

By: Representative Barker

To: Education; Ways and Means

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 833

1 AN ACT TO BRING FORWARD SECTION 1, CHAPTER 572, LAWS OF 2013,
2 FOR PURPOSES OF POSSIBLE AMENDMENTS; TO AMEND SECTION 37-7-104.3,
3 MISSISSIPPI CODE OF 1972, TO CLARIFY THE PROCEDURE FOR THE
4 SELECTION OF THE NEW STARKVILLE CONSOLIDATED SCHOOL DISTRICT BOARD
5 OF TRUSTEES; TO DIRECT THE ATTORNEY GENERAL TO REPRESENT THE TWO
6 DISTRICTS IN THEIR RESPECTIVE DESEGREGATION CASES TO OBTAIN
7 APPROVAL FROM THE FEDERAL COURT FOR THE NEW CONSOLIDATED DISTRICT,
8 TO CLARIFY THAT THE COUNTY BOARD OF SUPERVISORS SHALL PROVIDE
9 ADMINISTRATIVE OFFICES FOR THE NEW STARKVILLE CONSOLIDATED SCHOOL
10 DISTRICT; TO BRING FORWARD SECTIONS 37-59-7, 37-59-23 AND
11 37-59-107, MISSISSIPPI CODE OF 1972, FOR PURPOSES OF POSSIBLE
12 AMENDMENTS; AND FOR RELATED PURPOSES.

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

14 **SECTION 1.** Section 1, Chapter 572, Laws of 2013, is brought
15 forward as follows:

16 Section 1. (1) There is hereby created and established an
17 advisory council to be known as the Commission on Starkville
18 Consolidated School District Structure. It shall be the
19 responsibility of the Commission on Starkville Consolidated School
20 District Structure to review the current structure of the school
21 districts and schools in Starkville, Mississippi, and in Oktibbeha
22 County, Mississippi, and make recommendations on future actions of
23 the provision and transition of service of the newly consolidated



24 school district in order to improve both the quality of education
25 and the efficiency with which it is delivered. The commission
26 shall not decide the issue of whether or not the districts shall
27 be consolidated. The commission shall be composed of seven (7)
28 members as follows:

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

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

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

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

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

43 (2) The Commission on Starkville Consolidated School
44 District Structure shall meet within thirty (30) days of passage
45 of this act upon the call of the State Superintendent of Education
46 and shall hold hearings and meet as necessary and develop a report
47 to the Legislature, the Governor and the State Board of Education



48 on or before March 1, 2014, with recommendations to accomplish the
49 following:

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

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

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

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

68 The commission shall have the authority to raise and to
69 expend nonstate funds. The State Department of Education shall
70 provide staff and such other support as the commission deems
71 appropriate. After submitting its report on or before March 1,
72 2014, the commission shall be dissolved.



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

75 37-7-104.3. (1) In Oktibbeha County, Mississippi, in which
76 are located, as of January 1, 2013, two (2) school districts,
77 there shall be an administrative consolidation of all of those
78 school districts in the county into one (1) new countywide
79 municipal separate school district to be designated as Starkville
80 Consolidated School District which shall consist of the territory
81 of the former Oktibbeha County School District and the Starkville
82 School District, effective on July 1, 2015. Until June 30, 2015,
83 preceding the effective date of the required administrative
84 consolidation of school districts in the county, the Oktibbeha
85 County School District shall remain in conservatorship, under the
86 authority and control of the Mississippi Recovery School District
87 of the State Department of Education. At such time that the
88 administrative consolidation becomes effective, the central
89 administrative office of the Starkville Consolidated School
90 District shall be located in Starkville, Mississippi.

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

96 (b) In the new consolidated school district there shall
97 be a countywide municipal separate school district board of



98 trustees, which shall consist of the existing members of the Board
99 of Trustees of the Starkville School District * * *. However,
100 upon the first occurrence of a vacancy on the board as a result of
101 an expired term of an appointed board member, that vacancy shall
102 become an elected position and shall be filled by the election of
103 a board member * * * as follows: the 2016 expiring term board
104 member shall remain in office until January 1, 2017. In November
105 2016, an election will be held for a board member who resides
106 outside of the incorporated municipal limits in the manner
107 prescribed in Section 37-7-203, and the elected board member will
108 take office for a five-year term beginning January 1, 2017.
109 Subsequent board members shall be selected in the manner
110 prescribed in Section 37-7-203. The Board of Supervisors of
111 Oktibbeha County shall * * * publish * * * notice of the school
112 board elections in some newspaper of general circulation in the
113 county for at least three (3) consecutive weeks * * *.

114 (c) Any school district affected by the required
115 administrative consolidation in the county that does not
116 voluntarily consolidate as ordered by the State Board of Education
117 shall be administratively consolidated by the State Board of
118 Education, to be effective immediately upon action of the State
119 Board of Education. The State Board of Education shall promptly
120 move on its own motion to administratively consolidate a school
121 district which does not voluntarily consolidate in order to enable
122 the affected school districts to reasonably accomplish the



123 resulting administrative consolidation into one (1) consolidated
124 school district by July 1 following the motion to consolidate.
125 The affected school districts shall comply with any consolidation
126 order issued by the State Board of Education.

127 (3) On July 1, 2015, following the motion of State Board of
128 Education to consolidate school districts in Oktibbeha County, the
129 Oktibbeha County School District shall be abolished. All real and
130 personal property which is owned or titled in the name of the
131 school district located in such former school district shall be
132 transferred to the Starkville Consolidated School District. The
133 Board of Trustees of the Starkville Consolidated School District
134 shall be responsible for establishing the contracts for teachers,
135 principals, clerical and administrative staff personnel for the
136 2015-2016 school year and thereafter and shall consult with the
137 conservator for the establishment of contracts for teachers,
138 principals, clerical and administrative staff personnel located in
139 the former Oktibbeha County School District for the 2015-2016
140 school year. The superintendent and assistant superintendent(s)
141 of schools of the former Starkville School District shall continue
142 to serve in like administrative capacities of the Starkville
143 Consolidated School District, but in no instance shall the
144 administrative leadership of the Starkville Consolidated School
145 District exceed three (3) assistant superintendents to be
146 appointed by the superintendent of the former Starkville School
147 District. No superintendent serving in the former school district



148 located in the county designated as an under-performing school
149 district or placed under conservatorship shall be eligible for
150 appointment as a superintendent or assistant superintendent in the
151 Starkville Consolidated School District. Likewise, no trustee
152 serving in the former school district located in the county
153 designated as an under-performing school district or placed under
154 conservatorship shall be eligible for election to the new Board of
155 Trustees of the Starkville Consolidated School District. It shall
156 be the responsibility of the board of trustees to prepare and
157 approve the budget of the respective new reorganized district, and
158 the board of trustees may use staff from the former school
159 district to prepare the budget. Any proposed order of the State
160 Board of Education directing the transfer of the assets, real or
161 personal property of an affected school district in the county,
162 shall be final and conclusive for the purposes of the transfer of
163 property required by such administrative consolidation.

164 (4) Nothing in this section shall be construed to require
165 the closing of any school or school facility, unless the facility
166 is an unneeded administrative office located within a school
167 district which has been abolished under the provisions of this
168 section. All administrative consolidations under this section
169 shall be accomplished so as not to delay or in any manner
170 negatively affect the desegregation of another school district in
171 the county pursuant to court order.



172 (5) The State Board of Education shall promulgate rules and
173 regulations to facilitate the administrative consolidation of the
174 school districts in Oktibbeha County pursuant to this section.
175 The consolidated districts shall make an election within one (1)
176 year of consolidation concerning the group term life insurance
177 described in Section 25-15-9(7).

178 (6) For the initial three (3) years following the
179 administrative consolidation required by this section, the State
180 Department of Education shall grant a waiver of accountability and
181 state assessment requirements to the Starkville Consolidated
182 School District * * *.

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

190 (8) The Attorney General of the State of Mississippi is
191 authorized and directed to represent the former Oktibbeha County
192 School District and the former Starkville School District in their
193 respective desegregation cases to obtain approval from the
194 appropriate federal court of a modified desegregation order for
195 the new Starkville Consolidated School District. The State
196 Department of Education, subject to appropriation therefor by the



197 Legislature, shall provide funds for any costs that the federal
198 court may impose on the new Starkville Consolidated School
199 District through the modified desegregation order.

200 (9) In accordance with Section 37-9-70, it is the
201 responsibility of the Board of Supervisors of Oktibbeha County to
202 provide office, furnishing and utilities for the administrative
203 Office of the Superintendent of the Starkville Consolidated School
204 District.

205 (10) The new Starkville Consolidated School District is
206 authorized and encouraged to develop a partnership with
207 Mississippi State University to create a model rural education
208 school to serve all sixth- and seventh-grade students from
209 Oktibbeha County and a model prekindergarten program which shall
210 also serve as a model for the education of teachers and
211 administrators.

212 **SECTION 3.** Section 37-59-7, Mississippi Code of 1972, is
213 brought forward as follows:

214 37-59-7. (1) (a) Any school district in which the total
215 number of pupils enrolled at any one time during the school year
216 shall have increased by at least twenty percent (20%) or an
217 average of three hundred fifty (350) or more annually within the
218 preceding five (5) years, shall not issue bonds for the purposes
219 authorized by law in an amount which when added to all of its then
220 outstanding bonded indebtedness, shall result in the imposition on
221 any of the property in such district of an indebtedness for school



222 purposes of more than twenty-five percent (25%) of the assessed
223 value of the taxable property within such district according to
224 the then last completed assessment for taxation.

225 (b) Any school district in which the total number of
226 pupils enrolled at any one time during the school year shall have
227 increased by at least ten percent (10%) within the preceding five
228 (5) years shall not issue bonds for the purposes authorized by law
229 in an amount which, when added to all of its then outstanding
230 bonded indebtedness, shall result in the imposition on any of the
231 property in such district of an indebtedness for school purposes
232 of more than twenty percent (20%) of the assessed value of the
233 taxable property within such district according to the then last
234 completed assessment for taxation.

235 (c) The pupil increase mentioned in this subsection
236 shall apply only to growth in pupil enrollment and shall not apply
237 to pupil increases brought about by consolidation of school
238 districts.

239 (2) Any school district may hereafter issue bonds in an
240 amount exceeding the limit of Section 37-59-5 for the purpose of
241 constructing, reconstructing, repairing, equipping, remodeling or
242 enlarging school buildings and related facilities, as described in
243 subsection (a) of Section 37-59-3, but no such district shall
244 issue bonds in an amount which when added to all of its then
245 outstanding bonded indebtedness, shall result in the imposition on
246 any of the property in such district of an indebtedness for such



247 school purposes of more than twenty percent (20%) of the assessed
248 value of the taxable property in such district, according to the
249 then last completed assessment for taxation, regardless of whether
250 any of such indebtedness shall have been incurred by such district
251 or by another school district or districts:

252 (a) In the event of the damage to or destruction of any
253 school building or school buildings, or related facilities of any
254 such district by fire, windstorm, flood or other providential and
255 unforeseeable cause; or

256 (b) In the event such school district has lost its
257 accreditation and the constructing, reconstructing, repairing,
258 equipping, remodeling or enlarging of such school buildings and
259 related facilities is necessary for the restoration of such
260 accreditation.

261 (3) In any school district wherein more than nine percent
262 (9%) of the total land area of the school district is owned by the
263 federal government and situated in a flood control reservoir or
264 maintained as a part of the national forest system, the said
265 school district may issue bonds in an amount, which when added to
266 all of its then outstanding bonded indebtedness for school
267 purposes, shall result in the imposition on any of the property in
268 such school district of an indebtedness for school purposes of not
269 more than twenty percent (20%) of the assessed value of the
270 taxable property within such district, according to the then last
271 completed assessment for taxation, regardless of whether any of



272 such indebtedness shall have been incurred by such district or by
273 another school district or districts. If bonds in an amount in
274 excess of fifteen percent (15%) of the total assessed value of the
275 property of a school district are issued under the provisions of
276 this subsection, not less than twenty-five percent (25%) of the
277 total funds received by the school district under the provisions
278 of Section 49-19-23, Mississippi Code of 1972, shall be paid into
279 the bond and interest sinking fund of such district and used for
280 the retirement of the bonds so issued.

281 (4) In any district where the assessed valuation per pupil
282 is less than seventy-five percent (75%) of the average of all
283 school districts, such school district may issue bonds for the
284 purposes authorized by Section 37-59-3 in an amount exceeding the
285 fifteen percent (15%) debt limitation set forth in Section
286 37-59-5, but not exceeding an amount which, when added to all of
287 the school district's then outstanding bonded indebtedness, shall
288 result in the imposition on any of the property in such district
289 of an indebtedness for such school purposes of more than
290 twenty-five percent (25%) of the assessed value of the taxable
291 property in such district, according to the then last completed
292 assessment for taxation if:

293 (a) The board of trustees or board of education of the
294 school district adopts a resolution finding that issuing bonds in
295 an amount exceeding the limitation stated in Section 37-59-5 is



296 necessary to provide or maintain adequate educational facilities
297 within the school district; and

298 (b) The notice of the bond election required by Section
299 37-59-13 contains a provision notifying the qualified electors in
300 the school district:

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

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

306 (c) The election is held and the proposed bond issue
307 receives the requisite voter approval as set forth in Section
308 37-59-17.

309 **SECTION 4.** Section 37-59-23, Mississippi Code of 1972, is
310 brought forward as follows:

311 37-59-23. The levying authority, as defined in Section
312 37-57-1(1)(b), acting for and on behalf of any school district,
313 shall annually levy a special tax upon all of the taxable property
314 within such school district, which shall be sufficient to provide
315 for the payment of the principal of and the interest on school
316 bonds issued under the provisions of this article according to the
317 terms thereof.

318 In the case of school bonds issued under the provisions of
319 Section 37-59-21, it shall be the duty of the board of supervisors
320 of the county having the greater assessed valuation of taxable



321 property within such district to annually levy upon all of the
322 taxable property within such district, without regard to county
323 lines, a special tax, which shall be sufficient to provide for the
324 payment of the principal of and interest on such bonds according
325 to the terms thereof. Such board shall annually certify to the
326 board of supervisors of the other county or counties in which a
327 portion of the district is situated the rate of taxation so fixed,
328 and it shall be the duty of such other board or boards to cause
329 such rate of taxation to be levied upon all of the taxable
330 property within the boundaries of such district situated within
331 their respective counties. Said taxes shall be collected and
332 deposited as other taxes are collected and deposited in such
333 county or counties, and the tax collector thereof shall thereupon
334 cause such taxes to be remitted to the county depository of the
335 county for which the bonds were issued.

336 **SECTION 5.** Section 37-59-107, Mississippi Code of 1972, is
337 brought forward as follows:

338 37-59-107. The levying authority for the school district
339 shall annually levy a special tax on all of the taxable property
340 of the school district on whose behalf the notes or certificates
341 of indebtedness are issued in an amount which shall be sufficient
342 to pay the principal of and interest upon such negotiable notes or
343 certificates of indebtedness as the same shall respectively mature
344 and accrue. Said tax shall be levied and collected at the same
345 time and in the same manner as other taxes are collected and said



346 tax shall be in addition to all other taxes authorized by law. It
347 is expressly provided, however, that such annual tax levy shall
348 not exceed three (3) mills on the dollar for the payment of all
349 notes issued under the provisions of this article and all notes
350 previously issued under the statutes hereby repealed. The special
351 tax so levied shall be collected by the tax collector of the
352 county at the same time and in the same manner as other taxes are
353 collected, and the proceeds thereof shall be paid to the school
354 district and shall be used exclusively for the payment of
355 principal of and interest upon such negotiable notes or
356 certificates of indebtedness.

357 **SECTION 6.** This act shall take effect and be in force from
358 and after July 1, 2014, and shall stand repealed on June 30, 2014.

