

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.