

By: Robinson (84th)

To: Education;  
Apportionment and  
Elections

HOUSE BILL NO. 352

1 AN ACT TO AMEND SECTION 37-7-203, MISSISSIPPI CODE OF 1972,  
2 TO DECREASE THE PERCENTAGE OF STUDENTS RESIDING IN THE ADDED  
3 TERRITORY OF A MUNICIPAL SEPARATE SCHOOL DISTRICT REQUIRED FOR THE  
4 ELECTION OF A SCHOOL BOARD MEMBER FROM THE ADDED TERRITORY; TO  
5 AMEND SECTION 37-15-31, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE  
6 TRANSFER OF STUDENTS RESIDING IN THE ADDED TERRITORY OF A  
7 MUNICIPAL SCHOOL DISTRICT TO THE SCHOOL DISTRICT ADJACENT TO THE  
8 ADDED TERRITORY WHEN THE BOARD OF TRUSTEES OF THE MUNICIPAL SCHOOL  
9 DISTRICT HAS NO MEMBER FROM THE ADDED TERRITORY; AND FOR RELATED  
10 PURPOSES.

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

12 SECTION 1. Section 37-7-203, Mississippi Code of 1972, is  
13 amended as follows:

14 37-7-203. (1) The boards of trustees of all municipal  
15 separate school districts created under \* \* \* this chapter, either  
16 with or without added territory, shall consist of five (5)  
17 members, each to be chosen for a term of five (5) years, but  
18 chosen so that the term of office of one (1) member shall expire  
19 each year. If the added territory of a municipal separate school  
20 district furnishes one percent (1%) or more of the pupils enrolled  
21 in the schools of such district, then at least one (1) member of  
22 the board of trustees of such school district shall be a resident  
23 of the added territory outside the corporate limits. If the added  
24 territory of a municipal separate school district furnishes thirty  
25 percent (30%) or more of the pupils enrolled in the schools of

26 such district, then not less than two (2) members of the board of  
27 trustees of such school district shall be residents of the added  
28 territory outside the corporate limits. If the added territory of  
29 a municipal separate school district in a county in which  
30 Mississippi Highways 8 and 15 intersect furnishes thirty percent  
31 (30%) or more of the pupils enrolled in the schools of such  
32 district, then the five (5) members of the board of trustees of  
33 such school district shall be elected at large from such school  
34 district for a term of five (5) years each except that the two (2)  
35 elected trustees presently serving on such board shall continue to  
36 serve for their respective terms of office. The three (3)  
37 appointed trustees presently serving on such board shall continue  
38 to serve until their successors are elected in March of 1975 in  
39 the manner provided for in Section 37-7-215. At such election,  
40 one (1) trustee shall be elected for a term of two (2) years, one  
41 (1) for a term of three (3) years and one (1) for a term of five  
42 (5) years. Subsequent terms for each successor trustee shall be  
43 for five (5) years. If one (1) of two (2) municipal separate  
44 school districts located in any county with two (2) judicial  
45 districts, District 1 being comprised of Supervisors Districts 1,  
46 2, 4 and 5, and District 2 being comprised of Supervisors District  
47 3, with added territory embraces three (3) full supervisors  
48 districts of a county, one (1) trustee shall be elected from each  
49 of the three (3) supervisors districts outside the corporate  
50 limits of the municipality. If the territory of a municipal  
51 separate school district located in any county with two (2)  
52 judicial districts, District 1 being comprised of Supervisors  
53 Districts 1, 2, 4 and 5, and District 2 being comprised of  
54 Supervisors District 3, with added territory embraces four (4)  
55 full supervisors districts in the county, and in any county in  
56 which a municipal separate school district embraces the entire

57 county in which Highways 14 and 15 intersect, one (1) trustee  
58 shall be elected from each supervisors district.

59 Except as otherwise provided herein, the trustees of such a  
60 municipal separate school district shall be elected by a majority  
61 of the governing authorities of the municipality at the first  
62 meeting of the governing authorities held in the month of February  
63 of each year, and the term of office of the member so elected  
64 shall commence on the first Saturday of March following. In the  
65 case of a member of the board of trustees who is required to come  
66 from the added territory outside the corporate limits as is above  
67 provided, such member of the board of trustees shall be elected by  
68 the qualified electors of the school district residing in such  
69 added territory outside the corporate limits at the same time and  
70 in the same manner as is otherwise provided in this article for  
71 the election of trustees of school districts other than municipal  
72 separate school districts.

73 If a portion of a county school district is reconstituted, in  
74 the manner provided by law, into a municipal separate school  
75 district with added territory and if the trustees to be elected  
76 from the added territory are requested to be elected from separate  
77 election districts within the added territory, instead of elected  
78 at-large, by the Attorney General of the United States as a result  
79 of and pursuant to preclearance under Section 5 of the Voting  
80 Rights Act of 1965 as amended and extended, and if the added  
81 territory of a municipal separate school district of a  
82 municipality furnishes thirty percent (30%) or more of the pupils  
83 enrolled in the schools of such district, then two (2) members of  
84 the board of trustees shall be residents of the added territory  
85 outside the corporate limits of such municipality and shall be  
86 elected from special trustee election districts by the qualified  
87 electors thereof as herein provided. The governing authorities of

88 such municipality shall apportion the added territory into two (2)  
89 special trustee election districts as nearly as possible according  
90 to population and other factors heretofore pronounced by the  
91 courts. The governing authorities of such municipality shall  
92 thereafter publish the same in a newspaper of general circulation  
93 within the school district for at least two (2) consecutive weeks;  
94 and after having given notice of publication and recording the  
95 same upon the minutes of the governing authorities, the new  
96 district lines shall thereafter be effective. Any person elected  
97 from the new trustee election districts constituted herein shall  
98 be elected in the manner provided for in Section 37-7-215 for a  
99 term of five (5) years. Any vacancy in the office of a trustee  
100 elected from such trustee election district, whether occasioned by  
101 redistricting or by other cause, shall be filled by appointment of  
102 the governing authorities of the municipality, provided that the  
103 person so appointed shall serve only until the first Saturday of  
104 March following his appointment, at which time a person shall be  
105 elected for the remainder of the unexpired term in the manner  
106 provided in Section 37-7-215.

107 In any county organizing a countywide municipal separate  
108 school district after January 1, 1965, the trustees thereof to be  
109 elected from outside the municipality, such trustees shall be  
110 elected by the board of supervisors of such county, and the  
111 superintendent of such school district shall have authority to pay  
112 out and distribute the funds of said district. If a municipal  
113 separate school district should occupy territory in a county other  
114 than that in which the municipality is located and fifteen percent  
115 (15%) or more of the pupils enrolled in the schools of such

116 district shall come from the territory of the district in the  
117 county other than that in which the municipality is located, the  
118 territory of such county in which the municipality is not located  
119 shall be entitled to one (1) member on the board of trustees of  
120 such school district. The trustee shall be a resident of the  
121 territory of that part of the district lying in the county in  
122 which the municipality is not located and shall be elected by the  
123 qualified electors of the territory of such county at the same  
124 time and in the same manner as is provided for the election of  
125 trustees of school districts other than municipal separate school  
126 districts having territory in two (2) or more counties.

127 All vacancies shall be filled for the unexpired terms by  
128 appointment of the governing authorities of the municipality;  
129 except that in the case of the trustees coming from the added  
130 territory outside the corporate limits, the person so appointed  
131 shall serve only until the first Saturday of March following his  
132 appointment, at which time a person shall be elected for the  
133 remainder of the unexpired term in the manner otherwise provided  
134 herein.

135 No person who is a member of such governing body, or who is  
136 an employee of the municipality, or who is a member of the county  
137 board of education, or who is a trustee of any public, private or  
138 sectarian school or college located in the county, inclusive of  
139 the municipal separate school district, or who is a teacher in or  
140 a trustee of the school district, shall be eligible for  
141 appointment to the board of trustees.

142 (2) In counties of less than fifteen thousand (15,000)  
143 people having a municipal separate school district with added

144 territory which embraces all the territory of a county, one (1) or  
145 more trustees of such district shall be nominated from each  
146 supervisors district upon petition of fifty (50) qualified  
147 electors of the district, or twenty percent (20%) of the qualified  
148 electors of such district, whichever number shall be smaller, and  
149 shall be elected by a plurality of the vote of the qualified  
150 electors of the county. One (1) trustee so elected shall reside  
151 in each supervisors district of the county. In such counties  
152 embraced entirely by a municipal separate school district there  
153 shall be no county board of education after the formation of such  
154 district and the county superintendent of education shall act as  
155 superintendent of schools of the district and shall be appointed  
156 by the board of trustees of the district, and the provisions of  
157 subsection (1) of this section and the first paragraph of Section  
158 37-7-211 shall not apply to such districts.

159 SECTION 2. Section 37-15-31, Mississippi Code of 1972, is  
160 amended as follows:

161 37-15-31. (1) (a) Except as provided in subsections (2)  
162 through (5) of this section, upon the petition in writing of a  
163 parent or guardian resident of the school district of an  
164 individual student filed or lodged with the president or secretary  
165 of the school board of a school district in which the pupil has  
166 been enrolled or is qualified to be enrolled as a student under  
167 Section 37-15-9, or upon the aforesaid petition or the initiative  
168 of the school board of a school district as to the transfer of a  
169 grade or grades, individual students living in one school district  
170 or a grade or grades of a school within the districts may be  
171 legally transferred to another school district, by the mutual

172 consent of the school boards of all school districts concerned,  
173 which consent must be given in writing and spread upon the minutes  
174 of such boards.

175 (b) \* \* \* If such a transfer should be refused by the  
176 school board of either school district, then an appeal may be had  
177 to such county board of education. The county board of education  
178 to which the appeal is taken shall act thereon not later than the  
179 date of its next regular meeting subsequent to the disapproval or  
180 failure to act by the school board of the school district, or not  
181 later than the date of its next regular meeting subsequent to the  
182 filing of such appeal.

183 (c) The school board of the transferring school  
184 district to which such petition may be addressed shall act thereon  
185 not later than its next regular meeting subsequent to the filing  
186 or lodging of the petition, and a failure to act within that time  
187 shall constitute a rejection of such request. The school board of  
188 the other school district involved and the transferee board \* \* \*  
189 shall act on such request for transfer as soon as possible after  
190 the transferor board shall have approved or rejected such transfer  
191 and no later than the next regular meeting of the transferee board  
192 or county board of education, and a failure of such transferee  
193 board to act within such time shall constitute a rejection of such  
194 request. If such a transfer is approved by the transferee  
195 board, \* \* \* then such decision shall be final. If such a  
196 transfer should be refused by the school board of either school  
197 district or the county board of education, then such decision  
198 shall be final.

199 (d) Any legal guardianship formed for the purpose of

200 establishing residency for school district attendance purposes  
201 shall not be recognized by the affected school board.

202       (2) (a) Upon the petition in writing of any parent or  
203 guardian who is a resident of Mississippi and is an instructional  
204 or licensed employee of a school district, but not a resident of  
205 such district, the school board of the employer school district  
206 shall consent to the transfer of such employee's dependent  
207 school-age children to its district and shall spread the same upon  
208 the minutes of the board. Upon the petition in writing of any  
209 parent or guardian who is not a resident of Mississippi and on  
210 January 1, 1993, is an instructional or licensed employee of a  
211 school district in Mississippi, the school board of the employer  
212 school district shall consent to the transfer of such employee's  
213 dependent school-age children to its district and shall spread the  
214 same upon the minutes of the board.

215       (b) The school board of any school district, in its  
216 discretion, may adopt a uniform policy to allow the enrollment and  
217 attendance of the dependent children of noninstructional and  
218 nonlicensed employees, who are residents of Mississippi but are  
219 not residents of their district. Such policy shall be based upon  
220 the employment needs of the district, implemented according to job  
221 classification groups and renewed each school year.

222       (c) The employer transferee school district shall  
223 notify in writing the school district from which the pupil or  
224 pupils are transferring, and the school board of the transferor  
225 school district shall spread the same upon its minutes.

226       (d) Any such agreement by school boards for the legal  
227 transfer of a student shall include a provision providing for the

228 transportation of the student. In the absence of such a provision  
229 the responsibility for transporting the student to the transferee  
230 school district shall be that of the parent or guardian.

231 (e) Any school district which accepts a student under  
232 the provisions of this subsection shall not assess any tuition  
233 fees upon such transferring student in accordance with the  
234 provisions of Section 37-19-27.

235 (3) Upon the petition in writing of any parent or legal  
236 guardian of a school-age child who is a resident of an adjacent  
237 school district residing in the geographical situation described  
238 in Section 37-15-29(3), the school board of the school district  
239 operating the school located in closer proximity to the residence  
240 of the child shall consent to the transfer of the child to its  
241 district, and shall spread the same upon the minutes of the board.

242 Any such agreement by school boards for the legal transfer of a  
243 student under this subsection shall include a provision for the  
244 transportation of the student by either the transferor or the  
245 transferee school district. In the event that either the school  
246 board of the transferee or the transferor school district shall  
247 object to the transfer, it shall have the right to appeal to the  
248 State Board of Education whose decision shall be final. However,  
249 if the school boards agreeing on the legal transfer of any student  
250 shall fail to agree on which district shall provide  
251 transportation, the responsibility for transporting the student to  
252 the transferee school district shall be that of the parent or  
253 guardian.

254 (4) Upon the petition in writing of any parent or legal  
255 guardian of a school-age child who was lawfully transferred to

256 another school district prior to July 1, 1992, as described in  
257 Section 37-15-29(4), the school board of the transferee school  
258 district shall consent to the transfer of such child and the  
259 transfer of any school-age brother and sister of such child to its  
260 district, and shall spread the same upon the minutes of the board.

261 (5) If the board of trustees of a municipal separate school  
262 district with added territory has no member who is a resident of  
263 the added territory outside the corporate limits, upon the  
264 petition in writing of any parent or legal guardian of a  
265 school-age child who is a resident of the added territory outside  
266 the corporate limits, the board of trustees of the municipal  
267 separate school district and the school board of the school  
268 district adjacent to the added territory shall consent to the  
269 transfer of the child from the municipal separate school district  
270 to the adjacent school district. The agreement shall be spread  
271 upon the minutes of the board of trustees of the municipal  
272 separate school district and the school board of the adjacent  
273 school district. The agreement shall provide for the  
274 transportation of the student or may provide, as an alternative,  
275 that the parent or legal guardian shall have the responsibility  
276 for transporting the student to the adjacent school district. Any  
277 school district that accepts a student under this subsection shall  
278 not assess any tuition fees against the transferring student.

279 The board of trustees of the municipal separate school  
280 district and the school board of the adjacent school district  
281 shall forward a certified copy of the agreement to the respective  
282 levying authority for each school district, as defined in Section  
283 37-57-1. Upon receipt of the agreement, the levying authorities

284 shall adjust the tax levy for school district purposes assessed  
285 against the parent or legal guardian of the transferred student so  
286 that the parent or legal guardian is not assessed any taxes levied  
287 on behalf of the school district from which the student has  
288 transferred.

289 SECTION 3. This act shall take effect and be in force from  
290 and after July 1, 2000.