

By: Representative Hood (By Request)

To: Education; Apportionment  
and Elections

HOUSE BILL NO. 768

1 AN ACT TO REQUIRE THE ELECTION OF ALL SCHOOL BOARD MEMBERS AT  
2 THE SAME TIME AS THE PRESIDENTIAL ELECTION AND TO ESTABLISH A TERM  
3 OF FOUR YEARS FOR ALL SCHOOL BOARD MEMBERS; TO AMEND SECTION  
4 37-5-7, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE ELECTION OF  
5 MEMBERS OF THE COUNTY BOARDS OF EDUCATION AT THE SAME TIME AS THE  
6 PRESIDENTIAL ELECTION AND TO ESTABLISH A TERM OF FOUR YEARS FOR  
7 THAT OFFICE; TO AMEND SECTION 37-5-19, MISSISSIPPI CODE OF 1972,  
8 IN CONFORMITY THERETO; TO AMEND SECTION 37-7-203, MISSISSIPPI CODE  
9 OF 1972, TO PROVIDE FOR THE ELECTION OF THE TRUSTEES OF THE  
10 MUNICIPAL SEPARATE SCHOOL DISTRICTS AND SPECIAL MUNICIPAL SEPARATE  
11 SCHOOL DISTRICTS AT THE SAME TIME AS THE PRESIDENTIAL ELECTION AND  
12 TO ESTABLISH A TERM OF FOUR YEARS FOR THAT OFFICE; TO AMEND  
13 SECTION 37-7-207, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE  
14 ELECTION OF MEMBERS OF THE BOARDS OF TRUSTEES OF CONSOLIDATED  
15 SCHOOL DISTRICTS AND LINE CONSOLIDATED SCHOOL DISTRICTS IN THE  
16 SAME MANNER AND AT THE SAME TIME AS THE PRESIDENTIAL ELECTION AND  
17 TO ESTABLISH A TERM OF FOUR YEARS FOR THOSE OFFICES; TO AMEND  
18 SECTION 37-7-703, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE  
19 ELECTION OF THE TRUSTEES OF THE COUNTYWIDE SPECIAL MUNICIPAL  
20 SEPARATE SCHOOL DISTRICTS AT THE SAME TIME AS THE PRESIDENTIAL  
21 ELECTION AND TO ESTABLISH A TERM OF FOUR YEARS FOR THAT OFFICE; TO  
22 AMEND SECTION 37-7-713, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR  
23 THE ELECTION OF THE TRUSTEES OF THE SPECIAL MUNICIPAL SCHOOL  
24 DISTRICTS THAT EMBRACE LESS THAN THE ENTIRE COUNTY AT THE SAME  
25 TIME AS THE PRESIDENTIAL ELECTION AND TO ESTABLISH A TERM OF FOUR  
26 YEARS FOR THAT OFFICE; TO REPEAL SECTIONS 37-7-204 AND 37-7-209  
27 THROUGH 37-7-229, MISSISSIPPI CODE OF 1972, WHICH PROVIDE CERTAIN  
28 METHODS FOR FILLING VACANCIES AND ELECTING TRUSTEES OF MUNICIPAL  
29 SEPARATE SCHOOL DISTRICTS, SPECIAL MUNICIPAL SCHOOL DISTRICTS,  
30 CONSOLIDATED SCHOOL DISTRICTS AND LINE CONSOLIDATED SCHOOL  
31 DISTRICTS; TO REPEAL SECTIONS 37-7-705 THROUGH 37-7-711, 37-7-715  
32 AND 37-7-717, MISSISSIPPI CODE OF 1972, WHICH PROVIDE ADDITIONAL  
33 METHODS FOR SELECTING TRUSTEES OF SPECIAL MUNICIPAL SEPARATE  
34 SCHOOL DISTRICTS; TO BRING FORWARD SECTION 37-7-104, MISSISSIPPI



35 CODE OF 1972, WHICH REQUIRES THE CONSOLIDATION OF CERTAIN COUNTY  
36 SCHOOL DISTRICTS UNDER CONSERVATORSHIP, FOR PURPOSES OF POSSIBLE  
37 AMENDMENT; TO BRING FORWARD SECTION 37-7-104.1, MISSISSIPPI CODE  
38 OF 1972, WHICH REQUIRES THE ADMINISTRATIVE CONSOLIDATION OF  
39 CERTAIN SCHOOL DISTRICTS IN BOLIVAR COUNTY, FOR PURPOSES OF  
40 POSSIBLE AMENDMENT; TO BRING FORWARD SECTION 37-7-104.2,  
41 MISSISSIPPI CODE OF 1972, WHICH REQUIRES THE ADMINISTRATIVE  
42 CONSOLIDATION OF ALL SCHOOL DISTRICTS IN CLAY COUNTY, FOR PURPOSES  
43 OF POSSIBLE AMENDMENT; TO BRING FORWARD SECTION 37-7-104.3,  
44 MISSISSIPPI CODE OF 1972, WHICH REQUIRES THE ADMINISTRATIVE  
45 CONSOLIDATION OF ALL SCHOOL DISTRICTS IN OKTIBBEHA COUNTY, FOR  
46 PURPOSES OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

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

50 37-5-7. (1) On the first Tuesday after the first Monday in  
51 November 2016 and every four (4) years thereafter, an election  
52 shall be held in each county in this state in the same manner and  
53 at the same time as the presidential election is held and  
54 conducted, \* \* \* for the purpose of electing the county boards of  
55 education established under the provisions of this chapter. \* \* \*  
56 All members of the county board of education \* \* \* shall take  
57 office on the first Monday of January following the date of their  
58 election and shall serve for a term of four (4) years. However,  
59 in order to provide for an orderly transition, the term of each  
60 member of the board serving on July 1, 2015, which otherwise would  
61 expire after the first Monday in January 2017, shall expire on the  
62 first Monday of January 2017. Each member of the board whose term  
63 expires after July 1, 2015, but before the first Monday of January  
64 2017, shall continue to serve for the remainder of the unexpired



65 term, at which time the vacancy shall be filled in the manner  
66 provided in Section 37-5-19.

67 (2) On the first Tuesday after the first Monday in November  
68 2016 and every four (4) years thereafter, in any \* \* \* county  
69 electing to utilize the authority contained in Section 37-5-1(2),  
70 an election shall be held in the same manner and at the same time  
71 as the presidential election is held and conducted, for the  
72 purpose of electing the county board of education in that county.

73 \* \* \* All members of the county board of education shall take  
74 office on the first Monday of January following the date of their  
75 election and shall serve for a term of four (4) years. However,  
76 in order to provide for an orderly transition, the term of each  
77 member of the board serving on July 1, 2015, that otherwise would  
78 expire after the first Monday in January 2017, shall expire on the  
79 first Monday of January 2017. Each member of the board whose term  
80 expires after July 1, 2015, but before the first Monday of January  
81 2017, shall continue to serve for the remainder of the unexpired  
82 term, at which time the vacancy shall be filled in the manner  
83 provided in Section 37-5-19.

84 **SECTION 2.** Section 37-5-19, Mississippi Code of 1972, is  
85 amended as follows:

86 37-5-19. Vacancies in the membership of the county board of  
87 education shall be filled by appointment, within sixty (60) days  
88 after the vacancy occurs, by the remaining members of the county  
89 board of education. Said appointee shall be selected from the



90 qualified electors of the district in which the vacancy occurs,  
91 and shall serve until the first Monday of January next succeeding  
92 the next \* \* \* presidential election, at which \* \* \* presidential  
93 election a member shall be elected \* \* \* for \* \* \* a full term.  
94 However, if the vacancy occurs more than ninety (90) days before  
95 the general election in a calendar year during which a general  
96 state election will be held, the appointee shall serve until the  
97 first Monday of January next succeeding the general state  
98 election, at which election a member will be elected to fill the  
99 remainder of the unexpired term in the same manner and with the  
100 same qualifications applicable to the election of a member for the  
101 full term. In the event the school district is under  
102 conservatorship and no members of the county board of education  
103 remain in office, the Governor shall call a special election to  
104 fill the vacancies and said election will be conducted by the  
105 county election commission.

106 In the event the vacancy occurs more than five (5) months  
107 prior to the next general state or presidential election and the  
108 remaining members of the county board of education are unable to  
109 agree upon an individual to be appointed, any two (2) of the  
110 remaining members may certify such disagreement to the county  
111 election commission. Upon the receipt of such a certificate by  
112 the county election commission, or any member thereof, the  
113 commission shall hold a special election to fill the vacancy,  
114 which said election, notice thereof and ballot shall be controlled



115 by the laws concerning special elections to fill vacancies in  
116 county or county district offices. The person elected at such a  
117 special election shall serve for the remainder of the unexpired  
118 term.

119 **SECTION 3.** Section 37-7-203, Mississippi Code of 1972, is  
120 amended as follows:

121 37-7-203. (1) \* \* \* The boards of trustees of all municipal  
122 separate school districts and all special municipal separate  
123 school districts created under this chapter, either with or  
124 without added territory, shall consist of five (5) members, each  
125 to be \* \* \* elected for a term of \* \* \* four (4) years \* \* \*.

126 \* \* \*

127 On the first Tuesday after the first Monday in November 2016, and  
128 every four (4) years thereafter, an election shall be held in each  
129 municipal separate school district and special municipal separate  
130 school district in this state, in the same manner and at the same  
131 time as the presidential election is held and conducted, for the  
132 purpose of electing the members of the board of trustees. Each  
133 member of the board of trustees shall take office on the first  
134 Monday of January following the date of their election. The five  
135 (5) members of the board of trustees of the school district shall  
136 be elected from special trustee election districts by the  
137 qualified electors of the districts, as provided in this section.  
138 The governing authority of the municipality shall apportion the  
139 municipal separate school district or special municipal separate



140 school district, including added territory, into five (5) special  
141 trustee election districts as nearly equal as possible according  
142 to population, incumbency and other factors pronounced by the  
143 courts before July 1, 2015. The municipal governing authority  
144 shall place upon its minutes the boundaries determined for the new  
145 five (5) trustee election districts and shall publish the same in  
146 a newspaper of general circulation within the school district for  
147 at least three (3) consecutive weeks. After having given notice  
148 of publication and recording the same upon the minutes of the  
149 municipal governing authority, the new district lines shall be  
150 effective. However, in order to provide for an orderly  
151 transition, the term of each member of the board of trustees  
152 serving on July 1, 2015, which otherwise would expire after the  
153 first Monday in January 2017, shall expire on the first Monday of  
154 January 2017. Each member of the board whose term expires after  
155 July 1, 2015, but before the first Monday of January 2017, shall  
156 continue to serve for the remainder of the unexpired term, at  
157 which time the vacancy shall be filled in the manner provided in  
158 subsection (2) of this section.

159 \* \* \*

160 (2) \* \* \* Vacancies in the membership of the board of  
161 trustees of any municipal separate school district or special  
162 municipal separate school district must be filled by appointment  
163 within sixty (60) days after the vacancy occurs by the remaining  
164 members of the board of trustees. The appointee must be selected



165 from the qualified electors of the trustee election district in  
166 which the vacancy occurs and shall serve until the first Monday of  
167 January next succeeding the next presidential election, at which  
168 presidential election a member shall be elected for a full term.  
169 The president of the municipal governing authority shall certify  
170 to the Secretary of State the fact of the appointment, and the  
171 person appointed shall be commissioned by the Governor.  
172 However, if the vacancy occurs more than ninety (90) days before  
173 the general election in a calendar year during which a general  
174 state election will be held, the appointee shall serve until the  
175 first Monday of January next succeeding the general state  
176 election, at which election a member will be elected to fill the  
177 remainder of the unexpired term in the same manner and with the  
178 same qualifications applicable to the election of a member for the  
179 full term.

180 If the vacancy occurs more than five (5) months before the  
181 next general state or presidential election and the remaining  
182 members of the board of trustees are unable to agree upon an  
183 individual to be appointed, any two (2) of the remaining members  
184 may certify the disagreement to the municipal governing authority.  
185 Upon the receipt of such a certificate, the president of the  
186 municipal governing authority shall make an order in writing  
187 directed to the commissioners of election, commanding an election  
188 to be held on the next regular special election day to fill the  
189 vacancy. The election commissioners shall require each candidate



190 to qualify at least sixty (60) days before the date of the  
191 election. The election, notice thereof and ballot shall be  
192 controlled by the laws concerning special elections to fill  
193 vacancies in other municipal offices. The election commissioners  
194 shall give a certificate of election to the person elected and  
195 shall return to the Secretary of State a copy of the order of  
196 holding the election and showing the results, certified by the  
197 president of the municipal governing authority. The Governor  
198 shall commission the person elected at the special election, who  
199 shall serve for the remainder of the unexpired term.

200 However, if only one (1) person qualifies to be a candidate  
201 within the time provided by law, the commissioners of election  
202 shall certify to the municipal governing authority that there is  
203 but one (1) candidate. The municipal governing authority shall  
204 dispense with the election and shall appoint the candidate that is  
205 certified to fill the unexpired term. The president of the  
206 municipal governing authority shall certify to the Secretary of  
207 State the candidate that is appointed to serve in the office, and  
208 the Governor shall commission that candidate. If no person has  
209 qualified at least sixty (60) days before the date of the  
210 election, the commissioners of election shall certify that fact to  
211 the municipal governing authority, which shall dispense with the  
212 election and fill the vacancy by appointment. The president of  
213 the municipal governing authority shall certify to the Secretary





214 of State the fact of the appointment, and the Governor shall  
215 commission the person appointed.

216 \* \* \*

217 **SECTION 4.** Section 37-7-207, Mississippi Code of 1972, is  
218 amended as follows:

219 37-7-207. (1) All school districts reconstituted or created  
220 under the provisions of Article \* \* \* 3 of this chapter, and which  
221 lie wholly within one (1) county, but not including municipal  
222 separate and countywide districts, shall be governed by a board of  
223 five (5) trustees. The first board of trustees of such districts  
224 shall be appointed by the county board of education, and the  
225 original appointments shall be so made that one (1) trustee shall  
226 be appointed to serve until the first Saturday of March following  
227 such appointments, one (1) for one (1) year longer, one (1) for  
228 two (2) years longer, one (1) for three (3) years longer, and one  
229 (1) for four (4) years longer. After such original appointments,  
230 the trustees of such school districts shall be elected by the  
231 qualified electors of such school districts in the manner provided  
232 for in \* \* \* this section and Section 37-7-225, with each trustee  
233 to be elected for a term of \* \* \* four (4) years. The five (5)  
234 members of the board of trustees of such consolidated school  
235 district shall be elected from special trustee election districts  
236 by the qualified electors thereof, as herein provided. The board  
237 of trustees of any such consolidated school district shall  
238 apportion the consolidated school district into five (5) special



239 trustee election districts. The board of trustees of such school  
240 district shall place upon its minutes the boundaries determined  
241 for the new five (5) trustee election districts. The board of  
242 trustees shall thereafter publish the same in a newspaper of  
243 general circulation within said school district for at least three  
244 (3) consecutive weeks; and after having given notice of  
245 publication and recording the same upon the minutes of the board  
246 of trustees, said new district lines shall thereafter be  
247 effective.

248 On the first Tuesday after the first Monday in November 2016  
249 and every four (4) years thereafter, in \* \* \* each consolidated  
250 school district \* \* \*, an election shall be held in \* \* \* the same  
251 manner and at the same time as the presidential election is held  
252 and conducted, for the purpose of electing the board of trustees  
253 of such district. At said election \* \* \*, members of the board  
254 shall be elected \* \* \* for \* \* \* a term of \* \* \* four (4) years  
255 each. However, in order to provide for an orderly transition, the  
256 term of each member of the board serving on July 1, 2015, which  
257 otherwise would expire after the first Monday in January 2017,  
258 shall expire on the first Monday of January 2017. Each member of  
259 the board whose term expires after July 1, 2015, but before the  
260 first Monday of January 2017, shall continue to serve for the  
261 remainder of the unexpired term, at which time the vacancy shall  
262 be filled in the manner provided in this paragraph. If no  
263 candidate receives a majority of the votes cast at the election, a



264 runoff shall be held three (3) weeks following the date of the  
265 election between the two (2) candidates receiving the highest  
266 number of votes on the first ballot. \* \* \* All members of the  
267 said board of trustees shall take office on the first Monday of  
268 January following the date of their election. All vacancies which  
269 may occur during a term shall be filled by appointment of the  
270 consolidated school district trustees, but the person so appointed  
271 shall serve only until the next general election following such  
272 appointment, at which time a person shall be elected for the  
273 remainder of the unexpired term at the same time and in the same  
274 manner as a trustee is elected for the full term then expiring.  
275 The person so elected to the unexpired term shall take office  
276 immediately. Said appointee shall be selected from the qualified  
277 electors of the district in which the vacancy occurs. In the  
278 event the school district is under conservatorship and no members  
279 of the board of trustees remain in office, the Governor shall call  
280 a special election to fill the vacancies and the said election  
281 will be conducted by the county election commission.

282 (2) All school districts reconstituted and created under the  
283 provisions of Article \* \* \* 3 of this chapter, which embrace  
284 territory in two (2) or more counties, but not including municipal  
285 separate school districts, shall be governed by a board of five  
286 (5) trustees. In making the original appointments, the several  
287 county boards of education shall appoint the trustee or trustees  
288 to which the territory in such county is entitled, and, by



289 agreement between the county boards concerned, one (1) person  
290 shall be appointed to serve until the first Saturday of March  
291 following, one (1) for one (1) year longer, one (1) for two (2)  
292 years longer, one (1) for three (3) years longer and one (1) for  
293 four (4) years longer. Thereafter, such trustees shall be  
294 elected \* \* \* in the manner provided for in \* \* \* this section and  
295 Section 37-7-225, for a term of \* \* \* four (4) years. The five  
296 (5) members of the board of trustees of such line consolidated  
297 school district shall be elected from special trustee election  
298 districts by the qualified electors thereof, as \* \* \* provided in  
299 this section. The existing board of trustees of such line  
300 consolidated school district shall apportion the line consolidated  
301 school district into five (5) special trustee election districts.  
302 The board of trustees shall place upon its minutes the boundaries  
303 determined for the new five (5) trustee election districts. The  
304 board of trustees shall thereafter publish the same in a newspaper  
305 of general circulation within said school district for at least  
306 three (3) consecutive weeks; and after having given notice of  
307 publication and recording the same upon the minutes of the board  
308 of trustees, said new district lines shall thereafter be  
309 effective. Provided, however, that in any line consolidated  
310 school district encompassing two (2) or more counties created  
311 pursuant to Laws, 1953, Extraordinary Session, Chapter 12, Section  
312 8, in which, as a condition precedent to the creation of said  
313 district, each county belonging thereto was contractually



314 guaranteed to always have at least one (1) representative on said  
315 board, in order that said condition precedent may be honored and  
316 guaranteed, in any year in which the board of trustees of such  
317 line consolidated school district does not have at least one (1)  
318 member from each county or part thereof forming such district, the  
319 board of trustees in such district shall be governed by a board of  
320 a sufficient number of trustees to fulfill this guarantee, five  
321 (5) of whom shall be elected from the five (5) special trustee  
322 election districts which shall be as nearly equal as possible and  
323 one (1) member trustee \* \* \* elected at large from each county not  
324 having representation on the elected board in the same manner and  
325 at the same time as provided for the election of trustees under  
326 this section. In such cases, the board of supervisors of each  
327 county shall make written agreement to guarantee the \* \* \*  
328 election of at least one (1) representative from each county in  
329 the district, placing such written agreement on the minutes of  
330 each board of supervisors in each county.

331 On the first Tuesday after the first Monday in November 2016  
332 and every four (4) years thereafter, in \* \* \* each line  
333 consolidated school district \* \* \*, an election shall be held  
334 in \* \* \* the same manner and at the same time as the presidential  
335 election is held and conducted for the purpose of electing the  
336 board of trustees of such district. At said election, the \* \* \*  
337 members shall be elected \* \* \* for terms of \* \* \* four (4) years  
338 each. \* \* \* However, in order to provide for an orderly



339 transition, the term of each member of the board serving on July  
340 1, 2015, which otherwise would expire after the first Monday in  
341 January 2017, shall expire on the first Monday of January 2017.  
342 Each member of the board whose term expires after July 1, 2015,  
343 but before the first Monday of January 2017, shall continue to  
344 serve for the remainder of the unexpired term, at which time the  
345 vacancy shall be filled in the manner provided in this paragraph.  
346 If no candidate receives a majority of the votes cast at the  
347 election, a runoff shall be held three (3) weeks following the  
348 date of the election between the two (2) candidates receiving the  
349 highest number of votes on the first ballot. All members of the  
350 said board of trustees shall take office on the first Monday of  
351 January following the date of their election. In all elections,  
352 the trustee elected shall be a resident and qualified elector of  
353 the district entitled to the representation upon the board, and he  
354 shall be elected only by the qualified electors of such district.  
355 All vacancies which may occur during a term of office shall be  
356 filled by appointment of the consolidated line school district  
357 trustees, but the person so appointed shall serve only until the  
358 next general election following such appointment, at which time a  
359 person shall be elected for the remainder of the unexpired term at  
360 the same time and in the same manner as the trustee is elected for  
361 the full term then expiring. The person so elected to the  
362 unexpired term shall take office immediately. In the event the  
363 school district is under conservatorship and no members of the



364 board of trustees remain in office, the Governor shall call a  
365 special election to fill the vacancies and the said election will  
366 be conducted by the county election commission.

367 **SECTION 5.** Section 37-7-703, Mississippi Code of 1972, is  
368 amended as follows:

369 37-7-703. In all such special municipal separate school  
370 districts which embrace the entire county \* \* \*, the board of  
371 trustees of such special municipal separate school district shall  
372 be \* \* \* elected in the manner provided by subsection (1) of  
373 Section 37-7-203, and all of the provisions thereof shall be fully  
374 applicable in all respects to the selection and constitution of  
375 such board of trustees.

376 **SECTION 6.** Section 37-7-713, Mississippi Code of 1972, is  
377 amended as follows:

378 37-7-713. In all special municipal separate school districts  
379 where the district embraces less than the entire area of the  
380 county \* \* \*, the said special municipal separate school district  
381 shall be governed by a board of trustees \* \* \* to be elected by  
382 the qualified electors of such municipal separate school  
383 district \* \* \* in the manner provided by \* \* \* Section  
384 37-7-203(1). All vacancies which may occur during a term of  
385 office shall be filled \* \* \* in the manner provided in Section  
386 37-7-203(2).

387 **SECTION 7.** Sections 37-7-204, 37-7-209, 37-7-211, 37-7-215,  
388 37-7-217, 37-7-219, 37-7-221, 37-7-223, 37-7-225, 37-7-227 and



389 37-7-229, Mississippi Code of 1972, which provide certain methods  
390 for filling vacancies and prescribe certain procedures for  
391 electing trustees of municipal and special municipal school  
392 districts and consolidated and line consolidated school districts,  
393 are repealed.

394 **SECTION 8.** Sections 37-7-705, 37-7-707, 37-7-709, 37-7-711,  
395 37-7-715 and 37-7-717, Mississippi Code of 1972, which provide  
396 certain additional methods for selecting trustees of special  
397 municipal separate school districts, are repealed.

398 **SECTION 9.** Section 37-7-104, Mississippi Code of 1972, is  
399 brought forward as follows:

400 37-7-104. (1) In any Mississippi county in which are  
401 located, as of February 8, 2012, three (3) school districts and  
402 only three (3) school districts, all of which are under  
403 conservatorship as defined by the Mississippi Department of  
404 Education as of February 8, 2012, there shall be an administrative  
405 consolidation of all of the school districts in the county into  
406 one (1) countywide school district with one (1) county board of  
407 education. The State Board of Education shall determine the  
408 school district(s) applicable to the provisions of this section  
409 and spread this finding on the minutes of its August 2012 meeting.  
410 On or before September 1, 2012, the State Board of Education shall  
411 serve the local school boards applicable to the provisions of this  
412 section, or the Mississippi Department of Education Conservator  
413 for each of the three (3) school districts, with notice and





414 instruction regarding the action to be taken to comply with this  
415 section. In such county, there shall be a new county board of  
416 education elected in a November 2013 special election which shall  
417 be called for that purpose and the new county board members shall  
418 be elected as provided in Section 37-5-7, Mississippi Code of  
419 1972. No previous board member shall be eligible to serve on the  
420 newly elected board. Provided, however, that it shall be the  
421 responsibility of the board of supervisors of such county to  
422 apportion the countywide school district into five (5) new single  
423 member board of education districts which shall be consistent with  
424 the supervisors district lines in said county. The board of  
425 supervisors of said county shall thereafter publish the same in  
426 some newspaper of general circulation within said county for at  
427 least three (3) consecutive weeks and after having given notice of  
428 publication and recording the same upon the minutes of the board  
429 of supervisors of said county, said new district lines will  
430 thereafter be effective for the November 2013 special election.  
431 If necessary, the county board of education of said county shall  
432 reapportion the board of education districts in accordance with  
433 applicable law as soon as practicable after the results of the  
434 2020 decennial census are published and as soon as practicable  
435 after every decennial census thereafter. The new county board of  
436 education, with the written approval of the Mississippi Department  
437 of Education Conservator and the State Board of Education, shall  
438 provide for the administrative consolidation of all school



439 districts in the county into one (1) countywide school district on  
440 or before July 1 next following the November 2013 election. The  
441 new county board of education shall serve as the school board for  
442 the county. Any school district affected by the required  
443 administrative consolidation that does not voluntarily consolidate  
444 with the new school district ordered by the county board of  
445 education shall be administratively consolidated by the State  
446 Board of Education with the countywide school district, to be  
447 effective on July 1 following the election of the new county board  
448 of education. The State Board of Education shall promptly move on  
449 its own motion to administratively consolidate any school district  
450 which does not voluntarily consolidate in order to enable the  
451 affected school districts to reasonably accomplish the resulting  
452 administrative consolidation into one (1) countywide district by  
453 July 1 following the election of the new county board of  
454 education. All affected school districts shall comply with any  
455 consolidation order issued by the county board of education or the  
456 State Board of Education, as the case may be, on or before July 1  
457 following the election of the new county board of education.

458 (2) On July 1 following the election of the new county board  
459 of education, the former county board of education and the former  
460 board of trustees of any municipal separate, or special municipal  
461 separate school district located in such county shall be  
462 abolished. All real and personal property which is owned or  
463 titled in the name of a school district located in such county



464 shall be transferred to the new reorganized school district of the  
465 county in which such school district is located. The Mississippi  
466 Department of Education Conservator and the State Board of  
467 Education shall be responsible for establishing the contracts for  
468 teachers and principals for the next school year following the  
469 required administrative consolidation with the consultation of the  
470 newly elected successor county board of education. The successor  
471 county board of education shall appoint the new county  
472 superintendent of education for the reorganized school district.  
473 The county superintendent of education of said reorganized school  
474 district shall not be elected but shall thereafter be appointed by  
475 the successor county board of education in the manner provided in  
476 Section 37-9-25. The superintendents of the former  
477 under-performing school districts located in the county shall not  
478 be eligible for appointment as the new superintendent. The  
479 selection of the appointed county superintendent of education and  
480 the assistant superintendent of education in the central  
481 administration office of the successor countywide school district  
482 shall be the responsibility of the successor county board of  
483 education with the approval of the Mississippi Department of  
484 Education Conservator and the State Board of Education. No such  
485 administratively consolidated school district shall have more than  
486 one (1) assistant superintendent of education. It shall be the  
487 responsibility of the successor county board of education, with  
488 approval of the Mississippi Department of Education Conservator



489 and the State Board of Education, to prepare and approve the  
490 budget of the new reorganized districts, and the county board of  
491 education may use staff from the former school districts to  
492 prepare the budget. Any proposed order of the successor county  
493 board of education directing the transfer of the assets, real or  
494 personal property of an affected school district in the county,  
495 shall be submitted and approved by the State Board of Education.  
496 The finding of the State Board of Education shall be final and  
497 conclusive for the purposes of the transfer of property required  
498 by such administrative consolidation. Any person or school  
499 district aggrieved by an order of the successor county school  
500 board of education pursuant to the required administrative  
501 consolidation may appeal therefrom to the State Board of Education  
502 within ten (10) days from the date of the adjournment of the  
503 meeting at which such order is entered. Such appeal shall be de  
504 novo, and the finding of the State Board of Education upon such  
505 question shall be final and conclusive for the purpose of the  
506 approval or disapproval of the action by said county board of  
507 education.

508 (3) When any school district in such county is abolished  
509 under the provisions of this section, the abolition thereof shall  
510 not impair or release the property of such former school district  
511 from liability for the payment of the bonds or other indebtedness  
512 of such district and it shall be the duty of the board of  
513 supervisors of said county to levy taxes on the property of said



514 district so abolished from year to year according to the terms of  
515 such indebtedness until same shall be fully paid.

516 (4) In the administratively consolidated countywide school  
517 district created under this section, the ad valorem tax rate shall  
518 be determined as set forth under Section 37-57-1 et seq.

519 (5) Nothing in this section shall be construed to require or  
520 restrict the closing of any school or school facility, unless such  
521 facility is an unneeded administrative office located within a  
522 school district which has been abolished under the provisions of  
523 this section. All administrative consolidations under this  
524 section shall be accomplished so as not to delay or in any manner  
525 negatively affect the desegregation of another school district in  
526 the county pursuant to court order.

527 (6) The State Board of Education shall promulgate rules and  
528 regulations to facilitate the administrative consolidation of the  
529 school districts in a county pursuant to this section. When the  
530 orders of the successor county board of education adopting the  
531 boundaries of the successor countywide school district have been  
532 entered and are final, as approved by the State Board of  
533 Education, the new district lines shall be submitted by the State  
534 Board of Education with the assistance of the Attorney General to  
535 the Attorney General of the United States for preclearance or to  
536 the United States District Court for the District of Columbia for  
537 a declaratory judgment in accordance with the provisions of the  
538 Voting Rights Act of 1965, as amended and extended. In the event



539 the change in the school district lines are precleared or  
540 approved, the State Board of Education shall formally declare the  
541 new lines as the new boundaries of the consolidated countywide  
542 school district.

543 **SECTION 10.** Section 37-7-104.1, Mississippi Code of 1972, is  
544 brought forward as follows:

545 37-7-104.1. (1) In Bolivar County, Mississippi, in which  
546 are located, as of January 1, 2012, six (6) school districts,  
547 there shall be an administrative consolidation of all of the  
548 school districts in the county into three (3) school districts as  
549 follows:

550 (a) One (1) existing school district which shall be the  
551 Cleveland School District;

552 (b) One (1) new consolidated school district to be  
553 designated as North Bolivar Consolidated School District which  
554 shall consist of the territory of the former North Bolivar School  
555 District and the Mound Bayou Public School District. The central  
556 administrative office of the North Bolivar Consolidated School  
557 District shall be located in Mound Bayou, Mississippi; and

558 (c) One (1) new consolidated school district to be  
559 designated as West Bolivar Consolidated School District which  
560 shall consist of the territory of the former West Bolivar School  
561 District, Shaw School District and Benoit School District. The  
562 central administrative office of the West Bolivar Consolidated  
563 School District shall be located in Rosedale, Mississippi.



564 (2) On or before September 1, 2012, the State Board of  
565 Education shall serve the local school boards in Bolivar County  
566 with notice and instructions regarding the timetable for action to  
567 be taken to comply with the administrative consolidation required  
568 in this section. The State Board of Education shall provide for  
569 the administrative consolidation of all school districts in the  
570 county outside of the territory of Cleveland School District into  
571 North Bolivar Consolidated School District and West Bolivar  
572 Consolidated School District on or before July 1, 2014. In each  
573 new consolidated school district there shall be a new consolidated  
574 school district board of trustees elected in a November 2013  
575 special election which shall be called by the Governor for that  
576 purpose. The new consolidated school district boards of trustees  
577 shall be elected and the terms of office established as provided  
578 in Section 37-7-207, Mississippi Code of 1972. The State Board of  
579 Education shall determine the boundary lines for the territory of  
580 the two (2) new school districts and shall spread a legal  
581 description of the new school districts on the minutes of its  
582 August 2012 meeting and shall serve the applicable school boards  
583 and the board of supervisors with an adequate legal description of  
584 these new boundaries. It shall be the responsibility of the State  
585 Board of Education with the assistance of the Joint Legislative  
586 Committee on Performance Evaluation and Expenditure Review (PEER)  
587 to apportion the territory of the two (2) new school districts  
588 into five (5) new board of trustee election districts for each new



589 school district. The State Board of Education shall thereafter  
590 publish the same in some newspaper of general circulation in said  
591 county for at least three (3) consecutive weeks and after having  
592 given notice of publication and recording the same upon the  
593 minutes of the school boards of each school district in the  
594 county, said new district lines will thereafter be effective for  
595 the November 2013 special election. Any school board member of  
596 the former school district residing in the proper election  
597 district shall be eligible for election to the new board of  
598 trustees for North Bolivar Consolidated School District or West  
599 Bolivar Consolidated School District. The local school board of  
600 each new school district shall reapportion the school board  
601 districts in accordance with the procedure described in Section  
602 37-7-207, Mississippi Code of 1972, as is necessary as soon as  
603 practicable after the 2020 decennial census are published and as  
604 soon as practicable after every decennial census thereafter. Any  
605 school district affected by the required administrative  
606 consolidation in such county that does not voluntarily consolidate  
607 with the two (2) new school districts ordered by the State Board  
608 of Education shall be administratively consolidated by the State  
609 Board of Education with the appropriate school district in which  
610 such district is located, to be effective on July 1 following the  
611 election of the new local school boards. The State Board of  
612 Education shall promptly move on its own motion to  
613 administratively consolidate a school district which does not





614 voluntarily consolidate in order to enable the affected school  
615 districts to reasonably accomplish the resulting administrative  
616 consolidation into two (2) school districts by July 1 following  
617 the election of the new school boards. All affected school  
618 districts shall comply with any consolidation order issued by the  
619 State Board of Education on or before July 1 following the  
620 election of the new school boards.

621 (3) On July 1 following the election of the new school  
622 district boards of trustees in Bolivar County, the former county  
623 board of education and the former board of trustees of North  
624 Bolivar School District, Mound Bayou Public School District, West  
625 Bolivar School District, Shaw School District and Benoit School  
626 District shall be abolished. All real and personal property which  
627 is owned or titled in the name of a school district located in  
628 such former school district shall be transferred to the new  
629 reorganized school district of Bolivar County in which such former  
630 school district is located. Each former school board shall be  
631 responsible for establishing the contracts for teachers and  
632 principals for the next school year following the required  
633 administrative consolidation with the consultation of the newly  
634 elected successor school boards. The new Board of Trustees for  
635 the North Bolivar Consolidated School District shall appoint the  
636 Superintendent of Schools for said school district, and the Board  
637 of Trustees for the West Bolivar Consolidated School District  
638 shall appoint the Superintendent of Schools for said school



639 district. The subsequent superintendent of schools of said  
640 reorganized school districts shall not be elected but shall  
641 thereafter be appointed by the successor boards of trustees in the  
642 manner provided in Section 37-9-25. Any superintendent serving in  
643 the former school districts shall be eligible for appointment as a  
644 superintendent in North Bolivar Consolidated School District or  
645 West Bolivar Consolidated School District. North Bolivar  
646 Consolidated School District and West Bolivar Consolidated School  
647 District shall not have more than one (1) assistant  
648 superintendent. It shall be the responsibility of the successor  
649 boards of trustees to prepare and approve the budget of the  
650 respective new reorganized districts, and the successor boards of  
651 trustees may use staff from the former school districts to prepare  
652 the budget. Any proposed order of the State Board of Education  
653 directing the transfer of the assets, real or personal property of  
654 an affected school district in the county, shall be final and  
655 conclusive for the purposes of the transfer of property required  
656 by such administrative consolidation. Any person or school  
657 district aggrieved by an order of the successor newly elected  
658 board of trustees of a consolidated school district pursuant to  
659 the required administrative consolidation may appeal therefrom to  
660 the State Board of Education within ten (10) days from the date of  
661 the adjournment of the meeting at which such order is entered.  
662 Such appeal shall be de novo, and the finding of the State Board  
663 of Education upon such question shall be final and conclusive for



664 the purpose of the approval or disapproval of the action by said  
665 county board of education.

666 (4) When any school district in such county is abolished  
667 under the provisions of this section, the abolition thereof shall  
668 not impair or release the property of such former school district  
669 from liability for the payment of the bonds or other indebtedness  
670 of such district.

671 (5) Nothing in this section shall be construed to require  
672 the closing of any school or school facility, unless such facility  
673 is an unneeded administrative office located within a school  
674 district which has been abolished under the provisions of this  
675 section. All administrative consolidations under this section  
676 shall be accomplished so as not to delay or in any manner  
677 negatively affect the desegregation of another school district in  
678 the county pursuant to court order.

679 (6) The State Board of Education shall promulgate rules and  
680 regulations to facilitate the administrative consolidation of the  
681 school districts in Bolivar County pursuant to this section. The  
682 consolidated districts shall make an election within one (1) year  
683 of consolidation concerning the group term life insurance  
684 described in subsection (7) of Section 25-15-9. When the orders  
685 of the State Board of Education adopting the boundaries of the  
686 successor school districts and the successor board of trustees  
687 election districts have been entered and are final, as directed by  
688 the State Board of Education, the new district lines shall be



689 submitted by the State Board of Education with the assistance of  
690 the Attorney General to the Attorney General of the United States  
691 for preclearance or to the United States District Court for the  
692 District of Columbia for a declaratory judgment in accordance with  
693 the provisions of the Voting Rights Act of 1965, as amended and  
694 extended. In the event the change in the school district lines  
695 and election districts are precleared or approved, the State Board  
696 of Education shall formally declare the new lines as the new  
697 boundaries of the successor school districts.

698 **SECTION 11.** Section 37-7-104.2, Mississippi Code of 1972, is  
699 brought forward as follows:

700 37-7-104.2. (1) In Clay County, Mississippi, in which are  
701 located, as of January 1, 2013, two (2) school districts, there  
702 shall be an administrative consolidation of all of those school  
703 districts in the county into one (1) new consolidated school  
704 district to be designated as West Point Consolidated School  
705 District which shall consist of the territory of the former Clay  
706 County School District and the West Point School District. The  
707 central administrative office of the West Point Consolidated  
708 School District shall be located in West Point, Mississippi.

709 (2) On or before September 1, 2013, the State Board of  
710 Education shall serve the local school boards in Clay County with  
711 notice and instructions regarding the timetable for action to be  
712 taken to comply with the administrative consolidation required in  
713 this section. The State Board of Education shall provide for the



714 administrative consolidation of the school districts in the county  
715 on or before July 1, 2015. In the new West Point Consolidated  
716 School District, there shall be a new board of trustees comprised  
717 of five (5) members selected as follows: (a) the Mayor and Board  
718 of Aldermen of the City of West Point shall appoint three (3) of  
719 the five (5) members, each to be selected for a term of four (4)  
720 years; and (b) two (2) members to be elected for a term of four  
721 (4) years by the electors of Clay County residing outside of the  
722 West Point corporate limits who shall be residents of that  
723 territory and who shall be elected in a November 2014 special  
724 election which shall be called by the Governor for that purpose.  
725 All subsequent members of the board elected from the territory  
726 outside of the West Point corporate limits shall be elected for a  
727 term of four (4) years at the regular general election held on the  
728 first Monday in November next preceding the expiration of the term  
729 of office of the respective member or members. All elected and  
730 appointed members shall take office on the first Monday of January  
731 following the date of their election or appointment. The State  
732 Board of Education, with the assistance of the Joint Legislative  
733 Committee on Performance Evaluation and Expenditure Review (PEER),  
734 shall apportion the territory of the new consolidated school  
735 district located outside the West Point corporate limits into two  
736 (2) new single member board of trustee election districts. The  
737 State Board of Education shall thereafter publish the same in some  
738 newspaper of general circulation in the county for at least three



739 (3) consecutive weeks and after having given notice of publication  
740 and recording the same upon the minutes of the school boards of  
741 each school district in the county, the new district lines will  
742 thereafter be effective for the November 2014 special election.  
743 Any school board member of the former school districts residing in  
744 the proper territory shall be eligible for appointment or election  
745 to the new Board of Trustees for West Point Consolidated School  
746 District.

747 Any school district affected by the required administrative  
748 consolidation in Clay County that does not voluntarily consolidate  
749 as ordered by the State Board of Education shall be  
750 administratively consolidated by the State Board of Education, to  
751 be effective on July 1 following the election of the new local  
752 school board. The State Board of Education shall promptly move on  
753 its own motion to administratively consolidate a school district  
754 which does not voluntarily consolidate in order to enable the  
755 affected school districts to reasonably accomplish the resulting  
756 administrative consolidation into one (1) consolidated school  
757 district by July 1 following the selection of the new board of  
758 trustees. The affected school districts shall comply with any  
759 consolidation order issued by the State Board of Education on or  
760 before July 1 following the selection of the new school boards.

761 (3) On July 1 following the selection of the new Board of  
762 Trustees of the West Point Consolidated School District, the  
763 former county board of education and the former Board of Trustees



764 of the West Point School District shall be abolished. All real  
765 and personal property which is owned or titled in the name of a  
766 school district located in such former school district shall be  
767 transferred to the new reorganized school district of West Point  
768 Consolidated School District in which such former school district  
769 is located. Each former school board shall be responsible for  
770 establishing the contracts for teachers and principals for the  
771 next school year following the required administrative  
772 consolidation with the consultation of the newly elected successor  
773 school board. The new Board of Trustees for the West Point  
774 Consolidated School District shall appoint the Superintendent of  
775 Schools for the school district. The Superintendent of Schools  
776 for the West Point Consolidated School District may appoint  
777 assistant superintendent(s) of schools for the district, but in no  
778 instance shall the administrative leadership of the West Point  
779 Consolidated School District exceed the number of assistant  
780 superintendents employed in the former West Point School District.  
781 The subsequent superintendent of schools of the reorganized school  
782 district shall not be elected, but shall thereafter be appointed  
783 by the successor board of trustees in the manner provided in  
784 Section 37-9-25. It shall be the responsibility of the successor  
785 board of trustees to prepare and approve the budget of the new  
786 reorganized district, and the successor board of trustees may use  
787 staff from the former school districts to prepare the budget. Any  
788 proposed order of the State Board of Education directing the



789 transfer of the assets, real or personal property of an affected  
790 school district in the county, shall be final and conclusive for  
791 the purposes of the transfer of property required by such  
792 administrative consolidation. Any person or school district  
793 aggrieved by an order of the successor newly selected Board of  
794 Trustees of the West Point Consolidated School District pursuant  
795 to the required administrative consolidation may appeal therefrom  
796 within ten (10) days from the date of the adjournment of the  
797 meeting at which such order is entered. Said appeal shall be  
798 taken in the same manner as appeals are taken from judgments or  
799 decisions of the board of supervisors as provided in Section  
800 11-51-75, Mississippi Code of 1972, the provisions of which shall  
801 be fully applicable to appeals taken hereunder. The Board of  
802 Trustees of the West Point Consolidated School District shall not  
803 pass upon or approve or disapprove any such order until the time  
804 for an appeal therefrom shall have expired, nor shall said board  
805 pass upon or approve or disapprove any such order from which an  
806 appeal is taken until said appeal shall have been finally  
807 determined.

808 (4) When any school district in the county is abolished  
809 under the provisions of this section, the abolition thereof shall  
810 not impair or release the property of that former school district  
811 from liability for the payment of the bonds or other indebtedness  
812 of such district.





813 (5) Nothing in this section shall be construed to require  
814 the closing of any school or school facility, unless the facility  
815 is an unneeded administrative office located within a school  
816 district which has been abolished under the provisions of this  
817 section. All administrative consolidations under this section  
818 shall be accomplished so as not to delay or in any manner  
819 negatively affect the desegregation of another school district in  
820 the county pursuant to court order.

821 (6) The State Board of Education shall promulgate rules and  
822 regulations to facilitate the administrative consolidation of the  
823 school districts in Clay County pursuant to this section. The  
824 consolidated districts shall make an election within one (1) year  
825 of consolidation concerning the group term life insurance  
826 described in subsection (7) of Section 25-15-9. When the orders  
827 of the State Board of Education adopting the boundaries of the  
828 successor board of trustees election districts have been entered  
829 and are final, as directed by the State Board of Education, the  
830 new district lines shall be submitted by the State Board of  
831 Education with the assistance of the Attorney General to the  
832 Attorney General of the United States for preclearance or to the  
833 United States District Court for the District of Columbia for a  
834 declaratory judgment in accordance with the provisions of the  
835 Voting Rights Act of 1965, as amended and extended. In the event  
836 the change in the school district lines and election districts are  
837 precleared or approved, the State Board of Education shall



838 formally declare the new lines as the new boundaries of the  
839 successor school district.

840 (7) For the initial two (2) years following the  
841 administrative consolidation required by this section, the State  
842 Department of Education may grant a waiver of accountability and  
843 state assessment requirements to the West Point Consolidated  
844 School District for the student population enrolled therein from  
845 the former Clay County School District when determining the new  
846 consolidated school district accreditation level on the  
847 performance and accountability rating model.

848 **SECTION 12.** Section 37-7-104.3, Mississippi Code of 1972, is  
849 brought forward as follows:

850 37-7-104.3. (1) In Oktibbeha County, Mississippi, in which  
851 are located, as of January 1, 2013, two (2) school districts,  
852 there shall be an administrative consolidation of all of those  
853 school districts in the county into one (1) new countywide  
854 municipal separate school district to be designated as Starkville  
855 Consolidated School District which shall consist of the territory  
856 of the former Oktibbeha County School District and the Starkville  
857 School District, effective on July 1, 2015. Until June 30, 2015,  
858 preceding the effective date of the required administrative  
859 consolidation of school districts in the county, the Oktibbeha  
860 County School District shall remain in conservatorship, under the  
861 authority and control of the Mississippi Recovery School District  
862 of the State Department of Education. At such time that the



863 administrative consolidation becomes effective, the central  
864 administrative office of the Starkville Consolidated School  
865 District shall be located in Starkville, Mississippi.

866 (2) On or before July 1, 2014, the State Board of Education  
867 shall serve the local school board of the Starkville School  
868 District with notice and instructions regarding the timetable for  
869 action to be taken to comply with the administrative consolidation  
870 required in this section. In the new consolidated school district  
871 there shall be a countywide municipal separate school district  
872 board of trustees, which shall consist of the existing members of  
873 the Board of Trustees of the Starkville School District serving as  
874 a member on July 1, 2015. However, upon the first occurrence of a  
875 vacancy on the board as a result of an expired term of an  
876 appointed board member, that vacancy shall become an elected  
877 position and shall be filled by the election of a board member by  
878 the county board of supervisors in the manner prescribed in  
879 Section 37-7-203(1) for the election of a member who resides  
880 outside of the incorporated municipal limits. The Board of  
881 Supervisors of Oktibbeha County shall thereafter publish the same  
882 in some newspaper of general circulation in the county for at  
883 least three (3) consecutive weeks and after having given notice of  
884 publication and recording the same upon the minutes of the school  
885 boards of each school district in the county. Any school district  
886 affected by the required administrative consolidation in the  
887 county that does not voluntarily consolidate as ordered by the



888 State Board of Education shall be administratively consolidated by  
889 the State Board of Education, to be effective immediately upon  
890 action of the State Board of Education. The State Board of  
891 Education shall promptly move on its own motion to  
892 administratively consolidate a school district which does not  
893 voluntarily consolidate in order to enable the affected school  
894 districts to reasonably accomplish the resulting administrative  
895 consolidation into one (1) consolidated school district by July 1  
896 following the motion to consolidate. The affected school  
897 districts shall comply with any consolidation order issued by the  
898 State Board of Education.

899 (3) On July 1, 2015, following the motion of State Board of  
900 Education to consolidate school districts in Oktibbeha County, the  
901 Oktibbeha County School District shall be abolished. All real and  
902 personal property which is owned or titled in the name of the  
903 school district located in such former school district shall be  
904 transferred to the Starkville Consolidated School District. The  
905 Board of Trustees of the Starkville Consolidated School District  
906 shall be responsible for establishing the contracts for teachers,  
907 principals, clerical and administrative staff personnel for the  
908 2015-2016 school year and thereafter and shall consult with the  
909 conservator for the establishment of contracts for teachers,  
910 principals, clerical and administrative staff personnel located in  
911 the former Oktibbeha County School District for the 2015-2016  
912 school year. The superintendent and assistant superintendent(s)



913 of schools of the former Starkville School District shall continue  
914 to serve in like administrative capacities of the Starkville  
915 Consolidated School District, but in no instance shall the  
916 administrative leadership of the Starkville Consolidated School  
917 District exceed three (3) assistant superintendents to be  
918 appointed by the superintendent of the former Starkville School  
919 District. No superintendent serving in the former school district  
920 located in the county designated as an under-performing school  
921 district or placed under conservatorship shall be eligible for  
922 appointment as a superintendent or assistant superintendent in the  
923 Starkville Consolidated School District. Likewise, no trustee  
924 serving in the former school district located in the county  
925 designated as an under-performing school district or placed under  
926 conservatorship shall be eligible for election to the new Board of  
927 Trustees of the Starkville Consolidated School District. It shall  
928 be the responsibility of the board of trustees to prepare and  
929 approve the budget of the respective new reorganized district, and  
930 the board of trustees may use staff from the former school  
931 district to prepare the budget. Any proposed order of the State  
932 Board of Education directing the transfer of the assets, real or  
933 personal property of an affected school district in the county,  
934 shall be final and conclusive for the purposes of the transfer of  
935 property required by such administrative consolidation.

936 (4) Nothing in this section shall be construed to require  
937 the closing of any school or school facility, unless the facility



938 is an unneeded administrative office located within a school  
939 district which has been abolished under the provisions of this  
940 section. All administrative consolidations under this section  
941 shall be accomplished so as not to delay or in any manner  
942 negatively affect the desegregation of another school district in  
943 the county pursuant to court order.

944 (5) The State Board of Education shall promulgate rules and  
945 regulations to facilitate the administrative consolidation of the  
946 school districts in Oktibbeha County pursuant to this section.  
947 The consolidated districts shall make an election within one (1)  
948 year of consolidation concerning the group term life insurance  
949 described in Section 25-15-9(7).

950 (6) For the initial three (3) years following the  
951 administrative consolidation required by this section, the State  
952 Department of Education shall grant a waiver of accountability and  
953 state assessment requirements to the Starkville Consolidated  
954 School District for the student population enrolled therein from  
955 the former Oktibbeha County School District when determining the  
956 new consolidated school district accreditation level on the  
957 performance and accountability rating model.

958 (7) The governing school board and superintendent of schools  
959 of the Starkville Public School District shall collaborate with  
960 the State Department of Education and the appointed conservator of  
961 the Oktibbeha County School District, as soon as practicable after  
962 the effective date of this act, for the planning and transition of



963 programs, services and alignment of curriculum for the  
964 administratively consolidated school districts.

965           **SECTION 13.** This act shall take effect and be in force from  
966 and after July 1, 2015.

