

By: Representative Barker

To: Education; Ways and Means

HOUSE BILL NO. 833

1 AN ACT TO AMEND SECTION 1, CHAPTER 572, LAWS OF 2013, AND
 2 SECTION 37-7-104.3, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE
 3 SUPERINTENDENT OF THE STARKVILLE SCHOOL DISTRICT SHALL BE THE
 4 CONSERVATOR OF THE OKTIBBEHA COUNTY SCHOOL DISTRICT UNTIL THE
 5 ESTABLISHMENT OF THE STARKVILLE CONSOLIDATED SCHOOL DISTRICT, TO
 6 CLARIFY THE PROCEDURE FOR THE SELECTION OF THE NEW STARKVILLE
 7 CONSOLIDATED SCHOOL DISTRICT BOARD OF TRUSTEES, TO AUTHORIZE AND
 8 DIRECT THE CONSERVATOR OF THE OKTIBBEHA COUNTY SCHOOL DISTRICT TO
 9 ISSUE SHORT-TERM NOTES TO FUND INITIAL REPAIRS AND IMPROVEMENTS TO
 10 CERTAIN ELEMENTARY SCHOOLS, TO AUTHORIZE THE CONSERVATOR OF THE
 11 OKTIBBEHA COUNTY SCHOOL DISTRICT TO ISSUE SCHOOL BONDS TO UPGRADE
 12 CERTAIN COUNTY SCHOOL FACILITIES SUBJECT TO A REVERSE REFERENDUM
 13 ON THE BOND ISSUE, TO INCREASE THE DEBT LIMIT CAP ON COUNTYWIDE
 14 ASSESSED VALUATION, TO AUTHORIZE THE CONSERVATOR OF THE OKTIBBEHA
 15 COUNTY SCHOOL DISTRICT TO CONTRIBUTE FUNDS TO THE STARKVILLE
 16 SCHOOL DISTRICT FOR CAPITAL IMPROVEMENTS TO ACCOMMODATE COUNTY
 17 SCHOOL DISTRICT STUDENTS AND INCREASE CAPACITY FOR THE
 18 CONSOLIDATION, TO DIRECT THE ATTORNEY GENERAL TO REPRESENT THE TWO
 19 DISTRICTS IN THEIR RESPECTIVE DESEGREGATION CASES TO OBTAIN
 20 APPROVAL FROM THE FEDERAL COURT FOR THE NEW CONSOLIDATED DISTRICT,
 21 TO CLARIFY THAT THE COUNTY BOARD OF SUPERVISORS SHALL PROVIDE
 22 ADMINISTRATIVE OFFICES FOR THE NEW STARKVILLE CONSOLIDATED SCHOOL
 23 DISTRICT; TO AMEND SECTIONS 37-59-7, 37-59-23 AND 37-59-107,
 24 MISSISSIPPI CODE OF 1972, IN CONFORMITY; AND FOR RELATED PURPOSES.

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

26 **SECTION 1.** Section 1, Chapter 572, Laws of 2013, is amended
 27 as follows:

28 Section 1. (1) From and after July 1, 2014, the
 29 Superintendent of the Starkville School District shall be the



30 Conservator of the Oktibbeha County School District who shall
31 serve as conservator until the establishment of the Starkville
32 Consolidated School District on July 1, 2015. The conservator
33 shall assist the former Oktibbeha County School District and the
34 former Starkville School District and the State Department of
35 Education, as soon as practicable after the effective date of this
36 act, for the planning and assignment of school grades, programs,
37 services and alignment of curriculum for the new Starkville
38 Consolidated School District. The State Board of Education shall
39 provide for the appointment and support of the Superintendent of
40 the Starkville School District as Conservator of the Oktibbeha
41 County School District.

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



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

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

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

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

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

69 (3) The Commission on Starkville Consolidated School
70 District Structure shall meet within thirty (30) days of passage
71 of this act upon the call of the State Superintendent of Education
72 and shall hold hearings and meet as necessary and develop a report
73 to the Legislature, the Governor and the State Board of Education
74 on or before March 1, 2014, with recommendations to accomplish the
75 following:

76 (a) Review the current structure of school districts
77 and the location of schools in Starkville, Mississippi, and
78 Oktibbeha County, Mississippi, and recommend how they can be
79 consolidated into one (1) school district in order to improve both



80 the quality of education and the efficiency at which it is
81 delivered.

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

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

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

94 The commission shall have the authority to raise and to
95 expend nonstate funds. The State Department of Education shall
96 provide staff and such other support as the commission deems
97 appropriate. After submitting its report on or before March 1,
98 2014, the commission shall be dissolved.

99 **SECTION 2.** Section 37-7-104.3, Mississippi Code of 1972, is
100 amended as follows:

101 37-7-104.3. (1) In Oktibbeha County, Mississippi, in which
102 are located, as of January 1, 2013, two (2) school districts,
103 there shall be an administrative consolidation of all of those
104 school districts in the county into one (1) new countywide



105 municipal separate school district to be designated as Starkville
106 Consolidated School District which shall consist of the territory
107 of the former Oktibbeha County School District and the Starkville
108 School District, effective on July 1, 2015. Until June 30, 2015,
109 preceding the effective date of the required administrative
110 consolidation of school districts in the county, the Oktibbeha
111 County School District shall remain in conservatorship, under the
112 authority and control of the Mississippi Recovery School District
113 of the State Department of Education. At such time that the
114 administrative consolidation becomes effective, the central
115 administrative office of the Starkville Consolidated School
116 District shall be located in Starkville, Mississippi.

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

122 (b) In the new consolidated school district there shall
123 be a countywide municipal separate school district board of
124 trustees, which shall consist of the existing members of the Board
125 of Trustees of the Starkville School District * * *. However,
126 upon the first occurrence of a vacancy on the board as a result of
127 an expired term of an appointed board member, that vacancy shall
128 become an elected position and shall be filled by the election of
129 a board member * * * as follows: the 2016 expiring term board



130 member shall remain in office until January 1, 2017. In November
131 2016, an election will be held for a board member who resides
132 outside of the incorporated municipal limits in the manner
133 prescribed in Section 37-7-203, and the elected board member will
134 take office for a five-year term beginning January 1, 2017.
135 Subsequent board members shall be selected in the manner
136 prescribed in Section 37-7-203. The Board of Supervisors of
137 Oktibbeha County shall * * * publish * * * notice of the school
138 board elections in some newspaper of general circulation in the
139 county for at least three (3) consecutive weeks * * *.

140 (c) Any school district affected by the required
141 administrative consolidation in the county that does not
142 voluntarily consolidate as ordered by the State Board of Education
143 shall be administratively consolidated by the State Board of
144 Education, to be effective immediately upon action of the State
145 Board of Education. The State Board of Education shall promptly
146 move on its own motion to administratively consolidate a school
147 district which does not voluntarily consolidate in order to enable
148 the affected school districts to reasonably accomplish the
149 resulting administrative consolidation into one (1) consolidated
150 school district by July 1 following the motion to consolidate.
151 The affected school districts shall comply with any consolidation
152 order issued by the State Board of Education.

153 (3) On July 1, 2015, following the motion of State Board of
154 Education to consolidate school districts in Oktibbeha County, the



155 Oktibbeha County School District shall be abolished. All real and
156 personal property which is owned or titled in the name of the
157 school district located in such former school district shall be
158 transferred to the Starkville Consolidated School District. The
159 Board of Trustees of the Starkville Consolidated School District
160 shall be responsible for establishing the contracts for teachers,
161 principals, clerical and administrative staff personnel for the
162 2015-2016 school year and thereafter and shall consult with the
163 conservator for the establishment of contracts for teachers,
164 principals, clerical and administrative staff personnel located in
165 the former Oktibbeha County School District for the 2015-2016
166 school year. The Conservator of the Starkville Consolidated
167 School District shall have full authority to nonrenew the
168 employment contract of any teacher, principal, clerical or
169 administrative staff located in the former Oktibbeha County School
170 District for the 2015-2016 school year. The superintendent and
171 assistant superintendent(s) of schools of the former Starkville
172 School District shall continue to serve in like administrative
173 capacities of the Starkville Consolidated School District, but in
174 no instance shall the administrative leadership of the Starkville
175 Consolidated School District exceed three (3) assistant
176 superintendents to be appointed by the superintendent of the
177 former Starkville School District. No superintendent serving in
178 the former school district located in the county designated as an
179 under-performing school district or placed under conservatorship



180 shall be eligible for appointment as a superintendent or assistant
181 superintendent in the Starkville Consolidated School District.
182 Likewise, no trustee serving in the former school district located
183 in the county designated as an under-performing school district or
184 placed under conservatorship shall be eligible for election to the
185 new Board of Trustees of the Starkville Consolidated School
186 District. It shall be the responsibility of the board of trustees
187 to prepare and approve the budget of the respective new
188 reorganized district, and the board of trustees may use staff from
189 the former school district to prepare the budget. Any proposed
190 order of the State Board of Education directing the transfer of
191 the assets, real or personal property of an affected school
192 district in the county, shall be final and conclusive for the
193 purposes of the transfer of property required by such
194 administrative consolidation.

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

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



205 school districts in Oktibbeha County pursuant to this section.
206 The consolidated districts shall make an election within one (1)
207 year of consolidation concerning the group term life insurance
208 described in Section 25-15-9(7).

209 (6) For the initial three (3) years following the
210 administrative consolidation required by this section, the State
211 Department of Education shall grant a waiver of accountability and
212 state assessment requirements to the Starkville Consolidated
213 School District * * *.

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

221 (8) As soon as practicable after July 1, 2014, the
222 Conservator of the Oktibbeha County School District shall issue
223 notes or certificates of indebtedness of the Oktibbeha County
224 School District in an amount not to exceed Two Million Two Hundred
225 Thousand Dollars (\$2,200,000.00) for the purpose of making
226 repairs, alterations and additions to two (2) elementary school
227 buildings located in the Oktibbeha County School District in order
228 to meet the same physical and educational standards as the
229 elementary school buildings in Starkville. Said notes or



230 certificates of indebtedness shall be issued under the authority
231 of Sections 37-59-101 through 37-59-115, Mississippi Code of 1972,
232 including all notice requirements, however, the resolution as to
233 the necessity for the issuance of the notes and the execution of
234 the documents shall be made by the Conservator of the Oktibbeha
235 County School District.

236 (9) For a period beginning July 1, 2014, and ending July 1,
237 2024, the Conservator of the Oktibbeha County School District
238 and/or the Starkville Consolidated School District Board of
239 Trustees may issue negotiable bonds of the Oktibbeha County School
240 District in an amount not to exceed Ten Million Dollars
241 (\$10,000,000.00) for the purpose of making repairs, alterations
242 and additions to school facilities in the former Oktibbeha County
243 School District and in the former Starkville School District to
244 accommodate students in the former Oktibbeha County School
245 District who will be attending school in the new Starkville
246 Consolidated School District and the increased capacity needs
247 under the consolidation. Said bonds shall be issued under the
248 authority of Sections 37-59-1 through 37-59-45, including all
249 notice and publication requirements, however, the resolution as to
250 the necessity for the issuance of the bonds and execution of the
251 documents may be made by the Conservator of the Oktibbeha County
252 School District or the Starkville Consolidated School District
253 Board of Trustees. Provided further, that the conservator or
254 board of trustees shall publish notice of the issuance of the



255 bonds once each week for at least three (3) consecutive weeks in a
256 newspaper having general circulation in the Oktibbeha County
257 School District, with the first publication thereof to be made not
258 less than fifteen (15) days prior to the issuance of the bonds by
259 the conservator. If at any time prior to said issuance a petition
260 signed by not less than twenty percent (20%) or fifteen hundred
261 (1500), whichever is less, of the qualified electors of the
262 Oktibbeha County School District shall be filed with the Board of
263 Supervisors of Oktibbeha County requesting that an election be
264 called on the question of issuing the bonds, then the Board of
265 Supervisors of Oktibbeha County shall, not later than its next
266 regular meeting, adopt a resolution calling an election to be held
267 within the former Oktibbeha County School District upon such
268 question. The election shall be called and held, and notice
269 thereof shall be given, in the same manner for elections upon the
270 question of bond issues under Sections 37-59-13, 37-59-15 and
271 37-59-17, and the results there shall be certified to the
272 Conservator of the Oktibbeha County School District or the
273 Starkville Consolidated School District Board of Trustees, as the
274 case may be. If three-fifths (3/5) of the qualified electors who
275 voted in such election vote in favor of the issuance of such
276 bonds, then the conservator or board of trustees shall issue such
277 bonds. Only applicable to the bond issue authorized in this
278 subsection (9), the fifteen percent (15%) limitation on bonded
279 indebtedness provided in Section 37-59-5 shall be increased to



280 twenty percent (20%) of the assessed value of the taxable property
281 within the school district.

282 (10) The Attorney General of the State of Mississippi is
283 authorized and directed to represent the former Oktibbeha County
284 School District and the former Starkville School District in their
285 respective desegregation cases to obtain approval from the
286 appropriate federal court of a modified desegregation order for
287 the new Starkville Consolidated School District. The State
288 Department of Education, subject to appropriation therefor by the
289 Legislature, shall provide funds for any costs that the federal
290 court may impose on the new Starkville Consolidated School
291 District through the modified desegregation order.

292 (11) In accordance with Section 37-9-70, it is the
293 responsibility of the Board of Supervisors of Oktibbeha County to
294 provide office, furnishing and utilities for the administrative
295 Office of the Superintendent of the Starkville Consolidated School
296 District.

297 (12) The new Starkville Consolidated School District is
298 authorized and encouraged to develop a partnership with
299 Mississippi State University to create a model rural education
300 school to serve all sixth- and seventh-grade students from
301 Oktibbeha County and a model prekindergarten program which shall
302 also serve as a model for the education of teachers and
303 administrators.



304 **SECTION 3.** Section 37-59-7, Mississippi Code of 1972, is
305 amended as follows:

306 37-59-7. (1) (a) Any school district in which the total
307 number of pupils enrolled at any one time during the school year
308 shall have increased by at least twenty percent (20%) or an
309 average of three hundred fifty (350) or more annually within the
310 preceding five (5) years, shall not issue bonds for the purposes
311 authorized by law in an amount which when added to all of its then
312 outstanding bonded indebtedness, shall result in the imposition on
313 any of the property in such district of an indebtedness for school
314 purposes of more than twenty-five percent (25%) of the assessed
315 value of the taxable property within such district according to
316 the then last completed assessment for taxation.

317 (b) Any school district in which the total number of
318 pupils enrolled at any one time during the school year shall have
319 increased by at least ten percent (10%) within the preceding five
320 (5) years shall not issue bonds for the purposes authorized by law
321 in an amount which, when added to all of its then outstanding
322 bonded indebtedness, shall result in the imposition on any of the
323 property in such district of an indebtedness for school purposes
324 of more than twenty percent (20%) of the assessed value of the
325 taxable property within such district according to the then last
326 completed assessment for taxation.

327 (c) The pupil increase mentioned in this subsection
328 shall apply only to growth in pupil enrollment and shall not apply



329 to pupil increases brought about by consolidation of school
330 districts.

331 (2) Any school district may hereafter issue bonds in an
332 amount exceeding the limit of Section 37-59-5 for the purpose of
333 constructing, reconstructing, repairing, equipping, remodeling or
334 enlarging school buildings and related facilities, as described in
335 subsection (a) of Section 37-59-3, but no such district shall
336 issue bonds in an amount which when added to all of its then
337 outstanding bonded indebtedness, shall result in the imposition on
338 any of the property in such district of an indebtedness for such
339 school purposes of more than twenty percent (20%) of the assessed
340 value of the taxable property in such district, according to the
341 then last completed assessment for taxation, regardless of whether
342 any of such indebtedness shall have been incurred by such district
343 or by another school district or districts:

344 (a) In the event of the damage to or destruction of any
345 school building or school buildings, or related facilities of any
346 such district by fire, windstorm, flood or other providential and
347 unforeseeable cause; or

348 (b) In the event such school district has lost its
349 accreditation and the constructing, reconstructing, repairing,
350 equipping, remodeling or enlarging of such school buildings and
351 related facilities is necessary for the restoration of such
352 accreditation * * * or



353 (c) In the event of the establishment of the Starkville
354 Consolidated School District as authorized in Section
355 37-7-104.3(9).

356 (3) In any school district wherein more than nine percent
357 (9%) of the total land area of the school district is owned by the
358 federal government and situated in a flood control reservoir or
359 maintained as a part of the national forest system, the said
360 school district may issue bonds in an amount, which when added to
361 all of its then outstanding bonded indebtedness for school
362 purposes, shall result in the imposition on any of the property in
363 such school district of an indebtedness for school purposes of not
364 more than twenty percent (20%) of the assessed value of the
365 taxable property within such district, according to the then last
366 completed assessment for taxation, regardless of whether any of
367 such indebtedness shall have been incurred by such district or by
368 another school district or districts. If bonds in an amount in
369 excess of fifteen percent (15%) of the total assessed value of the
370 property of a school district are issued under the provisions of
371 this subsection, not less than twenty-five percent (25%) of the
372 total funds received by the school district under the provisions
373 of Section 49-19-23, Mississippi Code of 1972, shall be paid into
374 the bond and interest sinking fund of such district and used for
375 the retirement of the bonds so issued.

376 (4) In any district where the assessed valuation per pupil
377 is less than seventy-five percent (75%) of the average of all



378 school districts, such school district may issue bonds for the
379 purposes authorized by Section 37-59-3 in an amount exceeding the
380 fifteen percent (15%) debt limitation set forth in Section
381 37-59-5, but not exceeding an amount which, when added to all of
382 the school district's then outstanding bonded indebtedness, shall
383 result in the imposition on any of the property in such district
384 of an indebtedness for such school purposes of more than
385 twenty-five percent (25%) of the assessed value of the taxable
386 property in such district, according to the then last completed
387 assessment for taxation if:

388 (a) The board of trustees or board of education of the
389 school district adopts a resolution finding that issuing bonds in
390 an amount exceeding the limitation stated in Section 37-59-5 is
391 necessary to provide or maintain adequate educational facilities
392 within the school district; and

393 (b) The notice of the bond election required by Section
394 37-59-13 contains a provision notifying the qualified electors in
395 the school district:

396 (i) Of the fact that the proposed bonds, if
397 issued, will exceed the fifteen percent (15%) debt limit contained
398 in Section 37-59-5; and

399 (ii) Of the reasons why the school district is
400 proposing to exceed said limitation;



401 (c) The election is held and the proposed bond issue
402 receives the requisite voter approval as set forth in Section
403 37-59-17.

404 **SECTION 4.** Section 37-59-23, Mississippi Code of 1972, is
405 amended as follows:

406 37-59-23. The levying authority, as defined in Section
407 37-57-1(1)(b), acting for and on behalf of any school district,
408 shall annually levy a special tax upon all of the taxable property
409 within such school district, which shall be sufficient to provide
410 for the payment of the principal of and the interest on school
411 bonds issued under the provisions of this article according to the
412 terms thereof, including any school bonds issued under authority
413 of a school district conservator pursuant to Section
414 37-7-104.3(9).

415 In the case of school bonds issued under the provisions of
416 Section 37-59-21, it shall be the duty of the board of supervisors
417 of the county having the greater assessed valuation of taxable
418 property within such district to annually levy upon all of the
419 taxable property within such district, without regard to county
420 lines, a special tax, which shall be sufficient to provide for the
421 payment of the principal of and interest on such bonds according
422 to the terms thereof. Such board shall annually certify to the
423 board of supervisors of the other county or counties in which a
424 portion of the district is situated the rate of taxation so fixed,
425 and it shall be the duty of such other board or boards to cause



426 such rate of taxation to be levied upon all of the taxable
427 property within the boundaries of such district situated within
428 their respective counties. Said taxes shall be collected and
429 deposited as other taxes are collected and deposited in such
430 county or counties, and the tax collector thereof shall thereupon
431 cause such taxes to be remitted to the county depository of the
432 county for which the bonds were issued.

433 **SECTION 5.** Section 37-59-107, Mississippi Code of 1972, is
434 amended as follows:

435 37-59-107. The levying authority for the school district
436 shall annually levy a special tax on all of the taxable property
437 of the school district on whose behalf the notes or certificates
438 of indebtedness are issued in an amount which shall be sufficient
439 to pay the principal of and interest upon such negotiable notes or
440 certificates of indebtedness as the same shall respectively mature
441 and accrue, including any notes issued by a conservator of a
442 school district pursuant to the authority of Section
443 37-7-104.3(8). Said tax shall be levied and collected at the same
444 time and in the same manner as other taxes are collected and said
445 tax shall be in addition to all other taxes authorized by law. It
446 is expressly provided, however, that such annual tax levy shall
447 not exceed three (3) mills on the dollar for the payment of all
448 notes issued under the provisions of this article and all notes
449 previously issued under the statutes hereby repealed. The special
450 tax so levied shall be collected by the tax collector of the



451 county at the same time and in the same manner as other taxes are
452 collected, and the proceeds thereof shall be paid to the school
453 district and shall be used exclusively for the payment of
454 principal of and interest upon such negotiable notes or
455 certificates of indebtedness.

456 **SECTION 6.** This act shall take effect and be in force from
457 and after July 1, 2014.

