

By: Senator(s) Simmons

To: Education; Elections

SENATE BILL NO. 2454

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 2001, 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 (2) Vacancies in the membership of the board of trustees of  
64 any municipal separate school district shall be filled by  
65 appointment, within sixty (60) days after the vacancy occurs, by  
66 the governing authorities of such municipality. Such appointee  
67 shall be selected from the qualified electors of the district in  
68 which the vacancy occurs. The president of the municipal  
69 governing authority shall certify to the Secretary of State the

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

94 Provided, however, where only one (1) person shall have  
95 qualified with the commissioners of election to be a candidate  
96 within the time provided by law, the commissioners of election  
97 shall certify to the municipal governing authority that there is  
98 but one (1) candidate. Thereupon, the municipal governing  
99 authority shall dispense with the election and shall appoint the  
100 candidate so certified to fill the unexpired term. The president  
101 of the municipal governing authority shall certify to the  
102 Secretary of State the candidate so appointed to serve in such

103 office and that candidate shall be commissioned by the Governor.  
104 In the event that no person shall have qualified at least sixty  
105 (60) days prior to the date of the election, the commissioners of  
106 election shall certify that fact to the municipal governing  
107 authority which shall dispense with the election and fill the  
108 vacancy by appointment. The president of the municipal governing  
109 authority shall certify to the Secretary of State the fact of the  
110 appointment, and the person so appointed shall be commissioned by  
111 the Governor.

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

114 37-7-703. In all such special municipal separate school  
115 districts \* \* \*, the board of trustees of such special municipal  
116 separate school district shall be elected in the manner provided  
117 by subsection (1) of Section 37-7-203, and all of the provisions  
118 thereof shall be fully applicable in all respects to the selection  
119 and constitution of such board of trustees.

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

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

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

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

131 37-9-13. Each school district shall have a superintendent of  
132 schools, selected in the manner provided by law. No person shall  
133 be eligible to the office of superintendent of schools unless such  
134 person shall hold a valid administrator's license issued by the

135 State Department of Education and shall have had not less than  
136 four (4) years of classroom or administrative experience.

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

139 37-9-13. (1) In all public school districts, the school  
140 board shall, on or before January 15 of each year, appoint the  
141 superintendent of schools of such district, except in those cases  
142 where the superintendent has been previously selected and has a  
143 contract which is valid for the ensuing scholastic year.

144 (2) \* \* \* No person shall be eligible to the office of  
145 superintendent of schools unless such person shall hold a valid  
146 administrator's license issued by the State Department of  
147 Education and shall have had not less than four (4) years of  
148 classroom or administrative experience.

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

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

152 37-9-25. The school board shall have the power and  
153 authority, in its discretion, to employ the superintendent, unless  
154 such superintendent is elected, for not exceeding four (4)  
155 scholastic years and the principals or licensed employees for not  
156 exceeding three (3) scholastic years. In such case, contracts  
157 shall be entered into with such superintendents, principals and  
158 licensed employees for the number of years for which they have  
159 been employed. All such contracts with licensed employees shall  
160 for the years after the first year thereof be subject to the  
161 contingency that the licensed employee may be released if, during  
162 the life of the contract, the average daily attendance should  
163 decrease from that existing during the previous year and thus  
164 necessitate a reduction in the number of licensed employees during  
165 any year after the first year of the contract. However, in all  
166 such cases the licensed employee must be released before July 1 or  
167 at least thirty (30) days prior to the beginning of the school

168 term, whichever date should occur earlier. The salary to be paid  
169 for the years after the first year of such contract shall be  
170 subject to revision, either upward or downward, in the event of an  
171 increase or decrease in the funds available for the payment  
172 thereof, but, unless such salary is revised prior to the beginning  
173 of a school year, it shall remain for such school year at the  
174 amount fixed in such contract. However, where school district  
175 funds, other than minimum education program funds, are available  
176 during the school year in excess of the amount anticipated at the  
177 beginning of the school year the salary to be paid for such year  
178 may be increased to the extent that such additional funds are  
179 available and nothing herein shall be construed to prohibit same.

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

182 37-9-25. The school board shall have the power and  
183 authority, in its discretion, to employ the superintendent \* \* \*  
184 for not exceeding four (4) scholastic years and the principals or  
185 licensed employees for not exceeding three (3) scholastic years.  
186 In such case, contracts shall be entered into with such  
187 superintendents, principals and licensed employees for the number  
188 of years for which they have been employed. All such contracts  
189 with licensed employees shall for the years after the first year  
190 thereof be subject to the contingency that the licensed employee  
191 may be released if, during the life of the contract, the average  
192 daily attendance should decrease from that existing during the  
193 previous year and thus necessitate a reduction in the number of  
194 licensed employees during any year after the first year of the  
195 contract. However, in all such cases the licensed employee must  
196 be released before July 1 or at least thirty (30) days prior to  
197 the beginning of the school term, whichever date should occur  
198 earlier. The salary to be paid for the years after the first year  
199 of such contract shall be subject to revision, either upward or  
200 downward, in the event of an increase or decrease in the funds

201 available for the payment thereof, but, unless such salary is  
202 revised prior to the beginning of a school year, it shall remain  
203 for such school year at the amount fixed in such contract.  
204 However, where school district funds, other than minimum education  
205 program funds, are available during the school year in excess of  
206 the amount anticipated at the beginning of the school year the  
207 salary to be paid for such year may be increased to the extent  
208 that such additional funds are available and nothing herein shall  
209 be construed to prohibit same.

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

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

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

224 SECTION 10. This act shall take effect and be in force from  
225 and after January 1, 2001, or the date it is effectuated under  
226 Section 5 of the Voting Rights Act of 1965, as amended and  
227 extended, whichever occurs later.