

By: Senator(s) Nunnelee

To: Education

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2095

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 AMEND SECTIONS 37-5-9, 37-7-211 AND 37-7-711,
11 MISSISSIPPI CODE OF 1972, TO PROVIDE A UNIFORM NUMBER OF
12 SIGNATURES ON PETITIONS OF NOMINATION TO RUN FOR THE OFFICE OF
13 ELECTED SCHOOL BOARD AND TO REQUIRE PETITIONS TO BE FILED AT LEAST
14 60 DAYS PRIOR TO THE ELECTION; TO REPEAL SECTIONS 37-7-209 THROUGH
15 37-7-219, MISSISSIPPI CODE OF 1972, WHICH PROVIDE CERTAIN METHODS
16 FOR ELECTING TRUSTEES OF MUNICIPAL SEPARATE SCHOOL DISTRICTS FROM
17 ADDED TERRITORY; TO REPEAL SECTIONS 37-7-705 THROUGH 37-7-717,
18 MISSISSIPPI CODE OF 1972, WHICH PROVIDE CERTAIN METHODS FOR
19 SELECTING TRUSTEES OF SPECIAL MUNICIPAL SEPARATE SCHOOL DISTRICTS;
20 TO AMEND SECTION 37-9-13, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR
21 THE APPOINTMENT OF ALL SUPERINTENDENTS OF SCHOOLS FROM AND AFTER
22 JANUARY 1, 2008, UNLESS THE INCUMBENT COUNTY SUPERINTENDENT OF
23 EDUCATION CHOOSES TO SEEK REELECTION; TO AMEND SECTIONS 37-5-61,
24 37-5-71 AND 37-9-25, MISSISSIPPI CODE OF 1972, IN CONFORMITY
25 THERETO; TO REPEAL SECTION 37-9-12, MISSISSIPPI CODE OF 1972,
26 WHICH PROVIDES FOR A REFERENDUM ON THE QUESTION OF RETAINING THE
27 ELECTIVE METHOD OF CHOOSING THE COUNTY SUPERINTENDENT OF
28 EDUCATION; TO REPEAL SECTIONS 37-5-63 THROUGH 37-5-69, MISSISSIPPI
29 CODE OF 1972, WHICH PROVIDE FOR THE ELECTION OF COUNTY
30 SUPERINTENDENTS OF EDUCATION; AND FOR RELATED PURPOSES.

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

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

34 37-7-203. (1) The boards of trustees of all municipal
35 separate school districts created under the provisions of Article
36 1 of this chapter, either with or without added territory, shall
37 consist of five (5) members * * *. On the first Tuesday after the
38 first Monday in June, and every four (4) years thereafter, an
39 election shall be held in each municipal separate school district
40 in this state, in the same manner and at the same time as the
41 regular municipal elections are held, for the purpose of electing

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

69 (2) Vacancies in the membership of the board of trustees of
70 any municipal separate school district shall be filled by
71 appointment, within sixty (60) days after the vacancy occurs, by
72 the governing authorities of such municipality. Such appointee
73 shall be selected from the qualified electors of the district in
74 which the vacancy occurs. The president of the municipal

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

100 Provided, however, where only one (1) person shall have
101 qualified with the commissioners of election to be a candidate
102 within the time provided by law, the commissioners of election
103 shall certify to the municipal governing authority that there is
104 but one (1) candidate. Thereupon, the municipal governing
105 authority shall dispense with the election and shall appoint the
106 candidate so certified to fill the unexpired term. The president
107 of the municipal governing authority shall certify to the

108 Secretary of State the candidate so appointed to serve in such
109 office and that candidate shall be commissioned by the Governor.
110 In the event that no person shall have qualified at least sixty
111 (60) days prior to the date of the election, the commissioners of
112 election shall certify that fact to the municipal governing
113 authority which shall dispense with the election and fill the
114 vacancy by appointment. The president of the municipal governing
115 authority shall certify to the Secretary of State the fact of the
116 appointment, and the person so appointed shall be commissioned by
117 the Governor.

118 **SECTION 2.** Section 37-7-703, Mississippi Code of 1972, is
119 amended as follows:

120 37-7-703. In all such special municipal separate school
121 districts * * *, the board of trustees of such special municipal
122 separate school district shall be elected in the manner provided
123 by subsection (1) of Section 37-7-203, and all of the provisions
124 thereof shall be fully applicable in all respects to the selection
125 and constitution of such board of trustees.

126 **SECTION 3.** Section 37-5-9, Mississippi Code of 1972, is
127 amended as follows:

128 37-5-9. The name of any qualified elector who is a candidate
129 for the county board of education shall be placed on the ballot
130 used in the general elections by the county election
131 commissioners, provided that the candidate files with the county
132 election commissioners, not more than ninety (90) days and not
133 less than sixty (60) days prior to the date of such general
134 election, a petition of nomination signed by not less than fifty
135 (50) qualified electors of the county residing within each
136 supervisors district or special county board of education election
137 district, as the case may be. Where there are less than one
138 hundred (100) qualified electors in said supervisors district, it
139 shall only be required that said petition of nomination be signed
140 by at least twenty percent (20%) of the qualified electors of such

141 supervisors district or special county board of education election
142 district, as the case may be. The candidate in each supervisors
143 district who receives the highest number of votes cast in the
144 district shall be declared elected.

145 * * *

146 In no case shall any qualified elector residing within a
147 municipal separate school district or special municipal separate
148 school district be eligible to sign a petition of nomination for
149 any candidate for the county board of education under any of the
150 provisions of this section.

151 **SECTION 4.** Section 37-7-211, Mississippi Code of 1972, is
152 amended as follows:

153 37-7-211. Any person otherwise eligible under the provisions
154 of subsection (1) of Section 37-7-203 who shall desire to be a
155 candidate for the office of trustee must qualify in the following
156 manner in order to be allowed to be considered for election. By
157 5:00 p.m. not more than ninety (90) days and at least sixty (60)
158 days before the election he shall file with the office of the
159 superintendent of the municipal separate school district, or the
160 special municipal separate school district, as the case may be, a
161 petition signed by not less than fifty (50) qualified electors of
162 the area represented by the office which he seeks, either for a
163 full term or an unexpired term, as the case may be, and an
164 affidavit by the candidate offering for election stating his
165 qualifications under the terms of said sections. Where there are
166 less than one hundred (100) qualified electors in said area
167 represented by the trustee, it shall only be required that said
168 petition of nomination be signed by at least twenty percent (20%)
169 of the qualified electors in said area. The petition shall
170 contain an affidavit certifying that all signatures are the
171 personal signatures of each person whose name appears on the
172 petition and that each person is a qualified elector.

173 Unless the petition and affidavit required above shall be
174 filed by 5:00 p.m. not less than sixty (60) days prior to the
175 election, the name of the candidate shall not be considered in the
176 election, and votes cast for any person who has failed to qualify
177 shall not be counted in the election.

178 If after the time for candidates to file the petition and
179 affidavit provided for herein there should be only one (1) person
180 to qualify for the office of trustee, then no election or notice
181 of election shall be necessary and such person shall, if otherwise
182 qualified, be declared elected without opposition.

183 **SECTION 5.** Section 37-7-711, Mississippi Code of 1972, is
184 amended as follows:

185 37-7-711. In all such special municipal separate school
186 districts which may be so organized, reorganized or reconstituted
187 to embrace the entire county in which the majority of the
188 inhabitants of the county reside outside the corporate limits of
189 the municipality or less than the entire county, the name of any
190 qualified elector who is a candidate for the board of trustees of
191 such special municipal separate school district, whether such
192 person be a candidate for an unexpired term or for a full term,
193 shall be placed on the ballot used in the elections, provided that
194 the candidate files with the county election commissioners, not
195 more than ninety (90) days and not less than sixty (60) days prior
196 to the date of such general election, a petition of nomination
197 signed by not less than fifty (50) qualified electors of the
198 trustee election district. Where there are less than one hundred
199 (100) qualified electors in the trustee election district, it
200 shall only be required that such petition of nomination be signed
201 by at least twenty percent (20%) of the qualified electors of the
202 trustee election district. The candidate in each election who
203 receives the highest number of votes cast in the election shall be
204 declared to have been elected.

205 **SECTION 6.** Sections 37-7-209, 37-7-211, 37-7-213, 37-7-215,
206 37-7-217 and 37-7-219, Mississippi Code of 1972, which provide
207 certain methods for electing trustees of municipal separate school
208 districts from added territory, are repealed.

209 **SECTION 7.** Sections 37-7-705, 37-7-707, 37-7-709, 37-7-711,
210 37-7-713, 37-7-715 and 37-7-717, Mississippi Code of 1972, which
211 provide certain methods for selecting trustees of special
212 municipal separate school districts, are repealed.

213 **SECTION 8.** Section 37-9-13, Mississippi Code of 1972, is
214 amended as follows:

215 **[Until December 31, 2007, this section will read as follows:]**

216 37-9-13. Each school district shall have a superintendent of
217 schools, selected in the manner provided by law. No person shall
218 be eligible to the office of superintendent of schools unless such
219 person shall hold a valid administrator's license issued by the
220 State Department of Education and shall have had not less than
221 four (4) years of classroom or administrative experience.

222 **[From and after January 1, 2008, this section will read as**
223 **follows:]**

224 37-9-13. (1) In all public school districts, except in
225 countywide school districts wherein the incumbent county
226 superintendent of education chooses to seek reelection, the school
227 board shall appoint the superintendent of schools of such
228 district. Any county superintendent of education serving on July
229 1, 2007, may choose to seek reelection, and if he is reelected in
230 the manner provided by law, the office of county superintendent of
231 education shall remain an elective office in such county until the
232 incumbent vacates the office or is not reelected. If the
233 incumbent vacates the office prior to the expiration of the term,
234 the office of superintendent shall become an appointed office
235 beginning immediately. If the incumbent is not reelected, the
236 office of superintendent shall become an appointed office at the
237 end of the four-year term of the person who was elected.

238 (2) No person shall be eligible to the office of
239 superintendent of schools unless such person shall hold a valid
240 administrator's license issued by the State Department of
241 Education and shall have had not less than four (4) years of
242 classroom or administrative experience.

243 **SECTION 9.** Section 37-5-61, Mississippi Code of 1972, is
244 amended as follows:

245 **[In counties wherein the county superintendent of education**
246 **serving on July 1, 2007, chooses to seek reelection and is**
247 **reelected, this section shall read as follows:]**

248 37-5-61. (1) There shall be a county superintendent of
249 education in each county.

250 (2) Said superintendent shall serve as the executive
251 secretary of the county board of education, but shall have no vote
252 in the proceedings before the board and no voice in fixing the
253 policies thereof.

254 (3) In addition, said superintendent shall be the director
255 of all schools in the county outside the municipal separate school
256 districts.

257 (4) Said superintendent shall be elected at the same time
258 and in the same manner as other county officers are elected and
259 shall hold office for a term of four (4) years.

260 **[In counties wherein the county superintendent of education**
261 **serving on July 1, 2007, chooses not to seek reelection, this**
262 **Section 37-5-61 shall have no force or effect.]**

263 **SECTION 10.** Section 37-5-71, Mississippi Code of 1972, is
264 amended as follows:

265 **[In counties wherein the county superintendent of education**
266 **serving on July 1, 2007, chooses to seek reelection and is**
267 **reelected, this section shall read as follows:]**

268 37-5-71. (1) The county superintendents of education shall
269 be elected in the manner prescribed by the provisions of this
270 chapter, unless such office be made appointive as provided in this

271 chapter, in which case the county superintendent shall be
272 appointed by the county board of education or by the trustees of a
273 separate school district embracing an entire county with a
274 population of fifteen thousand (15,000) or less, as provided in
275 subsection (2) of Section 37-7-203. In all cases he shall have
276 such qualifications as prescribed by Section 37-9-13 and receive
277 such compensation as established under Section 37-9-37.

278 (2) All qualified electors residing within any municipal
279 separate or special municipal separate school district shall not
280 vote in the election for the county superintendent of education:

281 (a) In all counties of the second class which have a
282 population, according to the 1960 federal decennial census of at
283 least thirty-three thousand (33,000) and less than thirty-four
284 thousand (34,000), and having a city located therein which is the
285 Southern Division of the A.T.&S.F. Railroad Company;

286 (b) In all counties of the fourth class which have a
287 population, according to the 1960 federal decennial census, in
288 excess of twenty-six thousand (26,000) and less than twenty-seven
289 thousand (27,000), and having located therein the Mississippi
290 State University of Agriculture and Applied Science;

291 (c) In all counties of the first class which have a
292 population, according to the 1960 federal decennial census, in
293 excess of forty-six thousand (46,000) and less than forty-seven
294 thousand (47,000), and having located therein the Mississippi
295 University for Women;

296 (d) In any county bordering on the Mississippi Sound
297 and having a population in excess of one hundred thousand
298 (100,000), according to the 1960 federal decennial census, and
299 having an assessed valuation in excess of Seventy Million Dollars
300 (\$70,000,000.00);

301 (e) In any county having a population in excess of
302 eight thousand (8,000) and less than nine thousand (9,000), and
303 having an assessed valuation in excess of Five Million Dollars

304 (\$5,000,000.00) but less than Six Million Dollars (\$6,000,000.00)
305 in 1960;

306 (f) In any county having a population in excess of
307 twenty-two thousand (22,000) and less than twenty-three thousand
308 (23,000) in 1960, and having a total assessed valuation in excess
309 of Thirteen Million Dollars (\$13,000,000.00) in 1960;

310 (g) In any county having a population in excess of
311 fifty-nine thousand (59,000) but less than sixty thousand
312 (60,000), according to the 1960 federal decennial census;

313 (h) In any county bordered on the east by the Alabama
314 line and on the south by the Mississippi Sound;

315 (i) In any county where Mississippi Highway 35 crosses
316 U.S. Highway 80 and whose population, according to the 1960
317 regular census, was between twenty-one thousand (21,000) and
318 twenty-two thousand (22,000), and in which there are located four
319 (4) or more chicken packing plants, one (1) zipper plant and one
320 or more factories manufacturing Sunbeam electrical appliances;

321 (j) In any county having a population of twenty-six
322 thousand one hundred ninety-eight (26,198) according to the 1970
323 census wherein Highways 51 and 84 intersect;

324 (k) In any county having a municipal separate school
325 district lying therein, having a population in excess of
326 twenty-one thousand (21,000) but less than twenty-one thousand
327 five hundred (21,500), according to the 1960 decennial census, and
328 having a combined assessed valuation in 1963 in excess of Sixteen
329 Million Nine Hundred Thousand Dollars (\$16,900,000.00) but less
330 than Seventeen Million Dollars (\$17,000,000.00) according to the
331 State Tax Commission's compilation;

332 (l) In any county where Mississippi Highway 15 crosses
333 Mississippi Highway 16, whose population was more than twenty
334 thousand (20,000) and less than twenty-one thousand (21,000),
335 according to the regular 1960 census, and within which there is

336 located a Choctaw Indian reservation and school operated by the
337 United States government;

338 (m) In any county where U.S. Highway 45W Alternate
339 intersects Mississippi Highway 50, and having a population of
340 eighteen thousand nine hundred thirty-three (18,933), according to
341 the 1960 federal census;

342 (n) In any county having a population in excess of
343 forty thousand five hundred (40,500), according to the 1960
344 federal decennial census, wherein U.S. Highways 78 and 45
345 intersect, and wherein there is a United States fish hatchery;

346 (o) In any county being traversed by Mississippi
347 Highway 15 and U.S. Interstate Highway 20;

348 (p) In all counties wherein there is located a national
349 military park and a national cemetery;

350 (q) In any county where U.S. Highway 82 crosses U.S.
351 Interstate Highway 55 and having a population of twelve thousand
352 three hundred eighty-seven (12,387) according to the 1990 federal
353 decennial census;

354 (r) In any county where U.S. Highway 49E and U.S.
355 Highway 82 intersect, and having a population of thirty-seven
356 thousand three hundred forty-one (37,341) according to the 1990
357 federal decennial census.

358 In any such county, however, the county superintendent of
359 education may be a resident of a municipal separate school
360 district or special municipal separate school district.

361 (3) The qualified electors residing within the municipal
362 separate school districts shall not participate in the election of
363 the county superintendent of education:

364 (a) In any county having a population of more than
365 twenty-seven thousand (27,000) and less than twenty-eight thousand
366 (28,000) and containing therein a municipality having a population
367 in excess of three thousand (3,000), according to the 1960 federal
368 decennial census;

369 (b) In any Class 1 county wherein is located a
370 state-supported university and a National Guard camp, and in which
371 Interstate Highway 59 and U.S. Highway 49 intersect;

372 (c) In any Class 4 county having two (2) judicial
373 districts, wherein is partially located a national forest, and
374 wherein Mississippi Highways 8 and 15 intersect;

375 (d) In any Class 2 county, the southern boundary of
376 which partially borders on the State of Louisiana, traversed by
377 U.S. Highway 98 which intersects Mississippi Highway 13, with a
378 land area of five hundred fifty (550) square miles and having a
379 population of twenty-three thousand two hundred ninety-three
380 (23,293) in the 1960 federal decennial census;

381 (e) In any county bordering on the Gulf of Mexico or
382 the Mississippi Sound having therein a test facility operated by
383 the National Aeronautics and Space Administration;

384 (f) In any county having a population in excess of
385 twenty-seven thousand one hundred seventy-nine (27,179) according
386 to the 1970 federal decennial census, wherein U.S. Highways 45 and
387 72 intersect; and

388 (g) In any Class 1 county bordering on the Pearl River
389 in which U.S. Highway 80 intersects Mississippi Highway 18 and
390 having a population, according to the federal decennial census of
391 1970, of forty-three thousand nine hundred thirty-three (43,933).

392 (4) The county superintendent of education, with the
393 approval of the county board of education by its first having
394 adopted a resolution of approval and spread upon its minutes,
395 shall be elected from the county at large, exclusive of the
396 municipal separate school district boundaries:

397 (a) In any county bordering on the State of Tennessee
398 having a land area of seven hundred ten (710) square miles,
399 wherein is located part of a national forest, and wherein U.S.
400 Highway 78 and Mississippi Highway 7 intersect;

401 (b) In any Class 4 county wherein is located the
402 state's oldest state-supported university, in which Mississippi
403 Highways 6 and 7 intersect; and

404 (c) In any county having a population in excess of
405 seventeen thousand (17,000) and less than eighteen thousand
406 (18,000), according to the 1970 federal decennial census, wherein
407 Mississippi Highways 6 and 9 intersect.

408 (5) In any county having a municipality of between
409 forty-nine thousand (49,000) and fifty thousand (50,000)
410 population according to the 1960 federal census, and adjoining the
411 Alabama line, wherein U.S. Highways 80 and 45 intersect, the
412 qualified electors residing within any municipal separate school
413 district shall not participate in the election of the county
414 superintendent of education, and such county superintendent of
415 education shall not be a resident of a municipal separate school
416 district.

417 (6) In any county traversed by the Natchez Trace Parkway
418 wherein U.S. Highway 45 and Mississippi Highway 4 intersect and
419 having a population of seventeen thousand nine hundred forty-nine
420 (17,949) according to the 1960 federal census, the qualified
421 electors residing within any municipal separate school district
422 shall not participate in the election of the county superintendent
423 of education, and such county superintendent of education shall
424 not be a resident of a municipal separate school district.

425 **[In counties wherein the county superintendent of education**
426 **serving on July 1, 2007, chooses not to seek reelection, this**
427 **Section 37-5-71 shall have no force and effect.]**

428 **SECTION 11.** Section 37-9-25, Mississippi Code of 1972, is
429 amended as follows:

430 **[Until December 31, 2007, this section will read as follows:]**

431 37-9-25. The school board shall have the power and
432 authority, in its discretion, to employ the superintendent, unless
433 such superintendent is elected, for not exceeding four (4)

434 scholastic years and the principals or licensed employees for not
435 exceeding three (3) scholastic years. In such case, contracts
436 shall be entered into with such superintendents, principals and
437 licensed employees for the number of years for which they have
438 been employed. All such contracts with licensed employees shall
439 for the years after the first year thereof be subject to the
440 contingency that the licensed employee may be released if, during
441 the life of the contract, the average daily attendance should
442 decrease from that existing during the previous year and thus
443 necessitate a reduction in the number of licensed employees during
444 any year after the first year of the contract. However, in all
445 such cases the licensed employee must be released before July 1 or
446 at least thirty (30) days prior to the beginning of the school
447 term, whichever date should occur earlier. The salary to be paid
448 for the years after the first year of such contract shall be
449 subject to revision, either upward or downward, in the event of an
450 increase or decrease in the funds available for the payment
451 thereof, but, unless such salary is revised prior to the beginning
452 of a school year, it shall remain for such school year at the
453 amount fixed in such contract. However, where school district
454 funds, other than minimum education program funds, are available
455 during the school year in excess of the amount anticipated at the
456 beginning of the school year the salary to be paid for such year
457 may be increased to the extent that such additional funds are
458 available and nothing herein shall be construed to prohibit same.

459 **[From and after January 1, 2008, this section will read as**
460 **follows:]**

461 37-9-25. The school board shall have the power and
462 authority, in its discretion, to employ the superintendent * * *
463 for not exceeding four (4) scholastic years and the principals or
464 licensed employees for not exceeding three (3) scholastic years.
465 In such case, contracts shall be entered into with such
466 superintendents, principals and licensed employees for the number

467 of years for which they have been employed. All such contracts
468 with licensed employees shall for the years after the first year
469 thereof be subject to the contingency that the licensed employee
470 may be released if, during the life of the contract, the average
471 daily attendance should decrease from that existing during the
472 previous year and thus necessitate a reduction in the number of
473 licensed employees during any year after the first year of the
474 contract. However, in all such cases the licensed employee must
475 be released before July 1 or at least thirty (30) days prior to
476 the beginning of the school term, whichever date should occur
477 earlier. The salary to be paid for the years after the first year
478 of such contract shall be subject to revision, either upward or
479 downward, in the event of an increase or decrease in the funds
480 available for the payment thereof, but, unless such salary is
481 revised prior to the beginning of a school year, it shall remain
482 for such school year at the amount fixed in such contract.
483 However, where school district funds, other than minimum education
484 program funds, are available during the school year in excess of
485 the amount anticipated at the beginning of the school year the
486 salary to be paid for such year may be increased to the extent
487 that such additional funds are available and nothing herein shall
488 be construed to prohibit same.

489 **SECTION 12.** Section 37-9-12, Mississippi Code of 1972, which
490 provides for a referendum on the question of retaining the
491 elective method of choosing the county superintendent of
492 education, is hereby repealed.

493 **SECTION 13.** Sections 37-5-63, 37-5-65, 37-5-67 and 37-5-69,
494 Mississippi Code of 1972, which provide for the election of county
495 superintendents of education, are hereby repealed.

496 **SECTION 14.** The Attorney General of the State of Mississippi
497 shall submit this act, immediately upon approval by the Governor,
498 or upon approval by the Legislature subsequent to a veto, to the
499 Attorney General of the United States or to the United States

500 District Court for the District of Columbia in accordance with the
501 provisions of the Voting Rights Act of 1965, as amended and
502 extended.

503 **SECTION 15.** This act shall take effect and be in force from
504 and after the date it is effectuated under Section 5 of the Voting
505 Rights Act of 1965, as amended and extended.