

OFFICE OF CHIEF ACADEMIC OFFICER
Summary of State Board of Education Agenda Items
Consent Agenda
August 17, 2017

OFFICE OF ACADEMIC EDUCATION

- G. Legal description of Holmes County Consolidated School District per Miss. Code Ann. § 37-7-104.7

Executive Summary

Mississippi Code Ann. § 37-7-104.7 states: The State Board of Education shall declare that the territory embraced by Holmes County, Mississippi, shall be the boundary lines for the territory of the new Holmes County Consolidated School District and shall spread a legal description of the new school district on the minutes of its August 2017 meeting and shall serve the applicable school boards and the board of supervisors with an adequate legal description of these new boundaries.

The territory of the new Holmes County Consolidated School District is as follows: Miss. Code Ann. § 19-1-51 – Holmes County is bounded by beginning in the Yazoo River where it is intersected by the township line between townships seventeen and eighteen, range one, west; thence running southeasterly by the “Gum Corners” to Big Black River, in township sixteen, range five, east; thence down said river, with its meanderings, to Boles’ ferry, in section twenty-two, township twelve, range three, east; thence northwesterly in a direct line to where the township line between townships thirteen and fourteen crosses the Yazoo River; thence in a northwestwardly direction with the meanders of Yazoo River and along its center line to its intersection with the center line of Tchula Lake; thence with the meanderings of Tchula Lake and along its center line to its intersection with the line between sections nineteen and twenty, township fifteen, north, range one, west; thence north along the section lines to the center line of the Yazoo River; thence up said river to the beginning. The county site is Lexington.

Recommendation: Approval

Back-up material attached

KeyCite Yellow Flag - Negative Treatment
Proposed Legislation

West's Annotated Mississippi Code

Title 37. Education

Chapter 7. School Districts; Boards of Trustees of School Districts

Article 3. Abolition, Alteration and Creation of Districts

Miss. Code Ann. § 37-7-104.7

§ 37-7-104.7. Administrative consolidation of Holmes County and Durant Public School Districts

Currentness

(1) In Holmes County, Mississippi, in which are located, as of January 1, 2016, two (2) school districts, there shall be an administrative consolidation of all of those school districts in the county into one (1) new countywide school district to be designated as Holmes County Consolidated School District which shall consist of the territory of the former Holmes County School District and the Durant Public School District, effective on July 1, 2018. At such time that the administrative consolidation becomes effective, the central administrative office of the Holmes County Consolidated School District shall be located in Lexington, Mississippi.

(2) Within two (2) years prior to the date of consolidation, or as soon as practicable after July 1, 2016, a financial advisor and/or other facilitator with school district experience may be assigned by the Mississippi Department of Education to oversee the budgeting and financial matters relating to the consolidation of the districts slated for consolidation. The financial advisor and/or facilitator may, at the discretion of the Mississippi Department of Education, continue duties for one (1) year after the consolidation to ensure that all financial matters are in place. All financial expenditures of districts that are closing must be approved by the financial advisor and/or facilitator. If the superintendent and/or school board approves expenditures outside of this approval, they shall be personally liable for the excess expenditures. The State Board of Education shall determine the compensation to be paid to the financial advisor and/or facilitator which shall be paid by the local school district to which the financial advisor and/or facilitator is assigned.

(3)(a) On or before July 1, 2017, the State Board of Education shall serve the local school boards of the Holmes County School District and the Durant Public School District with notice and instructions regarding the timetable for action to be taken to comply with the administrative consolidation required in this section. The State Board of Education shall provide for the administrative consolidation of Holmes County School District and the Durant Public School District on or before July 1, 2018. In the new Holmes County Consolidated School District, there shall be a new county board of education elected in a November 2017 special election, which shall be called by the Governor for that purpose. The new county board of education shall be elected and the terms of office established as provided in Section 37-5-7(3). The State Board of Education shall declare that the territory embraced by Holmes County, Mississippi, shall be the boundary lines for the territory of the new Holmes County Consolidated School District and shall spread a legal description of the new school district on the minutes of its August 2017 meeting and shall serve the applicable school boards and the board of supervisors with an adequate legal description of these new boundaries. It shall be the responsibility of the board of supervisors of such county to apportion the newly consolidated school district into five (5) new single member board of education election districts, which shall be consistent with the supervisors district lines in the county. The board of supervisors of the 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 appropriate school district in the county, the new district lines will thereafter be effective for the November 2017 special election.

(b) Any school district affected by the required administrative consolidation in Holmes 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 on July 1 following the November 2017 special election of the new school board members. 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 the Holmes County Consolidated School District by July 1, 2018, following the election of the new board of trustees. The affected school districts shall comply with any consolidation order issued by the State Board of Education on or before July 1 following the election of the new board of trustees.

(4)(a) On July 1, 2018, following the election of the new board of trustees of the Holmes County Consolidated School District, the former county board of education for Holmes County and the former board of trustees of the Durant Public School Districts 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 districts shall be transferred to the new Holmes County Consolidated School District.

(b) The new board of trustees of the Holmes County Consolidated School District shall be responsible for establishing the contracts for teachers, principals, clerical and administrative staff personnel for the 2018-2019 school year and each school year thereafter.

(c) The new board of trustees for the Holmes County Consolidated School District shall appoint the superintendent of schools for the school district. The superintendent of schools for the Holmes County Consolidated School District may appoint an assistant superintendent of schools for the district, but in no instance shall the administrative leadership of the Holmes County Consolidated School District have more than one (1) assistant superintendent of education. The subsequent superintendent of schools of the consolidated school district shall not be elected, but shall thereafter be appointed by the successor board of trustees in the manner provided in Section 37-9-25. It shall be the responsibility of the successor board of trustees to prepare and approve the budget of the new consolidated district, and the successor board of trustees may use staff from the former school districts 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.

(d) Any person or school district aggrieved by an order of the successor newly selected board of trustees of the Holmes County Consolidated School District pursuant to the required administrative consolidation may appeal therefrom within ten (10) days from the date of the adjournment of the meeting at which such order is entered. The appeal shall be taken in the same manner as appeals are taken from judgments or decisions of the board of supervisors as provided in Section 11-51-75, the provisions of which shall be fully applicable to appeals taken hereunder. The board of trustees of the Holmes County Consolidated School District shall not pass upon or approve or disapprove any such order until the time for an appeal therefrom has expired, nor shall the board pass upon or approve or disapprove any such order from which an appeal is taken until said appeal has been finally determined.

(5) 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.

(6) The State Board of Education shall promulgate rules and regulations to facilitate the administrative consolidation of the school districts in Holmes 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 subsection (6) of Section 25-15-9.

(7) The County Board of Education and the Superintendent of Education of the former Holmes County School District and the local school board and Superintendent of Schools of the Durant Public School District shall cooperate with the State Department of Education, as soon as practicable after July 1, 2016, for the planning and transition of programs, services and alignment of curriculum for the administratively consolidated school districts.

Credits

Added by Laws 2016, Ch. 466 (H.B. 926), § 1, eff. July 1, 2016.

Miss. Code Ann. § 37-7-104.7, MS ST § 37-7-104.7

The Statutes and Constitution are current with laws from the 2017 Regular Session effective upon passage as approved through April 18, 2017. The statutes are subject to changes provided by the Joint Legislative Committee on Compilation, Revision and Publication of Legislation.

Miss. Code Ann. § 19-1-51

MISSISSIPPI CODE of 1972 ANNOTATED
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*** Current through HB 32, 342, 524, 669, 686, 883, 1125, and 1321, and SB 2448, 2647 and 2835, 2017 Regular Session, not including changes and corrections made by the Joint Legislative Committee on Compilation, Revision and Publication. The final official version of the statutes affected by 2017 legislation will appear on Lexis.com and Lexis Advance in September 2017. ***

TITLE 19. COUNTIES AND COUNTY OFFICERS
CHAPTER 1. COUNTY BOUNDARIES

Miss. Code Ann. § 19-1-51 (2017)

§ 19-1-51. Holmes County

Holmes County is bounded by beginning in the Yazoo River where it is intersected by the township line between townships seventeen and eighteen, range one, west; thence running southeasterly by the "Gum Corners" to Big Black River, in township sixteen, range five, east; thence down said river, with its meanderings, to Boles' ferry, in section twenty-two, township twelve, range three, east; thence northwesterly in a direct line to where the township line between townships thirteen and fourteen crosses the Yazoo River; thence in a northwestwardly direction with the meanders of Yazoo River and along its center line to its intersection with the center line of Tchula Lake; thence with the meanderings of Tchula Lake and along its center line to its intersection with the line between sections nineteen and twenty, township fifteen, north, range one, west; thence north along the section lines to the center line of the Yazoo River; thence up said river to the beginning. The county site is Lexington.

HISTORY: SOURCES: Codes, 1857, ch. 2, art 45; 1871, § 43; 1880, § 47; 1892, § 371; 1906, § 434; Hemingway's 1917, § 3853; 1930, § 3913; 1942, § 3048; Laws, Feb. 19, 1823.