

By: Representative Corley

To: Education

HOUSE BILL NO. 1205

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 ADMINISTRATIVELY CONSOLIDATE THE LUMBERTON PUBLIC SCHOOL DISTRICT
 5 WITH THE LAMAR COUNTY SCHOOL DISTRICT, TO PROVIDE FOR THE
 6 COMPOSITION OF A NEW SCHOOL BOARD FOR THE CONSOLIDATED DISTRICT,
 7 TO PROVIDE FOR THE TRANSFER OF PROPERTY, TAX ASSESSMENTS,
 8 ASSUMPTION OF DEBT, ATTENDANCE BOUNDARIES, CURRICULUM AND
 9 PROGRAMS, EXECUTION OF EMPLOYMENT CONTRACTS FOR CERTIFIED AND
 10 NONCERTIFIED STAFF, PREPARATION OF BUDGET AND THE ESTABLISHMENT OF
 11 A TRANSITION TEAM FOR THE CONSOLIDATED DISTRICT; TO AUTHORIZE THE
 12 TRANSFER OF CERTAIN STUDENTS AFFECTED BY THE CONSOLIDATION UPON
 13 THE CLOSURE OF SCHOOLS IN THE FORMER LUMBERTON PUBLIC SCHOOL
 14 DISTRICT; TO AMEND SECTIONS 37-5-7 AND 37-7-103, MISSISSIPPI CODE
 15 OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

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

19 37-7-104.5. (1) Not later than July 1, * * * 2018, the
 20 local school boards of the Lumberton Public School District * * *
 21 and Lamar County School District * * * shall, under the authority
 22 provided in Section 37-7-103, enter into an agreement, by which
 23 the approval of such agreement shall be spread upon each board's
 24 minutes of their regularly scheduled meetings or at special



25 meetings called for the specific purpose of such agreement, to
26 abolish and dissolve the Lumberton School District and its central
27 administrative office to be effective for the start of the * * *
28 2018-2019 school year. * * *

29 * * *

30 (* * *2) The territory embraced by Lumberton * * * Public
31 School District, located within the bounded territory of Lamar
32 County and Pearl River County, Mississippi, * * * shall be
33 absorbed into the boundary lines of the Lamar County School
34 District, which shall spread a legal description of the district's
35 new boundaries upon its minutes. It shall be the responsibility
36 of the school boards of * * * the Lumberton Public School District
37 and Lamar County School District to apportion the school district
38 into five (5) new single-member board of education election
39 districts, which shall be consistent with the apportioned
40 population of the existing Lamar County School District and that
41 portion of the former Lumberton Public School District situated
42 within Lamar County and Pearl River County, Mississippi, as the
43 former district existed on July 1, 2016. The school board
44 of * * * the Lamar County School District shall thereafter publish
45 the same in some newspaper of general circulation in the county
46 for at least three (3) consecutive weeks and after having given
47 notice of publication and recording the same upon the minutes of
48 the school boards of each * * * school district * * *, the new
49 district lines will thereafter be effective * * * July 1, 2018,



50 and Lamar County School District shall proceed with all action
51 under the law using the new boundaries.

52 * * *

53 (3) * * * The incumbent board members or interim appointees
54 of the Lamar County School District's five (5) single-member board
55 of education election districts as constituted on July 1, 2018,
56 shall continue holding their respective offices for the remainder
57 of their current term provided they reside within the new
58 single-member board of education election districts established in
59 subsection (2) of this section, and thereafter shall stand for
60 election at the time and in the manner provided by law for county
61 boards of education.

62 (4) The incumbent superintendent of the Lamar County School
63 District shall continue in office for the remainder of the
64 position's current elected term. At the expiration of the term or
65 vacancy of the office, the superintendent of such district shall
66 thereafter be appointed in the manner provided by law.

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

70 (6) All tax assessments of the Lumberton Public School
71 District shall be assumed by the Lamar County Public School
72 District. The school board of the Lamar County School District
73 shall by order request the levying of taxes for its territory
74 located in the bounded territory of Lamar County, Mississippi, and



75 Pearl River County, Mississippi. The Lamar County Board of
76 Supervisors shall certify, levy and collect taxes for the
77 territory of the former Lumberton Public School District located
78 in Lamar County, and the Pearl River County Board of Supervisors
79 shall certify, levy and collect taxes for the territory of the
80 former Lumberton Public School District located in Pearl River
81 County. The taxes so levied shall be collected by the tax
82 collector of the levying authority involved and remitted by the
83 tax collector to the school depository of the Lamar County School
84 District to the credit of the school district.

85 (7) Any debt of the Lumberton Public School District shall
86 be assumed by the Lamar County School District and shall be
87 serviced as provided by law.

88 (8) (a) The Lumberton Public School District attendance
89 boundaries as existed on July 1, 2016, in both Lamar County and
90 Pearl River County, Mississippi, shall be operated by the Lamar
91 County School District as the Lumberton Attendance Center for
92 Pre-kindergarten through Grade 12, and shall be attended by the
93 students of the former Lumberton Public School District as long as
94 the school board of the Lamar County School District finds that
95 operation to be in the best interests of all students in the Lamar
96 County School District and the Lumberton Public School District
97 and can be maintained with due regard to enrollment and diversity
98 considerations.



99 (b) However, if at any such time subsequent to the
100 effective date of the consolidation agreement that any specific
101 grade level is not offered in the school situated in Lumberton,
102 then the boundaries of the school district lines for the Lamar
103 County School District and the Poplarville Separate School
104 District shall immediately become the county line separating Lamar
105 County and Pearl River County. At the point that the county line
106 between Lamar and Pearl River Counties becomes the boundary of the
107 two (2) districts, students residing in the area of northern Pearl
108 River County which comprised the former Lumberton Public School
109 District shall have the option to attend school in the Lamar
110 County School District if they so desire, or attend school in the
111 county of residence by enrolling in the Poplarville Separate
112 School District.

113 (c) After the consolidation of the Lamar County School
114 District and the Lumberton Public School District, the Lamar
115 County School District shall have five (5) years to increase the
116 accountability rating of the school located in the former
117 Lumberton Public School District to a "B" rating or higher.
118 However, if the Lamar County School District fails to increase the
119 accountability of the school located in the former Lumberton
120 Public School District as required under this paragraph, then the
121 boundaries of the school district lines for the Lamar County
122 School District and the Poplarville Separate School District shall
123 immediately become the county line separating Lamar County and



124 Pearl River County. At the point that the county line between
125 Lamar and Pearl River Counties becomes the boundary of the two (2)
126 districts, students residing in the area of northern Pearl River
127 County which comprised the former Lumberton Public School District
128 shall have the option to attend school in the Lamar County School
129 District if they so desire, or attend school in the county of
130 residence by enrolling in the Poplarville Separate School
131 District.

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

135 (10) All contracts with certified and noncertified staff of
136 the Lumberton Public School District for the 2018-2019 school year
137 shall be invalidated and terminate effective July 1, 2018. Any
138 certified or noncertified staff of the former Lumberton Public
139 School District impacted by the contract invalidation shall not be
140 penalized in seeking future employment with a Mississippi public
141 school district and shall not be required to identify as
142 terminated or nonrenewed when applying for employment.

143 (11) All hiring for certified and noncertified staff at the
144 schools located in the former Lumberton Public School District for
145 the 2018-2019 school year shall be made by the Lamar County School
146 District. The Lamar County School District shall have authority
147 to establish contracts and hire certified and noncertified staff



148 for the schools located in the former Lumberton Public School
149 District for the 2018-2019 school year, prior to July 1, 2018.

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

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

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

160 (15) The superintendents of the Lamar County School District
161 and Lumberton Public School District shall have authority to
162 establish a transition team to facilitate the consolidation of the
163 Lumberton Public School District into the Lamar County School
164 District and may utilize district personnel to accomplish the
165 consolidation.

166 (16) The Lamar County School District shall have authority
167 to do all things necessary or beneficial in preparation of the
168 2018-2019 school year prior to the July 1, 2018, dissolution of
169 the Lumberton Public School District.

170 (17) All actions previously taken by the school boards of
171 the Lumberton Public School District and Lamar County School
172 District consistent with the provisions herein is ratified and



173 shall be given effect in compliance with this statute. Any
174 statute contrary to the specific provisions of this section is
175 superseded.

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

178 37-5-7. (1) On the first Tuesday after the first Monday in
179 May, 1954, an election shall be held in each county in this state
180 in the same manner as general state and county elections are held
181 and conducted, which election shall be held for the purpose of
182 electing the county boards of education established under the
183 provisions of this chapter. At such election, the members of the
184 said board from Supervisors Districts * * * 1 and * * * 2 shall be
185 elected for the term expiring on the first Monday of January,
186 1957; members of the board from Supervisors Districts * * * 3
187 and * * * 4 shall be elected for a term expiring on the first
188 Monday of January, 1959; and the member of the board from
189 Supervisors District * * * 5 shall be elected for a term expiring
190 on the first Monday of January, 1955. Except as otherwise
191 provided in subsection (2), all subsequent members of the board
192 shall be elected for a term of six (6) years at the regular
193 general election held on the first Monday in November next
194 preceding the expiration of the term of office of the respective
195 member or members of such board. All members of the county board
196 of education as herein constituted, shall take office on the first
197 Monday of January following the date of their election.



198 (2) On the first Tuesday after the first Monday in November,
199 in any year in which any county shall elect to utilize the
200 authority contained in Section 37-5-1(2), an election shall be
201 held in each such county in this state for the purpose of electing
202 the county boards of education in such counties. At said election
203 the members of the said county board of education from
204 Districts * * * 1 and * * * 2 shall be elected for a term of four
205 (4) years, the members from Districts * * * 3 and * * * 4 shall be
206 elected for a term of six (6) years, and the member from
207 District * * * 5 shall be elected for a term of two (2) years.
208 Thereafter, members shall be elected at general elections as
209 vacancies occur for terms of six (6) years each. All members of
210 the county board of education shall take office on the first
211 Monday of January following the date of their election.

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

217 (i) The two (2) appointed board members of the
218 Greenwood Public School District whose terms are nearest to
219 expiration shall expire on January 1, 2019, and thereafter become
220 permanently elected positions to be filled by persons elected as
221 board members from Supervisors Districts 2 and 3 in a November
222 2018 election held for that purpose, in the manner prescribed in



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

225 (ii) The final two (2) appointed board members of
226 the Greenwood Public School District whose terms are the farthest
227 removed from expiration shall expire on January 1, 2020, and
228 thereafter become permanently elected positions to be filled by
229 persons elected as board members from Supervisors Districts 4 and
230 5 in a November 2019 election held for that purpose, in the manner
231 prescribed in Section 37-7-203, and the newly elected members will
232 take office on January 1, 2020, for a term of four (4) years; and

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

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

246 (4) On the first Tuesday after the first Monday in November
247 2017, an election shall be held in Holmes County for the purpose



248 of electing the county board of education in the new Holmes County
249 Consolidated School District. At the election, the members of the
250 said county board of education shall be elected from single member
251 board of education districts, which shall be consistent with the
252 supervisors district lines in the county, and shall be elected for
253 an initial term of six (6) years. Subsequent elections for the
254 Holmes County Board of Education shall be held on the first
255 Tuesday after the first Monday in November 2023 and every four (4)
256 years thereafter at the same time and manner as other general
257 elections are held, and the member shall be elected for a term of
258 four (4) years. All members of the county board of education in
259 the new Holmes County Consolidated School District shall take
260 office on the first Monday of January following the date of their
261 election.

262 (5) On the first Tuesday after the first Monday in November
263 2023, an election shall be held in Chickasaw County for the
264 purpose of electing the county board of education in the new
265 Chickasaw County School District. The board of supervisors shall
266 declare and designate posts for each member of the new board. At
267 said election, the members of the said county board of education
268 from Posts One and Two shall be elected for a term of four (4)
269 years, the members from Posts Three and Four shall be elected for
270 a term of three (3) years and the member from Post Five shall be
271 elected for a term of two (2) years. Thereafter, members shall be
272 elected at general elections as vacancies occur for terms of four



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

276 (6) The incumbent board members or interim appointees of the
277 Lamar County School District's five (5) single-member board of
278 education election districts as constituted on July 1, 2018, shall
279 continue holding their respective offices for the remainder of
280 their current term provided they reside within the new
281 single-member board of education election districts established in
282 Section 37-7-104.5(2), and thereafter shall stand for election at
283 the time and in the manner provided by law for county boards of
284 education. The terms of the school board members of the Lumberton
285 Public School District shall be invalidated and terminate
286 effective July 1, 2018.

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

289 37-7-103. From and after July 1, 1987, the school board of
290 any school district shall have full jurisdiction, power and
291 authority, at any regular meeting thereof or at any special
292 meeting called for that purpose, to abolish such existing
293 district, or to reorganize, change or alter the boundaries of any
294 such district. In addition thereto, with the consent of the
295 school board of the school district involved, the school board may
296 add to such school district any part of the school district
297 adjoining same, and with the consent of the school board of the



298 school district involved, may detach territory from such school
299 district and annex same to an adjoining district. Provided,
300 however, that the consent of the school board of the school
301 districts involved in implementing the provisions of Section
302 37-7-104, 37-7-104.2, 37-7-104.3, 37-7-104.4, 37-7-104.5 as
303 amended by this act, 37-7-104.6, 37-7-104.7 or 37-7-104.8 shall
304 not be required for the administrative consolidation of such
305 school districts pursuant to the order of the State Board of
306 Education.

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

