

By: Senator(s) Tollison

To: Education

SENATE BILL NO. 2463

1 AN ACT TO PROVIDE THAT IN THE CHICKASAW COUNTY AND HOUSTON
2 MUNICIPAL SEPARATE SCHOOL DISTRICT THERE SHALL BE AN
3 ADMINISTRATIVE CONSOLIDATION INTO ONE SCHOOL DISTRICT TO BE
4 DESIGNATED AS THE CHICKASAW COUNTY SCHOOL DISTRICT EFFECTIVE JULY
5 1, 2019; TO PROVIDE FOR A SUPERINTENDENT OF SCHOOLS FOR THE NEW
6 CHICKASAW COUNTY SCHOOL DISTRICT; TO PROVIDE FOR THE COMPOSITION
7 OF THE BOARD OF EDUCATION OF THE NEW CHICKASAW COUNTY SCHOOL
8 DISTRICT; TO DIRECT THE STATE BOARD OF EDUCATION TO
9 ADMINISTRATIVELY CONSOLIDATE ANY SCHOOL DISTRICT WHICH DOES NOT
10 VOLUNTARILY FOLLOW THE CONSOLIDATION ORDER; TO ABOLISH THE FORMER
11 SCHOOL DISTRICTS FOLLOWING THE ADMINISTRATIVE CONSOLIDATION AND
12 PROVIDE FOR THE TRANSFER OF SCHOOL DISTRICT ASSETS AND
13 LIABILITIES; TO PROVIDE FOR EXECUTION OF TEACHER AND SCHOOL
14 DISTRICT EMPLOYEE CONTRACTS AND THE PREPARATION OF A SCHOOL
15 DISTRICT BUDGET IN THE NEW SCHOOL DISTRICT; TO DIRECT THE STATE
16 BOARD OF EDUCATION TO PROMULGATE REGULATIONS TO IMPLEMENT SUCH
17 ADMINISTRATIVE CONSOLIDATION; TO PROVIDE A TWO-YEAR WAIVER FROM
18 ACCOUNTABILITY AND STATE ASSESSMENT REQUIREMENTS FOR THE NEW
19 STUDENT POPULATION; TO AMEND SECTIONS 37-7-103 AND 37-5-7,
20 MISSISSIPPI CODE OF 1972, IN CONFORMITY; AND FOR RELATED PURPOSES.

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

22 **SECTION 1.** (1) In Chickasaw County, Mississippi, in which
23 are located, as of January 1, 2017, three (3) school districts,
24 there shall be an administrative consolidation of two (2) of those
25 school districts in the county as a new school district to be
26 designated as Chickasaw County School District which shall consist
27 of the territory of the former Chickasaw County School District



28 and the Houston Municipal Separate School District, effective on
29 July 1, 2019. At such time that the administrative consolidation
30 becomes effective, the central administrative office of the new
31 Chickasaw County School District shall be located in Houston,
32 Mississippi.

33 (2) On July 1, 2018, the Superintendent of Schools of the
34 former Houston Municipal Separate School District shall continue
35 to serve in like administrative capacity for the purpose of
36 managing the transition for the consolidation of the former
37 Chickasaw County School District and the Houston Municipal
38 Separate School District. The said Superintendent of Schools
39 shall be responsible for the administration, management and
40 operation of the school district from July 1, 2018, until July 1,
41 2019, including, but not limited to, the following activities:

42 (a) merging the existing budgets with the budget of the new
43 consolidated school district; (b) nonrenewal of central office
44 staff as necessary; (c) construction of a new salary scale for
45 licensed and nonlicensed employees; (d) supplemental duties of
46 school district employees; (e) assist local officials with school
47 tax assessment; (f) appointment of assistant superintendents for
48 the new district not to exceed three (3); and (g) veto authority
49 over decisions of the former school boards until the new Chickasaw
50 County Board of Education is in place. The said Superintendent of
51 Schools shall cooperate with the State Department of Education, as
52 soon as practicable after the effective date of this act, for the



53 planning and transition of programs, services and alignment of
54 curriculum for the administratively consolidated school districts.

55 (3) On July 1, 2018, the State Board of Education shall
56 serve the Chickasaw County Board of Education and the Board of
57 Trustees of the Houston Municipal Separate School District with
58 notice and instructions regarding the timetable for action to be
59 taken to comply with the administrative consolidation required in
60 this section. The State Board of Education shall require the
61 administrative consolidation of the Chickasaw County School
62 District and the Houston Municipal Separate School District on or
63 before July 1, 2019.

64 (4) In the new Chickasaw County School District, there shall
65 be an Interim County Board of Education elected in a November 2018
66 special election which shall be called by the Governor for that
67 purpose. The State Board of Education shall declare that the
68 following territory shall be the election districts for the
69 Interim Chickasaw County Board of Education, and members shall be
70 qualified electors residing in that district: (a) three (3)
71 members shall be elected at large from the territory of the former
72 Houston School District; and (b) two (2) members shall be elected
73 at large from the territory of the former Chickasaw County School
74 District. Members elected in the November 2018 special election
75 shall serve terms of one (1) year beginning on January 1, 2019.
76 There shall be a new Chickasaw County Board of Education elected
77 on the first Tuesday after the first Monday in November 2019, at



78 the same time and in the same manner as the statewide general
79 election is held and conducted, for that purpose. The new county
80 board of education shall be elected and the terms of office
81 established as provided in Section 37-5-7(5). Any school board
82 member of the former school districts residing in the proper
83 territory shall be eligible for election to the new Chickasaw
84 County Board of Education.

85 (5) The State Board of Education shall declare that the
86 territory embraced by Chickasaw County, Mississippi, excluding the
87 territory of Okolona Separate School District, shall be the
88 boundary lines for the territory of the new Chickasaw County
89 School District and shall spread a legal description of the new
90 school district on the minutes of its August 2017 meeting and
91 shall serve the applicable school boards and the board of
92 supervisors with an adequate legal description of these new
93 boundaries. Any school district affected by the required
94 administrative consolidation in the county that does not
95 voluntarily consolidate as ordered by the State Board of Education
96 shall be administratively consolidated by the State Board of
97 Education, to be effective immediately upon action of the State
98 Board of Education. The State Board of Education shall promptly
99 move on its own motion to administratively consolidate a school
100 district which does not voluntarily consolidate in order to enable
101 the affected school districts to reasonably accomplish the
102 resulting administrative consolidation into the Chickasaw School



103 District by July 1, 2019, following the motion to consolidate.
104 The affected school districts shall comply with any consolidation
105 order issued by the State Board of Education.

106 (6) The Interim Chickasaw County Board of Education shall
107 conduct a search for a new Superintendent of Schools for the
108 Chickasaw County School District to be selected no later than July
109 1, 2019, in the manner provided in Section 37-9-13 and the
110 Superintendent of Schools serving on that date may be selected to
111 continue in office. The position of Chickasaw County
112 Superintendent of Schools shall be an appointive position. No
113 superintendent serving in a school district placed under
114 conservatorship shall be eligible for appointment as a
115 superintendent or assistant superintendent in the new Chickasaw
116 County School District. The Interim Chickasaw County Board of
117 Education shall also employ central office staff for the Chickasaw
118 County School District no later than July 1, 2019, or as soon
119 thereafter as is practicable.

120 (7) On January 1, 2019, following the motion of the State
121 Board of Education to consolidate school districts in Chickasaw
122 County and the Houston Municipal Separate School Districts, the
123 Chickasaw County School District and the Houston Municipal
124 Separate School District and the former school boards of those
125 districts shall be abolished. All real and personal property
126 which is owned or titled in the name of the school district
127 located in such former school districts shall be transferred to



128 the new Chickasaw County School District. The Superintendent of
129 Schools and the County Board of Education of the new Chickasaw
130 County School District shall be responsible for establishing the
131 contracts for teachers, principals, clerical and administrative
132 staff personnel for the 2019-2020 school year and thereafter. It
133 shall be the responsibility of the Superintendent of Schools and
134 the County Board of Education of the new Chickasaw County School
135 District to prepare and approve the budget of the new reorganized
136 district. Any proposed order of the State Board of Education
137 directing the transfer of the assets, real or personal property of
138 an affected school district in the county, shall be final and
139 conclusive for the purposes of the transfer of property required
140 by such administrative consolidation.

141 (8) From and after July 1, 2019, all outstanding debt of the
142 former Chickasaw County School District and the Houston Municipal
143 Separate School District shall be assumed by and become the debt
144 of the new Chickasaw County School District. Any debt assumed by
145 the Chickasaw County School District secured by a special ad
146 valorem tax shall become secured by and payable from a mandatory,
147 special ad valorem tax which shall be levied on all taxable
148 property in the territory of the former Houston Municipal Separate
149 School District or the former Chickasaw County School District, as
150 the case may be, by the levying authority of the new Chickasaw
151 County School District. It is the intent of the Legislature that
152 any such pledges of the former school districts will remain in



153 effect and that the pledged funds will be available to the new
154 Chickasaw County School District to pay its debt to which the
155 funds are pledged. The Board of Supervisors of Chickasaw County
156 shall be the "levying authority" for the new Chickasaw County
157 School District.

158 (9) Nothing in this section shall be construed to require
159 the closing of any school or school facility, unless the facility
160 is an unneeded administrative office located within a school
161 district which has been abolished under the provisions of this
162 section. All administrative consolidations under this section
163 shall be accomplished so as not to delay or in any manner
164 negatively affect the desegregation of another school district in
165 the county pursuant to court order.

166 (10) The State Board of Education, acting through the new
167 Superintendent of Schools, shall promulgate rules and regulations
168 to facilitate the administrative consolidation of the school
169 districts in Chickasaw County and Houston, Mississippi, pursuant
170 to this section. The consolidated district shall make an election
171 within one (1) year of consolidation concerning the group term
172 life insurance described in Section 25-15-9(7).

173 (11) For the initial two (2) years following the
174 administrative consolidation required by this section, conditioned
175 on approval by the U.S. Department of Education, the State
176 Department of Education shall grant a waiver of accountability and
177 state assessment requirements to the new Chickasaw County School



178 District for the student population enrolled therein from the
179 former Chickasaw County School District and the Houston Municipal
180 Separate School District, when determining the new consolidated
181 school district accreditation level based on the performance and
182 accountability rating model.

183 **SECTION 2.** Section 37-7-103, Mississippi Code of 1972, is
184 amended as follows:

185 37-7-103. From and after July 1, 1987, the school board of
186 any school district shall have full jurisdiction, power and
187 authority, at any regular meeting thereof or at any special
188 meeting called for that purpose, to abolish such existing
189 district, or to reorganize, change or alter the boundaries of any
190 such district. In addition thereto, with the consent of the
191 school board of the school district involved, the school board may
192 add to such school district any part of the school district
193 adjoining same, and with the consent of the school board of the
194 school district involved, may detach territory from such school
195 district and annex same to an adjoining district. Provided,
196 however, that the consent of the school board of the school
197 districts involved in implementing the provisions of Section
198 37-7-104 or Section 37-7-104.2 or Section 37-7-104.3 or Section
199 37-7-104.4 or Section 37-7-104.5 or Section 37-7-104.6 or Section
200 37-7-104.7 or Section 1 of this act shall not be required for the
201 administrative consolidation of such school districts pursuant to
202 the order of the State Board of Education.



203 **SECTION 3.** Section 37-5-7, Mississippi Code of 1972, is
204 amended as follows:

205 37-5-7. (1) On the first Tuesday after the first Monday in
206 May 1954, an election shall be held in each county in this state
207 in the same manner as general state and county elections are held
208 and conducted, which election shall be held for the purpose of
209 electing the county boards of education established under the
210 provisions of this chapter. At such election, the members of the
211 said board from Supervisors Districts One and Two shall be elected
212 for the term expiring on the first Monday of January 1957; members
213 of the board from Supervisors Districts Three and Four shall be
214 elected for a term expiring on the first Monday of January 1959;
215 and the member of the board from Supervisors District Five shall
216 be elected for a term expiring on the first Monday of January
217 1955. Except as otherwise provided in subsection (2), all
218 subsequent members of the board shall be elected for a term of six
219 (6) years at the regular general election held on the first Monday
220 in November next preceding the expiration of the term of office of
221 the respective member or members of such board. All members of
222 the county board of education as herein constituted, shall take
223 office on the first Monday of January following the date of their
224 election.

225 (2) On the first Tuesday after the first Monday in November,
226 in any year in which any county shall elect to utilize the
227 authority contained in Section 37-5-1(2), an election shall be



228 held in each such county in this state for the purpose of electing
229 the county boards of education in such counties. At said election
230 the members of the said county board of education from Districts
231 One and Two shall be elected for a term of four (4) years, the
232 members from Districts Three and Four shall be elected for a term
233 of six (6) years, and the member from District Five shall be
234 elected for a term of two (2) years. Thereafter, members shall be
235 elected at general elections as vacancies occur for terms of six
236 (6) years each. All members of the county board of education
237 shall take office on the first Monday of January following the
238 date of their election.

239 (3) (a) Current members of the Board of Trustees of the
240 Greenwood Public School District serving on November 1, 2017,
241 shall continue in office as the new County Board of Education of
242 the Greenwood-Leflore School District until their successors are
243 elected as follows:

244 (i) The two (2) appointed board members of the
245 Greenwood Public School District whose terms are nearest to
246 expiration shall expire on January 1, 2019, and thereafter become
247 permanently elected positions to be filled by persons elected as
248 board members from Supervisors Districts 2 and 3 in a November
249 2018 election held for that purpose, in the manner prescribed in
250 Section 37-7-203, and the newly elected members will take office
251 on January 1, 2019, for a term of four (4) years;



252 (ii) The final two (2) appointed board members of
253 the Greenwood Public School District whose terms are the farthest
254 removed from expiration shall expire on January 1, 2020, and
255 thereafter become permanently elected positions to be filled by
256 persons elected as board members from Supervisors Districts 4 and
257 5 in a November 2019 election held for that purpose, in the manner
258 prescribed in Section 37-7-203, and the newly elected members will
259 take office on January 1, 2020, for a term of four (4) years; and

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

268 (b) All subsequent members shall be elected for a term
269 of four (4) years at the regular general election held on the
270 first Monday in November next preceding the expiration of the term
271 of office of the respective members, and shall take office on
272 January 1 next succeeding the election.

273 (4) On the first Tuesday after the first Monday in November
274 2017, an election shall be held in Holmes County for the purpose
275 of electing the county board of education in the new Holmes County
276 Consolidated School District. At the election, the members of the



277 said county board of education shall be elected from single-member
278 board of education districts, which shall be consistent with the
279 supervisors district lines in the county, and shall be elected for
280 an initial term of six (6) years. Subsequent elections for the
281 Holmes County Board of Education shall be held on the first
282 Tuesday after the first Monday in November 2023 and every four (4)
283 years thereafter at the same time and manner as other general
284 elections are held, and the member shall be elected for a term of
285 four (4) years. All members of the county board of education in
286 the new Holmes County Consolidated School District shall take
287 office on the first Monday of January following the date of their
288 election.

289 (5) On the first Tuesday after the first Monday in November
290 2019, an election shall be held in Chickasaw County for the
291 purpose of electing the county board of education in the new
292 Chickasaw County School District. The board of supervisors shall
293 declare and designate posts for each member of the new board. At
294 said election, the members of the said county board of education
295 from Posts One and Two shall be elected for a term of four (4)
296 years, the members from Posts Three and Four shall be elected for
297 a term of three (3) years and the member from Post Five shall be
298 elected for a term of two (2) years. Thereafter, members shall be
299 elected at general elections as vacancies occur for terms of four
300 (4) years each. All members of the county board of education in



301 the new Chickasaw County School District shall take office on the
302 first Monday of January following the date of their election.

303 **SECTION 4.** This act shall take effect and be in force from
304 and after July 1, 2017.

