its debt to which the funds are pledged.

1312 (11) It shall be the responsibility of the Board of
1313 Supervisors of Oktibbeha County to provide office, furnishing and
1314 utilities for the administrative Office of the Superintendent of
1315 the Starkville-Oktibbeha Consolidated School District.

1316 (12) The new Starkville-Oktibbeha Consolidated School
1317 District is authorized and encouraged to develop a partnership
1318 with Mississippi State University to create a model rural
1319 education school to serve all sixth- and seventh-grade students
1320 from Oktibbeha County and a model prekindergarten program which
1321 shall also serve as a model for the education of teachers and
1322 administrators. The Starkville-Oktibbeha Consolidated School
1323 District and Mississippi State University are authorized and
1324 empowered, in each's discretion, to enter into an agreement for
1325 the purpose of designing, constructing, maintaining and operating



1326 a model rural education school to serve all sixth- and
1327 seventh-grade students from Oktibbeha County. The
1328 Starkville-Oktibbeha Consolidated School District and Mississippi
1329 State University are further authorized and empowered, in each's
1330 discretion, to transfer funds to the other and expend such funds
1331 on mutually agreeable terms and conditions for the construction,
1332 maintenance and operation of such school.

1333 (13) The Board of Supervisors of Oktibbeha County shall be
1334 the "levying authority" for the Starkville-Oktibbeha Consolidated
1335 School District.

1336 **SECTION 16.** Section 37-7-104.4, Mississippi Code of 1972, is
1337 amended as follows:

1338 37-7-104.4. (1) In Montgomery County, Mississippi, in which
1339 are located, as of January 1, 2016, two (2) school districts,
1340 there shall be an administrative consolidation of all of those
1341 school districts in the county into one (1) new countywide
1342 municipal separate school district to be designated as
1343 Winona-Montgomery Consolidated School District which shall consist
1344 of the territory of the former Montgomery County School District
1345 and the Winona Municipal Separate School District, effective on
1346 July 1, 2018. At such time that the administrative consolidation
1347 becomes effective, the central administrative office of the
1348 Winona-Montgomery Consolidated School District shall be located in
1349 Winona, Mississippi.



1350 (2) As soon as practicable, a financial advisor and/or other
1351 facilitator with school district experience may be assigned by the
1352 Mississippi Department of Education to oversee the budgeting and
1353 financial matters relating to the consolidation of the districts
1354 slated for consolidation. The financial advisor and/or
1355 facilitator may, at the discretion of the Mississippi Department
1356 of Education, continue duties for one (1) year after the
1357 consolidation to ensure that all financial matters are in place.
1358 All financial expenditures of districts that are closing must be
1359 approved by the financial advisor and/or facilitator. If the
1360 superintendent and/or school board approves expenditures outside
1361 of this approval, they shall be personally liable for the excess
1362 expenditures. The State Board of Education shall determine the
1363 compensation to be paid to the financial advisor and/or
1364 facilitator which shall be paid by the local school district to
1365 which the financial advisor and/or facilitator is assigned.

1366 (3) (a) On or before September 1, 2017, the State Board of
1367 Education shall serve the local school board of the Winona
1368 Municipal Separate School District and the local school board of
1369 the Montgomery County School District with notice and instructions
1370 regarding the timetable for action to be taken to comply with the
1371 administrative consolidation required in this section.

1372 (b) In the new Winona-Montgomery Consolidated School
1373 District, there shall be a new countywide municipal separate
1374 school district board of trustees comprised of five (5) members,



1375 which shall consist of the existing members of the Board of
1376 Trustees of the Winona Municipal Separate School District.
1377 However, when consolidation becomes effective, the two (2)
1378 appointed board members of the Winona Municipal Separate School
1379 District whose terms are nearest to expiration shall expire on
1380 January 1, 2019, shall thereafter become elected positions to be
1381 filled by the election of board members in a manner prescribed in
1382 subparagraph (ii) of this paragraph (b). The new countywide
1383 municipal separate school district board of trustees of the
1384 Winona-Montgomery Consolidated School District shall be comprised
1385 as follows:

1386 (i) The three (3) members of the existing Board of
1387 Trustees of the Winona Municipal Separate School District
1388 appointed by the Board of Aldermen of the City of Winona with the
1389 most years remaining in their terms shall serve until the
1390 expiration of such appointed term and thereafter, appointments
1391 shall each be selected for a term of four (4) years beginning on
1392 January 1 of the year next succeeding the appointment;

1393 (ii) The two (2) members of the board elected
1394 after the appropriate appointments become permanently elected
1395 positions, shall be elected for a term of four (4) years by the
1396 electors of Montgomery County residing outside of the Winona
1397 corporate limits who shall be residents of that territory and who
1398 shall be elected in an election held on Tuesday after the first
1399 Monday in November 2018, in the manner prescribed in Section



1400 37-7-203, and the elected members will take office on January 1,
1401 2019. All subsequent members of the board elected from the
1402 territory outside of the Winona corporate limits shall be elected
1403 for a term of four (4) years at the regular general election held
1404 on the first Monday in November next preceding the expiration of
1405 the term of office of the respective member or members, and shall
1406 take office on January 1 next succeeding the election; and

1407 (iii) The Board of Supervisors of Montgomery
1408 County and the State Board of Education, with the assistance of
1409 the Joint Legislative Committee on Performance Evaluation and
1410 Expenditure Review (PEER), shall apportion the territory of the
1411 new consolidated school district located outside the Winona
1412 corporate limits into two (2) new proportionately equal single
1413 member board of trustee election districts. The board of
1414 supervisors shall thereafter publish the same in some newspaper of
1415 general circulation in the county for at least three (3)
1416 consecutive weeks and after having given notice of publication and
1417 recording the same upon the minutes of the school boards of each
1418 school district in the county, the new district lines will
1419 thereafter be effective for the November 2018 special election.
1420 Any school board member of the former school districts residing in
1421 the proper territory shall be eligible for appointment or election
1422 to the new Board of Trustees for Winona-Montgomery Consolidated
1423 School District. However, if the consolidated school district
1424 fails to achieve an accountability rating of "A" or "B" as



1425 required by Section 37-6-17(9)(c), such school district shall be
1426 required to have its board transformed to the elected method in
1427 the same manner as provided in Section 37-6-17.

1428 (c) Any school district affected by the required
1429 administrative consolidation in the county that does not
1430 voluntarily consolidate as ordered by the State Board of Education
1431 shall be administratively consolidated by the State Board of
1432 Education, to be effective immediately upon action of the State
1433 Board of Education. The State Board of Education shall promptly
1434 move on its own motion to administratively consolidate a school
1435 district which does not voluntarily consolidate in order to enable
1436 the affected school districts to reasonably accomplish the
1437 resulting administrative consolidation into one (1) consolidated
1438 school district by July 1 following the motion to consolidate.
1439 The affected school districts shall comply with any consolidation
1440 order issued by the State Board of Education.

1441 (4) (a) On July 1, 2018, following the motion of the State
1442 Board of Education to consolidate school districts in Montgomery
1443 County, the Montgomery County School District shall be abolished.
1444 All real and personal property which is owned or titled in the
1445 name of the school district located in such former school district
1446 shall be transferred to the Winona-Montgomery Consolidated School
1447 District as of July 1, 2018.

1448 (b) The new board of trustees of the Winona-Montgomery
1449 Consolidated School District shall be responsible for establishing



1450 the contracts for operations, teachers, principals, clerical and
1451 administrative staff personnel for the 2018-2019 school year and
1452 each school year thereafter.

1453 (c) The superintendent of the Winona-Montgomery
1454 Consolidated School District shall be appointed by the board and
1455 is authorized to appoint an assistant superintendent, but in no
1456 instance shall the administrative leadership of the
1457 Winona-Montgomery Consolidated School District exceed three (3)
1458 assistant superintendents to be appointed by the superintendent of
1459 the Winona-Montgomery Consolidated School District.

1460 (d) It shall be the responsibility of the board of
1461 trustees to prepare and approve the budget of the respective new
1462 reorganized district, and the board of trustees may use staff from
1463 the former school district to prepare the budget. Any transfer of
1464 the assets, real or personal property of the Montgomery County
1465 School District mandated by this section shall be final and
1466 conclusive for the purposes of the transfer of property required
1467 by this section to effectuate the administrative consolidation.

1468 (e) Any person or school district aggrieved by an order
1469 of the successor newly selected board of trustees of the
1470 Winona-Montgomery Consolidated School District pursuant to the
1471 required administrative consolidation may appeal therefrom within
1472 ten (10) days from the date of the adjournment of the meeting at
1473 which such order is entered. The appeal shall be taken in the
1474 same manner as appeals are taken from judgments or decisions of



1475 the board of supervisors as provided in Section 11-51-75, the
1476 provisions of which shall be fully applicable to appeals taken
1477 hereunder. The board of trustees of the Winona-Montgomery
1478 Consolidated School District shall not pass upon or approve or
1479 disapprove any such order until the time for an appeal therefrom
1480 has expired, nor shall the board pass upon or approve or
1481 disapprove any such order from which an appeal is taken until said
1482 appeal has been finally determined.

1483 (5) Nothing in this section shall be construed to require
1484 the closing of any school or school facility, unless the facility
1485 is an unneeded administrative office located within a school
1486 district which has been abolished under the provisions of this
1487 section. All administrative consolidations under this section
1488 shall be accomplished so as not to delay or in any manner
1489 negatively affect the desegregation of another school district in
1490 the county pursuant to court order.

1491 (6) The State Board of Education shall promulgate rules and
1492 regulations to facilitate the administrative consolidation of the
1493 school districts in Montgomery County pursuant to the requirements
1494 of this section. Beginning with the insurance cafeteria plan year
1495 of November 1, 2018, the consolidated districts shall fall under
1496 all insurance plans and policies elected by the Winona-Montgomery
1497 Consolidated School District, including the group term life
1498 insurance described in Section 25-15-9(7).



1499 (7) The County Board of Education and the Superintendent of
1500 Education of the former Montgomery County School District and the
1501 local school board and Superintendent of Schools of the Winona
1502 Municipal Separate School District shall cooperate with the State
1503 Department of Education, as soon as practicable after July 1,
1504 2016, for the planning and transition of programs, services and
1505 alignment of curriculum for the administratively consolidated
1506 school districts.

1507 (8) It shall be the responsibility of the Board of
1508 Supervisors of Montgomery County to provide office, furnishing and
1509 utilities for the administrative Office of the Superintendent of
1510 the Winona-Montgomery Consolidated School District.

1511 (9) One (1) year prior to the date of consolidation, a
1512 financial advisor and/or other facilitator with school district
1513 experience may be assigned by the Mississippi Department of
1514 Education to oversee the budgeting and financial matters relating
1515 to the consolidation of the districts slated for consolidation.
1516 The financial advisor and/or facilitator may, at the discretion of
1517 the Mississippi Department of Education, continue duties for one
1518 year after the consolidation to ensure that all financial matters
1519 are in place. All financial expenditures of districts that are
1520 closing must be approved by the financial advisor and/or
1521 facilitator. If the superintendent and/or school board approves
1522 expenditures outside of this approval, they shall be personally
1523 liable for the excess expenditures. The State Board of Education



shall determine the compensation to be paid to the financial advisor and/or facilitator which shall be paid by the local school district.

SECTION 17. Section 37-7-104.5, Mississippi Code of 1972, is brought forward as follows:

37-7-104.5. (1) Not later than July 1, 2019, the local school boards of the Lumberton Public School District, Lamar County School District and Poplarville Separate School District shall, under the authority provided in Section 37-7-103, enter into an agreement, by which the approval of such agreement shall be spread upon each board's minutes of their regularly scheduled meetings or at special meetings called for the specific purpose of such agreement, to abolish and dissolve the Lumberton School District and its central administrative office to be effective for the start of the 2019-2020 school year. The agreement between each school board made parties thereto must consider:

(a) The composition of the district boundaries of the Lumberton Public School District, as it existed on January 1, 2016, to ensure that the student population to be transferred to the Lamar County School District and Poplarville Separate School District does not disparately impact the desegregation of either school district entering into agreement;

(b) The territory embraced by Lumberton, Mississippi, located within the bounded territory of Lamar County, from which the school district to be abolished by agreement draws a portion



1549 of its student population, shall be absorbed into the boundary
1550 lines of the Lamar County School District, which shall spread a
1551 legal description of the district's new boundaries upon its
1552 minutes. It shall be the responsibility of the board of
1553 supervisors of such county to apportion the school district into
1554 five (5) new single-member board of education election districts,
1555 which shall be consistent with the apportioned population of the
1556 existing Lamar County School District and that portion of the
1557 former Lumberton Public School District situated within Lamar
1558 County as the former district existed on July 1, 2016. The board
1559 of supervisors of the county shall thereafter publish the same in
1560 some newspaper of general circulation in the county for at least
1561 three (3) consecutive weeks and after having given notice of
1562 publication and recording the same upon the minutes of the school
1563 boards of each appropriate school district in the county, the new
1564 district lines will thereafter be effective; and

1565 (c) The territory embraced by Lumberton, Mississippi,
1566 located within the bounded territory of Pearl River County, from
1567 which the school district to be abolished by agreement draws a
1568 portion of its student population, shall be absorbed into the
1569 boundary lines of the Poplarville Separate School District as
1570 added territory, which shall spread a legal description of the
1571 district's new boundaries with added territory upon its minutes.
1572 It shall be the responsibility of the municipal governing
1573 authority having jurisdiction over the territory wherein the



1574 Poplarville Separate School District is located to provide
1575 residents of the added territory with representation on the school
1576 board as authorized under the provisions of Section 37-7-203(1),
1577 which shall be consistent with the apportioned population of the
1578 existing Poplarville Separate School District and the percentage
1579 of the student population from that portion of the former
1580 Lumberton Public School District situated in Pearl River County
1581 within the added territory of the Poplarville Separate School
1582 District as the former district existed on July 1, 2016. The
1583 municipal governing authority shall thereafter publish the same in
1584 some newspaper of general circulation in the county for at least
1585 three (3) consecutive weeks and after having given notice of
1586 publication and recording the same upon the minutes of the school
1587 boards of each appropriate school district in the county, the new
1588 member districts will thereafter be effective; and

1589 (2) (a) There is hereby created and established an advisory
1590 council to be known as the Commission on the Administrative
1591 Consolidation of the Lumberton Public School District. The
1592 commission shall be composed of eleven (11) members as follows:

1593 (i) The State Superintendent of Education, or his
1594 designee, who shall serve as Chairman of the Commission;

1595 (ii) The Superintendent of the Lumberton Public
1596 School District;

1597 (iii) The Superintendent of Education of the Lamar
1598 County School District;



1599 (iv) The Superintendent of the Poplarville
1600 Separate School District;

1601 (v) Two (2) members of the Lamar County Board of
1602 Education to be appointed by the Lamar County Board of Education;

1603 (vi) One (1) member of the Board of Trustees of
1604 the Poplarville Separate School District to be appointed by the
1605 Board of Trustees of the Poplarville Separate School District;

1606 (vii) One (1) member of the Board of Trustees of
1607 the Lumberton Public School District to be appointed by the Board
1608 of Trustees of the Lumberton Public School District;

1609 (viii) One (1) resident of the area which
1610 comprises the Lumberton Public School District to be appointed by
1611 the State Superintendent of Public Education;

1612 (ix) One (1) resident of the area which comprises
1613 the Lamar County School District to be appointed by the Lamar
1614 County Board of Supervisors; and

1615 (x) One (1) resident of the area which comprises
1616 the Poplarville Separate School District to be appointed by the
1617 Pearl River Board of Supervisors.

1618 (b) The Commission on the Administrative Consolidation
1619 of the Lumberton Public School District shall meet within thirty
1620 (30) days of July 1, 2016, upon the call of the State
1621 Superintendent of Education and shall hold hearings and meet as
1622 necessary and develop a report to the Legislature, the Governor
1623 and the State Board of Education on or before December 1, 2017,



with the agreed-upon plan for proceeding with the abolition and dissolving of the Lumberton Public School District, which shall include a reasonable effort to maintain and operate a school in the former Lumberton Public School District by which students desiring may, in the discretion of the parents of such students, attend.

(c) The plan may provide an option for students enrolled in the schools of the Lumberton Public School District on May 1, 2017, and children registered for kindergarten on that date with the Lumberton Public School District may be granted an automatic transfer by the Lamar County Board of Education or the Poplarville School Board, as determined by the agreed-upon plan.

(3) Nothing in this section shall be construed to require the closing or maintenance of any school or school facility, unless the facility is an unneeded administrative office located within a school district which has been abolished under the provisions of this section.

SECTION 18. Section 37-7-104.6, Mississippi Code of 1972, is brought forward as follows:

37-7-104.6. (1) In Leflore County, Mississippi, in which are located, as of January 1, 2016, two (2) school districts, there shall be an administrative consolidation of those school districts in the county into one (1) new countywide school district to be designated as Greenwood-Leflore School District which shall consist of the territory of the former Leflore County



1649 School District and the Greenwood Municipal Separate School
1650 District, effective on July 1, 2019. At such time that the
1651 administrative consolidation becomes effective, the central
1652 administrative office of the Greenwood-Leflore School District
1653 shall be current Greenwood Public School District Central Office,
1654 located in Greenwood, Mississippi.

1655 (2) As soon as practicable, a financial advisor and/or other
1656 facilitator with school district experience may be assigned by the
1657 Mississippi Department of Education to oversee the budgeting and
1658 financial matters relating to the consolidation of the districts
1659 slated for consolidation. The financial advisor and/or
1660 facilitator may, at the discretion of the Mississippi Department
1661 of Education, continue duties for one (1) year after the
1662 consolidation to ensure that all financial matters are in place.
1663 All financial expenditures of districts that are closing must be
1664 approved by the financial advisor and/or facilitator. If the
1665 superintendent and/or school board approves expenditures outside
1666 of this approval, they shall be personally liable for the excess
1667 expenditures. The State Board of Education shall determine the
1668 compensation to be paid to the financial advisor and/or
1669 facilitator which shall be paid by the local school district to
1670 which the financial advisor and/or facilitator is assigned.

1671 (3) (a) On July 1, 2018, the State Board of Education shall
1672 serve the local school boards of the Leflore County School
1673 District and the Greenwood Municipal Separate School District with



notice and instructions regarding the timetable for action to be taken to comply with the administrative consolidation required in this section. The State Board of Education shall require the administrative consolidation of Leflore County School District and the Greenwood Municipal Separate School District on or before July 1, 2019. In the new Greenwood-Leflore School District, there shall be a new phased-in County Board of Education comprised of five (5) members elected to staggered terms of office from single member supervisors districts in the manner prescribed in this subsection. Current members of the Board of Trustees of the Greenwood Public School District serving on November 1, 2017, shall continue in office as the new County Board of Education of the Greenwood-Leflore School District until their successors are elected as follows:

(i) The two (2) appointed board members of the Greenwood Public School District whose terms are nearest to expiration shall expire on January 1, 2019, and thereafter become permanently elected positions to be filled by persons elected as board members from Supervisors Districts 2 and 3 in a November 2018 election held for that purpose, in the manner prescribed in Section 37-7-203, and the newly elected members will take office on January 1, 2019, for a term of four (4) years;

(ii) The final two (2) appointed board members of the Greenwood Public School District whose terms are the farthest removed from expiration shall expire on January 1, 2020, and



1699 thereafter become permanently elected positions to be filled by
1700 persons elected as board members from Supervisors Districts 4 and
1701 5 in a November 2019 election held for that purpose, in the manner
1702 prescribed in Section 37-7-203, and the newly elected members will
1703 take office on January 1, 2020, for a term of four (4) years; and

1704 (iii) One (1) appointed board member of the
1705 Greenwood Public School District whose term is next nearest to
1706 expiration shall expire on January 1, 2021, and thereafter become
1707 a permanently elected position to be filled by a person elected as
1708 a board member from Supervisors District 1 in a November 2020
1709 election held for that purpose, in the manner prescribed in
1710 Section 37-7-203, and the newly elected members will take office
1711 on January 1, 2021, for a term of four (4) years.

1712 (b) All subsequent members shall be elected for a term
1713 of four (4) years at the regular general election held on the
1714 first Monday in November next preceding the expiration of the term
1715 of office of the respective members, and shall take office on
1716 January 1 next succeeding the election.

1717 (c) No previous school board member of the former
1718 school district that was placed under conservatorship residing in
1719 the proper territory shall be eligible for selection to the new
1720 Board of Education for the Greenwood-Leflore Consolidated School
1721 District.

1722 (d) The State Board of Education shall declare that the
1723 territory embraced by Leflore County, Mississippi, shall be the



1724 boundary lines for the territory of the new Greenwood-Leflore
1725 School District and shall spread a legal description of the new
1726 school district on the minutes of its August 2018 meeting and
1727 shall serve the applicable school boards and the board of
1728 supervisors with an adequate legal description of these new
1729 boundaries. Any school board member of the former school
1730 districts residing in the proper supervisors district shall be
1731 eligible for election to the new Board of Education for the
1732 Greenwood-Leflore School District unless such person was serving
1733 as a member of the board when either district subject to
1734 consolidation under this section was placed under conservatorship,
1735 which shall render the board member ineligible for election.

1736 (e) Any school district affected by the required
1737 administrative consolidation in the county that does not
1738 voluntarily consolidate as ordered by the State Board of Education
1739 shall be administratively consolidated by the State Board of
1740 Education, to be effective immediately upon action of the State
1741 Board of Education. The State Board of Education shall promptly
1742 move on its own motion to administratively consolidate a school
1743 district which does not voluntarily consolidate in order to enable
1744 the affected school districts to reasonably accomplish the
1745 resulting administrative consolidation into the Greenwood-Leflore
1746 School District by July 1, 2019, following the motion to
1747 consolidate. The affected school districts shall comply with any
1748 consolidation order issued by the State Board of Education.



1749 (4) The successor Greenwood-Leflore Board of Education shall
1750 appoint a new Superintendent of Schools for the Greenwood-Leflore
1751 School District to be selected no later than July 1, 2019, in the
1752 manner provided in Section 37-9-13. The position of
1753 Greenwood-Leflore Superintendent of Schools shall be an appointive
1754 position. The successor Greenwood-Leflore Board of Education
1755 shall also employ central office staff for the Greenwood-Leflore
1756 School District no later than July 1, 2019.

1757 (5) (a) On January 1, 2020, following the motion of the
1758 State Board of Education to consolidate school districts in
1759 Leflore County and the Greenwood Municipal Separate School
1760 Districts, the Leflore County and the Greenwood Municipal Separate
1761 School Districts and the former school boards of those districts
1762 shall be abolished. All real and personal property which is owned
1763 or titled in the name of the school district located in such
1764 former school districts shall be transferred to the new
1765 Greenwood-Leflore Consolidated School District.

1766 (b) The new board of trustees of the Greenwood-Leflore
1767 Consolidated School District shall be responsible for establishing
1768 the contracts for teachers, principals, clerical and
1769 administrative staff personnel for the 2019-2020 school year and
1770 each school year thereafter.

1771 (c) The new board of trustees for the Greenwood-Leflore
1772 Consolidated School District shall appoint the superintendent of
1773 schools for the school district. The superintendent of schools



1774 for the Greenwood-Leflore Consolidated School District may appoint
1775 three (3) assistant superintendents of schools for the district,
1776 but in no instance shall the administrative leadership of the
1777 Greenwood-Leflore Consolidated School District have more than
1778 three (3) assistant superintendents of education. The subsequent
1779 superintendent of schools of the consolidated school district
1780 shall not be elected, but shall thereafter be appointed by the
1781 successor board of trustees in the manner provided in Section
1782 37-9-25. It shall be the responsibility of the successor board of
1783 trustees to prepare and approve the budget of the new consolidated
1784 district, and the successor board of trustees may use staff from
1785 the former school districts to prepare the budget. Any proposed
1786 order of the State Board of Education directing the transfer of
1787 the assets, real or personal property of an affected school
1788 district in the county, shall be final and conclusive for the
1789 purposes of the transfer of property required by such
1790 administrative consolidation.

1791 (d) Any person or school district aggrieved by an order
1792 of the successor newly selected board of trustees of the
1793 Greenwood-Leflore Consolidated School District pursuant to the
1794 required administrative consolidation may appeal therefrom within
1795 ten (10) days from the date of the adjournment of the meeting at
1796 which such order is entered. The appeal shall be taken in the
1797 same manner as appeals are taken from judgments or decisions of
1798 the board of supervisors as provided in Section 11-51-75, the



1799 provisions of which shall be fully applicable to appeals taken
1800 hereunder. The board of trustees of the Greenwood-Leflore
1801 Consolidated School District shall not pass upon or approve or
1802 disapprove any such order until the time for an appeal therefrom
1803 has expired, nor shall the board pass upon or approve or
1804 disapprove any such order from which an appeal is taken until said
1805 appeal has been finally determined.

1806 (6) Nothing in this section shall be construed to require
1807 the closing of any school or school facility, unless the facility
1808 is an unneeded administrative office located within a school
1809 district which has been abolished under the provisions of this
1810 section. All administrative consolidations under this section
1811 shall be accomplished so as not to delay or in any manner
1812 negatively affect the desegregation of another school district in
1813 the county pursuant to court order.

1814 (7) The State Board of Education shall promulgate rules and
1815 regulations to facilitate the administrative consolidation of the
1816 school districts in Leflore County pursuant to this section. The
1817 consolidated districts shall make an election within one (1) year
1818 of consolidation concerning the group term life insurance
1819 described in subsection (6) of Section 25-15-9.

1820 (8) The County Board of Education and the Superintendent of
1821 Education of the former Leflore County School District and the
1822 local school board and Superintendent of Schools of the
1823 Greenwood-Leflore Public School District shall cooperate with the



1824 State Department of Education, as soon as practicable after July
1825 1, 2016, for the planning and transition of programs, services and
1826 alignment of curriculum for the administratively consolidated
1827 school districts.

1828 **SECTION 19.** Section 37-7-104.7, Mississippi Code of 1972, is
1829 brought forward as follows:

1830 37-7-104.7. (1) In Holmes County, Mississippi, in which are
1831 located, as of January 1, 2016, two (2) school districts, there
1832 shall be an administrative consolidation of all of those school
1833 districts in the county into one (1) new countywide school
1834 district to be designated as Holmes County Consolidated School
1835 District which shall consist of the territory of the former Holmes
1836 County School District and the Durant Public School District,
1837 effective on July 1, 2018. At such time that the administrative
1838 consolidation becomes effective, the central administrative office
1839 of the Holmes County Consolidated School District shall be located
1840 in Lexington, Mississippi.

1841 (2) Within two (2) years prior to the date of consolidation,
1842 or as soon as practicable after July 1, 2016, a financial advisor
1843 and/or other facilitator with school district experience may be
1844 assigned by the Mississippi Department of Education to oversee the
1845 budgeting and financial matters relating to the consolidation of
1846 the districts slated for consolidation. The financial advisor
1847 and/or facilitator may, at the discretion of the Mississippi
1848 Department of Education, continue duties for one (1) year after



1849 the consolidation to ensure that all financial matters are in
1850 place. All financial expenditures of districts that are closing
1851 must be approved by the financial advisor and/or facilitator. If
1852 the superintendent and/or school board approves expenditures
1853 outside of this approval, they shall be personally liable for the
1854 excess expenditures. The State Board of Education shall determine
1855 the compensation to be paid to the financial advisor and/or
1856 facilitator which shall be paid by the local school district to
1857 which the financial advisor and/or facilitator is assigned.

1858 (3) (a) On or before July 1, 2017, the State Board of
1859 Education shall serve the local school boards of the Holmes County
1860 School District and the Durant Public School District with notice
1861 and instructions regarding the timetable for action to be taken to
1862 comply with the administrative consolidation required in this
1863 section. The State Board of Education shall provide for the
1864 administrative consolidation of Holmes County School District and
1865 the Durant Public School District on or before July 1, 2018. In
1866 the new Holmes County Consolidated School District, there shall be
1867 a new county board of education elected in a November 2017 special
1868 election, which shall be called by the Governor for that purpose.
1869 The new county board of education shall be elected and the terms
1870 of office established as provided in Section 37-5-7(3). The State
1871 Board of Education shall declare that the territory embraced by
1872 Holmes County, Mississippi, shall be the boundary lines for the
1873 territory of the new Holmes County Consolidated School District



1874 and shall spread a legal description of the new school district on
1875 the minutes of its August 2017 meeting and shall serve the
1876 applicable school boards and the board of supervisors with an
1877 adequate legal description of these new boundaries. It shall be
1878 the responsibility of the board of supervisors of such county to
1879 apportion the newly consolidated school district into five (5) new
1880 single member board of education election districts, which shall
1881 be consistent with the supervisors district lines in the county.
1882 The board of supervisors of the county shall thereafter publish
1883 the same in some newspaper of general circulation in the county
1884 for at least three (3) consecutive weeks and after having given
1885 notice of publication and recording the same upon the minutes of
1886 the school boards of each appropriate school district in the
1887 county, the new district lines will thereafter be effective for
1888 the November 2017 special election.

1889 (b) Any school district affected by the required
1890 administrative consolidation in Holmes County that does not
1891 voluntarily consolidate as ordered by the State Board of Education
1892 shall be administratively consolidated by the State Board of
1893 Education, to be effective on July 1 following the November 2017
1894 special election of the new school board members. The State Board
1895 of Education shall promptly move on its own motion to
1896 administratively consolidate a school district which does not
1897 voluntarily consolidate in order to enable the affected school
1898 districts to reasonably accomplish the resulting administrative



1899 consolidation into the Holmes County Consolidated School District
1900 by July 1, 2018, following the election of the new board of
1901 trustees. The affected school districts shall comply with any
1902 consolidation order issued by the State Board of Education on or
1903 before July 1 following the election of the new board of trustees.

1904 (4) (a) On July 1, 2018, following the election of the new
1905 board of trustees of the Holmes County Consolidated School
1906 District, the former county board of education for Holmes County
1907 and the former board of trustees of the Durant Public School
1908 Districts shall be abolished. All real and personal property
1909 which is owned or titled in the name of the school district
1910 located in such former school districts shall be transferred to
1911 the new Holmes County Consolidated School District.

1912 (b) The new board of trustees of the Holmes County
1913 Consolidated School District shall be responsible for establishing
1914 the contracts for teachers, principals, clerical and
1915 administrative staff personnel for the 2018-2019 school year and
1916 each school year thereafter.

1917 (c) The new board of trustees for the Holmes County
1918 Consolidated School District shall appoint the superintendent of
1919 schools for the school district. The superintendent of schools
1920 for the Holmes County Consolidated School District may appoint an
1921 assistant superintendent of schools for the district, but in no
1922 instance shall the administrative leadership of the Holmes County
1923 Consolidated School District have more than one (1) assistant



1924 superintendent of education. The subsequent superintendent of
1925 schools of the consolidated school district shall not be elected,
1926 but shall thereafter be appointed by the successor board of
1927 trustees in the manner provided in Section 37-9-25. It shall be
1928 the responsibility of the successor board of trustees to prepare
1929 and approve the budget of the new consolidated district, and the
1930 successor board of trustees may use staff from the former school
1931 districts to prepare the budget. Any proposed order of the State
1932 Board of Education directing the transfer of the assets, real or
1933 personal property of an affected school district in the county,
1934 shall be final and conclusive for the purposes of the transfer of
1935 property required by such administrative consolidation.

1936 (d) Any person or school district aggrieved by an order
1937 of the successor newly selected board of trustees of the Holmes
1938 County Consolidated School District pursuant to the required
1939 administrative consolidation may appeal therefrom within ten (10)
1940 days from the date of the adjournment of the meeting at which such
1941 order is entered. The appeal shall be taken in the same manner as
1942 appeals are taken from judgments or decisions of the board of
1943 supervisors as provided in Section 11-51-75, the provisions of
1944 which shall be fully applicable to appeals taken hereunder. The
1945 board of trustees of the Holmes County Consolidated School
1946 District shall not pass upon or approve or disapprove any such
1947 order until the time for an appeal therefrom has expired, nor
1948 shall the board pass upon or approve or disapprove any such order



from which an appeal is taken until said appeal has been finally determined.

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

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

(7) The County Board of Education and the Superintendent of Education of the former Holmes County School District and the local school board and Superintendent of Schools of the Durant Public School District shall cooperate with the State Department of Education, as soon as practicable after July 1, 2016, for the planning and transition of programs, services and alignment of curriculum for the administratively consolidated school districts.

SECTION 20. This act shall take effect and be in force from and after its passage.

