

By: Representative Peranich

To: Constitution

HOUSE CONCURRENT RESOLUTION NO. 59

1 A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO SECTION
 2 203, MISSISSIPPI CONSTITUTION OF 1890, TO MERGE THE BOARD OF
 3 TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING, THE STATE BOARD
 4 FOR COMMUNITY AND JUNIOR COLLEGES AND THE STATE BOARD OF EDUCATION
 5 INTO ONE GOVERNING BODY RESPONSIBLE FOR OVERSEEING KINDERGARTEN
 6 THROUGH GRADUATE EDUCATION; TO REPEAL SECTION 202 OF THE
 7 MISSISSIPPI CONSTITUTION OF 1890, WHICH CREATES THE POSITION OF
 8 STATE SUPERINTENDENT OF PUBLIC EDUCATION; TO REPEAL SECTION 213-A
 9 OF THE MISSISSIPPI CONSTITUTION OF 1890, WHICH CREATES THE
 10 TWELVE-MEMBER BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER
 11 LEARNING FOR THE MANAGEMENT AND CONTROL OF THE STATE INSTITUTIONS
 12 OF HIGHER LEARNING; AND FOR RELATED PURPOSES.

13 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF
 14 MISSISSIPPI, That the following amendments to the Mississippi
 15 Constitution of 1890 are proposed to the qualified electors of the
 16 state:

17 I.

18 Amend Section 203, Mississippi Constitution of 1890, to read
 19 as follows:

20 "Section 203. * * *

21 (1) From and after July 1, 1984, there shall be a State
 22 Board of Education which shall manage and invest school funds
 23 according to law, formulate policies according to law for
 24 implementation by the State Department of Education, and perform
 25 such other duties as prescribed by law. The board shall consist
 26 of nine (9) members of which none shall be an elected official.
 27 The Governor shall appoint one (1) member who shall be a resident
 28 of the Northern Supreme Court District and who shall serve an
 29 initial term of one (1) year, one (1) member who shall be a
 30 resident of the Central Supreme Court District and who shall serve
 31 an initial term of five (5) years, one (1) member who shall be a
 32 resident of the Southern Supreme Court District and who shall



33 serve an initial term of nine (9) years, one (1) member who shall
34 be employed on an active and full-time basis as a school
35 administrator and who shall serve an initial term of three (3)
36 years, and one (1) member who shall be employed on an active and
37 full-time basis as a schoolteacher and who shall serve an initial
38 term of seven (7) years. The Lieutenant Governor shall appoint
39 two (2) members from the state at large, one (1) of whom shall
40 serve an initial term of four (4) years and one (1) of whom shall
41 serve an initial term of eight (8) years. The Speaker of the
42 House of Representatives shall appoint two (2) members from the
43 state at large, one (1) of who shall serve an initial term of two
44 (2) years and one (1) of whom shall serve an initial term of six
45 (6) years. The initial terms of appointees shall begin on July 1,
46 1984, and all subsequent appointments shall begin on the first day
47 of July for a term of (9) years and continue until their
48 successors are appointed and qualify. An appointment to fill a
49 vacancy which arises for reasons other than by expiration of a
50 term of office shall be for the unexpired term only. The
51 Legislature shall by general law prescribe the compensation which
52 members of the board shall be entitled to receive. All members
53 shall be appointed with the advice and consent of the Senate and
54 no members shall be actively engaged in the educational profession
55 except as stated above.

56 (2) (a) Beginning on July 1, 2005, there shall be a
57 Mississippi Board of Education, which shall be responsible for
58 overseeing kindergarten through graduate school education in the
59 State of Mississippi in accordance with state law and formulating
60 policies pursuant to state law for implementation by the State
61 Department of Education, the State Department of Community and
62 Junior Colleges and the Mississippi Department of State
63 Institutions of Higher Learning. The board shall appoint:

64 (i) A State Superintendent of Education, with the
65 advice and consent of the Senate, who shall serve at the board's



66 will and pleasure. The State Superintendent of Education shall
67 possess those qualifications prescribed by law. The
68 superintendent shall be the chief administrative officer for the
69 State Department of Education and shall administer the department
70 in accordance with the policies established by the Mississippi
71 Board of Education. The superintendent shall perform such other
72 duties and receive such compensation as prescribed by law.

73 (ii) A Commissioner of Community and Junior
74 Colleges and Workforce Development, with the advice and consent of
75 the Senate, who shall serve at the board's will and pleasure. The
76 Commissioner of Community and Junior Colleges and Workforce
77 Development shall possess those qualifications prescribed by law.
78 The commissioner shall be the chief administrative officer for the
79 State Department of Community and Junior Colleges and shall
80 administer the board in accordance with the policies established
81 by the Mississippi Board of Education. The commissioner shall
82 perform such other duties and receive such compensation as
83 prescribed by law.

84 (iii) A Commissioner of Higher Education, with the
85 advice and consent of the Senate, who shall serve at the board's
86 will and pleasure. The Commissioner of Higher Education shall
87 possess those qualifications prescribed by law. The commissioner
88 shall be the chief administrative officer for the Mississippi
89 Department of State Institutions of Higher Learning and shall
90 administer the board in accordance with the policies established
91 by the Mississippi Board of Education. The commissioner shall
92 perform such other duties and receive such compensation as
93 prescribed by law.

94 (b) Effective July 1, 2005, the powers and duties of
95 the following entities are transferred to the Mississippi Board of
96 Education, which shall retain all related funding and budgeting
97 authority for purposes of a single, seamless kindergarten through



98 graduate school education system and single or coordinated
99 education budget:

100 (i) The State Board of Education;

101 (ii) The State Board for Community and Junior
102 Colleges; and

103 (iii) The Board of Trustees of State Institutions
104 of Higher Learning.

105 (c) The Mississippi Board of Education shall consist of
106 eighteen (18) members, none of which may be an elected official,
107 to be appointed as follows: The Governor, Lieutenant Governor and
108 Speaker of the House of Representatives shall each appoint two (2)
109 members from each Supreme Court district. Two (2) members
110 appointed by each from different Supreme Court districts shall
111 serve an initial term of two (2) years; two (2) members appointed
112 by each from different Supreme Court districts shall serve an
113 initial term of four (4) years; and two (2) members appointed by
114 each from different Supreme Court districts shall serve an initial
115 term of six (6) years. The terms shall be staggered so that the
116 terms of two (2) members in each Supreme Court district shall
117 expire every two (2) years. Upon the expiration of the initial
118 terms, all subsequent terms shall be for six (6) years. All
119 appointments shall begin on the first day of July. Any vacancy on
120 the board shall be filled by the appointing authority from the
121 appropriate Supreme Court district for the remainder of the
122 unexpired term. The Legislature shall by law prescribe the
123 compensation that members of the board shall be entitled to
124 receive. Each member must be a resident of the Supreme Court
125 district from which the member is appointed. Members shall be
126 appointed with the advice and consent of the Senate. Members may
127 not be actively engaged in the educational profession.

128 (d) In order to facilitate the transition to the single
129 governing authority of the Mississippi Board of Education, during
130 the 2003 Regular Session, the Legislature shall establish an



131 Education Governance Reorganization Transition Task Force. The
132 task force shall make recommendations to the Legislature as soon
133 as practicable for an orderly phase-in of a seamless education
134 continuum and a single or coordinated kindergarten through
135 graduate school budget and shall perform such other functions and
136 duties as may be prescribed by the Legislature. The composition
137 of the task force shall be established by the Legislature."

138 II.

139 Amend the Mississippi Constitution of 1890 by repealing on
140 July 1, 2005, Section 202 which reads as follows:

141 "Section 202. (1) Until July 1, 1984, there shall be a
142 Superintendent of Public Education elected at the same time and in
143 the same manner as the Governor, who shall have the qualifications
144 required by the Secretary of State, and hold his office for four
145 (4) years, and until his successor shall be elected and qualified,
146 who shall have the general supervision of the common schools and
147 of the educational interests of the state, and who shall perform
148 such other duties and receive compensation as shall be prescribed
149 by law. However, an election for the Superintendent of Public
150 Education shall not be held at the general election in 1983, and
151 the term of the Superintendent of Public Education who was elected
152 at the general election in 1979 shall be extended to July 1, 1984,
153 on which date it shall expire.

154 (2) From and after July 1, 1984, there shall be a State
155 Superintendent of Public Education who shall be appointed by the
156 State Board of Education, with the advice and consent of the
157 Senate, and serve at the board's will and pleasure. He shall
158 possess such qualifications as may be prescribed by law. He shall
159 be the chief administrative officer for the State Department of
160 Education and shall administer the department in accordance with
161 the policies established by the State Board of Education. He
162 shall perform such other duties and receive such compensation as
163 shall be prescribed by law."



164 III.

165 Amend the Mississippi Constitution of 1890 by repealing on
166 July 1, 2005, Section 213-A which reads as follows:

167 "Section 213-A. The state institutions of higher learning
168 now existing in Mississippi, to wit: University of Mississippi,
169 Mississippi State University of Agriculture and Applied Science,
170 Mississippi University for Women, University of Southern
171 Mississippi, Delta State University, Alcorn State University,
172 Jackson State University, Mississippi Valley State University, and
173 any others of like kind which may be hereafter organized or
174 established by the State of Mississippi, shall be under the
175 management and control of a board of trustees to be known as the
176 Board of Trustees of State Institutions of Higher Learning, the
177 members thereof to be appointed by the Governor of the state with
178 the advice and consent of the Senate. The Governor shall appoint
179 only men or women as such members as shall be qualified electors
180 residing in the district from which each is appointed, and at
181 least twenty-five (25) years of age, and of the highest order of
182 intelligence, character, learning, and fitness for the performance
183 of such duties, to the end that such board shall perform the high
184 and honorable duties thereof to the greatest advantage of the
185 people of the state of such educational institutions, uninfluenced
186 by any political considerations. There shall be appointed one (1)
187 member of such board from each congressional district of the state
188 as now existing and one (1) member from each Supreme Court
189 district, and two (2) members shall be appointed from the state at
190 large. The term of office of said trustees herein provided for
191 shall begin May 8, 1944; and it shall be the duty of the Governor
192 to make such appointments during the regular session of the
193 Legislature of Mississippi in 1944; and one-third (1/3) of the
194 membership of said board shall be appointed for a period of four
195 (4) years; one-third (1/3) for a period of eight (8) years; and
196 one-third (1/3) for a period of twelve (12) years; and thereafter



197 their successors shall hold office for a period of twelve (12)
198 years. The members of the board of trustees as constituted at the
199 time this amendment shall be inserted in the Constitution as a
200 part thereof shall continue to hold office until their respective
201 terms expire under existing law, after which time the membership
202 of the board shall consist of the number hereinabove provided for.
203 In case of a vacancy on said board by death or resignation of a
204 member, or from any other cause than the expiration of such
205 member's term of office, the board shall elect his successor, who
206 shall hold office until the end of the next session of the
207 Legislature. During such term of the session of the Legislature
208 the Governor shall appoint the successor member of the board from
209 the district from which his predecessor was appointed, to hold
210 office until the end of the period for which such original trustee
211 was appointed, to the end that one-third (1/3) of such trustees'
212 terms will expire each four (4) years.

213 The Legislature shall provide by law for the appointment of a
214 trustee for the La Bauve Fund at the University of Mississippi and
215 for the perpetuation of such fund.

216 Such board shall have the power and authority to elect the
217 heads of the various institutions of higher learning, and contract
218 with all deans, professors and other members of the teaching
219 staff, and all administrative employees of said institutions for a
220 term not exceeding four (4) years; but said board shall have the
221 power and authority to terminate any such contract at any time for
222 malfeasance, inefficiency or contumacious conduct, but never for
223 political reasons.

224 Nothing herein contained shall in any way limit or take away
225 the power the Legislature had and possessed, if any, at the time
226 of the adoption of this amendment, to consolidate, abolish or
227 change the status of any of the above named institutions."

228 BE IT FURTHER RESOLVED, That these proposed amendments shall
229 be submitted by the Secretary of State to the qualified electors



230 at an election to be held on the first Tuesday after the first
231 Monday of November 2002, as provided by Section 273 of the
232 Constitution and by general law, with the amendments in this
233 resolution being voted on as one (1) amendment since the proposed
234 amendments pertain to one (1) subject.

235 BE IT FURTHER RESOLVED, That the explanation of this proposed
236 amendment for the ballot shall read as follows: "This proposed
237 constitutional amendment merges the Board of Trustees of State
238 Institutions of Higher Learning, the State Board for Community and
239 Junior Colleges and the State Board of Education into one
240 governing body responsible for overseeing kindergarten through
241 graduate school education in accordance with state law, effective
242 July 1, 2005."

