

OFFICE OF EDUCATIONAL ACCOUNTABILITY
Summary of State Board of Education Agenda Items
October 17-18, 2013

OFFICE OF EDUCATIONAL ACCOUNTABILITY

20. Report on status of North Bolivar Consolidated School District and West Bolivar Consolidated School District pursuant to Mississippi Code Section 37-7-104.1 (Senate Bill 2760, 2012 Legislative Session) and appointment of Transition Team Leader

No Action: Discussion Only

Back-up material attached

5151 Consolidation of School Districts

Pursuant to Section 37-7-104, *et seq.* of the Mississippi Code, the Mississippi Legislature has required that certain school districts (consolidate/be consolidated) and that the Mississippi Board of Education promulgate rules and regulations to facilitate the consolidation of these school districts. This policy shall apply to all consolidations currently required by law and for any future consolidations that the Mississippi Legislature shall require. These procedures shall be implemented by the Office of School Improvement, Oversight and Recovery and other assigned Mississippi Department of Education (MDE) staff.

The Board prescribes the following rules and regulations for consolidation of school districts:

1. Transition Team
 - a. The State Superintendent shall appoint a Transition Team that includes MDE staff members and individuals not employed by MDE to facilitate transition to a new school board and consolidated school district.
 - b. The school boards, superintendents, administrative and instructional staff of the school districts required to consolidate shall work cooperatively with the MDE and the Transition Team to facilitate the transition to the new consolidated district.
 - c. Unless otherwise provided by state law, this may include timelines and procedures for:
 - i. Abolition of affected school districts and formation of consolidated school district.
 - ii. Selection of administrators, establishment of contracts for licensed personnel and hiring of un-licensed personnel for the consolidated district
 - iii. Community meetings
 - iv. Adoption of a set of school district policies for the consolidated district
 - v. Consolidation of programs including but not limited to:
 1. Athletic programs and student organizations
 2. Bus routes
 3. Curriculum consistent with Common Core State Standards
 4. Districts' business offices and financial accounting software
 5. Federal programs
 6. Food service
 7. Safety crisis plan
 8. Special education programs
 - vi. Transfer of assets from affected school districts to consolidated school district
 - vii. Transition to a new school board for the consolidated school district
 - d. This Transition Team shall establish procedures and a timeline for administrative consolidation of the affected school districts and shall serve notice and instructions on the affected school districts of the procedures and timeline.
2. The Transition Team shall report periodically to the State Superintendent of Education. The State Superintendent of Education will notify the Mississippi Board of Education of the progress of the Transition Team.

Miss. Code Ann. § 37-7-104.1

MISSISSIPPI CODE of 1972

** Current through the 2013 Regular Session and 1st and 2nd Extraordinary Sessions ***

TITLE 37. EDUCATION
CHAPTER 7. SCHOOL DISTRICTS; BOARDS OF TRUSTEES OF SCHOOL DISTRICTS
ARTICLE 3. ABOLITION, ALTERATION AND CREATION OF DISTRICTS

Miss. Code Ann. § 37-7-104.1 (2013)

§ 37-7-104.1. Administrative consolidation of all school districts in Bolivar County, Mississippi, into three school districts; procedure

(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.

HISTORY: SOURCES: Laws, 2012, ch. 551, § 1, eff September 10, 2012 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the addition of this section.)



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