

By: Senator(s) Ferris

To: Education; Judiciary

SENATE BILL NO. 2273

1 AN ACT TO AMEND SECTION 11-41-1, MISSISSIPPI CODE OF 1972, TO
2 GRANT TO A SCHOOL BOARD OR SUPERINTENDENT OF EDUCATION STANDING TO
3 SEEK A WRIT OF MANDAMUS TO COMPEL PERFORMANCE OF A LAWFUL DUTY IN
4 MATTERS AFFECTING THE OPERATION OF THE SCHOOL DISTRICT OVER WHICH
5 THEY MAY PRESIDE; AND FOR RELATED PURPOSES.

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

7 SECTION 1. Section 11-41-1, Mississippi Code of 1972, is
8 amended as follows:

9 11-41-1. (1) On the complaint of the state, by its Attorney
10 General or a district attorney, in any matter affecting the public
11 interest, or on the complaint of any private person who is
12 interested, the judgment shall be issued by the circuit court,
13 commanding any inferior tribunal, corporation, board, officer, or
14 person to do or not to do an act the performance or omission of
15 which the law specially enjoins as a duty resulting from an
16 office, trust, or station, where there is not a plain, adequate,
17 and speedy remedy in the ordinary course of law. All procedural
18 aspects of this action shall be governed by the Mississippi Rules
19 of Civil Procedure.

20 (2) In any matter affecting the operation of the school
21 district over which they preside, the duly appointed or elected
22 school board or school superintendent shall have the same
23 authority as is conferred on the Attorney General or district
24 attorney by subsection (1) of this section.

25 SECTION 2. This act shall take effect and be in force from
26 and after its passage.