

By: Senator(s) Tollison

To: Education

SENATE BILL NO. 2760
(As Sent to Governor)

1 AN ACT TO CODIFY SECTION 37-7-104.1, MISSISSIPPI CODE OF
2 1972, TO PROVIDE THAT IN BOLIVAR COUNTY THERE SHALL BE AN
3 ADMINISTRATIVE CONSOLIDATION INTO TWO SCHOOL DISTRICTS TO BE
4 DESIGNATED AS NORTH BOLIVAR CONSOLIDATED SCHOOL DISTRICT AND WEST
5 BOLIVAR CONSOLIDATED SCHOOL DISTRICT; TO AUTHORIZE AND DIRECT THE
6 STATE BOARD OF EDUCATION TO DEVELOP AND PROMULGATE A CONSOLIDATION
7 ORDER FOR THE SCHOOL DISTRICTS IN SAID COUNTY UNDER CERTAIN
8 STANDARDS; TO PROVIDE FOR TWO NEW BOARDS OF TRUSTEES TO BE ELECTED
9 IN SUCH CONSOLIDATED SCHOOL DISTRICT IN A NOVEMBER 2013 SPECIAL
10 ELECTION; TO DIRECT THE STATE BOARD OF EDUCATION TO
11 ADMINISTRATIVELY CONSOLIDATE ANY SCHOOL DISTRICT WHICH DOES NOT
12 VOLUNTARILY FOLLOW THE CONSOLIDATION ORDER; TO ABOLISH THE FORMER
13 SCHOOL BOARDS FOLLOWING THE ADMINISTRATIVE CONSOLIDATION AND
14 PROVIDE FOR THE TRANSFER OF SCHOOL DISTRICT ASSETS AND
15 LIABILITIES; TO PROVIDE FOR EXECUTION OF TEACHER AND SCHOOL
16 DISTRICT EMPLOYEE CONTRACTS IN THE NEW SCHOOL DISTRICTS AND TO
17 PROVIDE FOR THE PREPARATION OF SCHOOL DISTRICT BUDGETS IN THE NEW
18 SCHOOL DISTRICTS; TO DIRECT THE STATE BOARD OF EDUCATION TO
19 PROMULGATE REGULATIONS TO IMPLEMENT SUCH ADMINISTRATIVE
20 CONSOLIDATION; TO AMEND SECTION 37-7-103, MISSISSIPPI CODE OF
21 1972, IN CONFORMITY; TO AMEND SECTION 37-27-79, MISSISSIPPI CODE
22 OF 1972, TO DIRECT THE STATE BOARD OF EDUCATION TO DEVELOP A
23 REPORT WITH RECOMMENDATIONS ON THE ADMINISTRATIVE CONSOLIDATION OF
24 THE STATE'S AGRICULTURAL HIGH SCHOOLS; AND FOR RELATED PURPOSES.

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

26 **SECTION 1.** The following shall be codified as Section
27 37-7-104.1, Mississippi Code of 1972:

28 37-7-104.1. (1) In Bolivar County, Mississippi, in which
29 are located, as of January 1, 2012, six (6) school districts,
30 there shall be an administrative consolidation of all of the
31 school districts in the county into three (3) school districts as
32 follows:

33 (a) One (1) existing school district which shall be the
34 Cleveland Municipal Separate School District;

35 (b) One (1) new consolidated school district to be
36 designated as North Bolivar Consolidated School District which



37 shall consist of the territory of the former North Bolivar School
38 District and the Mound Bayou Public School District. The central
39 administrative office of the North Bolivar Consolidated School
40 District shall be located in Mound Bayou, Mississippi; and

41 (c) One (1) new consolidated school district to be
42 designated as West Bolivar Consolidated School District which
43 shall consist of the territory of the former West Bolivar School
44 District, Shaw School District and Benoit School District. The
45 central administrative office of the West Bolivar Consolidated
46 School District shall be located in Rosedale, Mississippi.

47 (2) On or before September 1, 2012, the State Board of
48 Education shall serve the local school boards in Bolivar County
49 with notice and instructions regarding the timetable for action to
50 be taken to comply with the administrative consolidation required
51 in this section. The State Board of Education shall provide for
52 the administrative consolidation of all school districts in the
53 county outside of the territory of Cleveland Municipal Separate
54 School District into North Bolivar Consolidated School District
55 and West Bolivar Consolidated School District on or before July 1,
56 2014. In each new consolidated school district there shall be a
57 new consolidated school district board of trustees elected in a
58 November 2013 special election which shall be called by the
59 Governor for that purpose. The new consolidated school district
60 boards of trustees shall be elected and the terms of office
61 established as provided in Section 37-7-207, Mississippi Code of
62 1972. The State Board of Education shall determine the boundary
63 lines for the territory of the two (2) new school districts and
64 shall spread a legal description of the new school districts on
65 the minutes of its August 2012 meeting and shall serve the
66 applicable school boards and the board of supervisors with an
67 adequate legal description of these new boundaries. It shall be
68 the responsibility of the State Board of Education with the
69 assistance of the Joint Legislative Committee on Performance



70 Evaluation and Expenditure Review (PEER) to apportion the
71 territory of the two (2) new school districts into five (5) new
72 board of trustee election districts for each new school district.
73 The State Board of Education shall thereafter publish the same in
74 some newspaper of general circulation in said county for at least
75 three (3) consecutive weeks and after having given notice of
76 publication and recording the same upon the minutes of the school
77 boards of each school district in the county, said new district
78 lines will thereafter be effective for the November 2013 special
79 election. Any school board member of the former school district
80 residing in the proper election district shall be eligible for
81 election to the new board of trustees for North Bolivar
82 Consolidated School District or West Bolivar Consolidated School
83 District. The local school board of each new school district
84 shall reapportion the school board districts in accordance with
85 the procedure described in Section 37-7-207, Mississippi Code of
86 1972, as is necessary as soon as practicable after the 2020
87 decennial census are published and as soon as practicable after
88 every decennial census thereafter. Any school district affected
89 by the required administrative consolidation in such county that
90 does not voluntarily consolidate with the two (2) new school
91 districts ordered by the State Board of Education shall be
92 administratively consolidated by the State Board of Education with
93 the appropriate school district in which such district is located,
94 to be effective on July 1 following the election of the new local
95 school boards. The State Board of Education shall promptly move
96 on its own motion to administratively consolidate a school
97 district which does not voluntarily consolidate in order to enable
98 the affected school districts to reasonably accomplish the
99 resulting administrative consolidation into two (2) school
100 districts by July 1 following the election of the new school
101 boards. All affected school districts shall comply with any



102 consolidation order issued by the State Board of Education on or
103 before July 1 following the election of the new school boards.

104 (3) On July 1 following the election of the new school
105 district boards of trustees in Bolivar County, the former county
106 board of education and the former board of trustees of North
107 Bolivar School District, Mound Bayou Public School District, West
108 Bolivar School District, Shaw School District and Benoit School
109 District shall be abolished. All real and personal property which
110 is owned or titled in the name of a school district located in
111 such former school district shall be transferred to the new
112 reorganized school district of Bolivar County in which such former
113 school district is located. Each former school board shall be
114 responsible for establishing the contracts for teachers and
115 principals for the next school year following the required
116 administrative consolidation with the consultation of the newly
117 elected successor school boards. The new Board of Trustees for
118 the North Bolivar Consolidated School District shall appoint the
119 Superintendent of Schools for said school district, and the Board
120 of Trustees for the West Bolivar Consolidated School District
121 shall appoint the Superintendent of Schools for said school
122 district. The subsequent superintendent of schools of said
123 reorganized school districts shall not be elected but shall
124 thereafter be appointed by the successor boards of trustees in the
125 manner provided in Section 37-9-25. Any superintendent serving in
126 the former school districts shall be eligible for appointment as a
127 superintendent in North Bolivar Consolidated School District or
128 West Bolivar Consolidated School District. North Bolivar
129 Consolidated School District and West Bolivar Consolidated School
130 District shall not have more than one (1) assistant
131 superintendent. It shall be the responsibility of the successor
132 boards of trustees to prepare and approve the budget of the
133 respective new reorganized districts, and the successor boards of
134 trustees may use staff from the former school districts to prepare



135 the budget. Any proposed order of the State Board of Education
136 directing the transfer of the assets, real or personal property of
137 an affected school district in the county, shall be final and
138 conclusive for the purposes of the transfer of property required
139 by such administrative consolidation. Any person or school
140 district aggrieved by an order of the successor newly elected
141 board of trustees of a consolidated school district pursuant to
142 the required administrative consolidation may appeal therefrom to
143 the State Board of Education within ten (10) days from the date of
144 the adjournment of the meeting at which such order is entered.
145 Such appeal shall be de novo, and the finding of the State Board
146 of Education upon such question shall be final and conclusive for
147 the purpose of the approval or disapproval of the action by said
148 county board of education.

149 (4) When any school district in such county is abolished
150 under the provisions of this section, the abolition thereof shall
151 not impair or release the property of such former school district
152 from liability for the payment of the bonds or other indebtedness
153 of such district.

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

162 (6) The State Board of Education shall promulgate rules and
163 regulations to facilitate the administrative consolidation of the
164 school districts in Bolivar County pursuant to this section. The
165 consolidated districts shall make an election within one (1) year
166 of consolidation concerning the group term life insurance
167 described in subsection (7) of Section 25-15-9. When the orders



168 of the State Board of Education adopting the boundaries of the
169 successor school districts and the successor board of trustees
170 election districts have been entered and are final, as directed by
171 the State Board of Education, the new district lines shall be
172 submitted by the State Board of Education with the assistance of
173 the Attorney General to the Attorney General of the United States
174 for preclearance or to the United States District Court for the
175 District of Columbia for a declaratory judgment in accordance with
176 the provisions of the Voting Rights Act of 1965, as amended and
177 extended. In the event the change in the school district lines
178 and election districts are precleared or approved, the State Board
179 of Education shall formally declare the new lines as the new
180 boundaries of the successor school districts.

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

183 37-7-103. From and after July 1, 1987, the school board of
184 any school district shall have full jurisdiction, power and
185 authority, at any regular meeting thereof or at any special
186 meeting called for that purpose, to abolish such existing
187 district, or to reorganize, change or alter the boundaries of any
188 such district. In addition thereto, with the consent of the
189 school board of the school district involved, the school board may
190 add to such school district any part of the school district
191 adjoining same, and with the consent of the school board of the
192 school district involved, may detach territory from such school
193 district and annex same to an adjoining district. Provided,
194 however, that the consent of the school board of the school
195 districts involved in implementing the provisions of Section
196 37-7-104, 37-7-104.1, or Section 37-27-79, Mississippi Code of
197 1972, shall not be required for the administrative consolidation
198 of such school districts pursuant to the order of the State Board
199 of Education.



200 **SECTION 3.** Section 37-27-79, Mississippi Code of 1972, is
201 amended as follows:

202 37-27-79. (1) The State Board of Education shall review and
203 develop a report relating to the need for a separate board of
204 trustees and separate administrative office for the Coahoma
205 Agricultural High School, the Forrest Agricultural High School and
206 the Hinds Agricultural High School and shall submit this finding
207 with recommendations for any necessary legislation to the Chairmen
208 of the Senate and House Education Committees on or before December
209 1, 2012, for consideration in the 2013 Regular Session. Said
210 report shall include any necessary recommendations for the
211 consolidation and transfer of administrative offices, transfer of
212 real and personal property, and transfer of students from such
213 agricultural high school to the appropriate school district.

214 (2) Any agricultural high school in this state (whether
215 maintained by one (1) county or more than one (1) county) may be
216 abolished when twenty percent (20%) of the qualified electors
217 residing in such county or counties shall file a petition with the
218 board of supervisors or boards of supervisors of such county or
219 counties, and request that such school be abolished. Thereupon,
220 the question shall be submitted to an election of the qualified
221 electors of the county or counties within not less than thirty
222 (30) days nor more than sixty (60) days after the next meeting of
223 the board of supervisors or boards of supervisors after the filing
224 of the petition. At such election said electors may vote for
225 abolishing the agricultural high school or against abolishing the
226 agricultural high school. If a majority of the votes cast in such
227 election be in favor of abolishing such school, then such school
228 shall be abolished. If less than a majority of those voting fail
229 to vote for abolishing such school then it shall not be abolished
230 but shall be supported and maintained as now provided by law.

231 When an election is called under this section and the school is



232 not abolished, then another election cannot be held for a period
233 of two (2) years.

234 **SECTION 4.** The Attorney General of the State of Mississippi
235 shall submit this act, immediately upon approval by the Governor,
236 or upon approval by the Legislature subsequent to a veto, to the
237 Attorney General of the United States or to the United States
238 District Court for the District of Columbia in accordance with the
239 provisions of the Voting Rights Act of 1965, as amended and
240 extended.

241 **SECTION 5.** This act shall take effect and be in force from
242 and after the date it is effectuated under Section 5 of the Voting
243 Rights Act of 1965, as amended and extended.

