

By: Representative Roberson

To: Education

HOUSE BILL NO. 981

1 AN ACT TO AMEND SECTION 37-7-104.3, MISSISSIPPI CODE OF 1972,
 2 TO REVISE THE COMPOSITION OF THE BOARD OF EDUCATION FOR THE
 3 STARKVILLE-OKTIBBEHA CONSOLIDATED SCHOOL DISTRICT BY INCREASING
 4 THE MEMBERSHIP TO SEVEN MEMBERS; TO PROVIDE THAT FIVE MEMBERS
 5 SHALL BE ELECTED FROM SINGLE-MEMBER EDUCATION TRUSTEE ELECTION
 6 DISTRICTS WHICH SHALL BE CONSISTENT WITH THE SUPERVISORS DISTRICT
 7 LINES IN THE COUNTY; TO REQUIRE THE COUNTY BOARD OF EDUCATION TO
 8 PUBLISH NOTICE OF THE DISTRICT BOUNDARIES FOR THE ELECTION
 9 DISTRICTS, WHICH SHALL BE EFFECTIVE FOR THE NOVEMBER 2016 GENERAL
 10 ELECTION; TO PROVIDE THAT THE TRUSTEES OF THE BOARD OF EDUCATION
 11 SHALL BE ELECTED AT THE SAME TIME AND IN THE SAME MANNER AS THE
 12 PRESIDENTIAL ELECTION FOR A TERM OF FOUR YEARS; TO PROVIDE FOR THE
 13 FILLING OF VACANCIES ON THE BOARD; TO PROVIDE FOR THE AT-LARGE
 14 APPOINTMENT OF TWO ADDITIONAL MEMBERS TO THE BOARD OF EDUCATION BY
 15 THE COUNTY BOARD OF SUPERVISORS AND THE MUNICIPAL GOVERNING
 16 AUTHORITY OF STARKVILLE, WHICH SHALL HAVE ONE APPOINTMENT EACH;
 17 AND FOR RELATED PURPOSES.

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

19 **SECTION 1.** Section 37-7-104.3, Mississippi Code of 1972, is
 20 amended as follows:

21 37-7-104.3. (1) In Oktibbeha County, Mississippi, in which
 22 are located, as of January 1, 2013, two (2) school districts,
 23 there shall be an administrative consolidation of all of those
 24 school districts in the county into one (1) new countywide
 25 municipal separate school district to be designated as



26 Starkville-Oktibbeha Consolidated School District which shall
27 consist of the territory of the former Oktibbeha County School
28 District and the Starkville School District, effective on July 1,
29 2015. Until June 30, 2015, preceding the effective date of the
30 required administrative consolidation of school districts in the
31 county, the Oktibbeha County School District shall remain in
32 conservatorship, under the authority and control of the
33 Mississippi Recovery School District of the State Department of
34 Education. At such time that the administrative consolidation
35 becomes effective, the central administrative office of the
36 Starkville-Oktibbeha Consolidated School District shall be located
37 in Starkville, Mississippi.

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

43 (b) (i) In the new consolidated school district there
44 shall be a countywide municipal separate school district board of
45 trustees, which shall consist of * * * seven (7) members * * *
46 selected in the manner prescribed in this paragraph. * * * It
47 shall be the responsibility of the county board of supervisors to
48 apportion the countywide municipal separate school district into
49 five (5) new single member board of education trustee election
50 districts which shall be consistent with the supervisors district



51 lines in the county. The board of supervisors shall place upon
52 its minutes the boundaries determined for the new five (5) trustee
53 election districts and shall thereafter publish the same in some
54 newspaper of general circulation within the county for at least
55 three (3) consecutive weeks. After having given notice of
56 publication and recording the same upon the minutes of the board
57 of supervisors of the county, the new trustee election district
58 lines will thereafter be effective for the November 2016 general
59 election. On the first Tuesday after the first Monday in November
60 2020 and every four (4) years thereafter, an election shall be
61 held in each county in this state in the same manner and at the
62 same time as the presidential election is held and
63 conducted, * * * for the purpose of electing the county boards of
64 education established under the provisions of this chapter. * * *
65 All members of the county board of education * * * shall take
66 office on the first Monday of January following the date of their
67 election and shall serve for a term of four (4) years. * * * The
68 remaining two (2) trustees shall be at-large appointments, which
69 shall consist of one (1) trustee appointed by the county board of
70 supervisors and one (1) trustee appointed by the municipal
71 governing authority of the City of Starkville.

72 (ii) In order to provide for an orderly
73 transition, the term of each member of the board of trustees
74 serving on July 1, 2016, which otherwise would expire after the
75 first Monday in January 2017, shall expire on the first Monday of



76 January 2017. Each member of the board whose term expires after
77 July 1, 2016, but before the first Monday of January 2017, shall
78 continue to serve for the remainder of the unexpired term, at
79 which time the vacancy shall be filled in the manner provided in
80 subparagraph (iii) of this paragraph (b).

81 (iii) Vacancies in the membership of the board of
82 education shall be filled by appointment, within sixty (60) days
83 after the vacancy occurs, by the remaining members of the board of
84 education. The appointee shall be selected from the qualified
85 electors of the supervisor's district in which the vacancy occurs,
86 and shall serve until the first Monday of January next succeeding
87 the * * * special * * * election called by the election
88 commission, at which * * * special election a member shall be
89 elected to fill the remainder of the unexpired term in the same
90 manner and with the same qualifications applicable to the election
91 of a member for a full term. However, if the vacancy occurs more
92 than ninety (90) days before the general election, the appointee
93 shall serve until the first Monday of January next succeeding the
94 general state election, at which election a member will be elected
95 to a new term of office in the same manner and with the same
96 qualifications applicable to the election of a member for the full
97 term.

98 In the event the vacancy occurs more than five (5) months
99 prior to the next general state election and the remaining members
100 of the county board of education are unable to agree upon an



101 individual to be appointed, any two (2) of the remaining members
102 may certify such disagreement to the county election commission.
103 Upon the receipt of such a certificate by the county election
104 commission, or any member thereof, the commission shall hold a
105 special election to fill the vacancy, which said election, notice
106 thereof and ballot shall be controlled by the laws concerning
107 special elections to fill vacancies in county or county district
108 offices. The person elected at such a special election shall
109 serve for the remainder of the unexpired term.

110 (c) Any school district affected by the required
111 administrative consolidation in the county that does not
112 voluntarily consolidate as ordered by the State Board of Education
113 shall be administratively consolidated by the State Board of
114 Education, to be effective immediately upon action of the State
115 Board of Education. The State Board of Education shall promptly
116 move on its own motion to administratively consolidate a school
117 district which does not voluntarily consolidate in order to enable
118 the affected school districts to reasonably accomplish the
119 resulting administrative consolidation into one (1) consolidated
120 school district by July 1 following the motion to consolidate.
121 The affected school districts shall comply with any consolidation
122 order issued by the State Board of Education.

123 (3) On July 1, 2015, following the motion of State Board of
124 Education to consolidate school districts in Oktibbeha County, the
125 Oktibbeha County School District shall be abolished. All real and



126 personal property which is owned or titled in the name of the
127 school district located in such former school district shall be
128 transferred to the Starkville-Oktibbeha Consolidated School
129 District as of July 1, 2015. The Conservator of the Oktibbeha
130 County School District is authorized and directed to execute and
131 record all documents and conveyances necessary to convey title to
132 all real and personal property of the Oktibbeha County School
133 District to the Starkville-Oktibbeha Consolidated School District.
134 The conservator is further authorized and directed to sign all
135 documents and to take all actions necessary to assign contracts
136 and other property, contract rights and obligations of the
137 Oktibbeha County School District to the Starkville-Oktibbeha
138 Consolidated School District. The Board of Trustees of the
139 Starkville School District shall be responsible for establishing
140 the contracts for operations, teachers, principals, clerical and
141 administrative staff personnel for the 2015-2016 school year prior
142 to July 1, 2015, and shall consult with the conservator for the
143 establishment of contracts for teachers, principals, clerical and
144 administrative staff personnel located in the former Oktibbeha
145 County School District for the 2015-2016 school year. In order to
146 prepare for the efficient staffing of the Starkville-Oktibbeha
147 Consolidated School District, the Conservator of the Oktibbeha
148 County School District and the Superintendent of the Starkville
149 School District shall have full authority to nonrenew the
150 employment contract of any teacher, principal, clerical or



151 administrative staff located within their respective school
152 districts for the 2015-2016 school year. The superintendent and
153 assistant superintendent(s) of schools of the former Starkville
154 School District shall continue to serve in like administrative
155 capacities of the Starkville-Oktibbeha Consolidated School
156 District, but in no instance shall the administrative leadership
157 of the Starkville-Oktibbeha Consolidated School District exceed
158 three (3) assistant superintendents to be appointed by the
159 superintendent of the former Starkville School District. No
160 superintendent serving in the former Oktibbeha County School
161 District shall be eligible for appointment as a superintendent or
162 assistant superintendent in the Starkville-Oktibbeha Consolidated
163 School District. Likewise, no trustee serving in the former
164 Oktibbeha County School District shall be eligible for election to
165 the new Board of Trustees of the Starkville-Oktibbeha Consolidated
166 School District. It shall be the responsibility of the board of
167 trustees to prepare and approve the budget of the respective new
168 reorganized district, and the board of trustees may use staff from
169 the former school district to prepare the budget. Any transfer of
170 the assets, real or personal property of the Oktibbeha County
171 School District mandated by this section shall be final and
172 conclusive for the purposes of the transfer of property required
173 by this section to effectuate the administrative consolidation.

174 (4) Nothing in this section shall be construed to require
175 the closing of any school or school facility, unless the facility



176 is an unneeded administrative office located within a school
177 district which has been abolished under the provisions of this
178 section. All administrative consolidations under this section
179 shall be accomplished so as not to delay or in any manner
180 negatively affect the desegregation of another school district in
181 the county pursuant to court order.

182 (5) The State Board of Education shall promulgate rules and
183 regulations to facilitate the administrative consolidation of the
184 school districts in Oktibbeha County pursuant to the requirements
185 of this section. Beginning with the insurance cafeteria plan year
186 of November 1, 2014, the consolidated districts shall fall under
187 all insurance plans and policies elected by the Starkville Public
188 School District, including the group term life insurance described
189 in Section 25-15-9(7).

190 (6) For the initial three (3) years following the
191 administrative consolidation required by this section, the State
192 Department of Education shall grant a waiver of accountability and
193 state assessment requirements to the Starkville-Oktibbeha
194 Consolidated School District, subject to the approval of the State
195 Board of Education.

196 (7) As soon as practicable after March 31, 2015, the
197 Conservator of the Oktibbeha County School District shall initiate
198 the issuance of notes or certificates of indebtedness of the
199 Oktibbeha County School District for the purpose of purchasing
200 school buses, textbooks, computers and software and other



201 equipment and fixtures for school facilities, and for any purposes
202 enumerated in Section 37-59-3, Mississippi Code of 1972, and
203 making repairs, alterations, utility upgrades and additions to two
204 (2) elementary school buildings located in the Oktibbeha County
205 School District in order to meet the same physical and educational
206 standards as the elementary school buildings in Starkville, and to
207 contribute funds to the Starkville School District for capital
208 improvements to accommodate county school district students and
209 increase capacity for the consolidation. The contribution of such
210 funds to the Starkville School District is hereby authorized.
211 Said notes or certificates of indebtedness shall be issued under
212 the authority of Sections 37-59-101 through 37-59-115, Mississippi
213 Code of 1972, including all notice requirements, however, the
214 resolution as to the necessity for the issuance of the notes and
215 the execution of the documents shall be made by the Conservator of
216 the Oktibbeha County School District. The term of any notes or
217 certificates of indebtedness issued under this section may not
218 exceed the useful life of the financed project as determined
219 according to the upper limit of useful life and depreciation
220 guidelines established under the United States Internal Revenue
221 Code and regulations. The levying authority for the Oktibbeha
222 County School District, and after July 1, 2015, the levying
223 authority for the Starkville-Oktibbeha Consolidated School
224 District, shall annually levy a special tax on all taxable
225 property of the former Oktibbeha County School District in an



226 amount sufficient to pay the principal of and interest on such
227 negotiable notes or certificates of indebtedness as the same shall
228 respectively mature and accrue. Said tax shall be levied as
229 provided in Section 37-59-107, Mississippi Code of 1972, except
230 that the levy shall not exceed three (3) mills on the dollar for
231 the payment of all notes that are subject to the levy under
232 Section 37-59-107. Any notes or certificates of indebtedness
233 issued pursuant to this subsection (7) shall become indebtedness
234 of the new Starkville-Oktibbeha Consolidated School District from
235 and after July 1, 2015, and the mandatory special ad valorem tax
236 levied to pay the notes or certificates of indebtedness by the
237 levying authority pursuant to Section 37-59-101, Mississippi Code
238 of 1972, shall be levied upon all of the taxable property within
239 the former Oktibbeha County School District.

240 (8) For a period beginning July 1, 2014, and ending June 30,
241 2015, the Conservator of the Oktibbeha County School District
242 shall issue negotiable bonds of the Oktibbeha County School
243 District for the purpose of purchasing school buses, textbooks,
244 computers and software and other equipment and fixtures for school
245 facilities, and making repairs, alterations and additions and
246 utility upgrades, and for any purposes allowed by Section 37-59-3,
247 Mississippi Code of 1972, to school facilities in the Oktibbeha
248 County School District and in the Starkville School District to
249 accommodate students in the former Oktibbeha County School
250 District who will be attending school in the new



251 Starkville-Oktibbeha Consolidated School District and the
252 increased capacity needs under the consolidation. Said bonds
253 shall be issued under the authority of Sections 37-59-1 through
254 37-59-45, however, the resolution as to the necessity for the
255 issuance of the bonds and execution of the documents may be made
256 by the Conservator of the Oktibbeha County School District.
257 Provided further, that the conservator shall publish notice of the
258 issuance of the bonds once each week for at least three (3)
259 consecutive weeks in a newspaper having general circulation in the
260 Oktibbeha County School District, with the first publication
261 thereof to be made not less than fifteen (15) days prior to the
262 date upon which the conservator is to take final action upon the
263 question of authorizing the issuance of said bonds. If no
264 petition requesting an election is filed prior to the date on
265 which the conservator is to take final action on the issuance of
266 the bonds, then the conservator shall authorize the issuance of
267 the bonds. If at any time prior to the date on which the
268 conservator takes final action upon the question of issuing such
269 bonds a petition signed by not less than twenty percent (20%) of
270 the qualified electors of the Oktibbeha County School District
271 shall be filed with the Conservator of the Oktibbeha County School
272 District requesting that an election be called on the question of
273 issuing the bonds, then the conservator shall either rescind the
274 resolution of intent or adopt a resolution calling an election to
275 be held within the territory of the Oktibbeha County School



276 District upon such question. The election shall be called and
277 held, and notice thereof shall be given, in the same manner for
278 elections upon the question of bond issues under Sections
279 37-59-13, 37-59-15 and 37-59-17, and the results thereof shall be
280 certified by the Oktibbeha County Election Commission to the
281 Conservator of the Oktibbeha County School District. If
282 three-fifths (3/5) of the qualified electors who voted in such
283 election vote in favor of the issuance of such bonds, then the
284 conservator shall authorize the Oktibbeha County School District
285 to issue such bonds. Notwithstanding any provision to the
286 contrary, the Oktibbeha County School District may issue bonds
287 pursuant to this subsection (8) in an amount which, when added to
288 all of the Oktibbeha County School District's then outstanding
289 bonded indebtedness, shall not result in the imposition on any of
290 the property in said district of an indebtedness for school
291 purposes of more than twenty percent (20%) of the assessed value
292 of the taxable property within said district, according to the
293 then last completed assessment for taxation. Any bonds issued
294 pursuant to this subsection (8) shall become indebtedness of the
295 new Starkville-Oktibbeha Consolidated School District from and
296 after July 1, 2015, and the mandatory special ad valorem tax to be
297 levied by the levying authority pursuant to Section 37-59-23,
298 Mississippi Code of 1972, to pay the bonds shall be levied only
299 upon the taxable real property that was within the former
300 Oktibbeha County School District. The tax for the bonds may not



301 be imposed on the real property within the former Starkville
302 School District.

303 (9) For a period beginning July 1, 2015, and ending July 1,
304 2024, the new Starkville-Oktibbeha Consolidated School District
305 Board of Trustees may issue negotiable bonds of the
306 Starkville-Oktibbeha Consolidated School District for the purpose
307 of purchasing school buses, textbooks, computers and software and
308 other equipment and fixtures for school facilities and for any
309 purposes enumerated in Section 37-59-3, Mississippi Code of 1972.
310 The term of any such bonds may not exceed the useful life of the
311 financed project as determined according to the upper limit of
312 useful life and depreciation guidelines established under the
313 United States Internal Revenue Code and regulations. Said bonds
314 shall be issued under the authority of Sections 37-59-1 through
315 37-59-45, including all notice and publication requirements,
316 however, the necessity for the issuance of the bonds shall be made
317 pursuant to a reverse referendum procedure to be followed by the
318 Starkville-Oktibbeha Consolidated School District Board of
319 Trustees as follows: the board of trustees shall publish notice
320 of the issuance of the bonds once each week for at least three (3)
321 consecutive weeks in a newspaper having general circulation in the
322 Starkville-Oktibbeha Consolidated School District, with the first
323 publication thereof to be made not less than fifteen (15) days
324 prior to the date on which the board of trustees is to take final
325 action authorizing the issuance of the bonds. If no petition



326 requesting an election is filed prior to the date on which the
327 board of trustees is to take final action on the issuance of the
328 bonds, the board of trustees shall authorize the issuance of the
329 bonds. If at any time prior to the date on which the board of
330 trustees is to take final action authorizing the issuance of the
331 bonds a petition signed by not less than twenty percent (20%) of
332 the qualified electors of the Starkville-Oktibbeha Consolidated
333 School District shall be filed with the Board of Trustees of
334 Starkville-Oktibbeha Consolidated School District requesting that
335 an election be called on the question of issuing the bonds, then
336 the board of trustees shall, not later than its next regular
337 meeting, adopt a resolution calling an election to be held within
338 the Starkville-Oktibbeha Consolidated School District upon such
339 question. The election shall be called and held, and notice
340 thereof shall be given, in the same manner for elections upon the
341 question of bond issues under Sections 37-59-13, 37-59-15 and
342 37-59-17, and the results there shall be certified to the
343 Starkville-Oktibbeha Consolidated School District Board of
344 Trustees, as the case may be. If three-fifths (3/5) of the
345 qualified electors who voted in such election vote in favor of the
346 issuance of such bonds, then the board of trustees shall issue
347 such bonds. Notwithstanding any provision to the contrary, the
348 Starkville-Oktibbeha Consolidated School District may issue bonds
349 pursuant to this subsection (9) in an amount which, when added to
350 all of the Starkville-Oktibbeha Consolidated School District's



351 then outstanding bonded indebtedness, shall not result in the
352 imposition on any of the property in said district of an
353 indebtedness for school purposes of more than twenty percent (20%)
354 of the assessed value of the taxable property within said
355 district, according to the then last completed assessment for
356 taxation. Any bonds issued pursuant to this subsection (9) shall
357 be indebtedness of the new Starkville-Oktibbeha Consolidated
358 School District. The mandatory special ad valorem tax to be
359 levied by the levying authority pursuant to Section 37-59-23,
360 Mississippi Code of 1972, shall be levied on all taxable property
361 of the Starkville-Oktibbeha Consolidated School District.

362 (10) From and after July 1, 2015, all outstanding debt of
363 the former Oktibbeha County School District and the former
364 Starkville School District shall be assumed by and become the debt
365 of the new Starkville-Oktibbeha Consolidated School District. Any
366 debt assumed by the Starkville-Oktibbeha Consolidated School
367 District secured by a special ad valorem tax shall be secured by
368 and payable from a special ad valorem tax levied on taxable
369 property in the former Starkville School District and the former
370 Oktibbeha County School District, by its respective levying
371 authority. All debt secured by a pledge by either district of its
372 education enhancement funds pursuant to Section 37-61-33,
373 Mississippi Code of 1972, or by a pledge of its Mississippi
374 Adequate Education Program funds will continue to be secured by
375 and payable from the same funds after the debt is assumed by the



376 Starkville-Oktibbeha Consolidated School District as of July 1,
377 2015. It is the intent of the Legislature that any such pledges
378 will remain in effect and that the pledged funds will be available
379 to the Starkville-Oktibbeha Consolidated School District to pay
380 its debt to which the funds are pledged.

381 (11) It shall be the responsibility of the Board of
382 Supervisors of Oktibbeha County to provide office, furnishing and
383 utilities for the administrative Office of the Superintendent of
384 the Starkville-Oktibbeha Consolidated School District.

385 (12) The new Starkville-Oktibbeha Consolidated School
386 District is authorized and encouraged to develop a partnership
387 with Mississippi State University to create a model rural
388 education school to serve all sixth- and seventh-grade students
389 from Oktibbeha County and a model prekindergarten program which
390 shall also serve as a model for the education of teachers and
391 administrators.

392 (13) The Board of Supervisors of Oktibbeha County shall be
393 the "levying authority" for the Starkville-Oktibbeha Consolidated
394 School District.

395 **SECTION 2.** This act shall take effect and be in force from
396 and after its passage.

