

By: Senator(s) DeBar, Chassaniol

To: Education; Finance

SENATE BILL NO. 2677

1 AN ACT TO AMEND SECTION 37-7-104.4, MISSISSIPPI CODE OF 1972,
 2 TO PROVIDE THAT THE BOARD OF TRUSTEES OF THE WINONA-MONTGOMERY
 3 CONSOLIDATED SCHOOL DISTRICT IS AUTHORIZED AND EMPOWERED TO
 4 CONSTRUCT A HIGH SCHOOL FOR THE STUDENTS OF ITS DISTRICT ON ANY
 5 PARCEL OF SIXTEENTH SECTION LAND WITHIN ITS CONTROL AND
 6 JURISDICTION; TO PROVIDE THAT THE BOARD MAY RAISE FUNDS TO BUILD
 7 THE HIGH SCHOOL FROM PRIVATE DONATIONS, BONDS OR ANY OTHER
 8 ALLOWABLE METHOD AS PROVIDED FOR IN LAW; AND FOR RELATED PURPOSES.

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

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

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



22 Winona-Montgomery Consolidated School District shall be located in
23 Winona, Mississippi.

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

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



46 (b) The members of the Winona-Montgomery Consolidated
47 School District Board of Trustees serving on July 1, 2020, shall
48 continue to serve until January 1, 2021, when the membership shall
49 be reconstituted as follows: On the first Tuesday after the first
50 Monday in November 2020, a special election shall be held in
51 Montgomery County for the purpose of electing a new board of
52 trustees of such district, which shall be elected from the
53 Supervisors Districts of Montgomery County. At said election the
54 member of the said board from District One shall be elected for a
55 term of one (1) year, the member from District Two shall be
56 elected for a term of two (2) years, the member from District
57 Three shall be elected for a term of three (3) years, the member
58 from District Four shall be elected for a term of four (4) years,
59 and the member from District Five shall be elected for a term of
60 five (5) years. Thereafter, members shall be elected at special
61 elections as vacancies occur for terms of five (5) years each.
62 All members shall reside in the supervisors district which the
63 member represents, and shall take office on the first Monday of
64 January following the date of their election. All trustees of
65 said school district shall otherwise be elected as provided for in
66 Sections 37-7-223 through 37-7-229, Mississippi Code of 1972. All
67 vacancies which may occur during a term shall be filled by
68 appointment of the consolidated school district trustees from the
69 qualified electors of the district in which the vacancy occurs.
70 However, the person so appointed shall serve only until the next



71 general election following such appointment, at which time a
72 person shall be elected for the remainder of the unexpired term at
73 the same time and in the same manner as a trustee is elected for
74 the full term then expiring and the person so elected to the
75 unexpired term shall take office immediately. Any school board
76 member of the former school districts residing in the proper
77 territory shall be eligible for appointment or election to the new
78 Board of Trustees for Winona-Montgomery Consolidated School
79 District.

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

93 (4) (a) On July 1, 2018, following the motion of the State
94 Board of Education to consolidate school districts in Montgomery
95 County, the Montgomery County School District shall be abolished.



96 All real and personal property which is owned or titled in the
97 name of the school district located in such former school district
98 shall be transferred to the Winona-Montgomery Consolidated School
99 District as of July 1, 2018.

100 (b) The new board of trustees of the Winona-Montgomery
101 Consolidated School District shall be responsible for establishing
102 the contracts for operations, teachers, principals, clerical and
103 administrative staff personnel for the 2018-2019 school year and
104 each school year thereafter.

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

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



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

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

143 (6) The State Board of Education shall promulgate rules and
144 regulations to facilitate the administrative consolidation of the



145 school districts in Montgomery County pursuant to the requirements
146 of this section. Beginning with the insurance cafeteria plan year
147 of November 1, 2018, the consolidated districts shall fall under
148 all insurance plans and policies elected by the Winona-Montgomery
149 Consolidated School District, including the group term life
150 insurance described in Section 25-15-9(7).

151 (7) The County Board of Education and the Superintendent of
152 Education of the former Montgomery County School District and the
153 local school board and Superintendent of Schools of the Winona
154 Municipal Separate School District shall cooperate with the State
155 Department of Education, as soon as practicable after July 1,
156 2016, for the planning and transition of programs, services and
157 alignment of curriculum for the administratively consolidated
158 school districts.

159 (8) It shall be the responsibility of the Board of
160 Supervisors of Montgomery County to provide office, furnishing and
161 utilities for the administrative Office of the Superintendent of
162 the Winona-Montgomery Consolidated School District.

163 (9) One (1) year prior to the date of consolidation, a
164 financial advisor and/or other facilitator with school district
165 experience may be assigned by the Mississippi Department of
166 Education to oversee the budgeting and financial matters relating
167 to the consolidation of the districts slated for consolidation.
168 The financial advisor and/or facilitator may, at the discretion of
169 the Mississippi Department of Education, continue duties for one



170 (1) year after the consolidation to ensure that all financial
171 matters are in place. All financial expenditures of districts
172 that are closing must be approved by the financial advisor and/or
173 facilitator. If the superintendent and/or school board approves
174 expenditures outside of this approval, they shall be personally
175 liable for the excess expenditures. The State Board of Education
176 shall determine the compensation to be paid to the financial
177 advisor and/or facilitator which shall be paid by the local school
178 district.

179 (10) The Board of Trustees of the Winona-Montgomery
180 Consolidated School District is authorized and empowered to
181 construct a high school for the students of its district on any
182 parcel of sixteenth section land within its control and
183 jurisdiction. The board may raise funds to build the high school
184 from private donations, bonds or any other allowable method as
185 provided for in law.

186 **SECTION 2.** This act shall take effect and be in force from
187 and after July 1, 2022.

