

OFFICE OF STATE SUPERINTENDENT
Summary of State Board of Education Agenda Items
September 12-13, 2013

OFFICE OF STATE SUPERINTENDENT

17. Report on Senate Bill 2637, 2013 Legislative Session

No Action: Discussion Only

Back-up material attached



Mississippi Department of Education

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August 29, 2013

Annie Johnson
School Board President
Clay County School District
Box 759
West Point, Mississippi 39773

Re: Notice of Miss. SB 2637 (Regular Session 2013)

Dear Ms. Johnson:

Please take notice that Miss. SB 2637 (Regular Session 2013) mandates the administrative consolidation of the Clay County School District and the West Point School District into one (1) new consolidated school district to be designated as West Point Consolidated School District. Consolidation shall take place on or before July 1, 2015.

The State Board of Education, with the assistance of the Joint Legislative Committee on Performance Evaluation and Expenditure Review 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 new district lines will be in place so as to be effective for a November 2014 special election to fill the two elected positions on the new school board. The remaining three (3) members of the new school board shall be appointed by the Mayor and Board of Aldermen of the City of West Point. All new school board members shall take office on the first Monday of January following the date of their election or appointment.

Please contact me if you have any questions regarding this mandate and consolidation.

Sincerely,

Mike Kent
Interim Deputy State Superintendent

CC: Superintendent Mae W. Brewer
Superintendent Burnell McDonald

By: Senator(s) Tollison

To: Education

SENATE BILL NO. 2637
(As Sent to Governor)

1 AN ACT TO PROVIDE THAT IN CLAY COUNTY THERE SHALL BE AN
 2 ADMINISTRATIVE CONSOLIDATION INTO ONE SCHOOL DISTRICT TO BE
 3 DESIGNATED AS WEST POINT CONSOLIDATED SCHOOL DISTRICT; TO
 4 AUTHORIZE AND DIRECT THE STATE BOARD OF EDUCATION TO DEVELOP AND
 5 PROMULGATE A CONSOLIDATION ORDER FOR THE SCHOOL DISTRICTS IN THE
 6 COUNTY UNDER CERTAIN STANDARDS; TO PROVIDE FOR THE SELECTION OF
 7 THE NEW BOARD OF TRUSTEES OF THE WEST POINT CONSOLIDATED SCHOOL
 8 DISTRICT; TO DIRECT THE STATE BOARD OF EDUCATION TO
 9 ADMINISTRATIVELY CONSOLIDATE ANY SCHOOL DISTRICT WHICH DOES NOT
 10 VOLUNTARILY FOLLOW THE CONSOLIDATION ORDER; TO ABOLISH THE FORMER
 11 SCHOOL BOARDS FOLLOWING THE ADMINISTRATIVE CONSOLIDATION AND
 12 PROVIDE FOR THE TRANSFER OF SCHOOL DISTRICT ASSETS AND
 13 LIABILITIES; TO PROVIDE FOR EXECUTION OF TEACHER AND SCHOOL
 14 DISTRICT EMPLOYEE CONTRACTS IN THE NEW SCHOOL DISTRICT AND TO
 15 PROVIDE FOR THE PREPARATION OF A SCHOOL DISTRICT BUDGET IN THE NEW
 16 SCHOOL DISTRICT; TO DIRECT THE STATE BOARD OF EDUCATION TO
 17 PROMULGATE REGULATIONS TO IMPLEMENT SUCH ADMINISTRATIVE
 18 CONSOLIDATION; TO PROVIDE A TWO-YEAR WAIVER FROM ACCOUNTABILITY
 19 AND STATE ASSESSMENT REQUIREMENTS FOR THE NEW STUDENT POPULATION;
 20 TO AMEND SECTION 37-7-103, MISSISSIPPI CODE OF 1972, IN
 21 CONFORMITY; AND FOR RELATED PURPOSES.

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

23 **SECTION 1.** (1) In Clay County, Mississippi, in which are
 24 located, as of January 1, 2013, two (2) school districts, there
 25 shall be an administrative consolidation of all of those school
 26 districts in the county into one (1) new consolidated school
 27 district to be designated as West Point Consolidated School



28 District which shall consist of the territory of the former Clay
29 County School District and the West Point School District. The
30 central administrative office of the West Point Consolidated
31 School District shall be located in West Point, Mississippi.

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



53 appointed members shall take office on the first Monday of January
54 following the date of their election or appointment. The State
55 Board of Education, with the assistance of the Joint Legislative
56 Committee on Performance Evaluation and Expenditure Review (PEER),
57 shall apportion the territory of the new consolidated school
58 district located outside the West Point corporate limits into two
59 (2) new single member board of trustee election districts. The
60 State Board of Education shall thereafter publish the same in some
61 newspaper of general circulation in the county for at least three
62 (3) consecutive weeks and after having given notice of publication
63 and recording the same upon the minutes of the school boards of
64 each school district in the county, the new district lines will
65 thereafter be effective for the November 2014 special election.
66 Any school board member of the former school districts residing in
67 the proper territory shall be eligible for appointment or election
68 to the new Board of Trustees for West Point Consolidated School
69 District.

70 Any school district affected by the required administrative
71 consolidation in Clay County that does not voluntarily consolidate
72 as ordered by the State Board of Education shall be
73 administratively consolidated by the State Board of Education, to
74 be effective on July 1 following the election of the new local
75 school board. The State Board of Education shall promptly move on
76 its own motion to administratively consolidate a school district
77 which does not voluntarily consolidate in order to enable the



78 affected school districts to reasonably accomplish the resulting
79 administrative consolidation into one (1) consolidated school
80 district by July 1 following the selection of the new board of
81 trustees. The affected school districts shall comply with any
82 consolidation order issued by the State Board of Education on or
83 before July 1 following the selection of the new school boards.

84 (3) On July 1 following the selection of the new Board of
85 Trustees of the West Point Consolidated School District, the
86 former county board of education and the former Board of Trustees
87 of the West Point School District shall be abolished. All real
88 and personal property which is owned or titled in the name of a
89 school district located in such former school district shall be
90 transferred to the new reorganized school district of West Point
91 Consolidated School District in which such former school district
92 is located. Each former school board shall be responsible for
93 establishing the contracts for teachers and principals for the
94 next school year following the required administrative
95 consolidation with the consultation of the newly elected successor
96 school board. The new Board of Trustees for the West Point
97 Consolidated School District shall appoint the Superintendent of
98 Schools for the school district. The Superintendent of Schools
99 for the West Point Consolidated School District may appoint
100 assistant superintendent(s) of schools for the district, but in no
101 instance shall the administrative leadership of the West Point
102 Consolidated School District exceed the number of assistant



103 superintendents employed in the former West Point School District.
104 The subsequent superintendent of schools of the reorganized school
105 district shall not be elected, but shall thereafter be appointed
106 by the successor board of trustees in the manner provided in
107 Section 37-9-25. It shall be the responsibility of the successor
108 board of trustees to prepare and approve the budget of the new
109 reorganized district, and the successor board of trustees may use
110 staff from the former school districts to prepare the budget. Any
111 proposed order of the State Board of Education directing the
112 transfer of the assets, real or personal property of an affected
113 school district in the county, shall be final and conclusive for
114 the purposes of the transfer of property required by such
115 administrative consolidation. Any person or school district
116 aggrieved by an order of the successor newly selected Board of
117 Trustees of the West Point Consolidated School District pursuant
118 to the required administrative consolidation may appeal therefrom
119 within ten (10) days from the date of the adjournment of the
120 meeting at which such order is entered. Said appeal shall be
121 taken in the same manner as appeals are taken from judgments or
122 decisions of the board of supervisors as provided in Section
123 11-51-75, Mississippi Code of 1972, the provisions of which shall
124 be fully applicable to appeals taken hereunder. The Board of
125 Trustees of the West Point Consolidated School District shall not
126 pass upon or approve or disapprove any such order until the time
127 for an appeal therefrom shall have expired, nor shall said board



128 pass upon or approve or disapprove any such order from which an
129 appeal is taken until said appeal shall have been finally
130 determined.

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

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

144 (6) The State Board of Education shall promulgate rules and
145 regulations to facilitate the administrative consolidation of the
146 school districts in Clay County pursuant to this section. The
147 consolidated districts shall make an election within one (1) year
148 of consolidation concerning the group term life insurance
149 described in subsection (7) of Section 25-15-9. When the orders
150 of the State Board of Education adopting the boundaries of the
151 successor board of trustees election districts have been entered
152 and are final, as directed by the State Board of Education, the



153 new district lines shall be submitted by the State Board of
154 Education with the assistance of the Attorney General to the
155 Attorney General of the United States for preclearance or to the
156 United States District Court for the District of Columbia for a
157 declaratory judgment in accordance with the provisions of the
158 Voting Rights Act of 1965, as amended and extended. In the event
159 the change in the school district lines and election districts are
160 precleared or approved, the State Board of Education shall
161 formally declare the new lines as the new boundaries of the
162 successor school district.

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

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

173 37-7-103. From and after July 1, 1987, the school board of
174 any school district shall have full jurisdiction, power and
175 authority, at any regular meeting thereof or at any special
176 meeting called for that purpose, to abolish such existing
177 district, or to reorganize, change or alter the boundaries of any



178 such district. In addition thereto, with the consent of the
179 school board of the school district involved, the school board may
180 add to such school district any part of the school district
181 adjoining same, and with the consent of the school board of the
182 school district involved, may detach territory from such school
183 district and annex same to an adjoining district. Provided,
184 however, that the consent of the school board of the school
185 districts involved in implementing the provisions of Section
186 37-7-104 * * * or Section 1 of this act shall not be required for
187 the administrative consolidation of such school districts pursuant
188 to the order of the State Board of Education.

189 **SECTION 3.** The Attorney General of the State of Mississippi
190 shall submit this act, immediately upon approval by the Governor,
191 or upon approval by the Legislature subsequent to a veto, to the
192 Attorney General of the United States or to the United States
193 District Court for the District of Columbia in accordance with the
194 provisions of the Voting Rights Act of 1965, as amended and
195 extended.

196 **SECTION 4.** This act shall take effect and be in force from
197 and after the date it is effectuated under Section 5 of the Voting
198 Rights Act of 1965, as amended and extended.

