

By: Representative Robinson (84th)

To: Education

HOUSE BILL NO. 401

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 DOES NOT HAVE A MEMBER FROM THE ADDED TERRITORY; AND FOR
 10 RELATED 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 at least 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 * * *

176 (b) The school board of the transferring school
177 district to which such petition may be addressed shall act thereon
178 not later than its next regular meeting subsequent to the filing
179 or lodging of the petition, and a failure to act within that time
180 shall constitute a rejection of such request. The school board of
181 the other school district involved (the transferee board) shall
182 act on such request for transfer as soon as possible after the
183 transferor board shall have approved or rejected such transfer and
184 no later than the next regular meeting of the transferee
185 board * * *, and a failure of such transferee board to act within
186 such time shall constitute a rejection of such request. If such a
187 transfer is approved by the transferee board, * * * then such
188 decision shall be final. If such a transfer should be refused by
189 the school board of either school district * * *, then such
190 decision shall be final.

191 (c) Any legal guardianship formed for the purpose of
192 establishing residency for school district attendance purposes
193 shall not be recognized by the affected school board.

194 (2) (a) Upon the petition in writing of any parent or
195 guardian who is a resident of Mississippi and is an instructional
196 or licensed employee of a school district, but not a resident of



197 such district, the school board of the employer school district
198 shall consent to the transfer of such employee's dependent
199 school-age children to its district and shall spread the same upon
200 the minutes of the board. Upon the petition in writing of any
201 parent or guardian who is not a resident of Mississippi and on
202 January 1, 1993, is an instructional or licensed employee of a
203 school district in Mississippi, the school board of the employer
204 school district shall consent to the transfer of such employee's
205 dependent school-age children to its district and shall spread the
206 same upon the minutes of the board.

207 (b) The school board of any school district, in its
208 discretion, may adopt a uniform policy to allow the enrollment and
209 attendance of the dependent children of noninstructional and
210 nonlicensed employees, who are residents of Mississippi but are
211 not residents of their district. Such policy shall be based upon
212 the employment needs of the district, implemented according to job
213 classification groups and renewed each school year.

214 (c) The employer transferee school district shall
215 notify in writing the school district from which the pupil or
216 pupils are transferring, and the school board of the transferor
217 school district shall spread the same upon its minutes.

218 (d) Any such agreement by school boards for the legal
219 transfer of a student shall include a provision providing for the
220 transportation of the student. In the absence of such a provision
221 the responsibility for transporting the student to the transferee
222 school district shall be that of the parent or guardian.

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

227 (3) Upon the petition in writing of any parent or legal
228 guardian of a school-age child who is a resident of an adjacent
229 school district residing in the geographical situation described



230 in Section 37-15-29(3), the school board of the school district
231 operating the school located in closer proximity to the residence
232 of the child shall consent to the transfer of the child to its
233 district, and shall spread the same upon the minutes of the board.
234 Any such agreement by school boards for the legal transfer of a
235 student under this subsection shall include a provision for the
236 transportation of the student by either the transferor or the
237 transferee school district. In the event that either the school
238 board of the transferee or the transferor school district shall
239 object to the transfer, it shall have the right to appeal to the
240 State Board of Education whose decision shall be final. However,
241 if the school boards agreeing on the legal transfer of any student
242 shall fail to agree on which district shall provide
243 transportation, the responsibility for transporting the student to
244 the transferee school district shall be that of the parent or
245 guardian.

246 (4) Upon the petition in writing of any parent or legal
247 guardian of a school-age child who was lawfully transferred to
248 another school district prior to July 1, 1992, as described in
249 Section 37-15-29(4), the school board of the transferee school
250 district shall consent to the transfer of such child and the
251 transfer of any school-age brother and sister of such child to its
252 district, and shall spread the same upon the minutes of the board.

253 (5) If the board of trustees of a municipal separate school
254 district with added territory does not have a member who is a
255 resident of the added territory outside the corporate limits, upon
256 the petition in writing of any parent or legal guardian of a
257 school-age child who is a resident of the added territory outside
258 the corporate limits, the board of trustees of the municipal
259 separate school district and the school board of the school
260 district adjacent to the added territory shall consent to the
261 transfer of the child from the municipal separate school district
262 to the adjacent school district. The agreement must be spread



263 upon the minutes of the board of trustees of the municipal
264 separate school district and the school board of the adjacent
265 school district. The agreement must provide for the
266 transportation of the student or may provide, as an alternative,
267 that the parent or legal guardian shall be responsible for
268 transporting the student to the adjacent school district. Any
269 school district that accepts a student under this subsection may
270 not assess any tuition fees against the transferring student.

271 The board of trustees of the municipal separate school
272 district and the school board of the adjacent school district
273 shall forward a certified copy of the agreement to the respective
274 levying authority for each school district, as defined in Section
275 37-57-1. Upon receipt of the agreement, the levying authorities
276 shall adjust the tax levy for school district purposes assessed
277 against the parent or legal guardian of the transferred student so
278 that the parent or legal guardian is not assessed any taxes levied
279 on behalf of the school district from which the student has
280 transferred.

281 SECTION 3. This act shall take effect and be in force from
282 and after July 1, 2001.

