

By: Representative Touchstone

To: Education;  
Appropriations

HOUSE BILL NO. 1219

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

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

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

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



26 meetings called for the specific purpose of such agreement, to  
27 abolish and dissolve the Lumberton School District and its central  
28 administrative office to be effective for the start of the \* \* \*  
29 2018-2019 school year. \* \* \*

30 \* \* \*

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



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

53 \* \* \*

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

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

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

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



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

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

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



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

102           (10) All contracts with certified and noncertified staff of  
103 the Lumberton Public School District for the 2018-2019 school year  
104 shall be invalidated and terminate effective July 1, 2018. Any  
105 certified or noncertified staff of the former Lumberton Public  
106 School District impacted by the contract invalidation shall not be  
107 penalized in seeking future employment with a Mississippi public  
108 school district and shall not be required to identify as  
109 terminated or nonrenewed when applying for employment.

110           (11) All hiring for certified and noncertified staff at the  
111 schools located in the former Lumberton Public School District for  
112 the 2018-2019 school year shall be made by the Lamar County School  
113 District. The Lamar County School District shall have authority  
114 to establish contracts and hire certified and noncertified staff  
115 for the schools located in the former Lumberton Public School  
116 district for the 2018-2019 school year, prior to July 1, 2018.

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

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



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

127       (15) The superintendents of the Lamar County School District  
128 and Lumberton Public School District shall have authority to  
129 establish a transition team to facilitate the consolidation of the  
130 Lumberton Public School District into the Lamar County School  
131 District and may utilize district personnel to accomplish the  
132 consolidation.

133       (16) The Lamar County School District shall have authority  
134 to do all things necessary or beneficial in preparation of the  
135 2018-2019 school year prior to the July 1, 2018, dissolution of  
136 the Lumberton Public School District. A reasonable effort shall  
137 be made by the Lamar County School District to maintain and  
138 operate a school in the former Lumberton Public School District.  
139 However, if at any such time subsequent to the effective date of  
140 the consolidation agreement that any specific grade level is not  
141 offered in the school situated in Lumberton, then those students  
142 attending the school facility in Lumberton, who reside in Pearl  
143 River County, shall have the opportunity to transfer to the  
144 Poplarville Separate School District.

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



148 shall be given effect in compliance with this statute. Any  
149 statute contrary to the specific provisions of this section is  
150 superseded.

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

153       37-5-7. (1) On the first Tuesday after the first Monday in  
154 May, 1954, an election shall be held in each county in this state  
155 in the same manner as general state and county elections are held  
156 and conducted, which election shall be held for the purpose of  
157 electing the county boards of education established under the  
158 provisions of this chapter. At such election, the members of the  
159 said board from Supervisors Districts \* \* \* 1 and \* \* \* 2 shall be  
160 elected for the term expiring on the first Monday of January,  
161 1957; members of the board from Supervisors Districts \* \* \* 3  
162 and \* \* \* 4 shall be elected for a term expiring on the first  
163 Monday of January, 1959; and the member of the board from  
164 Supervisors District \* \* \* 5 shall be elected for a term expiring  
165 on the first Monday of January, 1955. Except as otherwise  
166 provided in subsection (2), all subsequent members of the board  
167 shall be elected for a term of six (6) years at the regular  
168 general election held on the first Monday in November next  
169 preceding the expiration of the term of office of the respective  
170 member or members of such board. All members of the county board  
171 of education as herein constituted, shall take office on the first  
172 Monday of January following the date of their election.



173           (2) On the first Tuesday after the first Monday in November,  
174 in any year in which any county shall elect to utilize the  
175 authority contained in Section 37-5-1(2), an election shall be  
176 held in each such county in this state for the purpose of electing  
177 the county boards of education in such counties. At said election  
178 the members of the said county board of education from  
179 Districts \* \* \* 1 and \* \* \* 2 shall be elected for a term of four  
180 (4) years, the members from Districts \* \* \* 3 and \* \* \* 4 shall be  
181 elected for a term of six (6) years, and the member from  
182 District \* \* \* 5 shall be elected for a term of two (2) years.  
183 Thereafter, members shall be elected at general elections as  
184 vacancies occur for terms of six (6) years each. All members of  
185 the county board of education shall take office on the first  
186 Monday of January following the date of their election.

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

192                           (i) The two (2) appointed board members of the  
193 Greenwood Public School District whose terms are nearest to  
194 expiration shall expire on January 1, 2019, and thereafter become  
195 permanently elected positions to be filled by persons elected as  
196 board members from Supervisors Districts 2 and 3 in a November  
197 2018 election held for that purpose, in the manner prescribed in





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

200 (ii) The final two (2) appointed board members of  
201 the Greenwood Public School District whose terms are the farthest  
202 removed from expiration shall expire on January 1, 2020, and  
203 thereafter become permanently elected positions to be filled by  
204 persons elected as board members from Supervisors Districts 4 and  
205 5 in a November 2019 election held for that purpose, in the manner  
206 prescribed in Section 37-7-203, and the newly elected members will  
207 take office on January 1, 2020, for a term of four (4) years; and

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

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

221 (4) On the first Tuesday after the first Monday in November  
222 2017, an election shall be held in Holmes County for the purpose



223 of electing the county board of education in the new Holmes County  
224 Consolidated School District. At the election, the members of the  
225 said county board of education shall be elected from single member  
226 board of education districts, which shall be consistent with the  
227 supervisors district lines in the county, and shall be elected for  
228 an initial term of six (6) years. Subsequent elections for the  
229 Holmes County Board of Education shall be held on the first  
230 Tuesday after the first Monday in November 2023 and every four (4)  
231 years thereafter at the same time and manner as other general  
232 elections are held, and the member shall be elected for a term of  
233 four (4) years. All members of the county board of education in  
234 the new Holmes County Consolidated School District shall take  
235 office on the first Monday of January following the date of their  
236 election.

237 (5) On the first Tuesday after the first Monday in November  
238 2023, an election shall be held in Chickasaw County for the  
239 purpose of electing the county board of education in the new  
240 Chickasaw County School District. The board of supervisors shall  
241 declare and designate posts for each member of the new board. At  
242 said election, the members of the said county board of education  
243 from Posts One and Two shall be elected for a term of four (4)  
244 years, the members from Posts Three and Four shall be elected for  
245 a term of three (3) years and the member from Post Five shall be  
246 elected for a term of two (2) years. Thereafter, members shall be  
247 elected at general elections as vacancies occur for terms of four



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

251 (6) The incumbent board members or interim appointees of the  
252 Lamar County School District's five (5) single-member board of  
253 education election districts as constituted on July 1, 2018, shall  
254 continue holding their respective offices for the remainder of  
255 their current term provided they reside within the new  
256 single-member board of education election districts established in  
257 Section 37-7-104.5(2), and thereafter shall stand for election at  
258 the time and in the manner provided by law for county boards of  
259 education. The terms of the school board members of the Lumberton  
260 Public School District shall be invalidated and terminate  
261 effective July 1, 2018.

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

264 37-7-103. From and after July 1, 1987, the school board of  
265 any school district shall have full jurisdiction, power and  
266 authority, at any regular meeting thereof or at any special  
267 meeting called for that purpose, to abolish such existing  
268 district, or to reorganize, change or alter the boundaries of any  
269 such district. In addition thereto, with the consent of the  
270 school board of the school district involved, the school board may  
271 add to such school district any part of the school district  
272 adjoining same, and with the consent of the school board of the



273 school district involved, may detach territory from such school  
274 district and annex same to an adjoining district. Provided,  
275 however, that the consent of the school board of the school  
276 districts involved in implementing the provisions of Section  
277 37-7-104, 37-7-104.2, 37-7-104.3, 37-7-104.4, 37-7-104.5 as  
278 amended by this act, 37-7-104.6, 37-7-104.7 or 37-7-104.8 shall  
279 not be required for the administrative consolidation of such  
280 school districts pursuant to the order of the State Board of  
281 Education.

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

