

By: Representative Warren

To: Education

HOUSE BILL NO. 511

1 AN ACT TO AMEND SECTION 37-7-203, MISSISSIPPI CODE OF 1972,
2 TO CLARIFY THE NUMBER OF BOARD MEMBERS WHO MUST RESIDE IN THE
3 ADDED TERRITORY OF MUNICIPAL SEPARATE SCHOOL DISTRICTS BASED ON
4 THE PERCENTAGE OF STUDENTS FROM THE ADDED TERRITORY; AND FOR
5 RELATED PURPOSES.

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

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

9 37-7-203. (1) The boards of trustees of all municipal
10 separate school districts created under * * * this chapter, either
11 with or without added territory, shall consist of five (5)
12 members, each to be chosen for a term of five (5) years, but so
13 chosen that the term of office of one (1) member shall expire each
14 year. If the added territory of a municipal separate school
15 district furnishes at least fifteen percent (15%) but less than
16 thirty percent (30%) of the pupils enrolled in the schools of such
17 district, then * * * one (1) member of the board of trustees of
18 such school district shall be a resident of the added territory
19 outside the corporate limits. If the added territory of a
20 municipal separate school district furnishes thirty percent (30%)
21 or more of the pupils enrolled in the schools of such district,
22 then * * * two (2) members of the board of trustees of such school
23 district shall be residents of the added territory outside the
24 corporate limits. If the added territory of a municipal separate
25 school district in a county in which Mississippi Highways 8 and 15
26 intersect furnishes thirty percent (30%) or more of the pupils
27 enrolled in the schools of such district, then the five (5)
28 members of the board of trustees of such school district shall be



29 elected at large from such school district for a term of five (5)
30 years each except that the two (2) elected trustees presently
31 serving on such board shall continue to serve for their respective
32 terms of office. The three (3) appointed trustees presently
33 serving on such board shall continue to serve until their
34 successors are elected in March of 1975 in the manner provided for
35 in Section 37-7-215. At such election, one (1) trustee shall be
36 elected for a term of two (2) years, one (1) for a term of three
37 (3) years and one (1) for a term of five (5) years. Subsequent
38 terms for each successor trustee shall be for five (5) years. If
39 one (1) of two (2) municipal separate school districts located in
40 any county with two (2) judicial districts, District 1 being
41 comprised of Supervisors Districts 1, 2, 4 and 5, and District 2
42 being comprised of Supervisors District 3, with added territory
43 embraces three (3) full supervisors districts of a county, one (1)
44 trustee shall be elected from each of the three (3) supervisors
45 districts outside the corporate limits of the municipality. If
46 the territory of a municipal separate school district located in
47 any county with two (2) judicial districts, District 1 being
48 comprised of Supervisors Districts 1, 2, 4 and 5, and District 2
49 being comprised of Supervisors District 3, with added territory
50 embraces four (4) full supervisors districts in the county, and in
51 any county in which a municipal separate school district embraces
52 the entire county in which Highways 14 and 15 intersect, one (1)
53 trustee shall be elected from each supervisors district.

54 Except as otherwise provided herein, the trustees of such a
55 municipal separate school district shall be elected by a majority
56 of the governing authorities of the municipality at the first
57 meeting of the governing authorities held in the month of February
58 of each year, and the term of office of the member so elected
59 shall commence on the first Saturday of March following. In the
60 case of a member of the board of trustees who is required to come
61 from the added territory outside the corporate limits as is above



62 provided, such member of the board of trustees shall be elected by
63 the qualified electors of the school district residing in such
64 added territory outside the corporate limits at the same time and
65 in the same manner as is otherwise provided in this article for
66 the election of trustees of school districts other than municipal
67 separate school districts.

68 If a portion of a county school district is reconstituted, in
69 the manner provided by law, into a municipal separate school
70 district with added territory and if the trustees to be elected
71 from the added territory are requested to be elected from separate
72 election districts within the added territory, instead of elected
73 at-large, by the Attorney General of the United States as a result
74 of and pursuant to preclearance under Section 5 of the Voting
75 Rights Act of 1965, as amended and extended, and if the added
76 territory of a municipal separate school district of a
77 municipality furnishes thirty percent (30%) or more of the pupils
78 enrolled in the schools of such district, then two (2) members of
79 the board of trustees shall be residents of the added territory
80 outside the corporate limits of such municipality and shall be
81 elected from special trustee election districts by the qualified
82 electors thereof as herein provided. The governing authorities of
83 such municipality shall apportion the added territory into two (2)
84 special trustee election districts as nearly as possible according
85 to population and other factors heretofore pronounced by the
86 courts. The governing authorities of such municipality shall
87 thereafter publish the same in a newspaper of general circulation
88 within the school district for at least two (2) consecutive weeks;
89 and after having given notice of publication and recording the
90 same upon the minutes of the governing authorities, the new
91 district lines shall thereafter be effective. Any person elected
92 from the new trustee election districts constituted herein shall
93 be elected in the manner provided for in Section 37-7-215 for a
94 term of five (5) years. Any vacancy in the office of a trustee



95 elected from such trustee election district, whether occasioned by
96 redistricting or by other cause, shall be filled by appointment of
97 the governing authorities of the municipality, provided that the
98 person so appointed shall serve only until the first Saturday of
99 March following his appointment, at which time a person shall be
100 elected for the remainder of the unexpired term in the manner
101 provided in Section 37-7-215.

102 In any county organizing a countywide municipal separate
103 school district after January 1, 1965, the trustees thereof to be
104 elected from outside the municipality, such trustees shall be
105 elected by the board of supervisors of such county, and the
106 superintendent of such school district shall have authority to pay
107 out and distribute the funds of said district. If a municipal
108 separate school district should occupy territory in a county other
109 than that in which the municipality is located and fifteen percent
110 (15%) or more of the pupils enrolled in the schools of such
111 district shall come from the territory of the district in the
112 county other than that in which the municipality is located, the
113 territory of such county in which the municipality is not located
114 shall be entitled to one (1) member on the board of trustees of
115 such school district. The trustee shall be a resident of the
116 territory of that part of the district lying in the county in
117 which the municipality is not located and shall be elected by the
118 qualified electors of the territory of such county at the same
119 time and in the same manner as is provided for the election of
120 trustees of school districts other than municipal separate school
121 districts having territory in two (2) or more counties.

122 All vacancies shall be filled for the unexpired terms by
123 appointment of the governing authorities of the municipality;
124 except that in the case of the trustees coming from the added
125 territory outside the corporate limits, the person so appointed
126 shall serve only until the first Saturday of March following his
127 appointment, at which time a person shall be elected for the



128 remainder of the unexpired term in the manner otherwise provided
129 herein.

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

137 (2) In counties of less than fifteen thousand (15,000)
138 people having a municipal separate school district with added
139 territory which embraces all the territory of a county, one (1) or
140 more trustees of such district shall be nominated from each
141 supervisors district upon petition of fifty (50) qualified
142 electors of the district, or twenty percent (20%) of the qualified
143 electors of such district, whichever number shall be smaller, and
144 shall be elected by a plurality of the vote of the qualified
145 electors of the county. One (1) trustee so elected shall reside
146 in each supervisors district of the county. In such counties
147 embraced entirely by a municipal separate school district there
148 shall be no county board of education after the formation of such
149 district and the county superintendent of education shall act as
150 superintendent of schools of the district and shall be appointed
151 by the board of trustees of the district, and the provisions of
152 subsection (1) of this section and the first paragraph of Section
153 37-7-211 shall not apply to such districts.

154 **SECTION 2.** The Attorney General of the State of Mississippi
155 shall submit this act, immediately upon approval by the Governor,
156 or upon approval by the Legislature subsequent to a veto, to the
157 Attorney General of the United States or to the United States
158 District Court for the District of Columbia in accordance with the
159 provisions of the Voting Rights Act of 1965, as amended and
160 extended.



161 **SECTION 3.** This act shall take effect and be in force from
162 and after July 1, 2002, if it is effectuated under Section 5 of
163 the Voting Rights Act of 1965, as amended and extended, after July
164 1, 2002, this act shall take effect and be in force from and after
165 the date it is effectuated under Section 5 of the Voting Rights
166 Act of 1965, as amended and extended.

