

By: Senator(s) Polk, Fillingane

To: Education

SENATE BILL NO. 2170

1 AN ACT TO AMEND SECTION 37-7-104.5, MISSISSIPPI CODE OF 1972,  
 2 TO RATIFY THE AGREEMENT BETWEEN THE SCHOOL BOARDS OF LUMBERTON  
 3 PUBLIC SCHOOL DISTRICT AND LAMAR COUNTY SCHOOL DISTRICT TO  
 4 DISSOLVE THE LUMBERTON PUBLIC SCHOOL DISTRICT AND ADMINISTRATIVE  
 5 OFFICE AND CONSOLIDATE THE SCHOOLS AND TERRITORY OF THE LUMBERTON  
 6 PUBLIC SCHOOL DISTRICT INTO THE LAMAR COUNTY SCHOOL DISTRICT, TO  
 7 PROVIDE FOR THE COMPOSITION OF A NEW SCHOOL BOARD FOR THE  
 8 CONSOLIDATED DISTRICT, TO PROVIDE FOR THE TRANSFER OF PROPERTY,  
 9 TAX ASSESSMENTS, ASSUMPTION OF DEBT, ATTENDANCE BOUNDARIES,  
 10 CURRICULUM AND PROGRAMS, EXECUTION OF EMPLOYMENT CONTRACTS FOR  
 11 CERTIFIED AND NONCERTIFIED STAFF, PREPARATION OF BUDGET AND THE  
 12 ESTABLISHMENT OF A TRANSITION TEAM FOR THE CONSOLIDATED DISTRICT;  
 13 TO AMEND SECTIONS 37-5-7 AND 37-7-103, MISSISSIPPI CODE OF 1972,  
 14 IN CONFORMITY; AND FOR RELATED PURPOSES.

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

16 **SECTION 1.** Section 37-7-104.5, Mississippi Code of 1972, is  
 17 amended as follows:

18 37-7-104.5. (1) \* \* ~~\*Not later than July 1, 2019, the local~~  
 19 ~~school boards of the Lumberton Public School District, Lamar~~  
 20 ~~County School District and Poplarville Separate School District~~  
 21 ~~shall, under the authority provided in Section 37-7-103, enter~~  
 22 ~~into an agreement, by which the approval of such agreement shall~~  
 23 ~~be spread upon each board's minutes of their regularly scheduled~~  
 24 ~~meetings or at special meetings called for the specific purpose of~~



25 ~~such agreement, to abolish and dissolve the Lumberton School~~  
26 ~~District and its central administrative office to be effective for~~  
27 ~~the start of the 2019-2020 school year. The agreement between~~  
28 ~~each school board made parties thereto must consider:~~

29 ~~————— (a) The composition of the district boundaries of the~~  
30 ~~Lumberton Public School District, as it existed on January 1,~~  
31 ~~2016, to ensure that the student population to be transferred to~~  
32 ~~the Lamar County School District and Poplarville Separate School~~  
33 ~~District does not disparately impact the desegregation of either~~  
34 ~~school district entering into agreement;~~

35 ~~————— (b) The territory embraced by Lumberton, Mississippi,~~  
36 ~~located within the bounded territory of Lamar County, from which~~  
37 ~~the school district to be abolished by agreement draws a portion~~  
38 ~~of its student population, shall be absorbed into the boundary~~  
39 ~~lines of the Lamar County School District, which shall spread a~~  
40 ~~legal description of the district's new boundaries upon its~~  
41 ~~minutes. It shall be the responsibility of the board of~~  
42 ~~supervisors of such county to apportion the school district into~~  
43 ~~five (5) new single-member board of education election districts,~~  
44 ~~which shall be consistent with the apportioned population of the~~  
45 ~~existing Lamar County School District and that portion of the~~  
46 ~~former Lumberton Public School District situated within Lamar~~  
47 ~~County as the former district existed on July 1, 2016. The board~~  
48 ~~of supervisors of the county shall thereafter publish the same in~~  
49 ~~some newspaper of general circulation in the county for at least~~



50 ~~three (3) consecutive weeks and after having given notice of~~  
51 ~~publication and recording the same upon the minutes of the school~~  
52 ~~boards of each appropriate school district in the county, the new~~  
53 ~~district lines will thereafter be effective; and~~  
54 ~~————— (c) The territory embraced by Lumberton, Mississippi,~~  
55 ~~located within the bounded territory of Pearl River County, from~~  
56 ~~which the school district to be abolished by agreement draws a~~  
57 ~~portion of its student population, shall be absorbed into the~~  
58 ~~boundary lines of the Poplarville Separate School District as~~  
59 ~~added territory, which shall spread a legal description of the~~  
60 ~~district's new boundaries with added territory upon its minutes.~~  
61 ~~It shall be the responsibility of the municipal governing~~  
62 ~~authority having jurisdiction over the territory wherein the~~  
63 ~~Poplarville Separate School District is located to provide~~  
64 ~~residents of the added territory with representation on the school~~  
65 ~~board as authorized under the provisions of Section 37-7-203(1),~~  
66 ~~which shall be consistent with the apportioned population of the~~  
67 ~~existing Poplarville Separate School District and the percentage~~  
68 ~~of the student population from that portion of the former~~  
69 ~~Lumberton Public School District situated in Pearl River County~~  
70 ~~within the added territory of the Poplarville Separate School~~  
71 ~~District as the former district existed on July 1, 2016. The~~  
72 ~~municipal governing authority shall thereafter publish the same in~~  
73 ~~some newspaper of general circulation in the county for at least~~  
74 ~~three (3) consecutive weeks and after having given notice of~~



75 ~~publication and recording the same upon the minutes of the school~~  
76 ~~boards of each appropriate school district in the county, the new~~  
77 ~~member districts will thereafter be effective; and~~ Not later than  
78 July 1, 2018, the local school boards of the Lumberton Public  
79 School District and Lamar County School District shall, under the  
80 authority provided in Section 37-7-103, enter into an agreement,  
81 by which the approval of such agreement shall be spread upon each  
82 board's minutes of their regularly scheduled meetings or at  
83 special meetings called for the specific purpose of such  
84 agreement, to abolish and dissolve the Lumberton Public School  
85 District and its central administrative office to be effective for  
86 the start of the 2018-2019 school year.

87 (2) \* \* \* ~~(a) There is hereby created and established an~~  
88 ~~advisory council to be known as the Commission on the~~  
89 ~~Administrative Consolidation of the Lumberton Public School~~  
90 ~~District. The commission shall be composed of eleven (11) members~~  
91 ~~as follows:~~

92 ~~\_\_\_\_\_ (i) The State Superintendent of Education, or his~~  
93 ~~designee, who shall serve as Chairman of the Commission;~~

94 ~~\_\_\_\_\_ (ii) The Superintendent of the Lumberton Public~~  
95 ~~School District;~~

96 ~~\_\_\_\_\_ (iii) The Superintendent of Education of the Lamar~~  
97 ~~County School District;~~

98 ~~\_\_\_\_\_ (iv) The Superintendent of the Poplarville~~  
99 ~~Separate School District;~~



100 ~~————— (v) Two (2) members of the Lamar County Board of~~  
101 ~~Education to be appointed by the Lamar County Board of Education;~~  
102 ~~————— (vi) One (1) member of the Board of Trustees of~~  
103 ~~the Poplarville Separate School District to be appointed by the~~  
104 ~~Board of Trustees of the Poplarville Separate School District;~~  
105 ~~————— (vii) One (1) member of the Board of Trustees of~~  
106 ~~the Lumberton Public School District to be appointed by the Board~~  
107 ~~of Trustees of the Lumberton Public School District;~~  
108 ~~————— (viii) One (1) resident of the area which~~  
109 ~~comprises the Lumberton Public School District to be appointed by~~  
110 ~~the State Superintendent of Public Education;~~  
111 ~~————— (ix) One (1) resident of the area which comprises~~  
112 ~~the Lamar County School District to be appointed by the Lamar~~  
113 ~~County Board of Supervisors; and~~  
114 ~~————— (x) One (1) resident of the area which comprises~~  
115 ~~the Poplarville Separate School District to be appointed by the~~  
116 ~~Pearl River Board of Supervisors.~~  
117 ~~————— (b) The Commission on the Administrative Consolidation~~  
118 ~~of the Lumberton Public School District shall meet within thirty~~  
119 ~~(30) days of July 1, 2016, upon the call of the State~~  
120 ~~Superintendent of Education and shall hold hearings and meet as~~  
121 ~~necessary and develop a report to the Legislature, the Governor~~  
122 ~~and the State Board of Education on or before December 1, 2017,~~  
123 ~~with the agreed-upon plan for proceeding with the abolition and~~  
124 ~~dissolving of the Lumberton Public School District, which shall~~



125 ~~include a reasonable effort to maintain and operate a school in~~  
126 ~~the former Lumberton Public School District by which students~~  
127 ~~desiring may, in the discretion of the parents of such students,~~  
128 ~~attend.~~

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

135 The territory embraced by the Lumberton Public School District,  
136 located within the bounded territory of Lamar County and Pearl  
137 River County, Mississippi, shall be absorbed into the boundary  
138 lines of the Lamar County School District, which shall spread a  
139 legal description of the district's new boundaries upon its  
140 minutes. It shall be the responsibility of the school boards of  
141 the Lumberton Public School District and Lamar County School  
142 District to apportion the school district into five (5)  
143 single-member board of education election districts, which shall  
144 be consistent with the apportioned population of the existing  
145 Lamar County School District and that portion of the former  
146 Lumberton Public School District situated within Lamar County and  
147 Pearl River County, Mississippi, as the former district existed on  
148 July 1, 2016. The school board of the Lamar County School  
149 District shall thereafter publish the same in some newspaper of



150 general circulation in the county for at least three (3)  
151 consecutive weeks, and after having given notice of publication  
152 and recording the same upon the minutes of the school boards of  
153 each school district, the new district lines will thereafter be  
154 effective July 1, 2018, and Lamar County School District shall  
155 proceed with all action under the law using the new boundaries.

156 (3) \* \* \* ~~Nothing in this section shall be construed to~~  
157 ~~require the closing or maintenance of any school or school~~  
158 ~~facility, unless the facility is an unneeded administrative office~~  
159 ~~located within a school district which has been abolished under~~  
160 ~~the provisions of this section. The incumbent board members or~~  
161 ~~interim appointees of the Lamar County School District's five (5)~~  
162 ~~single-member board of education election districts as constituted~~  
163 ~~on January 1, 2018, shall continue holding their respective~~  
164 ~~offices for the remainder of their current term provided they~~  
165 ~~reside within the new single-member board of education election~~  
166 ~~districts established in subsection (2) of this section, and~~  
167 ~~thereafter shall stand for election at the time and in the manner~~  
168 ~~provided by law for county boards of education.~~

169 (4) The incumbent superintendent of the Lamar County School  
170 District shall continue in office for the remainder of the  
171 position's current elected term. At the expiration of the term or  
172 vacancy of the office, the superintendent of such district shall  
173 thereafter be appointed in the manner provided by law.



174       (5) All real property and assets of the Lumberton Public  
175 School District shall be transferred and vested in and to the  
176 Lamar County School District effective July 1, 2018.

177       (6) All tax assessments of the Lumberton Public School  
178 District shall be assumed by the Lamar County Public School  
179 District. The school board of the Lamar County School District  
180 shall by order request the levying of taxes for its territory  
181 located in the bounded territory of Lamar County, Mississippi, and  
182 Pearl River County, Mississippi. The Lamar County Board of  
183 Supervisors shall certify, levy and collect taxes for the  
184 territory of the former Lumberton Public School District located  
185 in Lamar County, and the Pearl River County Board of Supervisors  
186 shall certify, levy and collect taxes for the territory of the  
187 former Lumberton Public School District located in Pearl River  
188 County. The taxes so levied shall be collected by the tax  
189 collector of the levying authority involved and remitted by the  
190 tax collector to the school depository of the Lamar County School  
191 District to the credit of the school district.

192       (7) Any debt of the Lumberton Public School District shall  
193 be assumed by the Lamar County School District and shall be  
194 serviced as provided by law. The Lamar County School District  
195 shall receive all fund balances of the Lumberton Public School  
196 District, including all federal funds.

197       (8) The Lumberton Public School District attendance  
198 boundaries as existed on July 1, 2016, in both Lamar County and





199 Pearl River County, Mississippi, shall be operated by the Lamar  
200 County School District as the Lumberton Attendance Center for  
201 Pre-Kindergarten through 12th Grade and shall be attended by the  
202 students of the former Lumberton Public School District as long as  
203 the school board of the Lamar County School District finds that  
204 operation to be in the best interests of all students in the Lamar  
205 County School District and can be maintained with due regard to  
206 enrollment and diversity considerations.

207 (9) The curriculum and programs for the schools and students  
208 of the former Lumberton Public School District shall be structured  
209 and administered by the Lamar County School District.

210 (10) All contracts with certified and noncertified staff of  
211 the Lumberton Public School District for the 2018-2019 school year  
212 shall be invalidated and terminate effective July 1, 2018. Any  
213 certified or noncertified staff of the former Lumberton Public  
214 School District impacted by the contract invalidation shall not be  
215 penalized in seeking future employment with a Mississippi public  
216 school district and shall not be required to identify as  
217 terminated or nonrenewed when applying for employment.

218 (11) All hiring for certified and noncertified staff at the  
219 schools located in the former Lumberton Public School District for  
220 the 2018-2019 school year shall be made by the Lamar County School  
221 District. The Lamar County School District shall have authority  
222 to establish contracts and hire certified and noncertified staff



223 for the schools located in the former Lumberton Public School  
224 district for the 2018-2019 school year, prior to July 1, 2018.

225 (12) All contracts with the superintendent and  
226 administrative staff of the Lumberton Public School District shall  
227 be invalidated and terminate effective July 1, 2018.

228 (13) The terms of the school board members of the Lumberton  
229 Public School District shall be invalidated and terminate  
230 effective July 1, 2018.

231 (14) The Lamar County School District shall have authority  
232 to prepare and adopt a budget for the 2018-2019 school year to  
233 include the added territory, schools and students of the former  
234 Lumberton Public School District prior to July 1, 2018.

235 (15) The superintendents of the Lamar County School District  
236 and Lumberton Public School District shall have authority to  
237 establish a transition team to facilitate the consolidation of the  
238 Lumberton Public School District into the Lamar County School  
239 District and may utilize district personnel to accomplish the  
240 consolidation.

241 (16) The Lamar County School District shall have authority  
242 to do all things necessary or beneficial in preparation of the  
243 2018-2019 school year prior to the July 1, 2018, dissolution of  
244 the Lumberton Public School District.

245 (17) All action previously taken by the school boards of the  
246 Lumberton Public School District and Lamar County School District  
247 consistent with the provisions herein is ratified and shall be



248 given effect in compliance with this statute. Any statute  
249 contrary to the specific provisions of this section is superseded.

250 **SECTION 2.** Section 37-5-7, Mississippi Code of 1972, is  
251 amended as follows:

252 37-5-7. (1) On the first Tuesday after the first Monday in  
253 May, 1954, an election shall be held in each county in this state  
254 in the same manner as general state and county elections are held  
255 and conducted, which election shall be held for the purpose of  
256 electing the county boards of education established under the  
257 provisions of this chapter. At such election, the members of the  
258 said board from Supervisors Districts \* \* \*~~One~~ 1 and \* \* \*~~Two~~ 2  
259 shall be elected for the term expiring on the first Monday of  
260 January, 1957; members of the board from Supervisors  
261 Districts \* \* \*~~Three~~ 3 and \* \* \*~~Four~~ 4 shall be elected for a term  
262 expiring on the first Monday of January, 1959; and the member of  
263 the board from Supervisors District \* \* \*~~Five~~ 5 shall be elected  
264 for a term expiring on the first Monday of January, 1955. Except  
265 as otherwise provided in subsection (2), all subsequent members of  
266 the board shall be elected for a term of six (6) years at the  
267 regular general election held on the first Monday in November next  
268 preceding the expiration of the term of office of the respective  
269 member or members of such board. All members of the county board  
270 of education as herein constituted, shall take office on the first  
271 Monday of January following the date of their election.



272 (2) On the first Tuesday after the first Monday in November,  
273 in any year in which any county shall elect to utilize the  
274 authority contained in Section 37-5-1(2), an election shall be  
275 held in each such county in this state for the purpose of electing  
276 the county boards of education in such counties. At said election  
277 the members of the said county board of education from  
278 Districts \* \* \*~~One~~ 1 and \* \* \*~~Two~~ 2 shall be elected for a term of  
279 four (4) years, the members from Districts \* \* \*~~Three~~ 3  
280 and \* \* \*~~Four~~ 4 shall be elected for a term of six (6) years, and  
281 the member from District \* \* \*~~Five~~ 5 shall be elected for a term  
282 of two (2) years. Thereafter, members shall be elected at general  
283 elections as vacancies occur for terms of six (6) years each. All  
284 members of the county board of education shall take office on the  
285 first Monday of January following the date of their election.

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

291 (i) The two (2) appointed board members of the  
292 Greenwood Public School District whose terms are nearest to  
293 expiration shall expire on January 1, 2019, and thereafter become  
294 permanently elected positions to be filled by persons elected as  
295 board members from Supervisors Districts 2 and 3 in a November  
296 2018 election held for that purpose, in the manner prescribed in



297 Section 37-7-203, and the newly elected members will take office  
298 on January 1, 2019, for a term of four (4) years;

299 (ii) The final two (2) appointed board members of  
300 the Greenwood Public School District whose terms are the farthest  
301 removed from expiration shall expire on January 1, 2020, and  
302 thereafter become permanently elected positions to be filled by  
303 persons elected as board members from Supervisors Districts 4 and  
304 5 in a November 2019 election held for that purpose, in the manner  
305 prescribed in Section 37-7-203, and the newly elected members will  
306 take office on January 1, 2020, for a term of four (4) years; and

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

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

320 (4) On the first Tuesday after the first Monday in November  
321 2017, an election shall be held in Holmes County for the purpose



322 of electing the county board of education in the new Holmes County  
323 Consolidated School District. At the election, the members of the  
324 said county board of education shall be elected from single member  
325 board of education districts, which shall be consistent with the  
326 supervisors district lines in the county, and shall be elected for  
327 an initial term of six (6) years. Subsequent elections for the  
328 Holmes County Board of Education shall be held on the first  
329 Tuesday after the first Monday in November 2023 and every four (4)  
330 years thereafter at the same time and manner as other general  
331 elections are held, and the member shall be elected for a term of  
332 four (4) years. All members of the county board of education in  
333 the new Holmes County Consolidated School District shall take  
334 office on the first Monday of January following the date of their  
335 election.

336 (5) On the first Tuesday after the first Monday in November  
337 2023, an election shall be held in Chickasaw County for the  
338 purpose of electing the county board of education in the new  
339 Chickasaw County School District. The board of supervisors shall  
340 declare and designate posts for each member of the new board. At  
341 said election, the members of the said county board of education  
342 from Posts One and Two shall be elected for a term of four (4)  
343 years, the members from Posts Three and Four shall be elected for  
344 a term of three (3) years and the member from Post Five shall be  
345 elected for a term of two (2) years. Thereafter, members shall be  
346 elected at general elections as vacancies occur for terms of four



347 (4) years each. All members of the county board of education in  
348 the new Chickasaw County School District shall take office on the  
349 first Monday of January following the date of their election.

350 (6) The incumbent board members or interim appointees of the  
351 Lamar County School District's five (5) single-member board of  
352 education election districts as constituted on January 1, 2018,  
353 shall continue holding their respective offices for the remainder  
354 of their current term provided they reside within the new  
355 single-member board of education election districts established in  
356 Section 37-7-104.5(2), and thereafter shall stand for election at  
357 the time and in the manner provided by law for county boards of  
358 education. The terms of the school board members of the Lumberton  
359 Public School District shall be invalidated and terminate  
360 effective July 1, 2018.

361 **SECTION 3.** Section 37-7-103, Mississippi Code of 1972, is  
362 amended as follows:

363 37-7-103. From and after July 1, 1987, the school board of  
364 any school district shall have full jurisdiction, power and  
365 authority, at any regular meeting thereof or at any special  
366 meeting called for that purpose, to abolish such existing  
367 district, or to reorganize, change or alter the boundaries of any  
368 such district. In addition thereto, with the consent of the  
369 school board of the school district involved, the school board may  
370 add to such school district any part of the school district  
371 adjoining same, and with the consent of the school board of the



372 school district involved, may detach territory from such school  
373 district and annex same to an adjoining district. Provided,  
374 however, that the consent of the school board of the school  
375 districts involved in implementing the provisions of Section  
376 37-7-104, 37-7-104.2, 37-7-104.3, 37-7-104.4, 37-7-104.5 as  
377 amended by this act, 37-7-104.6, 37-7-104.7 or 37-7-104.8 shall  
378 not be required for the administrative consolidation of such  
379 school districts pursuant to the order of the State Board of  
380 Education.

381         **SECTION 4.** This act shall take effect and be in force from  
382 and after its passage.

