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Chapter No. 572
13/HR40/R962SG
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HOUSE BILL NO. 716

Originated in House



Clerk

HOUSE BILL NO. 716

AN ACT TO ESTABLISH A COMMISSION ON STARKVILLE CONSOLIDATED SCHOOL DISTRICT STRUCTURE TO MAKE RECOMMENDATIONS TO THE 2014 REGULAR SESSION OF THE LEGISLATURE REGARDING THE METHOD FOR CONSOLIDATING THE COUNTY INTO ONE SCHOOL DISTRICT WITH ONE LOCAL SCHOOL BOARD; TO PROVIDE THAT IN OKTIBBEHA COUNTY THERE SHALL BE AN ADMINISTRATIVE CONSOLIDATION INTO ONE SCHOOL DISTRICT TO BE DESIGNATED AS STARKVILLE CONSOLIDATED SCHOOL DISTRICT, WHICH SHALL BE A COUNTYWIDE MUNICIPAL SEPARATE SCHOOL DISTRICT EFFECTIVE JULY 1, 2015; TO PROVIDE THAT UNTIL SUCH TIME CONSOLIDATION BECOMES EFFECTIVE, THE OKTIBBEHA COUNTY SCHOOL DISTRICT SHALL REMAIN UNDER CONSERVATORSHIP OF THE MISSISSIPPI RECOVERY SCHOOL DISTRICT; TO PROVIDE FOR THE COMPOSITION OF THE BOARD OF TRUSTEES OF THE NEW STARKVILLE CONSOLIDATED SCHOOL DISTRICT; TO DIRECT THE STATE BOARD OF EDUCATION TO ADMINISTRATIVELY CONSOLIDATE ANY SCHOOL DISTRICT WHICH DOES NOT VOLUNTARILY FOLLOW THE CONSOLIDATION ORDER; TO ABOLISH THE FORMER SCHOOL DISTRICT FOLLOWING THE ADMINISTRATIVE CONSOLIDATION AND PROVIDE FOR THE TRANSFER OF SCHOOL DISTRICT ASSETS AND LIABILITIES; TO PROVIDE FOR EXECUTION OF TEACHER AND SCHOOL DISTRICT EMPLOYEE CONTRACTS AND THE PREPARATION OF A SCHOOL DISTRICT BUDGET IN THE NEW SCHOOL DISTRICT; TO DIRECT THE STATE BOARD OF EDUCATION TO PROMULGATE REGULATIONS TO IMPLEMENT SUCH ADMINISTRATIVE CONSOLIDATION; TO PROVIDE A TWO-YEAR WAIVER FROM ACCOUNTABILITY AND STATE ASSESSMENT REQUIREMENTS FOR THE NEW STUDENT POPULATION; TO AMEND SECTION 37-7-103, MISSISSIPPI CODE OF 1972, IN CONFORMITY; AND FOR RELATED PURPOSES.

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

SECTION 1. (1) There is hereby created and established an advisory council to be known as the Commission on Starkville
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Consolidated School District Structure. It shall be the responsibility of the Commission on Starkville Consolidated School District Structure to review the current structure of the school districts and schools in Starkville, Mississippi, and in Oktibbeha County, Mississippi, and make recommendations on future actions of the provision and transition of service of the newly consolidated school district in order to improve both the quality of education and the efficiency with which it is delivered. The commission shall not decide the issue of whether or not the districts shall be consolidated. The commission shall be composed of seven (7) members as follows:

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

(b) Three (3) representatives of the Starkville School District appointed by the Board of Trustees of the Starkville School District and who may be members of the board or the Superintendent of Schools;

(c) One (1) resident of the former Oktibbeha County School District to be appointed by the State Superintendent of Education;

(d) The Conservator for the Oktibbeha County School District appointed by the State Board of Education; and

(e) One (1) representative of Mississippi State University appointed by the President of Mississippi State University.

The Commission on Starkville Consolidated School District Structure shall meet within thirty (30) days of passage of this act 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 March 1, 2014, with recommendations to accomplish the following:

(a) Review the current structure of school districts and the location of schools in Starkville, Mississippi, and Oktibbeha County, Mississippi, and recommend how they can be consolidated into one (1) school district in order to improve both the quality of education and the efficiency at which it is delivered.

(b) Review the capital facility needs of both school districts and recommend methods of financing necessary improvements, including the possibility of pledging Mississippi Adequate Education Program funds for capital improvement purposes.

(c) Detail in the report how best to implement consolidation and make any other recommendations on how to maximize education quality in Starkville and Oktibbeha County while eliminating duplicative and wasteful administrative spending.

(d) The commission shall also be authorized to recommend that portions of the Oktibbeha County School District be merged into districts in adjoining counties.

The commission shall have the authority to raise and to expend nonstate funds. The State Department of Education shall provide staff and such other support as the commission deems appropriate. After submitting its report on or before March 1, 2014, the commission shall be dissolved.

SECTION 2. (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 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 Consolidated School District shall be located in Starkville, Mississippi.

(2) 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. 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 serving as a member on July 1, 2015. 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 by the county board of supervisors in the manner prescribed in Section 37-7-203(1) for the election of a member who resides outside of the incorporated municipal limits. The Board of Supervisors of Oktibbeha 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 school district in the county. 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 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 Consolidated School District. The Board of Trustees of the Starkville Consolidated School District shall be responsible for establishing the contracts for teachers, principals, clerical and administrative staff personnel for the 2015-2016 school year and thereafter 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. 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 Consolidated School District, but in no instance shall the administrative leadership of the Starkville 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 school district

located in the county designated as an under-performing school district or placed under conservatorship shall be eligible for appointment as a superintendent or assistant superintendent in the Starkville Consolidated School District. Likewise, no trustee serving in the former school district located in the county designated as an under-performing school district or placed under conservatorship shall be eligible for election to the new Board of Trustees of the Starkville 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 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.

(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 this section. The consolidated districts shall make an election within one (1) year of consolidation concerning 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 Consolidated School District for the student population enrolled therein from the former Oktibbeha County School District when determining the new consolidated school district accreditation level on the performance and accountability rating model.

(7) The governing school board and superintendent of schools of the Starkville Public School District shall collaborate with the State Department of Education and the appointed conservator of the Oktibbeha County School District, as soon as practicable after the effective date of this act, for the planning and transition of programs, services and alignment of curriculum for the administratively consolidated school districts.

SECTION 3. Section 37-7-103, Mississippi Code of 1972, is amended as follows:

37-7-103. From and after July 1, 1987, the school board of any school district shall have full jurisdiction, power and

authority, at any regular meeting thereof or at any special meeting called for that purpose, to abolish such existing district, or to reorganize, change or alter the boundaries of any such district. In addition thereto, with the consent of the school board of the school district involved, the school board may add to such school district any part of the school district adjoining same, and with the consent of the school board of the school district involved, may detach territory from such school district and annex same to an adjoining district. Provided, however, that the consent of the school board of the school districts involved in implementing the provisions of Section 37-7-104 * * * or Section 2 of this act shall not be required for the administrative consolidation of such school districts pursuant to the order of the State Board of Education.

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

SECTION 5. Sections 2 through 5 of this act shall take effect and be in force from and after the date it is effectuated under Section 5 of the Voting Rights Act of 1965, as amended and extended.

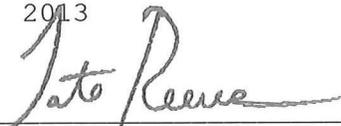
SECTION 6. Section 1 of this act shall take effect and be in force from and after its passage.

PASSED BY THE HOUSE OF REPRESENTATIVES
April 3, 2013



SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
April 3, 2013



PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR



GOVERNOR

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