

By: Simmons

To: Education

SENATE BILL NO. 2067

1 AN ACT TO AMEND SECTION 37-7-203, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT THE TRUSTEES OF MUNICIPAL SEPARATE SCHOOL  
3 DISTRICTS SHALL BE ELECTED FROM SPECIAL TRUSTEE ELECTION DISTRICTS  
4 BY THE QUALIFIED ELECTORS OF SUCH DISTRICT; TO PROVIDE THAT SUCH  
5 ELECTION SHALL BE HELD EVERY FOUR YEARS IN THE SAME MANNER AS  
6 ELECTIONS ARE HELD FOR OTHER MUNICIPAL OFFICERS; TO AMEND SECTION  
7 37-7-703, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE TRUSTEES  
8 OF SPECIAL MUNICIPAL SEPARATE SCHOOL DISTRICTS SHALL BE ELECTED IN  
9 THE SAME MANNER AS TRUSTEES OF MUNICIPAL SEPARATE SCHOOL  
10 DISTRICTS; TO REPEAL SECTIONS 37-7-705 THROUGH 37-7-717,  
11 MISSISSIPPI CODE OF 1972, WHICH PROVIDE CERTAIN METHODS FOR  
12 SELECTING TRUSTEES OF SPECIAL MUNICIPAL SEPARATE SCHOOL DISTRICTS;  
13 TO REPEAL SECTIONS 37-7-209 THROUGH 37-7-219, MISSISSIPPI CODE OF  
14 1972, WHICH PROVIDE CERTAIN METHODS FOR ELECTING TRUSTEES OF  
15 MUNICIPAL SEPARATE SCHOOL DISTRICTS FROM ADDED TERRITORY; TO AMEND  
16 SECTION 37-9-13, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE  
17 APPOINTMENT OF ALL SUPERINTENDENTS OF SCHOOLS FROM AND AFTER  
18 JANUARY 1, 2004; TO AMEND SECTION 37-9-25, MISSISSIPPI CODE OF  
19 1972, IN CONFORMITY THERETO; TO REPEAL SECTION 37-9-12,  
20 MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR A REFERENDUM ON THE  
21 QUESTION OF RETAINING THE ELECTIVE METHOD OF CHOOSING THE COUNTY  
22 SUPERINTENDENT OF EDUCATION; TO REPEAL SECTIONS 37-5-61 THROUGH  
23 37-5-71, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE ELECTION  
24 OF COUNTY SUPERINTENDENTS OF EDUCATION; AND FOR RELATED PURPOSES.

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

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

28 37-7-203. (1) The boards of trustees of all municipal  
29 separate school districts created under the provisions of Article  
30 1 of this chapter, either with or without added territory, shall  
31 consist of five (5) members \* \* \*. From and after January 1,  
32 2000, at the time of the next regularly occurring municipal

33 general election, and every four (4) years thereafter, an election  
34 shall be held in each municipal separate school district in this  
35 state, in the same manner and at the same time as the regular  
36 municipal elections are held, for the purpose of electing the  
37 members of the boards of trustees established under the provisions  
38 of this article. All members of the boards of trustees as herein  
39 constituted shall take office on the first Monday of July  
40 following the date of their election and shall serve for a term of  
41 four (4) years. The five (5) members of the board of trustees of  
42 such school district shall be elected from special trustee  
43 election districts by the qualified electors thereof, as herein  
44 provided. The governing authorities of such municipality shall  
45 apportion the municipal separate school district, including added  
46 territory, into five (5) special trustee election districts as  
47 nearly equal as possible according to population, incumbency and  
48 other factors heretofore pronounced by the courts. The municipal  
49 governing authority shall place upon its minutes the boundaries  
50 determined for the new five (5) trustee election districts. The  
51 municipal governing authority shall thereafter publish the same in  
52 a newspaper of general circulation within said school district for  
53 at least three (3) consecutive weeks; and after having given  
54 notice of publication and recording the same upon the minutes of  
55 the municipal governing authority, such new district lines shall  
56 thereafter be effective. All incumbent trustees holding office at  
57 the time of the creation of such trustee election districts shall  
58 continue holding their respective offices, provided they reside  
59 within the new district, for the remainder of the term of office  
60 to which they have heretofore been selected, and their successors  
61 shall be elected from the new trustee election districts  
62 constituted herein in the manner provided for in this section.

63 \* \* \*

64           (2) Vacancies in the membership of the board of trustees of  
65 any municipal separate school district shall be filled by  
66 appointment, within sixty (60) days after the vacancy occurs, by  
67 the governing authorities of such municipality. Such appointee  
68 shall be selected from the qualified electors of the district in  
69 which the vacancy occurs. The president of the municipal  
70 governing authority shall certify to the Secretary of State the  
71 fact of the appointment, and the person so appointed shall be  
72 commissioned by the Governor; and if the unexpired term be longer  
73 than six (6) months, such appointee shall serve until a successor  
74 is elected as hereinafter provided, unless the vacancy shall occur  
75 before ninety (90) days prior to the general election in a year in  
76 which an election would normally be held for that office as  
77 provided by law, in which case the person so appointed shall serve  
78 the unexpired portion of the term. Such vacancies shall be filled  
79 for the unexpired term by the qualified electors at the next  
80 regular special election day occurring more than ninety (90) days  
81 after the occurrence of the vacancy. The president of the  
82 municipal governing authority shall, within ten (10) days after  
83 the happening of the vacancy, make an order, in writing, directed  
84 to the commissioners of election, commanding an election to be  
85 held on the next regular special election day to fill the vacancy.  
86 The election commissioners shall require each candidate to qualify  
87 at least sixty (60) days before the date of the election, and  
88 shall give a certificate of election to the person elected, and  
89 shall return to the Secretary of State a copy of the order of  
90 holding the election showing the results thereof, certified by the  
91 president of the municipal governing authority. Such election

92 shall be held in the same manner provided for other municipal  
93 office vacancies. The person elected shall be commissioned by the  
94 Governor.

95 Provided, however, where only one (1) person shall have  
96 qualified with the commissioners of election to be a candidate  
97 within the time provided by law, the commissioners of election  
98 shall certify to the municipal governing authority that there is  
99 but one (1) candidate. Thereupon, the municipal governing  
100 authority shall dispense with the election and shall appoint the  
101 candidate so certified to fill the unexpired term. The president  
102 of the municipal governing authority shall certify to the  
103 Secretary of State the candidate so appointed to serve in such  
104 office and that candidate shall be commissioned by the Governor.  
105 In the event that no person shall have qualified at least sixty  
106 (60) days prior to the date of the election, the commissioners of  
107 election shall certify that fact to the municipal governing  
108 authority which shall dispense with the election and fill the  
109 vacancy by appointment. The president of the municipal governing  
110 authority shall certify to the Secretary of State the fact of the  
111 appointment, and the person so appointed shall be commissioned by  
112 the Governor.

113 SECTION 2. Section 37-7-703, Mississippi Code of 1972, is  
114 amended as follows:

115 37-7-703. In all such special municipal separate school  
116 districts \* \* \*, the board of trustees of such special municipal  
117 separate school district shall be elected in the manner provided  
118 by subsection (1) of Section 37-7-203, and all of the provisions  
119 thereof shall be fully applicable in all respects to the selection

120 and constitution of such board of trustees.

121 SECTION 3. Sections 37-7-209, 37-7-211, 37-7-213, 37-7-215,  
122 37-7-217 and 37-7-219, Mississippi Code of 1972, which provide  
123 certain methods for electing trustees of municipal separate school  
124 districts from added territory, are repealed.

125 SECTION 4. Sections 37-7-705, 37-7-707, 37-7-709, 37-7-711,  
126 37-7-713, 37-7-715 and 37-7-717, Mississippi Code of 1972, which  
127 provide certain methods for selecting trustees of special  
128 municipal separate school districts, are repealed.

129 SECTION 5. Section 37-9-13, Mississippi Code of 1972, is  
130 amended as follows:

131 (Until December 31, 2003, this section will read as follows:)

132 37-9-13. Each school district shall have a superintendent of  
133 schools, selected in the manner provided by law. No person shall  
134 be eligible to the office of superintendent of schools unless such  
135 person shall hold a valid administrator's license issued by the  
136 State Department of Education and shall have had not less than  
137 four (4) years of classroom or administrative experience.

138 (From and after January 1, 2004, this section will read as  
139 follows:)

140 37-9-13. (1) In all public school districts, the school  
141 board shall, on or before January 15 of each year, appoint the  
142 superintendent of schools of such district, except in those cases  
143 where the superintendent has been previously selected and has a  
144 contract which is valid for the ensuing scholastic year.

145 (2) \* \* \* No person shall be eligible to the office of  
146 superintendent of schools unless such person shall hold a valid  
147 administrator's license issued by the State Department of

148 Education and shall have had not less than four (4) years of  
149 classroom or administrative experience.

150 SECTION 6. Section 37-9-25, Mississippi Code of 1972, is  
151 amended as follows:

152 **(Until December 31, 2003, this section will read as follows:)**

153 37-9-25. The school board shall have the power and  
154 authority, in its discretion, to employ the superintendent, unless  
155 such superintendent is elected, for not exceeding four (4)  
156 scholastic years and the principals or licensed employees for not  
157 exceeding three (3) scholastic years. In such case, contracts  
158 shall be entered into with such superintendents, principals and  
159 licensed employees for the number of years for which they have  
160 been employed. All such contracts with licensed employees shall  
161 for the years after the first year thereof be subject to the  
162 contingency that the licensed employee may be released if, during  
163 the life of the contract, the average daily attendance should  
164 decrease from that existing during the previous year and thus  
165 necessitate a reduction in the number of licensed employees during  
166 any year after the first year of the contract. However, in all  
167 such cases the licensed employee must be released before July 1 or  
168 at least thirty (30) days prior to the beginning of the school  
169 term, whichever date should occur earlier. The salary to be paid  
170 for the years after the first year of such contract shall be  
171 subject to revision, either upward or downward, in the event of an  
172 increase or decrease in the funds available for the payment  
173 thereof, but, unless such salary is revised prior to the beginning  
174 of a school year, it shall remain for such school year at the  
175 amount fixed in such contract. However, where school district

176 funds, other than minimum education program funds, are available  
177 during the school year in excess of the amount anticipated at the  
178 beginning of the school year the salary to be paid for such year  
179 may be increased to the extent that such additional funds are  
180 available and nothing herein shall be construed to prohibit same.

181 (From and after January 1, 2004, this section will read as  
182 follows:)

183 37-9-25. The school board shall have the power and  
184 authority, in its discretion, to employ the superintendent \* \* \*  
185 for not exceeding four (4) scholastic years and the principals or  
186 licensed employees for not exceeding three (3) scholastic years.  
187 In such case, contracts shall be entered into with such  
188 superintendents, principals and licensed employees for the number  
189 of years for which they have been employed. All such contracts  
190 with licensed employees shall for the years after the first year  
191 thereof be subject to the contingency that the licensed employee  
192 may be released if, during the life of the contract, the average  
193 daily attendance should decrease from that existing during the  
194 previous year and thus necessitate a reduction in the number of  
195 licensed employees during any year after the first year of the  
196 contract. However, in all such cases the licensed employee must  
197 be released before July 1 or at least thirty (30) days prior to  
198 the beginning of the school term, whichever date should occur  
199 earlier. The salary to be paid for the years after the first year  
200 of such contract shall be subject to revision, either upward or  
201 downward, in the event of an increase or decrease in the funds  
202 available for the payment thereof, but, unless such salary is  
203 revised prior to the beginning of a school year, it shall remain

204 for such school year at the amount fixed in such contract.  
205 However, where school district funds, other than minimum education  
206 program funds, are available during the school year in excess of  
207 the amount anticipated at the beginning of the school year the  
208 salary to be paid for such year may be increased to the extent  
209 that such additional funds are available and nothing herein shall  
210 be construed to prohibit same.

211 SECTION 7. Section 37-9-12, Mississippi Code of 1972, which  
212 provides for a referendum on the question of retaining the  
213 elective method of choosing the county superintendent of  
214 education, is hereby repealed.

215 SECTION 8. Sections 37-5-61, 37-5-63, 37-5-65, 37-5-67,  
216 37-5-69 and 37-5-71, Mississippi Code of 1972, which provide for  
217 the election of county superintendents of education, are repealed.

218 SECTION 9. The Attorney General of the State of Mississippi  
219 is hereby directed to submit this act, immediately upon approval  
220 by the Governor, or upon approval by the Legislature subsequent to  
221 a veto, to the Attorney General of the United States or to the  
222 United States District Court for the District of Columbia in  
223 accordance with the provisions of the Voting Rights Act of 1965,  
224 as amended and extended.

225 SECTION 10. This act shall take effect and be in force from  
226 and after January 1, 2000, or the date it is effectuated under  
227 Section 5 of the Voting Rights Act of 1965, as amended and  
228 extended, whichever occurs later.