

By: Senator(s) Chassaniol, Jackson (11th)

To: Education

SENATE BILL NO. 2506

1 AN ACT TO AMEND SECTION 37-7-104.4, MISSISSIPPI CODE OF 1972,
2 TO RECONSTITUTE THE MEMBERSHIP OF THE WINONA-MONTGOMERY SCHOOL
3 DISTRICT BOARD OF TRUSTEES; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 37-7-104.4, Mississippi Code of 1972, is
6 amended as follows:

7 37-7-104.4. (1) In Montgomery County, Mississippi, in which
8 are located, as of January 1, 2016, two (2) school districts,
9 there shall be an administrative consolidation of all of those
10 school districts in the county into one (1) new countywide
11 municipal separate school district to be designated as
12 Winona-Montgomery Consolidated School District which shall consist
13 of the territory of the former Montgomery County School District
14 and the Winona Municipal Separate School District, effective on
15 July 1, 2018. At such time that the administrative consolidation
16 becomes effective, the central administrative office of the
17 Winona-Montgomery Consolidated School District shall be located in
18 Winona, Mississippi.



19 (2) As soon as practicable, a financial advisor and/or other
20 facilitator with school district experience may be assigned by the
21 Mississippi Department of Education to oversee the budgeting and
22 financial matters relating to the consolidation of the districts
23 slated for consolidation. The financial advisor and/or
24 facilitator may, at the discretion of the Mississippi Department
25 of Education, continue duties for one (1) year after the
26 consolidation to ensure that all financial matters are in place.
27 All financial expenditures of districts that are closing must be
28 approved by the financial advisor and/or facilitator. If the
29 superintendent and/or school board approves expenditures outside
30 of this approval, they shall be personally liable for the excess
31 expenditures. The State Board of Education shall determine the
32 compensation to be paid to the financial advisor and/or
33 facilitator which shall be paid by the local school district to
34 which the financial advisor and/or facilitator is assigned.

35 (3) (a) On or before September 1, 2017, the State Board of
36 Education shall serve the local school board of the Winona
37 Municipal Separate School District and the local school board of
38 the Montgomery County School District with notice and instructions
39 regarding the timetable for action to be taken to comply with the
40 administrative consolidation required in this section.

41 (b) * * * The members of the Winona-Montgomery
42 Consolidated School District Board of Trustees serving on July 1,
43 2020, shall continue to serve until January 1, 2021, when the



44 membership shall be reconstituted as follows: On the first
45 Tuesday after the first Monday in November 2020, a special
46 election shall be held in Montgomery County for the purpose of
47 electing a new board of trustees of such district, which shall be
48 elected from the Supervisors Districts of Montgomery County. At
49 said election the member of the said board from District One shall
50 be elected for a term of one (1) year, the member from District
51 Two shall be elected for a term of two (2) years, the member from
52 District Three shall be elected for a term of three (3) years, the
53 member from District Four shall be elected for a term of four (4)
54 years, and the member from District Five shall be elected for a
55 term of five (5) years. Thereafter, members shall be elected at
56 special elections as vacancies occur for terms of five (5) years
57 each. All members shall reside in the supervisors district which
58 the member represents, and shall take office on the first Monday
59 of January following the date of their election. All trustees of
60 said school district shall otherwise be elected as provided for in
61 Sections 37-7-223 through 37-7-229, Mississippi Code of 1972. All
62 vacancies which may occur during a term shall be filled by
63 appointment of the consolidated school district trustees from the
64 qualified electors of the district in which the vacancy occurs.
65 However, the person so appointed shall serve only until the next
66 general election following such appointment, at which time a
67 person shall be elected for the remainder of the unexpired term at
68 the same time and in the same manner as a trustee is elected for



69 the full term then expiring and the person so elected to the
70 unexpired term shall take office immediately. Any school board
71 member of the former school districts residing in the proper
72 territory shall be eligible for appointment or election to the new
73 Board of Trustees for Winona-Montgomery Consolidated School
74 District.

75 (c) Any school district affected by the required
76 administrative consolidation in the county that does not
77 voluntarily consolidate as ordered by the State Board of Education
78 shall be administratively consolidated by the State Board of
79 Education, to be effective immediately upon action of the State
80 Board of Education. The State Board of Education shall promptly
81 move on its own motion to administratively consolidate a school
82 district which does not voluntarily consolidate in order to enable
83 the affected school districts to reasonably accomplish the
84 resulting administrative consolidation into one (1) consolidated
85 school district by July 1 following the motion to consolidate.
86 The affected school districts shall comply with any consolidation
87 order issued by the State Board of Education.

88 (4) (a) On July 1, 2018, following the motion of the State
89 Board of Education to consolidate school districts in Montgomery
90 County, the Montgomery County School District shall be abolished.
91 All real and personal property which is owned or titled in the
92 name of the school district located in such former school district



93 shall be transferred to the Winona-Montgomery Consolidated School
94 District as of July 1, 2018.

95 (b) The new board of trustees of the Winona-Montgomery
96 Consolidated School District shall be responsible for establishing
97 the contracts for operations, teachers, principals, clerical and
98 administrative staff personnel for the 2018-2019 school year and
99 each school year thereafter.

100 (c) The Superintendent of the Winona-Montgomery
101 Consolidated School District shall be appointed by the board and
102 is authorized to appoint an assistant superintendent, but in no
103 instance shall the administrative leadership of the
104 Winona-Montgomery Consolidated School District exceed three (3)
105 assistant superintendents to be appointed by the Superintendent of
106 the Winona-Montgomery Consolidated School District.

107 (d) It shall be the responsibility of the board of
108 trustees to prepare and approve the budget of the respective new
109 reorganized district, and the board of trustees may use staff from
110 the former school district to prepare the budget. Any transfer of
111 the assets, real or personal property of the Montgomery County
112 School District mandated by this section shall be final and
113 conclusive for the purposes of the transfer of property required
114 by this section to effectuate the administrative consolidation.

115 (e) Any person or school district aggrieved by an order
116 of the successor newly selected Board of Trustees of the
117 Winona-Montgomery Consolidated School District pursuant to the



118 required administrative consolidation may appeal therefrom within
119 ten (10) days from the date of the adjournment of the meeting at
120 which such order is entered. The appeal shall be taken in the
121 same manner as appeals are taken from judgments or decisions of
122 the board of supervisors as provided in Section 11-51-75, the
123 provisions of which shall be fully applicable to appeals taken
124 hereunder. The Board of Trustees of the Winona-Montgomery
125 Consolidated School District shall not pass upon or approve or
126 disapprove any such order until the time for an appeal therefrom
127 has expired, nor shall the board pass upon or approve or
128 disapprove any such order from which an appeal is taken until said
129 appeal has been finally determined.

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

138 (6) The State Board of Education shall promulgate rules and
139 regulations to facilitate the administrative consolidation of the
140 school districts in Montgomery County pursuant to the requirements
141 of this section. Beginning with the insurance cafeteria plan year
142 of November 1, 2018, the consolidated districts shall fall under



143 all insurance plans and policies elected by the Winona-Montgomery
144 Consolidated School District, including the group term life
145 insurance described in Section 25-15-9(7).

146 (7) The County Board of Education and the Superintendent of
147 Education of the former Montgomery County School District and the
148 local school board and Superintendent of Schools of the Winona
149 Municipal Separate School District shall cooperate with the State
150 Department of Education, as soon as practicable after July 1,
151 2016, for the planning and transition of programs, services and
152 alignment of curriculum for the administratively consolidated
153 school districts.

154 (8) It shall be the responsibility of the Board of
155 Supervisors of Montgomery County to provide office, furnishing and
156 utilities for the administrative Office of the Superintendent of
157 the Winona-Montgomery Consolidated School District.

158 (9) One (1) year prior to the date of consolidation, a
159 financial advisor and/or other facilitator with school district
160 experience may be assigned by the Mississippi Department of
161 Education to oversee the budgeting and financial matters relating
162 to the consolidation of the districts slated for consolidation.
163 The financial advisor and/or facilitator may, at the discretion of
164 the Mississippi Department of Education, continue duties for one
165 (1) year after the consolidation to ensure that all financial
166 matters are in place. All financial expenditures of districts
167 that are closing must be approved by the financial advisor and/or



168 facilitator. If the superintendent and/or school board approves
169 expenditures outside of this approval, they shall be personally
170 liable for the excess expenditures. The State Board of Education
171 shall determine the compensation to be paid to the financial
172 advisor and/or facilitator which shall be paid by the local school
173 district.

174 **SECTION 2.** This act shall take effect and be in force from
175 and after July 1, 2020.

