MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Eubanks To: Education

HOUSE BILL NO. 771

AN ACT TO CODIFY NEW SECTION 37-6-17, MISSISSIPPI CODE OF 1972, TO REQUIRE THE ELECTION OF ALL SCHOOL BOARD MEMBERS AT THE SAME TIME AS THE PRESIDENTIAL ELECTION, BEGINNING IN NOVEMBER 2024; TO PROVIDE THAT THE TERMS OF OFFICE OF ALL SCHOOL BOARD MEMBERS SHALL BE FOUR YEARS; TO PROVIDE FOR NOMINATING PETITIONS TO RUN FOR THE OFFICE OF SCHOOL BOARD AND TO REQUIRE A UNIFORM NUMBER OF SIGNATURES ON PETITIONS OF NOMINATION; TO PROVIDE THE PROCEDURE FOR FILLING VACANCIES IN THE OFFICE OF SCHOOL BOARD MEMBERS; TO AMEND SECTIONS 37-5-1, 37-5-3, 37-5-7, 37-5-9, 37-5-19, 37-7-203, 37-7-207, 37-7-221 AND 37-7-703, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PROVISIONS OF THIS ACT; TO REPEAL SECTION 37-5-18, MISSISSIPPI CODE OF 1972, WHICH REQUIRES THE ELECTION OF THE COUNTY BOARDS OF EDUCATION MEMBERS FROM TERRITORY OUTSIDE THE FOUR MUNICIPAL SEPARATE SCHOOL DISTRICTS IN A CERTAIN COUNTY; TO BRING FORWARD SECTION 37-7-104, MISSISSIPPI CODE OF 1972, WHICH REQUIRES THE CONSOLIDATION OF CERTAIN COUNTY SCHOOL DISTRICTS UNDER CONSERVATORSHIP, FOR PURPOSES OF POSSIBLE AMENDMENT; TO BRING FORWARD SECTION 37-7-104.1, MISSISSIPPI CODE OF 1972, WHICH REQUIRES THE ADMINISTRATIVE CONSOLIDATION OF CERTAIN SCHOOL DISTRICTS IN BOLIVAR COUNTY, FOR PURPOSES OF POSSIBLE AMENDMENT; TO AMEND SECTIONS 37-7-104.2, 37-7-104.3 AND 37-7-104.4, MISSISSIPPI CODE OF 1972, WHICH REQUIRE THE ADMINISTRATIVE CONSOLIDATION OF ALL SCHOOL DISTRICTS IN CERTAIN COUNTIES, IN CONFORMITY TO THE PRECEDING PROVISIONS; TO BRING FORWARD SECTIONS 37-7-104.5, 37-7-104.6 AND 37-7-104.7, MISSISSIPPI CODE OF 1972, WHICH REQUIRE THE ADMINISTRATIVE CONSOLIDATION OF ALL SCHOOL DISTRICTS IN CERTAIN COUNTIES, FOR THE PURPOSE OF POSSIBLE AMENDMENTS; TO REPEAL SECTIONS 37-7-204, 37-7-209, 37-7-211, 37-7-215, 37-7-217, 37-7-219, 37-7-223, 37-7-225, 37-7-227 AND 37-7-229, MISSISSIPPI CODE OF 1972, WHICH PROVIDE CERTAIN METHODS FOR ELECTING TRUSTEES OF MUNICIPAL AND SPECIAL MUNICIPAL SEPARATE SCHOOL DISTRICTS AND CONSOLIDATED AND LINE CONSOLIDATED SCHOOL DISTRICTS; TO REPEAL SECTIONS 37-7-705, 37-7-707, 37-7-709, 37-7-711, 37-7-713, 37-7-715 AND 37-7-717,

MISSISSIPPI CODE OF 1972, WHICH PROVIDE ADDITIONAL METHODS FOR SELECTING TRUSTEES OF SPECIAL MUNICIPAL SEPARATE SCHOOL DISTRICTS; AND FOR RELATED PURPOSES.

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

SECTION 1. The following shall be codified as Section 37-6-17, Mississippi Code of 1972:

37-6-17. (1) For purposes of this section, the term "school board member" means each member of a school board, as defined under Section 37-6-3.

(2) On the first Tuesday after the first Monday in November 2024, and every four (4) years thereafter and concurrently with the federal election for the President of the United States, there shall be an election for local school board members in the manner provided under this section. Except as otherwise provided in this section, the laws regulating the time and manner of conducting general elections apply to and govern elections of school board members.

(3) All school board members elected pursuant to subsection (2) of this section shall serve a term of four (4) years. However, in order to provide for an orderly transition, each incumbent school board member holding office on the effective date of this act shall continue holding office until the first Monday of January in 2025. Any incumbent school board member may qualify to run for a subsequent four-year term under this section.

(4) In order for a person to be eligible to hold the office of school board member, the person must be a bona fide resident and a qualified elector of the territory that the person seeks to

represent on the school board. In the case of a school district lying in two (2) or more counties, such person must be a resident and a qualified elector of the territory entitled to such representation on the board as provided in Section 37-7-201.

(5) The name of any qualified elector who is a candidate for the school board shall be placed on the ballot used in the general election by the county election commissioners, provided that the candidate files with the county election commissioners, not more than ninety (90) days and not less than sixty (60) days before the date of the general election, a petition of nomination signed by not less than fifty (50) qualified electors of the county residing within the appropriate school board district, as provided in Section 37-5-9, as the case may be. Where there are less than one hundred (100) qualified electors in the area represented by the school board member, it is only required that the petition of nomination be signed by at least twenty percent (20%) of the qualified electors in the area. The petition must contain an affidavit certifying that all signatures are the personal signatures of each person whose name appears on the petition and that each person is a qualified elector. The candidate who receives a majority of the votes cast in the election must be declared elected. If no candidate receives a majority of the votes cast in the district, then the two (2) candidates who receive the highest number of votes cast in the district shall have their names submitted as candidates in a runoff election

three (3) weeks after the date of the general election, and the candidate who receives a majority of the votes cast in the district in the runoff election shall be declared elected. If, after the time for candidates to file the petition and affidavit required under this subsection, there is only one (1) person who has qualified for the office of school board member, then no election or notice of election shall be necessary and that person, if otherwise qualified, must be declared elected without opposition.

(6) The names of candidates seeking the office of school board member which appear on the ballot at the general election must be grouped together on a separate portion of the ballot clearly identified as school board member elections and must be listed in alphabetical order.

(7) At the election for school board members, all qualified electors residing within the appropriate school board election district are qualified to vote for a candidate for the office of school board member.

(8) A vacancy in the membership of the school board must be filled by appointment within sixty (60) days after the vacancy occurs by the remaining members of the school board. The appointee must be selected from the qualified electors of the school board member district in which the vacancy occur. The appointee shall serve until the first Monday of January next succeeding the next state or presidential general election, at

which general election a member must be elected to fill the remainder of the unexpired term in the same manner and with the same qualifications applicable to the election of a member for the full term as provided in this section. If a school district is under conservatorship and no members of the applicable school board remain in office, the Governor shall call a special election to fill the vacancies, and the election will be conducted by the county or municipal election commission, as the case may be. If the vacancy occurs more than five (5) months before the next general state or presidential election and the remaining members of the school board are unable to agree upon an individual to be appointed, any two (2) of the remaining members may certify the disagreement to the county or municipal election commission, as the case may be. Upon the receipt of such a certificate by the county or municipal election commission, or any member thereof, the commission shall hold a special election to fill the vacancy, which election, notice thereof and ballot must be controlled by the laws concerning special elections to fill vacancies in county or municipal offices. The person elected at the special election shall serve for the remainder of the unexpired term.

(9) (a) This section does not apply to any municipal separate or special municipal separate school district having an accreditation accountability rating of "A" or "B" upon the effective date of this act. Those school districts having and maintaining an "A" or "B" accountability rating shall continue to

select members to their respective board of trustees in the manner provided in Chapter 7, Title 37, Mississippi Code of 1972.

(b) (i) If at any time a school district that has had an accountability rating of "A" or "B" for a minimum of two (2) consecutive years receives an accountability rating of "C" and retains that "C" rating for two (2) consecutive years, the district must transition to electing its school board members in the manner provided in this section. Upon a determination that the office of school board member in a school district must become an elected position, those school board members must be elected in the next succeeding statewide general and presidential elections pursuant to this section.

(ii) If at any time a school district receives an accountability rating of "D" or "F" for any academic year's accreditation period, the district must transition to electing its school board members in the manner provided in this section. Upon a determination that the office of school board member in a school district must become an elected position, those school board members must be elected in the next succeeding statewide general and presidential elections, pursuant to this section.

(10) This section does not apply to any school district administratively consolidated by act of the Legislature between 2013 and 2023 for a period of four (4) years from the effective date of the consolidation, during which period the selection of school board members must be in the manner established by law in

the act requiring the consolidation. However, if at the end of the four-year period from the effective date of consolidation the school district has failed to achieve an accountability rating of "A" or "B," the school district must transition to electing its school board members in the manner provided in this section. Upon a determination that the office of school board member in such a school district must become an elected position, those school board members must be elected in the next succeeding statewide general and presidential elections pursuant to this section.

SECTION 2. Section 37-5-1, Mississippi Code of 1972, is amended as follows:

37-5-1. (1) There is * * * established a county board of education in each county of the State of Mississippi. * * * The county boards of education shall consist of five (5) members, one (1) of * * * whom shall be elected by the qualified electors of each board of education district of the county at the time and in the manner provided in Section 37-6-17. * * *

(2) The county boards of education shall apportion the county school district into five (5) single member board of education districts. The county boards of education shall place upon its minutes the boundaries determined for the * * * five (5) board of education districts. The board of education of * * * that county shall thereafter publish the same in some newspaper of general circulation within * * * the county for at least three (3) consecutive weeks, and after having given notice of publication

and recording the same upon the minutes of the board of education of * * * the county, * * * the district lines will thereafter be effective. The board of education of * * * the county shall reapportion the board of education districts in accordance with the procedure described herein for the original apportionment of districts as soon as practicable after the results of the 2000 decennial census are published and as soon as practicable after every decennial census thereafter.

(3) In counties where the office of "administrative superintendent," as defined in Section 37-6-3, * * * has been abolished, there shall be no county board of education.

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

37-5-3. No person who is a resident of the territory embraced within a municipal separate school district or a special municipal separate school district shall be eligible to be a member of the county board of education. Qualified electors residing within a municipal separate school district or special municipal separate school district shall not be eligible to vote or participate in the election of members of the county boards of education provided under Section 37-6-17.

The provisions of this section shall be applicable in the case of a special municipal separate school district and a line consolidated school district of which another county is the home

county which together occupy all of the territory of a supervisors district of the county.

SECTION 4. Section 37-5-7, Mississippi Code of 1972, is amended as follows:

37-5-7. (1) *** * *** Except as otherwise provided, on the first Tuesday after the first Monday in November 2024, and every four (4) years thereafter, an election shall be held in each county in this state concurrently with the federal election for the President of the United States for the purpose of electing members of the county boards of education, as provided in Section 37-6-17.

(2) Except as otherwise provided in Section 37-6-17, all members of the county boards of education shall be elected for a term of four (4) years and shall take office on the first Monday of January following the date of their election.

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

(i) The two (2) appointed board members of the Greenwood Public School District whose terms are nearest to expiration shall expire on January 1, 2019, and thereafter become permanently elected positions to be filled by persons elected as board members from Supervisors Districts 2 and 3 in a November

2018 election held for that purpose, in the manner prescribed in Section 37-7-203, and the newly elected members will take office on January 1, 2019, for a term of four (4) years;

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

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

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

(4) On the first Tuesday after the first Monday in November 2017, an election shall be held in Holmes County for the purpose of electing the county board of education in the new Holmes County Consolidated School District. At the election, the members of the *** * *** county board of education shall be elected from single member board of education districts, which shall be consistent with the supervisors district lines in the county, and shall be elected for an initial term of six (6) years. Subsequent elections for the Holmes County Board of Education shall be held on the first Tuesday after the first Monday in November 2023 and every four (4) years thereafter at the same time and manner as other general elections are held, and the member shall be elected for a term of four (4) years. All members of the county board of education in the new Holmes County Consolidated School District shall take office on the first Monday of January following the date of their election.

(5) On the first Tuesday after the first Monday in November 2023, an election shall be held in Chickasaw County for the purpose of electing the county board of education in the new Chickasaw County School District. The board of supervisors shall declare and designate posts for each member of the new board. At said election, the members of the said county board of education from Posts One and Two shall be elected for a term of four (4) years, the members from Posts Three and Four shall be elected for a term of three (3) years and the member from Post Five shall be

elected for a term of two (2) years. Thereafter, members shall be elected at general elections as vacancies occur for terms of four (4) years each. All members of the county board of education in the new Chickasaw County School District shall take office on the first Monday of January following the date of their election.

SECTION 5. Section 37-5-9, Mississippi Code of 1972, is amended as follows:

37-5-9. As specifically provided in Section 37-6-17, the name of any qualified elector who is a candidate for the county board of education shall be placed on the ballot used in the general elections by the county election commissioners *** * ***.

*** * ***

In no case shall any qualified elector residing within a municipal separate school district or special municipal separate school district be eligible to sign a petition of nomination for any candidate for the county board of education *** * ***.

SECTION 6. Section 37-5-19, Mississippi Code of 1972, is amended as follows:

37-5-19. Vacancies in the membership of the county board of education shall be filled *** * *** in the manner provided in Section 37-6-17(8).

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

37-7-203. (1) Except as otherwise provided in subsections (3) and (4) of this section, the boards of trustees of all

municipal separate school districts and special municipal separate school districts created under this chapter, either with or without added territory, shall consist of five (5) members *** * ***. *** * *** Unless otherwise exempted by Section 37-6-17(9) or (10), on the first Tuesday after the first Monday in November 2024, and every four (4) years thereafter, an election shall be held pursuant to Section 37-6-17 for the purpose of electing the members of the boards of trustees of the municipal separate school districts and special municipal separate school districts established under this chapter. The five (5) members of the board of trustees of the school district must be elected from special trustee election districts by the qualified electors thereof. The board of trustees of the school district shall apportion the municipal separate school district, including added territory, into five (5) special trustee election districts as nearly equal as possible according to population, incumbency and other factors heretofore pronounced by the courts. The board of trustees shall place upon its minutes the boundaries determined for the new five (5) special trustee election districts. The board of trustees shall thereafter publish the same in a newspaper of general circulation within the school district for at least three (3) consecutive weeks; and after having given notice of publication and recording the same upon the minutes of the board of trustees, the new district lines shall be effective. All incumbent trustees holding office at the time of the creation of the trustee election

districts shall continue holding their respective offices, provided they reside within the new district, for the remainder of the term of office to which they have heretofore been selected, and their successors shall be elected from the new trustee election districts constituted in the manner provided for in this section.

(2) * * * Vacancies in the membership of the board of trustees of any municipal separate school district or special municipal separate school district shall be filled in the manner provided in Section 37-6-17(8).

(3) (a) * * * In those school districts having a classification of "A" or "B" on the effective date of this act, the school board members must be selected in the manner provided in this subsection. The boards of trustees of all municipal separate school districts either with or without added territory having a classification of "A" or "B" shall consist of five (5) members, each to be chosen for a term of five (5) years, but so chosen that the term of office of one (1) member shall expire each year. In the event the added territory of a municipal separate school district furnishes fifteen percent (15%) or more of the pupils enrolled in the schools of the district, then at least one (1) member of the board of trustees of the school district must be a resident of the added territory outside the corporate limits. In the event the added territory of a municipal separate school district furnishes thirty percent (30%) or more of the pupils

enrolled in the schools of the district, then not more than two (2) members of the board of trustees of the school district must be residents of the added territory outside the corporate limits.

(b) The trustees of such a municipal separate school district having a classification of "A" or "B" on the effective date of this act shall be elected by a majority of the governing authorities of the municipality at the first meeting of the governing authorities held in the month of February of each year, and the term of office of the members so elected shall commence on the first Saturday of the following month of March. In the case of a member of the board of trustees who is required to come from the added territory outside the corporate limits as is provided in paragraph (a) of this subsection, the member of the board of trustees shall be elected by the qualified electors of the school district residing in such added territory outside the corporate limits at the same time and in the same manner as is otherwise provided in this article for the election of trustees of school districts other than municipal separate school districts.

(c) All vacancies must be filled for the unexpired terms by appointment of the governing authorities of the municipality; however, in the case of the trustees coming from the added territory outside the corporate limits, the person so appointed may serve only until the next general election following his or her appointment, at which time a person shall be elected

for the remainder of the unexpired term in the manner otherwise provided herein.

(d) A person who is a member of the municipal governing body, or who is an employee of the municipality, or who is a member of the county board of education, or who is a trustee of any public, private or sectarian school or college located in the county, inclusive of the municipal separate school district, or who is a teacher in or a trustee of the school district, is not eligible for appointment to the board of trustees.

(e) If a school district having an accountability rating of "A" or "B" on the effective date of this act fails to maintain that accountability rating and subsequently receives an accountability rating of "C," "D" or "F," the office of trustee in that school district must become an elected position, as provided in Section 37-6-17(9)(b), and the district must transition to electing its trustees in the manner provided in Section 37-6-17.

(4) (a) Beginning in 2017, in any municipal separate school district that is traversed by the Escatawpa River and in which Interstate Highway 10 and Mississippi Highway 63 intersect, the board of trustees of the municipal separate school district shall consist of five (5) members, each to be elected for a term of four (4) years in the manner provided in this subsection. Within forty-five (45) days after July 1, 2017, the municipal governing authority shall apportion the municipal separate school district, including any added territory outside the corporate limits, into

five (5) special trustee election districts as nearly equal as possible according to population, incumbency and other factors pronounced by the courts before August 8, 2017. The municipal governing authority shall place upon its minutes the boundaries determined for the new five (5) trustee election districts and shall publish the same in a newspaper of general circulation within the school district for at least three (3) consecutive weeks. After having given notice of publication and recording the same upon the minutes of the municipal governing authority, the new district lines shall be effective.

(b) On the first Tuesday after the first Monday in November 2017, and every four (4) years thereafter, an election shall be held in the municipal separate school district for local school board members from trustee election Districts 1, 3 and 5 in the same manner and at the same time as the general municipal election is held and conducted, for the purpose of electing the board of trustees of the municipal separate school district. All members of the board of trustees elected pursuant to this paragraph (b) shall take office on the first Monday of January immediately following the date of their election. However, in order to provide for an orderly transition, the term of each member of the board of trustees serving on July 1, 2017, which otherwise would expire after the first Monday in July 2018, shall expire on the first Monday of January 2018. If no individual qualifies for the elective office of school district trustee, the

trustee for that specific trustee district shall be filled by appointment of the municipal governing authority; however, the person so appointed to fill the vacancy may serve only until the first Monday in January 2019, at which time the trustee elected pursuant to this subsection shall take office for the remainder of the unexpired initial term.

From and after January 1, 2018, any vacancy on the board of trustees shall be filled by appointment by the remaining members of the board of trustees within sixty (60) days after the vacancy occurs. The appointee must be selected from the qualified electors of the trustee election district in which the vacancy occurs. The appointee shall serve until the first Monday of January succeeding the next general municipal election, at which election a member from that trustee election district shall be elected for a full term.

(c) On the first Tuesday after the first Monday in November 2018, and every four (4) years thereafter, an election shall be held in the municipal separate school district for local school board members from trustee election Districts 2 and 4 in the same manner and at the same time as the Congressional mid-term election is held and conducted, for the purpose of electing the board of trustees of the municipal separate school district. All members of the board of trustees elected pursuant to this paragraph (c) shall take office on the first Monday of January immediately following the date of their election. However, in

order to provide for an orderly transition, the term of each member of the board of trustees serving on July 1, 2018, which otherwise would expire after the first Monday in July 2018, shall expire on the first Monday of January 2019. If no individual qualifies for the elective office of school district trustee, the trustee for that specific trustee district shall be filled by appointment of the municipal governing authority; however, the person so appointed to fill the vacancy may serve only until the first Monday in January 2020, at which time the trustee elected pursuant to this subsection shall take office for the remainder of the unexpired initial term.

From and after July 1, 2020, any vacancy on the board of trustees shall be filled by appointment by the remaining members of the board of trustees within sixty (60) days after the vacancy occurs. The appointee must be selected from the qualified electors of the trustee election district in which the vacancy occurs. The appointee shall serve until the first Monday of July succeeding the next general municipal election, at which election a member from that trustee election district shall be elected for a full term.

SECTION 8. Section 37-7-207, Mississippi Code of 1972, is amended as follows:

37-7-207. (1) All school districts reconstituted or created under the provisions of Article 1 of this chapter, and which lie wholly within one (1) county, but not including municipal separate

and countywide districts, shall be governed by a board of five (5) trustees. * * * Beginning with the election on the first Tuesday after the first Monday in November 2024, and every four (4) years thereafter, the trustees of such school districts shall be elected at the same time and in the same manner provided in Section 37-6-17 for terms of four (4) years. The five (5) members of the board of trustees of such consolidated school district shall be elected from special trustee election districts by the qualified electors thereof * * *. The board of trustees of any such consolidated school district shall apportion the consolidated school district into five (5) special trustee election districts. The board of trustees of such school district shall place upon its minutes the boundaries determined for the new five (5) trustee election districts. The board of trustees shall thereafter publish the same in a newspaper of general circulation within said school district for at least three (3) consecutive weeks; and after having given notice of publication and recording the same upon the minutes of the board of trustees, said new district lines shall thereafter be effective.

* * * All members of the * * * board of trustees shall take office on the first Monday of January following the date of their election. All vacancies which may occur during a term shall be filled * * * in the manner provided in Section 37-6-17(8).

(2) All school districts reconstituted and created under the provisions of Article 1 of this chapter, which embrace territory

in two (2) or more counties, but not including municipal separate school districts, shall be governed by a board of five (5) trustees. * * * Beginning with the election on the first Tuesday after the first Monday in November 2024, and every four (4) years thereafter, the members of such line consolidated school district board of trustees shall be elected at the same time and in the same manner provided in Section 37-6-17 for terms of four (4) years. The five (5) members of the board of trustees of such line consolidated school district shall be elected from special trustee election districts by the qualified electors thereof * * *. The existing board of trustees of such line consolidated school district shall apportion the line consolidated school district into five (5) special trustee election districts. The board of trustees shall place upon its minutes the boundaries determined for the new five (5) trustee election districts. The board of trustees shall thereafter publish the same in a newspaper of general circulation within * * * the school district for at least three (3) consecutive weeks; and after having given notice of publication and recording the same upon the minutes of the board of trustees, * * * the new district lines shall thereafter be effective. * * * However, * * * in any line consolidated school district encompassing two (2) or more counties created pursuant to Laws, 1953, Extraordinary Session, Chapter 12, Section 8, in which, as a condition precedent to the creation of * * * the district, each county belonging thereto was contractually

guaranteed to always have at least one (1) representative on * * * the board, in order that * * * the condition precedent may be honored and guaranteed, in any year in which the board of trustees of such line consolidated school district does not have at least one (1) member from each county or part thereof forming such district, the board of trustees in such district shall be governed by a board of a sufficient number of trustees to fulfill this guarantee, five (5) of whom shall be elected from the five (5) special trustee election districts which shall be as nearly equal as possible and one (1) member trustee * * * elected at large from each county not having representation on the elected board in the same manner and at the same time as provided for the election of school board members under Section 37-6-17. In such cases, the board of supervisors of each county shall make written agreement to guarantee the * * * election of at least one (1) representative from each county in the district, placing such written agreement on the minutes of each board of supervisors in each county.

* * * All members of the * * * board of trustees shall take office on the first Monday of January following the date of their election. In all elections, the trustee elected shall be a resident and qualified elector of the district entitled to the representation upon the board, and he shall be elected only by the qualified electors of such district in the manner provided in Section 37-6-17. All vacancies which may occur during a term of

office shall be filled * * * in the manner provided in Section 37-16-7(8).

SECTION 9. Section 37-7-221, Mississippi Code of 1972, is amended as follows:

37-7-221. The election of consolidated or consolidated line school district trustees shall be held in the manner provided for in * * * Section 37-6-17.

SECTION 10. Section 37-7-703, Mississippi Code of 1972, is amended as follows:

37-7-703. (1) In all such special municipal separate school districts which embrace the entire county * * *, the board of trustees of such special municipal separate school district shall be * * * elected in the manner provided by * * * Section 37-6-17, and all of the provisions thereof shall be fully applicable in all respects to the selection and constitution of such board of trustees unless such board is exempted under Section 37-6-17(9) or (10). The board of trustees of each special municipal separate school district shall apportion the new trustee election districts in the manner provided in Section 37-7-203(1).

(2) In those school districts having a classification of "A" or "B" on the effective date of this act, the school board members shall be selected in the manner provided in this subsection. In all such special municipal separate school districts which embrace the entire county, the board of trustees of such special municipal separate school district shall be chosen and selected in the

manner provided by Section 37-7-203(3), and all of the provisions thereof shall be fully applicable in all respects to the selection and constitution of such board of trustees. However, if at any time a school district having an accountability of "A" or "B" on the effective date of this act fails to maintain that accountability rating and subsequently receives an accountability rating of "C," "D" or "F," the office of trustee in that school district must become an elected position, as provided in Section 37-6-17(9)(b), and the district must transition to electing its trustees in the manner provided in Section 37-6-17.

SECTION 11. Section 37-5-18, Mississippi Code of 1972, which requires the election of the members of the county board of education in certain counties having four (4) municipal separate school districts from board of education districts embracing territory only outside the municipal separate school districts, is repealed.

SECTION 12. Section 37-7-104, Mississippi Code of 1972, is brought forward as follows:

37-7-104. (1) In any Mississippi county in which are located, as of February 8, 2012, three (3) school districts and only three (3) school districts, all of which are under conservatorship as defined by the Mississippi Department of Education as of February 8, 2012, there shall be an administrative consolidation of all of the school districts in the county into one (1) countywide school district with one (1) county board of

education. The State Board of Education shall determine the school district(s) applicable to the provisions of this section and spread this finding on the minutes of its August 2012 meeting. On or before September 1, 2012, the State Board of Education shall serve the local school boards applicable to the provisions of this section, or the Mississippi Department of Education Conservator for each of the three (3) school districts, with notice and instruction regarding the action to be taken to comply with this section. In such county, there shall be a new county board of education elected in a November 2013 special election which shall be called for that purpose and the new county board members shall be elected as provided in Section 37-5-7, Mississippi Code of 1972. No previous board member shall be eligible to serve on the newly elected board. Provided, however, that it shall be the responsibility of the board of supervisors of such county to apportion the countywide school district into five (5) new single member board of education districts which shall be consistent with the supervisors district lines in said county. The board of supervisors of said county shall thereafter publish the same in some newspaper of general circulation within said county for at least three (3) consecutive weeks and after having given notice of publication and recording the same upon the minutes of the board of supervisors of said county, said new district lines will thereafter be effective for the November 2013 special election. If necessary, the county board of education of said county shall

reapportion the board of education districts in accordance with applicable law as soon as practicable after the results of the 2020 decennial census are published and as soon as practicable after every decennial census thereafter. The new county board of education, with the written approval of the Mississippi Department of Education Conservator and the State Board of Education, shall provide for the administrative consolidation of all school districts in the county into one (1) countywide school district on or before July 1 next following the November 2013 election. The new county board of education shall serve as the school board for the county. Any school district affected by the required administrative consolidation that does not voluntarily consolidate with the new school district ordered by the county board of education shall be administratively consolidated by the State Board of Education with the countywide school district, to be effective on July 1 following the election of the new county board of education. The State Board of Education shall promptly move on its own motion to administratively consolidate any school district which does not voluntarily consolidate in order to enable the affected school districts to reasonably accomplish the resulting administrative consolidation into one (1) countywide district by July 1 following the election of the new county board of education. All affected school districts shall comply with any consolidation order issued by the county board of education or the

State Board of Education, as the case may be, on or before July 1 following the election of the new county board of education.

(2) On July 1 following the election of the new county board of education, the former county board of education and the former board of trustees of any municipal separate, or special municipal separate school district located in such county shall be abolished. All real and personal property which is owned or titled in the name of a school district located in such county shall be transferred to the new reorganized school district of the county in which such school district is located. The Mississippi Department of Education Conservator and the State Board of Education shall be responsible for establishing the contracts for teachers and principals for the next school year following the required administrative consolidation with the consultation of the newly elected successor county board of education. The successor county board of education shall appoint the new county superintendent of education for the reorganized school district. The county superintendent of education of said reorganized school district shall not be elected but shall thereafter be appointed by the successor county board of education in the manner provided in Section 37-9-25. The superintendents of the former under-performing school districts located in the county shall not be eligible for appointment as the new superintendent. The selection of the appointed county superintendent of education and the assistant superintendent of education in the central

administration office of the successor countywide school district shall be the responsibility of the successor county board of education with the approval of the Mississippi Department of Education Conservator and the State Board of Education. No such administratively consolidated school district shall have more than one (1) assistant superintendent of education. It shall be the responsibility of the successor county board of education, with approval of the Mississippi Department of Education Conservator and the State Board of Education, to prepare and approve the budget of the new reorganized districts, and the county board of education may use staff from the former school districts to prepare the budget. Any proposed order of the successor county board of education directing the transfer of the assets, real or personal property of an affected school district in the county, shall be submitted and approved by the State Board of Education. The finding of the State Board of Education shall be final and conclusive for the purposes of the transfer of property required by such administrative consolidation. Any person or school district aggrieved by an order of the successor county school board of education pursuant to the required administrative consolidation may appeal therefrom to the State Board of Education within ten (10) days from the date of the adjournment of the meeting at which such order is entered. Such appeal shall be de novo, and the finding of the State Board of Education upon such question shall be final and conclusive for the purpose of the

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

(3) When any school district in such county is abolished under the provisions of this section, the abolition thereof shall not impair or release the property of such former school district from liability for the payment of the bonds or other indebtedness of such district and it shall be the duty of the board of supervisors of said county to levy taxes on the property of said district so abolished from year to year according to the terms of such indebtedness until same shall be fully paid.

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

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

(6) The State Board of Education shall promulgate rules and regulations to facilitate the administrative consolidation of the school districts in a county pursuant to this section. When the orders of the successor county board of education adopting the

boundaries of the successor countywide school district have been entered and are final, as approved by the State Board of Education, the new district lines shall be submitted by the State Board of Education with the assistance of the Attorney General to the Attorney General of the United States for preclearance or to the United States District Court for the District of Columbia for a declaratory judgment in accordance with the provisions of the Voting Rights Act of 1965, as amended and extended. In the event the change in the school district lines are precleared or approved, the State Board of Education shall formally declare the new lines as the new boundaries of the consolidated countywide school district.

SECTION 13. Section 37-7-104.1, Mississippi Code of 1972, is brought forward as follows:

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

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

(b) One (1) new consolidated school district to be designated as North Bolivar Consolidated School District which shall consist of the territory of the former North Bolivar School District and the Mound Bayou Public School District. The central

administrative office of the North Bolivar Consolidated School District shall be located in Mound Bayou, Mississippi; and

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

(2) On or before September 1, 2012, the State Board of Education shall serve the local school boards in Bolivar County with notice and instructions regarding the timetable for action to be taken to comply with the administrative consolidation required in this section. The State Board of Education shall provide for the administrative consolidation of all school districts in the county outside of the territory of Cleveland School District into North Bolivar Consolidated School District and West Bolivar Consolidated School District on or before July 1, 2014. In each new consolidated school district there shall be a new consolidated school district board of trustees elected in a November 2013 special election which shall be called by the Governor for that purpose. The new consolidated school district boards of trustees shall be elected and the terms of office established as provided in Section 37-7-207, Mississippi Code of 1972. The State Board of Education shall determine the boundary lines for the territory of the two (2) new school districts and shall spread a legal

description of the new school districts on the minutes of its August 2012 meeting and shall serve the applicable school boards and the board of supervisors with an adequate legal description of these new boundaries. It shall be the responsibility of the State Board of Education with the assistance of the Joint Legislative Committee on Performance Evaluation and Expenditure Review (PEER) to apportion the territory of the two (2) new school districts into five (5) new board of trustee election districts for each new school district. The State Board of Education shall thereafter publish the same in some newspaper of general circulation in said county for at least three (3) consecutive weeks and after having given notice of publication and recording the same upon the minutes of the school boards of each school district in the county, said new district lines will thereafter be effective for the November 2013 special election. Any school board member of the former school district residing in the proper election district shall be eligible for election to the new board of trustees for North Bolivar Consolidated School District or West Bolivar Consolidated School District. The local school board of each new school district shall reapportion the school board districts in accordance with the procedure described in Section 37-7-207, Mississippi Code of 1972, as is necessary as soon as practicable after the 2020 decennial census are published and as soon as practicable after every decennial census thereafter. Any school district affected by the required administrative

consolidation in such county that does not voluntarily consolidate with the two (2) new school districts ordered by the State Board of Education shall be administratively consolidated by the State Board of Education with the appropriate school district in which such district is located, to be effective on July 1 following the election of the new local school boards. The State Board of Education shall promptly move on its own motion to administratively consolidate a school district which does not voluntarily consolidate in order to enable the affected school districts to reasonably accomplish the resulting administrative consolidation into two (2) school districts by July 1 following the election of the new school boards. All affected school districts shall comply with any consolidation order issued by the State Board of Education on or before July 1 following the election of the new school boards.

(3) On July 1 following the election of the new school district boards of trustees in Bolivar County, the former county board of education and the former board of trustees of North Bolivar School District, Mound Bayou Public School District, West Bolivar School District, Shaw School District and Benoit School District shall be abolished. All real and personal property which is owned or titled in the name of a school district located in such former school district shall be transferred to the new reorganized school district of Bolivar County in which such former school district is located. Each former school board shall be

responsible for establishing the contracts for teachers and principals for the next school year following the required administrative consolidation with the consultation of the newly elected successor school boards. The new Board of Trustees for the North Bolivar Consolidated School District shall appoint the Superintendent of Schools for said school district, and the Board of Trustees for the West Bolivar Consolidated School District shall appoint the Superintendent of Schools for said school district. The subsequent superintendent of schools of said reorganized school districts shall not be elected but shall thereafter be appointed by the successor boards of trustees in the manner provided in Section 37-9-25. Any superintendent serving in the former school districts shall be eligible for appointment as a superintendent in North Bolivar Consolidated School District or West Bolivar Consolidated School District. North Bolivar Consolidated School District and West Bolivar Consolidated School District shall not have more than one (1) assistant superintendent. It shall be the responsibility of the successor boards of trustees to prepare and approve the budget of the respective new reorganized districts, and the successor boards of trustees may use staff from the former school districts to prepare the budget. Any proposed order of the State Board of Education directing the transfer of the assets, real or personal property of an affected school district in the county, shall be final and conclusive for the purposes of the transfer of property required

by such administrative consolidation. Any person or school district aggrieved by an order of the successor newly elected board of trustees of a consolidated school district pursuant to the required administrative consolidation may appeal therefrom to the State Board of Education within ten (10) days from the date of the adjournment of the meeting at which such order is entered. Such appeal shall be de novo, and the finding of the State Board of Education upon such question shall be final and conclusive for the purpose of the approval or disapproval of the action by said county board of education.

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

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

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

school districts in Bolivar County pursuant to this section. The consolidated districts shall make an election within one (1) year of consolidation concerning the group term life insurance described in subsection (7) of Section 25-15-9. When the orders of the State Board of Education adopting the boundaries of the successor school districts and the successor board of trustees election districts have been entered and are final, as directed by the State Board of Education, the new district lines shall be submitted by the State Board of Education with the assistance of the Attorney General to the Attorney General of the United States for preclearance or to the United States District Court for the District of Columbia for a declaratory judgment in accordance with the provisions of the Voting Rights Act of 1965, as amended and extended. In the event the change in the school district lines and election districts are precleared or approved, the State Board of Education shall formally declare the new lines as the new boundaries of the successor school districts.

SECTION 14. Section 37-7-104.2, Mississippi Code of 1972, is amended as follows:

37-7-104.2. (1) In Clay County, Mississippi, in which are located, as of January 1, 2013, two (2) school districts, there shall be an administrative consolidation of all of those school districts in the county into one (1) new consolidated school district to be designated as West Point Consolidated School District which shall consist of the territory of the former Clay

County School District and the West Point School District. The central administrative office of the West Point Consolidated School District shall be located in West Point, Mississippi.

(2) On or before September 1, 2013, the State Board of Education shall serve the local school boards in Clay County with notice and instructions regarding the timetable for action to be taken to comply with the administrative consolidation required in this section. The State Board of Education shall provide for the administrative consolidation of the school districts in the county on or before July 1, 2015. In the new West Point Consolidated School District, there shall be a new board of trustees comprised of five (5) members selected as follows: (a) the Mayor and Board of Aldermen of the City of West Point shall appoint three (3) of the five (5) members, each to be selected for a term of four (4) years; and (b) two (2) members to be elected for a term of four (4) years by the electors of Clay County residing outside of the West Point corporate limits who shall be residents of that territory and who shall be elected in a November 2014 special election which shall be called by the Governor for that purpose. All subsequent members of the board elected from the territory outside of the West Point corporate limits shall be elected for a term of four (4) years at the regular general election held on the first Monday in November next preceding the expiration of the term of office of the respective member or members. All elected and appointed members shall take office on the first Monday of January

following the date of their election or appointment. The State Board of Education, with the assistance of the Joint Legislative Committee on Performance Evaluation and Expenditure Review (PEER), shall apportion the territory of the new consolidated school district located outside the West Point corporate limits into two (2) new single member board of trustee election districts. The State Board of Education shall thereafter publish the same in some newspaper of general circulation in the county for at least three (3) consecutive weeks and after having given notice of publication and recording the same upon the minutes of the school boards of each school district in the county, the new district lines will thereafter be effective for the November 2014 special election. Any school board member of the former school districts residing in the proper territory shall be eligible for appointment or election to the new Board of Trustees for West Point Consolidated School District. However, if the consolidated school district fails to achieve an accountability rating of "A" or "B" as required by Section 37-6-17(10), the school district must transition to electing the trustees of the school district in the manner provided in Section 37-6-17.

Any school district affected by the required administrative consolidation in Clay County that does not voluntarily consolidate as ordered by the State Board of Education shall be administratively consolidated by the State Board of Education, to be effective on July 1 following the election of the new local

school board. The State Board of Education shall promptly move on its own motion to administratively consolidate a school district which does not voluntarily consolidate in order to enable the affected school districts to reasonably accomplish the resulting administrative consolidation into one (1) consolidated school district by July 1 following the selection of the new board of trustees. The affected school districts shall comply with any consolidation order issued by the State Board of Education on or before July 1 following the selection of the new school boards.

(3) On July 1 following the selection of the new Board of Trustees of the West Point Consolidated School District, the former county board of education and the former Board of Trustees of the West Point School District shall be abolished. All real and personal property which is owned or titled in the name of a school district located in such former school district shall be transferred to the new reorganized school district of West Point Consolidated School District in which such former school district is located. Each former school board shall be responsible for establishing the contracts for teachers and principals for the next school year following the required administrative consolidation with the consultation of the newly elected successor school board. The new Board of Trustees for the West Point Consolidated School District shall appoint the Superintendent of Schools for the school district. The Superintendent of Schools for the West Point Consolidated School District may appoint

assistant superintendent(s) of schools for the district, but in no instance shall the administrative leadership of the West Point Consolidated School District exceed the number of assistant superintendents employed in the former West Point School District. The subsequent superintendent of schools of the reorganized school district shall not be elected, but shall thereafter be appointed by the successor board of trustees in the manner provided in Section 37-9-25. It shall be the responsibility of the successor board of trustees to prepare and approve the budget of the new reorganized district, and the successor board of trustees may use staff from the former school districts to prepare the budget. Any proposed order of the State Board of Education directing the transfer of the assets, real or personal property of an affected school district in the county, shall be final and conclusive for the purposes of the transfer of property required by such administrative consolidation. Any person or school district aggrieved by an order of the successor newly selected Board of Trustees of the West Point Consolidated School District pursuant to the required administrative consolidation may appeal therefrom within ten (10) days from the date of the adjournment of the meeting at which such order is entered. Said appeal shall be taken in the same manner as appeals are taken from judgments or decisions of the board of supervisors as provided in Section 11-51-75, Mississippi Code of 1972, the provisions of which shall be fully applicable to appeals taken hereunder. The Board of

Trustees of the West Point Consolidated School District shall not pass upon or approve or disapprove any such order until the time for an appeal therefrom shall have expired, nor shall said board pass upon or approve or disapprove any such order from which an appeal is taken until said appeal shall have been finally determined.

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

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

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

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

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

SECTION 15. Section 37-7-104.3, Mississippi Code of 1972, is amended as follows:

37-7-104.3. (1) In Oktibbeha County, Mississippi, in which are located, as of January 1, 2013, two (2) school districts,

there shall be an administrative consolidation of all of those school districts in the county into one (1) new countywide municipal separate school district to be designated as Starkville-Oktibbeha Consolidated School District which shall consist of the territory of the former Oktibbeha County School District and the Starkville School District, effective on July 1, 2015. Until June 30, 2015, preceding the effective date of the required administrative consolidation of school districts in the county, the Oktibbeha County School District shall remain in conservatorship, under the authority and control of the Mississippi Recovery School District of the State Department of Education. At such time that the administrative consolidation becomes effective, the central administrative office of the Starkville-Oktibbeha Consolidated School District shall be located in Starkville, Mississippi.

(2) (a) On or before July 1, 2014, the State Board of Education shall serve the local school board of the Starkville School District with notice and instructions regarding the timetable for action to be taken to comply with the administrative consolidation required in this section.

(b) In the new consolidated school district there shall be a countywide municipal separate school district board of trustees, which shall consist of the existing members of the Board of Trustees of the Starkville School District. However, upon the first occurrence of a vacancy on the board as a result of an

expired term of an appointed board member, that vacancy shall become an elected position and shall be filled by the election of a board member as follows: the 2016 expiring term board member shall remain in office until January 1, 2017. In November 2016, an election will be held for a board member who resides outside of the incorporated municipal limits in the manner prescribed in Section 37-7-203, and the elected board member will take office for a five-year term beginning January 1, 2017. Subsequent board members shall be selected in the manner prescribed in Section 37-7-203. The Board of Supervisors of Oktibbeha County shall publish notice of the school board elections in some newspaper of general circulation in the county for at least three (3) consecutive weeks. However, if the consolidated school district fails to achieve an accountability rating of "A" or "B" as required by Section 37-6-17(10), the school district must transition to electing the trustees of the school district in the manner provided in Section 37-6-17.

(c) Any school district affected by the required administrative consolidation in the county that does not voluntarily consolidate as ordered by the State Board of Education shall be administratively consolidated by the State Board of Education, to be effective immediately upon action of the State Board of Education. The State Board of Education shall promptly move on its own motion to administratively consolidate a school district which does not voluntarily consolidate in order to enable

the affected school districts to reasonably accomplish the resulting administrative consolidation into one (1) consolidated school district by July 1 following the motion to consolidate. The affected school districts shall comply with any consolidation order issued by the State Board of Education.

(3) On July 1, 2015, following the motion of the State Board of Education to consolidate school districts in Oktibbeha County, the Oktibbeha County School District shall be abolished. All real and personal property which is owned or titled in the name of the school district located in such former school district shall be transferred to the Starkville-Oktibbeha Consolidated School District as of July 1, 2015. The Conservator of the Oktibbeha County School District is authorized and directed to execute and record all documents and conveyances necessary to convey title to all real and personal property of the Oktibbeha County School District to the Starkville-Oktibbeha Consolidated School District. The conservator is further authorized and directed to sign all documents and to take all actions necessary to assign contracts and other property, contract rights and obligations of the Oktibbeha County School District to the Starkville-Oktibbeha Consolidated School District. The Board of Trustees of the Starkville School District shall be responsible for establishing the contracts for operations, teachers, principals, clerical and administrative staff personnel for the 2015-2016 school year prior to July 1, 2015, and shall consult with the conservator for the

establishment of contracts for teachers, principals, clerical and administrative staff personnel located in the former Oktibbeha County School District for the 2015-2016 school year. In order to prepare for the efficient staffing of the Starkville-Oktibbeha Consolidated School District, the Conservator of the Oktibbeha County School District and the Superintendent of the Starkville School District shall have full authority to nonrenew the employment contract of any teacher, principal, clerical or administrative staff located within their respective school districts for the 2015-2016 school year. The superintendent and assistant superintendent(s) of schools of the former Starkville School District shall continue to serve in like administrative capacities of the Starkville-Oktibbeha Consolidated School District, but in no instance shall the administrative leadership of the Starkville-Oktibbeha Consolidated School District exceed three (3) assistant superintendents to be appointed by the superintendent of the former Starkville School District. No superintendent serving in the former Oktibbeha County School District shall be eligible for appointment as a superintendent or assistant superintendent in the Starkville-Oktibbeha Consolidated School District. Likewise, no trustee serving in the former Oktibbeha County School District shall be eligible for election to the new Board of Trustees of the Starkville-Oktibbeha Consolidated School District. It shall be the responsibility of the board of trustees to prepare and approve the budget of the respective new

reorganized district, and the board of trustees may use staff from the former school district to prepare the budget. Any transfer of the assets, real or personal property of the Oktibbeha County School District mandated by this section shall be final and conclusive for the purposes of the transfer of property required by this section to effectuate the administrative consolidation.

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

(5) The State Board of Education shall promulgate rules and regulations to facilitate the administrative consolidation of the school districts in Oktibbeha County pursuant to the requirements of this section. Beginning with the insurance cafeteria plan year of November 1, 2014, the consolidated districts shall fall under all insurance plans and policies elected by the Starkville Public School District, including the group term life insurance described in Section 25-15-9(7).

(6) For the initial three (3) years following the administrative consolidation required by this section, the State Department of Education shall grant a waiver of accountability and

state assessment requirements to the Starkville-Oktibbeha Consolidated School District, subject to the approval of the State Board of Education.

(7) As soon as practicable after March 31, 2015, the Conservator of the Oktibbeha County School District shall initiate the issuance of notes or certificates of indebtedness of the Oktibbeha County School District for the purpose of purchasing school buses, textbooks, computers and software and other equipment and fixtures for school facilities, and for any purposes enumerated in Section 37-59-3, Mississippi Code of 1972, and making repairs, alterations, utility upgrades and additions to two (2) elementary school buildings located in the Oktibbeha County School District in order to meet the same physical and educational standards as the elementary school buildings in Starkville, and to contribute funds to the Starkville School District for capital improvements to accommodate county school district students and increase capacity for the consolidation. The contribution of such funds to the Starkville School District is hereby authorized. Said notes or certificates of indebtedness shall be issued under the authority of Sections 37-59-101 through 37-59-115, Mississippi Code of 1972, including all notice requirements, however, the resolution as to the necessity for the issuance of the notes and the execution of the documents shall be made by the Conservator of the Oktibbeha County School District. The term of any notes or certificates of indebtedness issued under this section may not

exceed the useful life of the financed project as determined according to the upper limit of useful life and depreciation guidelines established under the United States Internal Revenue Code and regulations. The levying authority for the Oktibbeha County School District, and after July 1, 2015, the levying authority for the Starkville-Oktibbeha Consolidated School District, shall annually levy a special tax on all taxable property of the former Oktibbeha County School District, and after July 1, 2015, on all taxable property of the Starkville-Oktibbeha Consolidated School District, in an amount sufficient to pay the principal of and interest on such negotiable notes or certificates of indebtedness as the same shall respectively mature and accrue. Said tax shall be levied as provided in Section 37-59-107, Mississippi Code of 1972, except that the levy shall not exceed three (3) mills on the dollar for the payment of all notes that are subject to the levy under Section 37-59-107. Any notes or certificates of indebtedness issued pursuant to this subsection (7) shall become indebtedness of the new Starkville-Oktibbeha Consolidated School District from and after July 1, 2015, and the mandatory special ad valorem tax levied to pay the notes or certificates of indebtedness by the levying authority pursuant to Section 37-59-107, Mississippi Code of 1972, shall be levied upon all of the taxable property within the Starkville-Oktibbeha Consolidated School District.

(8) For a period beginning July 1, 2014, and ending June 30, 2015, the Conservator of the Oktibbeha County School District shall issue negotiable bonds of the Oktibbeha County School District for the purpose of purchasing school buses, textbooks, computers and software and other equipment and fixtures for school facilities, and making repairs, alterations and additions and utility upgrades, and for any purposes allowed by Section 37-59-3, Mississippi Code of 1972, to school facilities in the Oktibbeha County School District and in the Starkville School District to accommodate students in the former Oktibbeha County School District who will be attending school in the new Starkville-Oktibbeha Consolidated School District and the increased capacity needs under the consolidation. Said bonds shall be issued under the authority of Sections 37-59-1 through 37-59-45, however, any resolutions as to the necessity for the issuance of any bonds and execution of the documents may be made periodically by the Conservator of the Oktibbeha County School District. Provided further, that the conservator shall publish each resolution of necessity and intent to issue any bonds once each week for at least three (3) consecutive weeks in a newspaper having general circulation in the Oktibbeha County School District, with the first publication thereof to be made not less than fifteen (15) days prior to the date upon which the conservator is to take final action upon the question of authorizing the issuance of said bonds. If no petition requesting

an election is filed prior to the date and time of the meeting at which the conservator is to take final action on the issuance of said bonds, then the conservator shall authorize the issuance of the bonds. If at any time prior to the date and time of the meeting at which the conservator is to take final action upon the question of issuing such bonds a petition signed by not less than twenty percent (20%) of the qualified electors of the Oktibbeha County School District shall be filed with the Conservator of the Oktibbeha County School District requesting that an election be called on the question of issuing the bonds, then the conservator shall either rescind the applicable resolution of intent or adopt a resolution calling an election to be held within the territory of the Oktibbeha County School District upon such question. The election shall be called and held, and notice thereof shall be given, in the same manner for elections upon the question of bond issues under Sections 37-59-11, 37-59-13, 37-59-15 and 37-59-17, and the results thereof shall be certified by the Oktibbeha County Election Commission to the Conservator of the Oktibbeha County School District. If three-fifths (3/5) of the qualified electors of the Oktibbeha County School District who voted in such election vote in favor of the issuance of such bonds, then the conservator shall authorize the Oktibbeha County School District to issue such bonds. Notwithstanding any provision to the contrary, the Oktibbeha County School District may issue bonds pursuant to this subsection (8) in an amount which, when added to all of the

Oktibbeha County School District's then outstanding bonded indebtedness, shall not result in the imposition on any of the property in said district of an indebtedness for school purposes of more than twenty percent (20%) of the assessed value of the taxable property within said district, according to the then last completed assessment for taxation. Any bonds issued pursuant to this subsection (8) shall become indebtedness of the new Starkville-Oktibbeha Consolidated School District from and after July 1, 2015, and the mandatory special ad valorem tax to be levied by the levying authority pursuant to Section 37-59-23, Mississippi Code of 1972, to pay the bonds shall be levied upon all taxable property within the Starkville-Oktibbeha Consolidated School District.

(9) For a period beginning July 1, 2015, and ending July 1, 2024, the new Starkville-Oktibbeha Consolidated School District Board of Trustees may periodically issue negotiable bonds in one or more series of the Starkville-Oktibbeha Consolidated School District for the purpose of purchasing school buses, textbooks, computers and software and other equipment and fixtures for school facilities and for any purposes enumerated in Section 37-59-3, Mississippi Code of 1972. The term of any such bonds may not exceed the useful life of the financed project as determined according to the upper limit of useful life and depreciation guidelines established under the United States Internal Revenue Code and regulations. Said bonds shall be issued under the

authority of Sections 37-59-1 through 37-59-45, including all notice and publication requirements, however, the necessity for the issuance of the bonds shall be made pursuant to a reverse referendum procedure to be followed by the Starkville-Oktibbeha Consolidated School District Board of Trustees as follows: the board of trustees shall publish each resolution of necessity and intent to issue bonds once each week for at least three (3) consecutive weeks in a newspaper having general circulation in the Starkville-Oktibbeha Consolidated School District, with the first publication thereof to be made not less than fifteen (15) days prior to the date on which the board of trustees is to take final action authorizing the issuance of the bonds. If no petition requesting an election is filed prior to the date and time of the meeting at which the board of trustees is to take final action on the issuance of the bonds, the board of trustees shall authorize the issuance of the bonds. If at any time prior to the date and time of the meeting at which the board of trustees is to take final action authorizing the issuance of the bonds a petition signed by not less than twenty percent (20%) of the qualified electors of the Starkville-Oktibbeha Consolidated School District shall be filed with the Board of Trustees of the Starkville-Oktibbeha Consolidated School District requesting that an election be called on the question of issuing the bonds, then the board of trustees shall, not later than its next regular meeting, adopt a resolution calling an election to be held within

the Starkville-Oktibbeha Consolidated School District upon such question. The election shall be called and held, and notice thereof shall be given, in the same manner for elections upon the question of bond issues under Sections 37-59-11, 37-59-13, 37-59-15 and 37-59-17, and the results thereof shall be certified to the Starkville-Oktibbeha Consolidated School District Board of Trustees, as the case may be. If three-fifths (3/5) of the qualified electors of the Starkville-Oktibbeha Consolidated School District who voted in such election vote in favor of the issuance of such bonds, then the board of trustees shall issue such bonds. Notwithstanding any provision to the contrary, the Starkville-Oktibbeha Consolidated School District may issue bonds pursuant to this subsection (9) in an amount which, when added to all of the Starkville-Oktibbeha Consolidated School District's then outstanding bonded indebtedness, shall not result in the imposition on any of the property in said district of an indebtedness for school purposes of more than twenty percent (20%) of the assessed value of the taxable property within said district, according to the then last completed assessment for taxation. Any bonds issued pursuant to this subsection (9) shall be indebtedness of the new Starkville-Oktibbeha Consolidated School District. The mandatory special ad valorem tax to be levied by the levying authority pursuant to Section 37-59-23, Mississippi Code of 1972, shall be levied on all taxable property of the Starkville-Oktibbeha Consolidated School District.

(10) Notwithstanding any law or any provision of any law to the contrary, from and after July 1, 2015, all outstanding debt of the former Oktibbeha County School District and the former Starkville School District shall be assumed by and become the debt of the new Starkville-Oktibbeha Consolidated School District. Any debt assumed by the Starkville-Oktibbeha Consolidated School District secured by a special ad valorem tax shall become secured by and payable from a mandatory, special ad valorem tax which shall be levied on all taxable property in the Starkville-Oktibbeha Consolidated School District by the levying authority of the Starkville-Oktibbeha Consolidated School District. All debt secured by a pledge by either district of its education enhancement funds pursuant to Section 37-61-33, Mississippi Code of 1972, or by a pledge of its Mississippi Adequate Education Program funds will continue to be secured by and payable from the same funds after the debt is assumed by the Starkville-Oktibbeha Consolidated School District as of July 1, 2015. It is the intent of the Legislature that any such pledges will remain in effect and that the pledged funds will be available to the Starkville-Oktibbeha Consolidated School District to pay its debt to which the funds are pledged.

(11) It shall be the responsibility of the Board of Supervisors of Oktibbeha County to provide office, furnishing and utilities for the administrative Office of the Superintendent of the Starkville-Oktibbeha Consolidated School District.

(12) The new Starkville-Oktibbeha Consolidated School District is authorized and encouraged to develop a partnership with Mississippi State University to create a model rural education school to serve all sixth- and seventh-grade students from Oktibbeha County and a model prekindergarten program which shall also serve as a model for the education of teachers and administrators. The Starkville-Oktibbeha Consolidated School District and Mississippi State University are authorized and empowered, in each's discretion, to enter into an agreement for the purpose of designing, constructing, maintaining and operating a model rural education school to serve all sixth- and seventh-grade students from Oktibbeha County. The Starkville-Oktibbeha Consolidated School District and Mississippi State University are further authorized and empowered, in each's discretion, to transfer funds to the other and expend such funds on mutually agreeable terms and conditions for the construction, maintenance and operation of such school.

(13) The Board of Supervisors of Oktibbeha County shall be the "levying authority" for the Starkville-Oktibbeha Consolidated School District.

SECTION 16. Section 37-7-104.4, Mississippi Code of 1972, is amended as follows:

37-7-104.4. (1) In Montgomery County, Mississippi, in which are located, as of January 1, 2016, two (2) school districts, there shall be an administrative consolidation of all of those

school districts in the county into one (1) new countywide municipal separate school district to be designated as Winona-Montgomery Consolidated School District which shall consist of the territory of the former Montgomery County School District and the Winona Municipal Separate School District, effective on July 1, 2018. At such time that the administrative consolidation becomes effective, the central administrative office of the Winona-Montgomery Consolidated School District shall be located in Winona, Mississippi.

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

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

(b) The members of the Winona-Montgomery Consolidated School District Board of Trustees serving on July 1, 2020, shall continue to serve until January 1, 2021, when the membership shall be reconstituted as follows: On the first Tuesday after the first Monday in November 2020, a special election shall be held in Montgomery County for the purpose of electing a new board of trustees of such district, which shall be elected from the Supervisors Districts of Montgomery County. At said election the member of the said board from District One shall be elected for a term of one (1) year, the member from District Two shall be elected for a term of two (2) years, the member from District Three shall be elected for a term of three (3) years, the member from District Four shall be elected for a term of four (4) years, and the member from District Five shall be elected for a term of five (5) years. Thereafter, members shall be elected at special elections as vacancies occur for terms of five (5) years each. All members shall reside in the supervisors district which the member represents, and shall take office on the first Monday of January following the date of their election. All trustees of

said school district shall otherwise be elected as provided for in Sections 37-7-223 through 37-7-229, Mississippi Code of 1972. All vacancies which may occur during a term shall be filled by appointment of the consolidated school district trustees from the qualified electors of the district in which the vacancy occurs. However, the person so appointed shall serve only until the next general election following such appointment, at which time a person shall be elected for the remainder of the unexpired term at the same time and in the same manner as a trustee is elected for the full term then expiring and the person so elected to the unexpired term shall take office immediately. Any school board member of the former school districts residing in the proper territory shall be eligible for appointment or election to the new Board of Trustees for Winona-Montgomery Consolidated School District. However, if the consolidated school district fails to achieve an accountability rating of "A" or "B" as required by Section 37-6-17(10), the school district must transition to electing trustees of the school district in the manner provided in Section 37-6-17.

(c) Any school district affected by the required administrative consolidation in the county that does not voluntarily consolidate as ordered by the State Board of Education shall be administratively consolidated by the State Board of Education, to be effective immediately upon action of the State Board of Education. The State Board of Education shall promptly

move on its own motion to administratively consolidate a school district which does not voluntarily consolidate in order to enable the affected school districts to reasonably accomplish the resulting administrative consolidation into one (1) consolidated school district by July 1 following the motion to consolidate. The affected school districts shall comply with any consolidation order issued by the State Board of Education.

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

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

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

assistant superintendents to be appointed by the Superintendent of the Winona-Montgomery Consolidated School District.

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

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

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

(6) The State Board of Education shall promulgate rules and regulations to facilitate the administrative consolidation of the school districts in Montgomery County pursuant to the requirements of this section. Beginning with the insurance cafeteria plan year of November 1, 2018, the consolidated districts shall fall under all insurance plans and policies elected by the Winona-Montgomery Consolidated School District, including the group term life insurance described in Section 25-15-9(7).

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

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

(9) One (1) year prior to the date of consolidation, a financial advisor and/or other facilitator with school district experience may be assigned by the Mississippi Department of Education to oversee the budgeting and financial matters relating to the consolidation of the districts slated for consolidation. The financial advisor and/or facilitator may, at the discretion of the Mississippi Department of Education, continue duties for one (1) year after the consolidation to ensure that all financial matters are in place. All financial expenditures of districts that are closing must be approved by the financial advisor and/or facilitator. If the superintendent and/or school board approves expenditures outside of this approval, they shall be personally liable for the excess expenditures. The State Board of Education shall determine the compensation to be paid to the financial advisor and/or facilitator which shall be paid by the local school district.

SECTION 17. Section 37-7-104.5, Mississippi Code of 1972, is brought forward as follows:

37-7-104.5. (1) Not later than July 1, 2019, the local school boards of the Lumberton Public School District, Lamar County School District and Poplarville Separate School District

shall, under the authority provided in Section 37-7-103, enter into an agreement, by which the approval of such agreement shall be spread upon each board's minutes of their regularly scheduled meetings or at special meetings called for the specific purpose of such agreement, to abolish and dissolve the Lumberton School District and its central administrative office to be effective for the start of the 2019-2020 school year. The agreement between each school board made parties thereto must consider:

(a) The composition of the district boundaries of the Lumberton Public School District, as it existed on January 1, 2016, to ensure that the student population to be transferred to the Lamar County School District and Poplarville Separate School District does not disparately impact the desegregation of either school district entering into agreement;

(b) The territory embraced by Lumberton, Mississippi, located within the bounded territory of Lamar County, from which the school district to be abolished by agreement draws a portion of its student population, shall be absorbed into the boundary lines of the Lamar County School District, which shall spread a legal description of the district's new boundaries upon its minutes. It shall be the responsibility of the board of supervisors of such county to apportion the school district into five (5) new single-member board of education election districts, which shall be consistent with the apportioned population of the existing Lamar County School District and that portion of the

former Lumberton Public School District situated within Lamar County as the former district existed on July 1, 2016. The board of supervisors of the county shall thereafter publish the same in some newspaper of general circulation in the county for at least three (3) consecutive weeks and after having given notice of publication and recording the same upon the minutes of the school boards of each appropriate school district in the county, the new district lines will thereafter be effective; and

(c) The territory embraced by Lumberton, Mississippi, located within the bounded territory of Pearl River County, from which the school district to be abolished by agreement draws a portion of its student population, shall be absorbed into the boundary lines of the Poplarville Separate School District as added territory, which shall spread a legal description of the district's new boundaries with added territory upon its minutes. It shall be the responsibility of the municipal governing authority having jurisdiction over the territory wherein the Poplarville Separate School District is located to provide residents of the added territory with representation on the school board as authorized under the provisions of Section 37-7-203(1), which shall be consistent with the apportioned population of the existing Poplarville Separate School District and the percentage of the student population from that portion of the former Lumberton Public School District situated in Pearl River County within the added territory of the Poplarville Separate School

District as the former district existed on July 1, 2016. The municipal governing authority shall thereafter publish the same in some newspaper of general circulation in the county for at least three (3) consecutive weeks and after having given notice of publication and recording the same upon the minutes of the school boards of each appropriate school district in the county, the new member districts will thereafter be effective; and

(2) (a) There is hereby created and established an advisory council to be known as the Commission on the Administrative Consolidation of the Lumberton Public School District. The commission shall be composed of eleven (11) members as follows:

(i) The State Superintendent of Education, or his designee, who shall serve as Chairman of the Commission;

(ii) The Superintendent of the Lumberton Public School District;

(iii) The Superintendent of Education of the Lamar County School District;

(iv) The Superintendent of the Poplarville Separate School District;

(v) Two (2) members of the Lamar County Board of Education to be appointed by the Lamar County Board of Education;

(vi) One (1) member of the Board of Trustees of the Poplarville Separate School District to be appointed by the Board of Trustees of the Poplarville Separate School District;

(vii) One (1) member of the Board of Trustees of the Lumberton Public School District to be appointed by the Board of Trustees of the Lumberton Public School District;

(viii) One (1) resident of the area which comprises the Lumberton Public School District to be appointed by the State Superintendent of Public Education;

(ix) One (1) resident of the area which comprises the Lamar County School District to be appointed by the Lamar County Board of Supervisors; and

(x) One (1) resident of the area which comprises the Poplarville Separate School District to be appointed by the Pearl River Board of Supervisors.

(b) The Commission on the Administrative Consolidation of the Lumberton Public School District shall meet within thirty (30) days of July 1, 2016, upon the call of the State Superintendent of Education and shall hold hearings and meet as necessary and develop a report to the Legislature, the Governor and the State Board of Education on or before December 1, 2017, with the agreed-upon plan for proceeding with the abolition and dissolving of the Lumberton Public School District, which shall include a reasonable effort to maintain and operate a school in the former Lumberton Public School District by which students desiring may, in the discretion of the parents of such students, attend.

(c) The plan may provide an option for students enrolled in the schools of the Lumberton Public School District on May 1, 2017, and children registered for kindergarten on that date with the Lumberton Public School District may be granted an automatic transfer by the Lamar County Board of Education or the Poplarville School Board, as determined by the agreed-upon plan.

(3) Nothing in this section shall be construed to require the closing or maintenance of any school or school facility, unless the facility is an unneeded administrative office located within a school district which has been abolished under the provisions of this section.

SECTION 18. Section 37-7-104.6, Mississippi Code of 1972, is brought forward as follows:

37-7-104.6. (1) In Leflore County, Mississippi, in which are located, as of January 1, 2016, two (2) school districts, there shall be an administrative consolidation of those school districts in the county into one (1) new countywide school district to be designated as Greenwood-Leflore School District which shall consist of the territory of the former Leflore County School District and the Greenwood Municipal Separate School District, effective on July 1, 2019. At such time that the administrative consolidation becomes effective, the central administrative office of the Greenwood-Leflore School District shall be current Greenwood Public School District Central Office, located in Greenwood, Mississippi.

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

(3) (a) On July 1, 2018, the State Board of Education shall serve the local school boards of the Leflore County School District and the Greenwood Municipal Separate School District with notice and instructions regarding the timetable for action to be taken to comply with the administrative consolidation required in this section. The State Board of Education shall require the administrative consolidation of Leflore County School District and the Greenwood Municipal Separate School District on or before July 1, 2019. In the new Greenwood-Leflore School District, there

shall be a new phased-in County Board of Education comprised of five (5) members elected to staggered terms of office from single member supervisors districts in the manner prescribed in this subsection. Current members of the Board of Trustees of the Greenwood Public School District serving on November 1, 2017, shall continue in office as the new County Board of Education of the Greenwood-Leflore School District until their successors are elected as follows:

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

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

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

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

(c) No previous school board member of the former school district that was placed under conservatorship residing in the proper territory shall be eligible for selection to the new Board of Education for the Greenwood-Leflore Consolidated School District.

(d) The State Board of Education shall declare that the territory embraced by Leflore County, Mississippi, shall be the boundary lines for the territory of the new Greenwood-Leflore School District and shall spread a legal description of the new school district on the minutes of its August 2018 meeting and shall serve the applicable school boards and the board of supervisors with an adequate legal description of these new

boundaries. Any school board member of the former school districts residing in the proper supervisors district shall be eligible for election to the new Board of Education for the Greenwood-Leflore School District unless such person was serving as a member of the board when either district subject to consolidation under this section was placed under conservatorship, which shall render the board member ineligible for election.

(e) Any school district affected by the required administrative consolidation in the county that does not voluntarily consolidate as ordered by the State Board of Education shall be administratively consolidated by the State Board of Education, to be effective immediately upon action of the State Board of Education. The State Board of Education shall promptly move on its own motion to administratively consolidate a school district which does not voluntarily consolidate in order to enable the affected school districts to reasonably accomplish the resulting administrative consolidation into the Greenwood-Leflore School District by July 1, 2019, following the motion to consolidate. The affected school districts shall comply with any consolidation order issued by the State Board of Education.

(4) The successor Greenwood-Leflore Board of Education shall appoint a new Superintendent of Schools for the Greenwood-Leflore School District to be selected no later than July 1, 2019, in the manner provided in Section 37-9-13. The position of Greenwood-Leflore Superintendent of Schools shall be an appointive

position. The successor Greenwood-Leflore Board of Education shall also employ central office staff for the Greenwood-Leflore School District no later than July 1, 2019.

(5) (a) On January 1, 2020, following the motion of the State Board of Education to consolidate school districts in Leflore County and the Greenwood Municipal Separate School Districts, the Leflore County and the Greenwood Municipal Separate School Districts and the former school boards of those districts shall be abolished. All real and personal property which is owned or titled in the name of the school district located in such former school districts shall be transferred to the new Greenwood-Leflore Consolidated School District.

(b) The new board of trustees of the Greenwood-Leflore Consolidated School District shall be responsible for establishing the contracts for teachers, principals, clerical and administrative staff personnel for the 2019-2020 school year and each school year thereafter.

(c) The new board of trustees for the Greenwood-Leflore Consolidated School District shall appoint the superintendent of schools for the school district. The superintendent of schools for the Greenwood-Leflore Consolidated School District may appoint three (3) assistant superintendents of schools for the district, but in no instance shall the administrative leadership of the Greenwood-Leflore Consolidated School District have more than three (3) assistant superintendents of education. The subsequent

superintendent of schools of the consolidated school district shall not be elected, but shall thereafter be appointed by the successor board of trustees in the manner provided in Section 37-9-25. It shall be the responsibility of the successor board of trustees to prepare and approve the budget of the new consolidated district, and the successor board of trustees may use staff from the former school districts to prepare the budget. Any proposed order of the State Board of Education directing the transfer of the assets, real or personal property of an affected school district in the county, shall be final and conclusive for the purposes of the transfer of property required by such administrative consolidation.

(d) Any person or school district aggrieved by an order of the successor newly selected board of trustees of the Greenwood-Leflore Consolidated School District pursuant to the required administrative consolidation may appeal therefrom within ten (10) days from the date of the adjournment of the meeting at which such order is entered. The appeal shall be taken in the same manner as appeals are taken from judgments or decisions of the board of supervisors as provided in Section 11-51-75, the provisions of which shall be fully applicable to appeals taken hereunder. The board of trustees of the Greenwood-Leflore Consolidated School District shall not pass upon or approve or disapprove any such order until the time for an appeal therefrom has expired, nor shall the board pass upon or approve or

disapprove any such order from which an appeal is taken until said appeal has been finally determined.

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

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

(8) The County Board of Education and the Superintendent of Education of the former Leflore County School District and the local school board and Superintendent of Schools of the Greenwood-Leflore Public School District shall cooperate with the State Department of Education, as soon as practicable after July 1, 2016, for the planning and transition of programs, services and alignment of curriculum for the administratively consolidated school districts.

SECTION 19. Section 37-7-104.7, Mississippi Code of 1972, is brought forward as follows:

37-7-104.7. (1) In Holmes County, Mississippi, in which are located, as of January 1, 2016, two (2) school districts, there shall be an administrative consolidation of all of those school districts in the county into one (1) new countywide school district to be designated as Holmes County Consolidated School District which shall consist of the territory of the former Holmes County School District and the Durant Public School District, effective on July 1, 2018. At such time that the administrative consolidation becomes effective, the central administrative office of the Holmes County Consolidated School District shall be located in Lexington, Mississippi.

(2) Within two (2) years prior to the date of consolidation, or as soon as practicable after July 1, 2016, a financial advisor and/or other facilitator with school district experience may be assigned by the Mississippi Department of Education to oversee the budgeting and financial matters relating to the consolidation of the districts slated for consolidation. The financial advisor and/or facilitator may, at the discretion of the Mississippi Department of Education, continue duties for one (1) year after the consolidation to ensure that all financial matters are in place. All financial expenditures of districts that are closing must be approved by the financial advisor and/or facilitator. If the superintendent and/or school board approves expenditures

outside of this approval, they shall be personally liable for the excess expenditures. The State Board of Education shall determine the compensation to be paid to the financial advisor and/or facilitator which shall be paid by the local school district to which the financial advisor and/or facilitator is assigned.

(3) (a) On or before July 1, 2017, the State Board of Education shall serve the local school boards of the Holmes County School District and the Durant Public School District with notice and instructions regarding the timetable for action to be taken to comply with the administrative consolidation required in this section. The State Board of Education shall provide for the administrative consolidation of Holmes County School District and the Durant Public School District on or before July 1, 2018. In the new Holmes County Consolidated School District, there shall be a new county board of education elected in a November 2017 special election, which shall be called by the Governor for that purpose. The new county board of education shall be elected and the terms of office established as provided in Section 37-5-7(3). The State Board of Education shall declare that the territory embraced by Holmes County, Mississippi, shall be the boundary lines for the territory of the new Holmes County Consolidated School District and shall spread a legal description of the new school district on the minutes of its August 2017 meeting and shall serve the applicable school boards and the board of supervisors with an adequate legal description of these new boundaries. It shall be

the responsibility of the board of supervisors of such county to apportion the newly consolidated school district into five (5) new single member board of education election districts, which shall be consistent with the supervisors district lines in the county. The board of supervisors of the county shall thereafter publish the same in some newspaper of general circulation in the county for at least three (3) consecutive weeks and after having given notice of publication and recording the same upon the minutes of the school boards of each appropriate school district in the county, the new district lines will thereafter be effective for the November 2017 special election.

(b) Any school district affected by the required administrative consolidation in Holmes County that does not voluntarily consolidate as ordered by the State Board of Education shall be administratively consolidated by the State Board of Education, to be effective on July 1 following the November 2017 special election of the new school board members. The State Board of Education shall promptly move on its own motion to administratively consolidate a school district which does not voluntarily consolidate in order to enable the affected school districts to reasonably accomplish the resulting administrative consolidation into the Holmes County Consolidated School District by July 1, 2018, following the election of the new board of trustees. The affected school districts shall comply with any

consolidation order issued by the State Board of Education on or before July 1 following the election of the new board of trustees.

(4) (a) On July 1, 2018, following the election of the new board of trustees of the Holmes County Consolidated School District, the former county board of education for Holmes County and the former board of trustees of the Durant Public School Districts shall be abolished. All real and personal property which is owned or titled in the name of the school district located in such former school districts shall be transferred to the new Holmes County Consolidated School District.

(b) The new board of trustees of the Holmes County Consolidated School District shall be responsible for establishing the contracts for teachers, principals, clerical and administrative staff personnel for the 2018-2019 school year and each school year thereafter.

(c) The new board of trustees for the Holmes County Consolidated School District shall appoint the superintendent of schools for the school district. The superintendent of schools for the Holmes County Consolidated School District may appoint an assistant superintendent of schools for the district, but in no instance shall the administrative leadership of the Holmes County Consolidated School District have more than one (1) assistant superintendent of education. The subsequent superintendent of schools of the consolidated school district shall not be elected, but shall thereafter be appointed by the successor board of

trustees in the manner provided in Section 37-9-25. It shall be the responsibility of the successor board of trustees to prepare and approve the budget of the new consolidated district, and the successor board of trustees may use staff from the former school districts to prepare the budget. Any proposed order of the State Board of Education directing the transfer of the assets, real or personal property of an affected school district in the county, shall be final and conclusive for the purposes of the transfer of property required by such administrative consolidation.

(d) Any person or school district aggrieved by an order of the successor newly selected board of trustees of the Holmes County Consolidated School District pursuant to the required administrative consolidation may appeal therefrom within ten (10) days from the date of the adjournment of the meeting at which such order is entered. The appeal shall be taken in the same manner as appeals are taken from judgments or decisions of the board of supervisors as provided in Section 11-51-75, the provisions of which shall be fully applicable to appeals taken hereunder. The board of trustees of the Holmes County Consolidated School District shall not pass upon or approve or disapprove any such order until the time for an appeal therefrom has expired, nor shall the board pass upon or approve or disapprove any such order from which an appeal is taken until said appeal has been finally determined.

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

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

(7) The County Board of Education and the Superintendent of Education of the former Holmes County School District and the local school board and Superintendent of Schools of the Durant Public School District shall cooperate with the State Department of Education, as soon as practicable after July 1, 2016, for the planning and transition of programs, services and alignment of curriculum for the administratively consolidated school districts.

SECTION 20. Sections 37-7-204, 37-7-209, 37-7-211, 37-7-215, 37-7-217, 37-7-219, 37-7-223, 37-7-225, 37-7-227 and 37-7-229, Mississippi Code of 1972, which provide certain methods for electing trustees of certain municipal and special municipal

separate school districts and consolidated and line consolidated school districts, are repealed.

SECTION 21. Sections 37-7-705, 37-7-707, 37-7-709, 37-7-711, 37-7-713, 37-7-715 and 37-7-717, Mississippi Code of 1972, which provide certain additional methods for selecting trustees of special municipal separate school districts, are repealed.

SECTION 22. This act shall take effect and be in force from and after its passage.