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Pearl River County Board of Supervisors v. Mississippi State Board of Education

Supreme Court of Mississippi - February 6, 2020 - So.3d - 2020 WL 581924

County brought action for declaratory and injunctive relief, seeking to undo the consolidation of a school district in its entirety into a second school district instead of its partial consolidation into a third school district within county.

The County Court granted summary judgment against county. County appealed.

The Supreme Court held that:

- Statute allowing aggrieved persons to seek review of school district consolidation orders provided the exclusive remedy;
- County board of supervisors was a “person aggrieved” with ten days to appeal consolidation orders;
- Publication of consolidations orders was not required to trigger the ten-day appeal deadline; and
- Chancery judge was not required to recuse herself based on her prior recusal in a separate civil action in which county was a party.

Statute allowing aggrieved persons to seek review of a school board order concerning the abolition, alteration, and creation of a school district provided the exclusive remedy for county to challenge the consolidation of a school district in its entirety into a second school district instead of its partial consolidation into a third school district within county, even though county’s complaint sought injunctive and declaratory relief; county was attempting to obtain judicial review of school boards’ consolidation orders.

County board of supervisors was a “person aggrieved” under statute allowing aggrieved persons to seek review of a school board order concerning the abolition, alteration, and creation of a school district, and thus county had ten days to appeal school board orders consolidating school districts, where county stated multiple times during proceedings that government property was at issue in the case and that the property it was addressing in the case was the property of residents who would be assessed ad valorem taxes.

Statutory requirement of publication, in newspapers, of the consolidation of school districts to allow the public to protest the school board’s decision by petition did not apply to the ten-day appeal deadline for county to seek judicial review of school board orders consolidating a school district in its entirety into a second school district instead of its partial consolidation into a third school district within county; statute allowing the public to protest a school board’s decision by petition was completely separate from statute allowing for judicial intervention of a consolidation order.