

OFFICE OF CHIEF SCHOOL PERFORMANCE OFFICER
Summary of State Board of Education Agenda Items
August 14-15, 2014

OFFICE OF CONSERVATORSHIP

03. Approval of transfer of all assets, real and personal property from Sunflower County School District and Indianola School District to Sunflower County Consolidated School District

Executive Summary

The Sunflower County Consolidated School District as of July 1, 2014 now includes Drew School District and Indianola School District. Mississippi Code Section 37-7-104 outlines the consolidation procedures of the Sunflower County Consolidated School District and specifically provides: the transfer of the assets, real or personal property of the affected school districts in the county, shall be submitted and approved by the State Board of Education.

Recommendation: Approval

Back-up material attached

ORDER DIRECTING TRANSFER OF ALL ASSETS, REAL
AND PERSONAL PROPERTY FROM SUNFLOWER
COUNTY SCHOOL DISTRICT AND INDIANOLA
SCHOOL DISTRICT TO SUNFLOWER COUNTY
CONSOLIDATED SCHOOL DISTRICT

WHEREAS, Section 37-7-104, Miss. Code Ann., directed the administrative consolidation of all school districts of Sunflower County into one (1) countywide school district with one (1) county board of education effective July 1, 2014; and

WHEREAS, on May 18, 2012, the Mississippi Board of Education based on the continuing extreme emergency situation in the Drew School District that had resulted in the Drew School District being financially unable to maintain a school district that meets the accreditation standards required in the *Mississippi Public School Accountability Standards of 2010*, the Mississippi Board of Education merged the Drew School District into the Sunflower County School District pursuant to Sections 37-17-13(a) and 37-7-103 of the Mississippi Code which was approved by the U.S. Department of Justice.

WHEREAS, as part of the administrative consolidation to the successor countywide school district, all assets, real and personal property of the affected school districts being Sunflower County School District and Indianola School District, are to be transferred to the successor school district and the Sunflower County Consolidated School District shall be designated the owner of all such assets and property; and

WHEREAS, the administrative consolidation has now taken place effective July 1, 2014, a superintendent of school has been appointed by the board of education and subject to the approval of the State Board of Education, this Order shall direct the county officers of Sunflower County, Mississippi to transfer and reflect the Sunflower County Consolidated School

District as the owner and holder to the assets of the affected school district and the records of their respective offices be so amended;

IT IS THEREFORE ORDERED BY THE BOARD OF EDUCATION OF THE SUNFLOWER COUNTY CONSOLIDATED SCHOOL DISTRICT that all of the assets, real and personal property, owned and titled in the name of Sunflower County School District and the Indianola School District be the same are hereby transferred from the Sunflower County School District and Indianola School District to the Sunflower County Consolidated School District and said Sunflower County Consolidated School District shall be deemed owner and title holder of said assets and property; that the offices of the Sunflower County Tax Assessor and Collector and Sunflower County Chancery Clerk and the Office of the State Auditor for a property audit make the necessary amendments to the applicable records of their respective offices to reflect this transfer of property.

Upon Motion made by Trustee _____ and seconded by Trustee _____ and the vote is:

Edward Thomas	_____
Daisy Morgan	_____
Emma Golden	_____
Deborah Johnson	_____
Melanie Townsend	_____

All members present and voting, said Order was adopted and shall be spread upon the minutes of the school district and copies shall be delivered to the Board of Supervisors and all county offices for the necessary action set out herein to be accomplished by said offices.

ORDERED this _____ day of _____, A.D., 2014, by the Board of Education of
Sunflower County Consolidated School District.

SUNFLOWER COUNTY CONSOLIDATED
SCHOOL DISTRICT

BY: _____
President

Secretary

Approved:

MISSISSIPPI BOARD OF EDUCATION

BY: _____
John R. Kelly, Chairmen

DATE: _____

ORDER DIRECTING TRANSFER OF ALL ASSETS, REAL
AND PERSONAL PROPERTY, FROM SUNFLOWER
COUNTY SCHOOL DISTRICT AND INDIANOLA
SCHOOL DISTRICT TO SUNFLOWER COUNTY
CONSOLIDATED SCHOOL DISTRICT

WHEREAS, Section 37-7-104, Miss. Code Ann., directed the administrative consolidation of all school districts of Sunflower County into one (1) countywide school district with one (1) county board of education effective July 1, 2014; and

WHEREAS, as part of the administrative consolidation to the successor countywide school district, all assets, real and personal property of the affected school districts being Sunflower County School District and Indianola School District, are to be transferred to the successor school district and the Sunflower County Consolidated School District shall be designated the owner of all such assets and property; and

WHEREAS, the administrative consolidation has now taken place effective July 1, 2014, a superintendent of school has been appointed by the board of education and subject to the approval of the State Board of Education, this Order shall direct the county officers of Sunflower County, Mississippi to transfer and reflect the Sunflower County Consolidated School District as the owner and holder to the assets of the affected school district and the records of their respective offices be so amended;

IT IS THEREFORE ORDERED BY THE BOARD OF EDUCATION OF THE SUNFLOWER COUNTY CONSOLIDATED SCHOOL DISTRICT that all of the assets, real and personal property, be and the same are hereby transferred from the Sunflower County School District and Indianola School District to the Sunflower County Consolidated

School District and said school district shall be deemed owner and title holder of said assets and property; that the offices of the Sunflower County Tax Assessor and Collector and Sunflower County Chancery Clerk make the necessary amendments to the applicable records of their respective offices to reflect this transfer of property.

Upon Motion made by Trustee Melanie Townsend and seconded by Trustee Emma Golden and the vote is:

Edward Thomas	<u>Aye</u>
Daisy Morgan	<u>Aye</u>
Emma Golden	<u>Aye</u>
Debra Johnson	<u>Aye</u>
Melanie Townsend	<u>Aye</u>

All members present and voting, said Order was adopted and shall be spread upon the minutes of the school district and copies shall be delivered to the Board of Supervisors and all county offices for the necessary action set out herein to be accomplished by said offices.

ORDERED this 28th day of July, A.D., 2014, by the Board of Education of Sunflower County Consolidated School District.

SUNFLOWER COUNTY CONSOLIDATED
SCHOOL DISTRICT

BY Edward Thomas
President

Melanie A. Townsend
Secretary

Approved:

STATE OF BOARD OF EDUCATION

BY:_____

Dated:_____

Miss. Code Ann. § 37-7-104

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 (2013)

§ 37-7-104. Consolidation of certain county school districts under conservatorship into one countywide district under certain circumstances; procedure

(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.

HISTORY: SOURCES: Laws, 2012, ch. 441, § 1, eff September 11, 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.)