

By: Senator(s) Chaney

To: Education;
Appropriations

SENATE BILL NO. 2541

1 AN ACT RELATING TO THE ADMINISTRATION OF PUBLIC SCHOOL
2 DISTRICTS; TO AMEND SECTIONS 37-5-7 AND 37-5-9, MISSISSIPPI CODE
3 OF 1972, TO PROVIDE FOR THE ELECTION OF MEMBERS OF THE COUNTY
4 BOARDS OF EDUCATION AT THE SAME TIME AS GENERAL STATE AND COUNTY
5 ELECTIONS AND TO ESTABLISH A TERM OF FOUR YEARS FOR THAT OFFICE;
6 TO AMEND SECTION 37-7-203, MISSISSIPPI CODE OF 1972, TO PROVIDE
7 THAT THE MEMBERS OF THE BOARDS OF TRUSTEES OF MUNICIPAL SEPARATE
8 SCHOOL DISTRICTS SHALL BE ELECTED FROM SPECIAL TRUSTEE ELECTION
9 DISTRICTS BY THE QUALIFIED ELECTORS OF THOSE DISTRICTS; TO PROVIDE
10 THAT THE ELECTION SHALL BE HELD EVERY FOUR YEARS IN THE SAME
11 MANNER AND AT THE SAME TIME AS ELECTIONS ARE HELD FOR OTHER
12 MUNICIPAL OFFICERS; TO AMEND SECTIONS 37-7-207 AND 37-7-211,
13 MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE ELECTION OF MEMBERS
14 OF THE BOARDS OF TRUSTEES OF CONSOLIDATED SCHOOL DISTRICTS AND
15 LINE CONSOLIDATED SCHOOL DISTRICTS IN THE SAME MANNER AND AT THE
16 SAME TIME AS GENERAL STATE AND COUNTY ELECTIONS AND TO ESTABLISH A
17 TERM OF FOUR YEARS FOR THOSE OFFICES; TO AMEND SECTION 37-7-703,
18 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE MEMBERS OF THE
19 BOARDS OF TRUSTEES OF SPECIAL MUNICIPAL SEPARATE SCHOOL DISTRICTS
20 THAT INCLUDE THE ENTIRE COUNTY SHALL BE ELECTED IN THE SAME MANNER
21 AS TRUSTEES OF MUNICIPAL SEPARATE SCHOOL DISTRICTS AT THE SAME
22 TIME AS GENERAL STATE AND COUNTY ELECTIONS ARE HELD; TO AMEND
23 SECTIONS 37-7-711 AND 37-7-713, MISSISSIPPI CODE OF 1972, TO
24 PROVIDE FOR THE ELECTION OF MEMBERS OF THE BOARDS OF TRUSTEES OF
25 SPECIAL MUNICIPAL SEPARATE SCHOOL DISTRICTS IN THE SAME MANNER AND
26 AT THE SAME TIME AS MUNICIPAL ELECTIONS AND TO ESTABLISH A TERM OF
27 FOUR YEARS FOR THAT OFFICE; TO REPEAL SECTIONS 37-7-204, 37-7-209
28 AND 37-7-213 THROUGH 37-7-219, MISSISSIPPI CODE OF 1972, WHICH
29 PROVIDE CERTAIN METHODS FOR ELECTING TRUSTEES OF MUNICIPAL
30 SEPARATE SCHOOL DISTRICTS FROM ADDED TERRITORY; TO REPEAL SECTIONS
31 37-7-221, 37-7-223, 37-7-227 AND 37-7-229, MISSISSIPPI CODE OF
32 1972, WHICH PROVIDE CERTAIN METHODS FOR ELECTING TRUSTEES OF
33 CONSOLIDATED AND LINE CONSOLIDATED SCHOOL DISTRICTS; TO REPEAL
34 SECTIONS 37-7-705, 37-7-707, 37-7-709, 37-7-715 AND 37-7-717,
35 MISSISSIPPI CODE OF 1972, WHICH PROVIDE CERTAIN METHODS FOR
36 SELECTING TRUSTEES OF SPECIAL MUNICIPAL SEPARATE SCHOOL DISTRICTS;
37 TO AMEND SECTION 37-9-13, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR
38 THE APPOINTMENT OF ALL SUPERINTENDENTS OF SCHOOLS FROM AND AFTER
39 JANUARY 1, 2008, UNLESS THE INCUMBENT COUNTY SUPERINTENDENT OF
40 EDUCATION CHOOSES TO SEEK REELECTION; TO AMEND SECTIONS 37-5-61,
41 37-5-71 AND 37-9-25, MISSISSIPPI CODE OF 1972, IN CONFORMITY
42 THERETO; TO REPEAL SECTION 37-9-12, MISSISSIPPI CODE OF 1972,
43 WHICH PROVIDES FOR A REFERENDUM ON THE QUESTION OF RETAINING THE
44 ELECTIVE METHOD OF CHOOSING THE COUNTY SUPERINTENDENT OF
45 EDUCATION; TO REPEAL SECTIONS 37-5-63 THROUGH 37-5-69, MISSISSIPPI
46 CODE OF 1972, WHICH PROVIDE FOR THE ELECTION OF COUNTY
47 SUPERINTENDENTS OF EDUCATION; TO CODIFY SECTION 37-7-104,
48 MISSISSIPPI CODE OF 1972, TO ADMINISTRATIVELY REORGANIZE THE
49 EXISTING PUBLIC EDUCATION SYSTEM; TO PROVIDE FOR A VOLUNTARY
50 ADMINISTRATIVE REORGANIZATION BY SCHOOL DISTRICTS AND TO PROVIDE
51 FOR A MANDATORY ADMINISTRATIVE REORGANIZATION BY THE STATE BOARD
52 OF EDUCATION; AND FOR RELATED PURPOSES.

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

54 **SECTION 1.** Section 37-5-7, Mississippi Code of 1972, is
55 amended as follows:

56 37-5-7. (1) On the first Tuesday after the first Monday in
57 November 2007 and every four (4) years thereafter, an election
58 shall be held in each county in this state in the same manner and
59 at the same time as general state and county elections are held
60 and conducted, * * * for the purpose of electing the county boards
61 of education established under the provisions of this
62 chapter. * * * All members of the county board of education * * *
63 shall take office on the first Monday of January following the
64 date of their election and shall serve for a term of four (4)
65 years. However, in order to provide for an orderly transition,
66 the term of each member of the board serving on the date that
67 Senate Bill No. 2541, 2005 Regular Session, becomes effective that
68 otherwise would expire after the first Monday in January 2008,
69 shall expire on the first Monday of January 2008. Each member of
70 the board whose term expires after the first Monday of January
71 2005 but before the first Monday of January 2008 shall continue to
72 serve for the remainder of the unexpired term, at which time the
73 vacancy shall be filled in the manner provided in Section 37-5-19.

74 (2) On the first Tuesday after the first Monday in November
75 2007 and every four (4) years thereafter, in any * * * county
76 electing to utilize the authority contained in Section 37-5-1(2),
77 an election shall be held in the same manner and at the same time
78 as general state and county elections are held and conducted, for
79 the purpose of electing the county board of education in that
80 county. * * * All members of the county board of education shall
81 take office on the first Monday of January following the date of
82 their election and shall serve for a term of four (4) years.
83 However, in order to provide for an orderly transition, the term
84 of each member of the board serving on the date that Senate Bill
85 No. 2541, 2005 Regular Session, becomes effective that otherwise

86 would expire after the first Monday in January 2008, shall expire
87 on the first Monday of January 2008. Each member of the board
88 whose term expires after the first Monday of January 2005 but
89 before the first Monday of January 2008 shall continue to serve
90 for the remainder of the unexpired term, at which time the vacancy
91 shall be filled in the manner provided in Section 37-5-19.

92 **SECTION 2.** Section 37-5-9, Mississippi Code of 1972, is
93 amended as follows:

94 37-5-9. The name of any qualified elector who is a candidate
95 for the county board of education shall be placed on the ballot
96 used in the general elections by the county election
97 commissioners, provided that the candidate files with the county
98 election commissioners, not more than ninety (90) days and not
99 less than sixty (60) days prior to the date of such general
100 election, a petition of nomination signed by not less than fifty
101 (50) qualified electors of the county residing within each
102 supervisors district or special county board of education election
103 district, as the case may be. Where there are less than one
104 hundred (100) qualified electors in said supervisors district, it
105 shall only be required that said petition of nomination be signed
106 by at least twenty percent (20%) of the qualified electors of such
107 supervisors district or special county board of education election
108 district, as the case may be. The candidate in each supervisors
109 district who receives the highest number of votes cast in the
110 district shall be declared elected.

111 * * *

112 In no case shall any qualified elector residing within a
113 municipal separate school district or special municipal separate
114 school district be eligible to sign a petition of nomination for
115 any candidate for the county board of education under any of the
116 provisions of this section.

117 **SECTION 3.** Section 37-7-203, Mississippi Code of 1972, is
118 amended as follows:

119 37-7-203. (1) The boards of trustees of all municipal
120 separate school districts created under the provisions of Article
121 1 of this chapter, either with or without added territory, shall
122 consist of five (5) members. On the first Tuesday after the first
123 Monday in June 2005, and every four (4) years thereafter, an
124 election shall be held in each municipal separate school district
125 in this state, in the same manner and at the same time as the
126 regular municipal elections are held, for the purpose of electing
127 the members of the boards of trustees established under the
128 provisions of this article. All members of the boards of trustees
129 as constituted in this section shall take office on the first
130 Monday of July following the date of their election and shall
131 serve for a term of four (4) years. The five (5) members of the
132 board of trustees shall be elected from trustee election districts
133 by the qualified electors of the district, as provided in this
134 section. The governing authorities of the municipality shall
135 apportion the municipal separate school district, including added
136 territory, into five (5) trustee election districts as nearly
137 equal as possible according to population, incumbency and other
138 factors pronounced by the courts before the effective date of
139 Senate Bill No. 2541, 2005 Regular Session. The municipal
140 governing authorities shall place upon their minutes the
141 boundaries determined for the new five (5) trustee election
142 districts. The municipal governing authorities shall thereafter
143 publish the same in a newspaper having general circulation within
144 the school district for at least three (3) consecutive weeks; and
145 after having given notice of publication and recording the same
146 upon the minutes of the municipal governing authorities, the new
147 district lines shall be effective thereafter. The term of each
148 incumbent trustee serving on the date that Senate Bill No. 2541,
149 2005 Regular Session, becomes effective that otherwise would
150 expire after the first Monday of July 2005, shall expire on the
151 first Monday of July 2005. Each incumbent trustee whose term

152 expires after the effective date of Senate Bill No. 2541, 2005
153 Regular Session, but before the first Monday of July 2005 shall
154 continue to serve for the remainder of the unexpired term, at
155 which time the vacancy shall be filled in the manner provided by
156 subsection (2) of this section.

157 (2) Vacancies in the membership of the board of trustees of
158 any municipal separate school district shall be filled by
159 appointment, within sixty (60) days after the vacancy occurs, by
160 the governing authorities of the municipality. The appointee
161 shall be selected from the qualified electors of the district in
162 which the vacancy occurs. The president of the municipal
163 governing authorities shall certify to the Secretary of State the
164 fact of the appointment, and the Governor shall commission the
165 person appointed. If the unexpired term is longer than six (6)
166 months, the appointee shall serve until a successor is elected as
167 provided in this section, unless the vacancy occurs ninety (90) or
168 fewer days before the general election in a year in which an
169 election would normally be held for that office as provided by
170 law, in which case the person appointed shall serve the unexpired
171 portion of the term. The vacancies shall be filled for the
172 unexpired term by the qualified electors at the next regular
173 special election day occurring more than ninety (90) days after
174 the occurrence of the vacancy. The president of the municipal
175 governing authorities, within ten (10) days after the occurrence
176 of the vacancy, shall make an order, in writing, directed to the
177 commissioners of election, directing an election to be held on the
178 next regular special election day to fill the vacancy. The
179 election commissioners shall require each candidate to qualify at
180 least sixty (60) days before the date of the election, and shall
181 give a certificate of election to the person elected, and shall
182 return to the Secretary of State a copy of the order of holding
183 the election and the results of the election, certified by the
184 president of the municipal governing authorities. The Governor

185 shall commission the person elected. The election shall be held
186 in the same manner provided for other municipal office vacancies.

187 However, where only one (1) person has qualified with the
188 commissioners of election to be a candidate within the time
189 provided by law, the commissioners of election shall certify to
190 the municipal governing authorities that there is only one (1)
191 candidate. The municipal governing authorities shall dispense
192 with the election and shall appoint the certified candidate to
193 fill the unexpired term. The president of the municipal governing
194 authorities shall certify to the Secretary of State the candidate
195 so appointed to serve in the office and the Governor shall
196 commission the candidate. If no person has qualified at least
197 sixty (60) days before the date of the election, the commissioners
198 of election shall certify that fact to the municipal governing
199 authorities, which shall dispense with the election and fill the
200 vacancy by appointment. The president of the municipal governing
201 authorities shall certify to the Secretary of State the fact of
202 the appointment, and the Governor shall commission the appointed
203 person.

204 **SECTION 4.** Section 37-7-207, Mississippi Code of 1972, is
205 amended as follows:

206 37-7-207. (1) All school districts reconstituted or created
207 under the provisions of Article 3 of this chapter, and which lie
208 wholly within one (1) county, but not including municipal separate
209 and countywide districts, shall be governed by a board of five (5)
210 trustees. The first board of trustees of such districts shall be
211 appointed by the county board of education, and the original
212 appointments shall be so made that one (1) trustee shall be
213 appointed to serve until the first Saturday of March following
214 such appointments, one (1) for one (1) year longer, one (1) for
215 two (2) years longer, one (1) for three (3) years longer, and one
216 (1) for four (4) years longer. After such original appointments,
217 the trustees of such school districts shall be elected by the

218 qualified electors of such school districts in the manner provided
219 for in this section and Section 37-7-225, with each trustee to be
220 elected for a term of four (4) years. The five (5) members of the
221 board of trustees of such consolidated school district shall be
222 elected from special trustee election districts by the qualified
223 electors thereof, as herein provided. The board of trustees of
224 any such consolidated school district shall apportion the
225 consolidated school district into five (5) special trustee
226 election districts. The board of trustees of such school district
227 shall place upon its minutes the boundaries determined for the new
228 five (5) trustee election districts. The board of trustees shall
229 thereafter publish the same in a newspaper of general circulation
230 within the school district for at least three (3) consecutive
231 weeks; and after having given notice of publication and recording
232 the same upon the minutes of the board of trustees, the new
233 district lines shall thereafter be effective.

234 On the first Tuesday after the first Monday in November 2007
235 and every four (4) years thereafter, in each consolidated school
236 district * * * an election shall be held in the same manner and at
237 the same time as general state and county elections are held and
238 conducted, for the purpose of electing the board of trustees of
239 such district. At the election, the members of the * * *
240 board * * * shall be elected for a term of four (4) years.
241 However, in order to provide for an orderly transition, the term
242 of each member of the board serving on the date that Senate Bill
243 No. 2541, 2005 Regular Session, becomes effective that otherwise
244 would expire after the first Monday in January 2008, shall expire
245 on the first Monday of January 2008. Each member of the board
246 whose term expires after the first Monday of January 2005 but
247 before the first Monday of January 2008 shall continue to serve
248 for the remainder of the unexpired term, at which time the vacancy
249 shall be filled in the manner provided in this paragraph. All
250 members of the * * * board of trustees shall take office on the

251 first Monday of January following the date of their election. All
252 vacancies which may occur during a term shall be filled by
253 appointment of the consolidated school district trustees, but the
254 person so appointed shall serve only until the next general
255 election following such appointment, at which time a person shall
256 be elected for the remainder of the unexpired term at the same
257 time and in the same manner as a trustee is elected for the full
258 term then expiring. The person so elected to the unexpired term
259 shall take office immediately. The appointee shall be selected
260 from the qualified electors of the district in which the vacancy
261 occurs.

262 (2) All school districts reconstituted and created under the
263 provisions of Article 3 of this chapter, which embrace territory
264 in two (2) or more counties, but not including municipal separate
265 school districts, shall be governed by a board of five (5)
266 trustees. In making the original appointments, the several county
267 boards of education shall appoint the trustee or trustees to which
268 the territory in such county is entitled, and, by agreement
269 between the county boards concerned, one (1) person shall be
270 appointed to serve until the first Saturday of March following,
271 one (1) for one (1) year longer, one (1) for two (2) years longer,
272 one (1) for three (3) years longer and one (1) for four (4) years
273 longer. Thereafter, such trustees shall be elected in the manner
274 provided for in this section and Section 37-7-225, for a term of
275 four (4) years. The five (5) members of the board of trustees of
276 such Line Consolidated School District shall be elected from
277 special trustee election districts by the qualified electors
278 thereof, as herein provided. The existing board of trustees of
279 such Line Consolidated School District shall apportion the Line
280 Consolidated School District into five (5) special trustee
281 election districts. The board of trustees shall place upon its
282 minutes the boundaries determined for the new five (5) trustee
283 election districts. The board of trustees shall thereafter

284 publish the same in a newspaper of general circulation within the
285 school district for at least three (3) consecutive weeks; and
286 after having given notice of publication and recording the same
287 upon the minutes of the board of trustees, the new district lines
288 shall thereafter be effective. Provided, however, that in any
289 Line Consolidated School District encompassing two (2) or more
290 counties created pursuant to Laws, 1953, Extraordinary Session,
291 Chapter 12, Section 8, in which, as a condition precedent to the
292 creation of said district, each county belonging thereto was
293 contractually guaranteed to always have at least one (1)
294 representative on said board, in order that said condition
295 precedent may be honored and guaranteed, in any year in which the
296 board of trustees of such Line Consolidated School District does
297 not have at least one (1) member from each county or part thereof
298 forming such district, the board of trustees in such district
299 shall be governed by a board of a sufficient number of trustees to
300 fulfill this guarantee, five (5) of whom shall be elected from the
301 five (5) special trustee election districts which shall be as
302 nearly equal as possible and one (1) member trustee appointed at
303 large from each county not having representation on the elected
304 board. In such cases, the board of supervisors of each county
305 shall make written agreement to guarantee the manner of
306 appointment of at least one (1) representative from each county in
307 the district, placing such written agreement on the minutes of
308 each board of supervisors in each county.

309 On the first Tuesday after the first Monday in November 2007
310 and every four (4) years thereafter, in each Line Consolidated
311 School District * * * an election shall be held in the same manner
312 and at the same time as general state and county elections are
313 held and conducted, for the purpose of electing the board of
314 trustees of such district. At the election, the members of
315 the * * * board * * * shall be elected for a term of four (4)
316 years. However, in order to provide for an orderly transition,

317 the term of each member of the board serving on the date that
318 Senate Bill No. 2541, 2005 Regular Session, becomes effective that
319 otherwise would expire after the first Monday in January 2008,
320 shall expire on the first Monday of January 2008. Each member of
321 the board whose term expires after the first Monday of January
322 2005 but before the first Monday of January 2008 shall continue to
323 serve for the remainder of the unexpired term, at which time the
324 vacancy shall be filled in the manner provided in this paragraph.
325 All members of the * * * board of trustees shall take office on
326 the first Monday of January following the date of their election.
327 In all elections, the trustee elected shall be a resident and
328 qualified elector of the district entitled to the representation
329 upon the board, and he shall be elected only by the qualified
330 electors of such district. All vacancies which may occur during a
331 term of office shall be filled by appointment of the consolidated
332 line school district trustees, but the person so appointed shall
333 serve only until the next general election following such
334 appointment, at which time a person shall be elected for the
335 remainder of the unexpired term at the same time and in the same
336 manner as the trustee is elected for the full term then expiring.
337 The person so elected to the unexpired term shall take office
338 immediately.

339 **SECTION 5.** Section 37-7-211, Mississippi Code of 1972, is
340 amended as follows:

341 37-7-211. Any person otherwise eligible under the provisions
342 of subsection (1) of Section 37-7-203 who shall desire to be a
343 candidate for the office of trustee must qualify in the following
344 manner in order to be allowed to be considered for election. By
345 5:00 p.m. at least forty (40) days before the election he shall
346 file with the office of the superintendent of the municipal
347 separate school district, or the special municipal separate school
348 district, as the case may be, a petition signed by not less than
349 fifty (50) qualified electors of the area represented by the

350 office which he seeks, either for a full term or an unexpired
351 term, as the case may be, and an affidavit by the candidate
352 offering for election stating his qualifications under the terms
353 of said sections. Where there are less than one hundred (100)
354 qualified electors in said area represented by the trustee, it
355 shall only be required that said petition of nomination be signed
356 by at least twenty percent (20%) of the qualified electors in said
357 area. The petition shall contain an affidavit certifying that all
358 signatures are the personal signatures of each person whose name
359 appears on the petition and that each person is a qualified
360 elector.

361 Unless the petition and affidavit required above shall be
362 filed by 5:00 p.m. not less than forty (40) days prior to the
363 election, the name of the candidate shall not be considered in the
364 election, and votes cast for any person who has failed to qualify
365 shall not be counted in the election.

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

371 **SECTION 6.** Section 37-7-703, Mississippi Code of 1972, is
372 amended as follows:

373 37-7-703. The boards of trustees of all * * * special
374 municipal separate school districts which embrace the entire
375 county regardless of whether a majority of the inhabitants of the
376 county reside within or outside the corporate limits of the
377 municipality, shall consist of five (5) members. On the first
378 Tuesday after the first Monday in November 2007 and every four (4)
379 years thereafter, an election shall be held in the same manner and
380 at the same time as general state and county elections are held
381 and conducted, for the purpose of electing the members of the
382 boards of trustees in all special municipal separate school

383 districts that embrace the entire county. All members of the
384 boards of trustees of special municipal separate school districts
385 as constituted in this section shall take office on the first
386 Monday of January following the date of their election and shall
387 serve for a term of four (4) years. Vacancies in the membership
388 of the board of trustees of any special municipal separate school
389 district shall be filled in the manner provided in subsection (2)
390 of Section 37-7-203. The five (5) members of the board of
391 trustees shall be elected from trustee election districts by the
392 qualified electors of the district, as provided in this section.
393 The governing authorities of the municipality shall apportion the
394 municipal separate school district, including added territory,
395 into five (5) trustee election districts as nearly equal as
396 possible according to population, incumbency and other factors
397 pronounced by the courts before the effective date of Senate Bill
398 No. 2541, 2005 Regular Session. The municipal governing
399 authorities shall place upon their minutes the boundaries
400 determined for the new five (5) trustee election districts. The
401 municipal governing authorities shall thereafter publish the same
402 in a newspaper having general circulation within the school
403 district for at least three (3) consecutive weeks; and after
404 having given notice of publication and recording the same upon the
405 minutes of the municipal governing authorities, the new district
406 lines shall be effective thereafter. The term of each incumbent
407 trustee serving on the date that Senate Bill No. 2541, 2005
408 Regular Session, becomes effective that otherwise would expire
409 after the first Monday of January 2008, shall expire on the first
410 Monday of January 2008. Each incumbent trustee whose term expires
411 after the first Monday of January 2005 but before the first Monday
412 of January 2008 shall continue to serve for the remainder of the
413 unexpired term, at which time the vacancy shall be filled in the
414 manner provided in subsection (2) of Section 37-7-203.

415 **SECTION 7.** Section 37-7-711, Mississippi Code of 1972, is
416 amended as follows:

417 37-7-711. In all such special municipal separate school
418 districts which may be so organized, reorganized or reconstituted
419 to embrace the entire county in which the majority of the
420 inhabitants of the county reside outside the corporate limits of
421 the municipality or less than the entire county, the name of any
422 qualified elector who is a candidate for the board of trustees of
423 such special municipal separate school district, whether such
424 person be a candidate for an unexpired term or for a full term,
425 shall be placed on the ballot used in the elections, provided that
426 the candidate files with the county election commissioners, not
427 more than ninety days and not less than thirty days prior to the
428 date of such general election, a petition of nomination signed by
429 not less than fifty (50) qualified electors of the trustee
430 election district. Where there are less than one hundred (100)
431 qualified electors in the trustee election district, it shall only
432 be required that such petition of nomination be signed by at least
433 twenty percent (20%) of the qualified electors of the trustee
434 election district. The candidate in each election who receives
435 the highest number of votes cast in the election shall be declared
436 to have been elected.

437 **SECTION 8.** Section 37-7-713, Mississippi Code of 1972, is
438 amended as follows:

439 37-7-713. (1) In all special municipal separate school
440 districts where the district embraces less than the entire area of
441 the county and where the majority of the educable children of such
442 district reside outside the limits of the municipality, * * *
443 the * * * special municipal separate school district shall be
444 governed by a board of trustees consisting of five (5) members, to
445 be elected by the qualified electors of such municipal separate
446 school district * * * in the manner provided by this section. On
447 the first Tuesday after the first Monday in June 2005, and every

448 four (4) years thereafter, an election shall be held in each
449 special municipal separate school district as constituted in this
450 section, in the same manner and at the same time as the regular
451 municipal elections are held and conducted, for the purpose of
452 electing the members of the boards of trustees established under
453 the provisions of this section. All members of the boards of
454 trustees as constituted in this section shall take office on the
455 first Monday of July following the date of their election and
456 shall serve for a term of four (4) years. The five (5) members of
457 the board of trustees shall be elected from trustee election
458 districts by the qualified electors of the district, as provided
459 in this section. The governing authorities of the municipality
460 shall apportion the special municipal separate school district
461 into five (5) special trustee election districts as nearly equal
462 as possible according to population, incumbency and other factors
463 pronounced by the courts before the effective date of Senate Bill
464 No. 2541, 2005 Regular Session. The municipal governing
465 authorities shall place upon their minutes the boundaries
466 determined for the new five (5) trustee election districts. The
467 municipal governing authorities shall thereafter publish the same
468 in a newspaper having general circulation within the school
469 district for at least three (3) consecutive weeks; and after
470 having given notice of publication and recording the same upon the
471 minutes of the municipal governing authorities, the new district
472 lines shall be effective thereafter. The term of each incumbent
473 trustee serving on the date that Senate Bill No. 2541, 2005
474 Regular Session, becomes effective that otherwise would expire
475 after the first Monday of July 2005, shall expire on the first
476 Monday of July 2005. Each incumbent trustee whose term expires
477 after the effective date of Senate Bill No. 2541, 2005 Regular
478 Session, but before the first Monday of July 2005 shall continue
479 to serve for the remainder of the unexpired term, at which time

480 the vacancy shall be filled in the manner provided by subsection
481 (2) of Section 37-7-203.

482 (2) Vacancies in the membership of the board of trustees of
483 any special municipal separate school district as constituted in
484 this section shall be filled in the manner provided by subsection
485 (2) of Section 37-7-203.

486 **SECTION 9.** Sections 37-7-204, 37-7-209, 37-7-213, 37-7-215,
487 37-7-217 and 37-7-219, Mississippi Code of 1972, which provide
488 certain methods for electing trustees of municipal separate school
489 districts from added territory, are repealed.

490 **SECTION 10.** Sections 37-7-221, 37-7-223, 37-7-227 and
491 37-7-229, Mississippi Code of 1972, which provide certain methods
492 for electing trustees of consolidated and Line Consolidated School
493 Districts, are repealed.

494 **SECTION 11.** Sections 37-7-705, 37-7-707, 37-7-709, 37-7-715
495 and 37-7-717, Mississippi Code of 1972, which provide certain
496 methods for selecting trustees of special municipal separate
497 school districts, are repealed.

498 **SECTION 12.** Section 37-9-13, Mississippi Code of 1972, is
499 amended as follows:

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

501 37-9-13. Each school district shall have a superintendent of
502 schools, selected in the manner provided by law. No person shall
503 be eligible to the office of superintendent of schools unless such
504 person shall hold a valid administrator's license issued by the
505 State Department of Education and shall have had not less than
506 four (4) years of classroom or administrative experience.

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

509 37-9-13. (1) In all public school districts, except in
510 countywide school districts wherein the incumbent county
511 superintendent of education chooses to seek reelection, the school
512 board shall appoint the superintendent of schools of such

513 district. Any county superintendent of education serving on July
514 1, 2007, may choose to seek reelection, and if he is reelected in
515 the manner provided by law, the office of county superintendent of
516 education shall remain an elective office in such county until the
517 incumbent vacates the office or is not reelected. If the
518 incumbent vacates the office prior to the expiration of the term,
519 the office of superintendent shall become an appointed office
520 beginning immediately. If the incumbent is not reelected, the
521 office of superintendent shall become an appointed office at the
522 end of the four-year term of the person who was elected.

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

528 **SECTION 13.** Section 37-5-61, Mississippi Code of 1972, is
529 amended as follows:

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

533 37-5-61. (1) There shall be a county superintendent of
534 education in each county.

535 (2) Said superintendent shall serve as the executive
536 secretary of the county board of education, but shall have no vote
537 in the proceedings before the board and no voice in fixing the
538 policies thereof.

539 (3) In addition, said superintendent shall be the director
540 of all schools in the county outside the municipal separate school
541 districts.

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

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

548 **SECTION 14.** Section 37-5-71, Mississippi Code of 1972, is
549 amended as follows:

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

553 37-5-71. (1) The county superintendents of education shall
554 be elected in the manner prescribed by the provisions of this
555 chapter, unless such office be made appointive as provided in this
556 chapter, in which case the county superintendent shall be
557 appointed by the county board of education or by the trustees of a
558 separate school district embracing an entire county with a
559 population of fifteen thousand (15,000) or less, as provided in
560 subsection (2) of Section 37-7-203. In all cases he shall have
561 such qualifications as prescribed by Section 37-9-13 and receive
562 such compensation as established under Section 37-9-37.

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

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

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

576 (c) In all counties of the first class which have a
577 population, according to the 1960 federal decennial census, in

578 excess of forty-six thousand (46,000) and less than forty-seven
579 thousand (47,000), and having located therein the Mississippi
580 University for Women;

581 (d) In any county bordering on the Mississippi Sound
582 and having a population in excess of one hundred thousand
583 (100,000), according to the 1960 federal decennial census, and
584 having an assessed valuation in excess of Seventy Million Dollars
585 (\$70,000,000.00);

586 (e) In any county having a population in excess of
587 eight thousand (8,000) and less than nine thousand (9,000), and
588 having an assessed valuation in excess of Five Million Dollars
589 (\$5,000,000.00) but less than Six Million Dollars (\$6,000,000.00)
590 in 1960;

591 (f) In any county having a population in excess of
592 twenty-two thousand (22,000) and less than twenty-three thousand
593 (23,000) in 1960, and having a total assessed valuation in excess
594 of Thirteen Million Dollars (\$13,000,000.00) in 1960;

595 (g) In any county having a population in excess of
596 fifty-nine thousand (59,000) but less than sixty thousand
597 (60,000), according to the 1960 federal decennial census;

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

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

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

609 (k) In any county having a municipal separate school
610 district lying therein, having a population in excess of

611 twenty-one thousand (21,000) but less than twenty-one thousand
612 five hundred (21,500), according to the 1960 decennial census, and
613 having a combined assessed valuation in 1963 in excess of Sixteen
614 Million Nine Hundred Thousand Dollars (\$16,900,000.00) but less
615 than Seventeen Million Dollars (\$17,000,000.00) according to the
616 State Tax Commission's compilation;

617 (l) In any county where Mississippi Highway 15 crosses
618 Mississippi Highway 16, whose population was more than twenty
619 thousand (20,000) and less than twenty-one thousand (21,000),
620 according to the regular 1960 census, and within which there is
621 located a Choctaw Indian reservation and school operated by the
622 United States government;

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

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

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

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

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

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

643 In any such county, however, the county superintendent of
644 education may be a resident of a municipal separate school
645 district or special municipal separate school district.

646 (3) The qualified electors residing within the municipal
647 separate school districts shall not participate in the election of
648 the county superintendent of education:

649 (a) In any county having a population of more than
650 twenty-seven thousand (27,000) and less than twenty-eight thousand
651 (28,000) and containing therein a municipality having a population
652 in excess of three thousand (3,000), according to the 1960 federal
653 decennial census;

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

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

660 (d) In any Class 2 county, the southern boundary of
661 which partially borders on the State of Louisiana, traversed by
662 U.S. Highway 98 which intersects Mississippi Highway 13, with a
663 land area of five hundred fifty (550) square miles and having a
664 population of twenty-three thousand two hundred ninety-three
665 (23,293) in the 1960 federal decennial census;

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

669 (f) In any county having a population in excess of
670 twenty-seven thousand one hundred seventy-nine (27,179) according
671 to the 1970 federal decennial census, wherein U.S. Highways 45 and
672 72 intersect; and

673 (g) In any Class 1 county bordering on the Pearl River
674 in which U.S. Highway 80 intersects Mississippi Highway 18 and

675 having a population, according to the federal decennial census of
676 1970, of forty-three thousand nine hundred thirty-three (43,933).

677 (4) The county superintendent of education, with the
678 approval of the county board of education by its first having
679 adopted a resolution of approval and spread upon its minutes,
680 shall be elected from the county at large, exclusive of the
681 municipal separate school district boundaries:

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

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

689 (c) In any county having a population in excess of
690 seventeen thousand (17,000) and less than eighteen thousand
691 (18,000), according to the 1970 federal decennial census, wherein
692 Mississippi Highways 6 and 9 intersect.

693 (5) In any county having a municipality of between
694 forty-nine thousand (49,000) and fifty thousand (50,000)
695 population according to the 1960 federal census, and adjoining the
696 Alabama line, wherein U.S. Highways 80 and 45 intersect, the
697 qualified electors residing within any municipal separate school
698 district shall not participate in the election of the county
699 superintendent of education, and such county superintendent of
700 education shall not be a resident of a municipal separate school
701 district.

702 (6) In any county traversed by the Natchez Trace Parkway
703 wherein U.S. Highway 45 and Mississippi Highway 4 intersect and
704 having a population of seventeen thousand nine hundred forty-nine
705 (17,949) according to the 1960 federal census, the qualified
706 electors residing within any municipal separate school district
707 shall not participate in the election of the county superintendent

708 of education, and such county superintendent of education shall
709 not be a resident of a municipal separate school district.

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

713 **SECTION 15.** Section 37-9-25, Mississippi Code of 1972, is
714 amended as follows:

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

716 37-9-25. (1) The school board shall have the power and
717 authority, in its discretion, to employ the superintendent, unless
718 such superintendent is elected, for not exceeding four (4)
719 scholastic years and the principals or licensed employees for not
720 exceeding three (3) scholastic years. In such case, contracts
721 shall be entered into with such superintendents, principals and
722 licensed employees for the number of years for which they have
723 been employed. All such contracts with licensed employees shall
724 for the years after the first year thereof be subject to the
725 contingency that the licensed employee may be released if, during
726 the life of the contract, the average daily attendance should
727 decrease from that existing during the previous year and thus
728 necessitate a reduction in the number of licensed employees during
729 any year after the first year of the contract. However, in all
730 such cases the licensed employee must be released before July 1 or
731 at least thirty (30) days prior to the beginning of the school
732 term, whichever date should occur earlier. The salary to be paid
733 for the years after the first year of such contract shall be
734 subject to revision, either upward or downward, in the event of an
735 increase or decrease in the funds available for the payment
736 thereof, but, unless such salary is revised prior to the beginning
737 of a school year, it shall remain for such school year at the
738 amount fixed in such contract. However, where school district
739 funds, other than minimum education program funds, are available
740 during the school year in excess of the amount anticipated at the

741 beginning of the school year the salary to be paid for such year
742 may be increased to the extent that such additional funds are
743 available and nothing herein shall be construed to prohibit same.

744 (2) From and after July 1, 2005, no salary of an elected or
745 appointed superintendent may be increased without the written
746 approval of the State Board of Education, spread upon its minutes.
747 The State Board of Education shall develop guidelines for setting
748 the salaries of school superintendents based upon the size of the
749 student population and staff.

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

752 37-9-25. (1) The school board shall have the power and
753 authority, in its discretion, to employ the superintendent * * *
754 for not exceeding four (4) scholastic years and the principals or
755 licensed employees for not exceeding three (3) scholastic years.
756 In such case, contracts shall be entered into with such
757 superintendents, principals and licensed employees for the number
758 of years for which they have been employed. All such contracts
759 with licensed employees shall for the years after the first year
760 thereof be subject to the contingency that the licensed employee
761 may be released if, during the life of the contract, the average
762 daily attendance should decrease from that existing during the
763 previous year and thus necessitate a reduction in the number of
764 licensed employees during any year after the first year of the
765 contract. However, in all such cases the licensed employee must
766 be released before July 1 or at least thirty (30) days prior to
767 the beginning of the school term, whichever date should occur
768 earlier. The salary to be paid for the years after the first year
769 of such contract shall be subject to revision, either upward or
770 downward, in the event of an increase or decrease in the funds
771 available for the payment thereof, but, unless such salary is
772 revised prior to the beginning of a school year, it shall remain
773 for such school year at the amount fixed in such contract.

774 However, where school district funds, other than minimum education
775 program funds, are available during the school year in excess of
776 the amount anticipated at the beginning of the school year the
777 salary to be paid for such year may be increased to the extent
778 that such additional funds are available and nothing herein shall
779 be construed to prohibit same.

780 (2) From and after July 1, 2005, no salary of an appointed
781 superintendent may be increased without the written approval of
782 the State Board of Education, spread upon its minutes. The State
783 Board of Education shall develop guidelines for setting the
784 salaries of school superintendents based upon the size of the
785 student population and staff.

786 **SECTION 16.** Section 37-9-12, Mississippi Code of 1972, which
787 provides for a referendum on the question of retaining the
788 elective method of choosing the county superintendent of
789 education, is hereby repealed.

790 **SECTION 17.** Sections 37-5-63, 37-5-65, 37-5-67 and 37-5-69,
791 Mississippi Code of 1972, which provide for the election of county
792 superintendents of education, are hereby repealed.

793 **SECTION 18.** The following shall be codified as Section
794 37-7-104, Mississippi Code of 1972:

795 37-7-104. (1) **Definitions.** As used in this section:

796 (a) "Administrative annexation" means the joining of an
797 affected school district or a part of the school district with a
798 receiving district;

799 (b) "Administrative consolidation" means the joining of
800 two (2) or more school districts to create a new single school
801 district with one (1) administrative unit and one (1) school board
802 that is not required to close school facilities;

803 (c) "Affected district" means a school district that
804 loses territory or students as a result of administrative
805 annexation or consolidation;

806 (d) (i) "Average daily attendance" means the total
807 number of days attended plus the total number of days absent by
808 students in grades kindergarten through twelve (K-12) during the
809 first three (3) quarters of each school year divided by the number
810 of school days actually taught in the district during that period
811 of time rounded up to the nearest hundredth;

812 (ii) Students who may be counted for average daily
813 membership are:

814 1. Students who reside within the boundaries
815 of the school district and who are enrolled in a public school
816 operated by the district or a private school for special education
817 students, with their attendance resulting from a written tuition
818 agreement approved by the State Department of Education;

819 2. Legally transferred students living
820 outside the district but attending a public school in the
821 district; and

822 3. Students who reside within the boundaries
823 of the school district and who are enrolled in the Mississippi
824 National Guard Youth Challenge Program, so long as the students
825 are participants in the program;

826 (e) "Consolidated average daily membership" means the
827 sum of the average daily attendance for each school district
828 included in a consolidation;

829 (f) "National school lunch students" means those
830 students from low socio-economic backgrounds as indicated by the
831 eligibility for free or reduced-priced meals under the National
832 School Lunch Act as calculated on October 1 of each year and
833 submitted to the State Department of Education;

834 (g) "Receiving district" means a school district or
835 districts that receive territory, students or both, from an
836 affected district as a result of administrative annexation; and

837 (h) "Resulting district" means the new school district
838 created from an affected district or districts as a result of
839 administrative consolidation.

840 (2) **Administrative consolidation list.** By February 1, 2006,
841 and each February 1 thereafter, the State Department of Education
842 shall publish a consolidation list that includes all school
843 districts with fewer than six hundred (600) students according to
844 the district's average daily membership in each of the two (2)
845 school years immediately preceding the current school year.

846 (3) **Administrative reorganization.**

847 (a) (i) Any school district included in the State
848 Department of Education's consolidation list pursuant to
849 subsection (2) may voluntarily agree to administratively
850 consolidate with or be annexed to another district or districts in
851 accordance with the requirements and limitations of this section.

852 (ii) 1. Any school district on the consolidation
853 list choosing to voluntarily administratively consolidate or annex
854 shall submit a petition for approval to the State Board of
855 Education by April 1 immediately following publication of the list
856 and shall set forth the terms of the administrative consolidation
857 or annexation agreement in the plan.

858 2. If the petition is approved by the State
859 Board of Education, the administrative consolidation or annexation
860 shall be completed by June 1, to be effective on the July 1
861 immediately following the publication of the list required under
862 subsection (2).

863 (iii) Any school district on the consolidation
864 list that does not submit a petition pursuant to subsection
865 (3)(a)(ii)1 or that does not receive approval by the State Board
866 of Education for a voluntary consolidation or annexation petition
867 shall be administratively consolidated by the State Board of
868 Education with or into one or more school districts by June 1, to

869 be effective on the July 1 immediately following the publication
870 of the list required under subsection (2).

871 (iv) The State Board of Education shall promptly
872 consider petitions or move on its own motion to administratively
873 consolidate a school district on the consolidation list in order
874 to enable the affected school districts to reasonably accomplish
875 any resulting administrative consolidation or annexation by July 1
876 immediately following the publication of the list required under
877 subsection (2).

878 (v) The State Board of Education shall not deny
879 the petition for voluntary administrative consolidation or
880 annexation of any two (2) or more school districts unless:

881 1. The provisions contained in the articles
882 of administrative consolidation or annexation would violate state
883 or federal law; or

884 2. The voluntary consolidation or annexation
885 would not contribute to the betterment of the education of
886 students in the districts.

887 (b) Any school district required to be administratively
888 consolidated under this section shall be administratively
889 consolidated in such a manner as to create a resulting district
890 with an average daily membership meeting or exceeding six hundred
891 (600).

892 (c) All administrative consolidations or annexations
893 under this section shall be accomplished so as not to create a
894 school district that hampers, delays or in any manner negatively
895 affects the desegregation of another school district in this
896 state.

897 (d) In the administratively consolidated or annexed
898 school districts created under this section, the ad valorem tax
899 rate shall be determined as set forth under Section 31-57-1 et
900 seq.

901 (e) Nothing in this section shall be construed to
902 require the closing of any school or school facility.

903 (f) No administratively consolidated or annexed school
904 district shall have more than one (1) superintendent.

905 (g) No school district administratively consolidated
906 with a school district designated by the State Board of Education
907 as being in academic or fiscal distress shall be subject to
908 academic or fiscal distress sanctions for a period of three (3)
909 years from the effective date of consolidation unless:

910 (i) The school district fails to meet minimum
911 teacher salary requirements; or

912 (ii) The school district fails to comply with the
913 Standards for Accreditation of Mississippi Public Schools issued
914 by the State Department of Education.

915 (h) Noncontiguous school districts may voluntarily
916 consolidate if:

917 (i) 1. The facilities and physical plant of each
918 school district are within the same county; and

919 2. The State Board of Education approves the
920 administrative consolidation; or

921 (ii) 1. The facilities and physical plant of each
922 school district are not within the same county; and

923 2. The State Board of Education approves the
924 administrative consolidation or annexation and finds that:

925 a. The consolidation or annexation will
926 result in the overall improvement in the educational benefit to
927 students in all of the school districts involved; or

928 b. The consolidation or annexation will
929 provide a significant advantage in transportation costs or service
930 to all of the school districts involved.

931 (i) Contiguous districts may administratively
932 consolidate even if they are not in the same county.

933 (j) The State Board of Education shall promulgate rules
934 to facilitate the administration of this section.

935 (4) **Administrative consolidation assistance funds.**

936 (a) The state shall pay administrative consolidation
937 assistance funds to each school district that:

938 (i) Is administratively consolidated or annexed by
939 the State Board of Education under this section by July 1, 2006;

940 or

941 (ii) 1. Has an average daily membership of at
942 least six hundred (600) and no more than seven hundred fifty (750)
943 for each of the two (2) school years preceding the school year in
944 which the administrative consolidation or annexation petition is
945 filed; and

946 2. Voluntarily petitions and receives
947 approval from the State Board of Education to administratively
948 consolidate or annex prior to July 1, 2006.

949 (b) Administrative consolidation assistance funds shall
950 be paid in an amount equal to:

951 (i) Eight Hundred Dollars (\$800.00) multiplied
952 times the consolidated average daily membership; plus

953 (ii) Seven Hundred Dollars (\$700.00) multiplied
954 times the consolidated national school lunch student total.

955 (c) (i) Administrative consolidation assistance funds
956 may be used by the school districts for any purpose.

957 (ii) However, the State Board of Education by rule
958 may require funds to be expended on the construction or
959 improvement of school facilities.

960 (d) The funds shall be paid to the resulting
961 administratively consolidated or annexed school districts during
962 the first year of the consolidated or annexed district's
963 existence.

964 (5) **Charter schools.** The provisions of this section shall
965 not apply to charter schools in existence on the effective date of
966 this act or to schools achieving charter status by June 1, 2006.

967 **SECTION 19.** The Attorney General of the State of Mississippi
968 shall submit this act, immediately upon approval by the Governor,
969 or upon approval by the Legislature subsequent to a veto, to the
970 Attorney General of the United States or to the United States
971 District Court for the District of Columbia in accordance with the
972 provisions of the Voting Rights Act of 1965, as amended and
973 extended.

974 **SECTION 20.** This act shall take effect and be in force from
975 and after the date it is effectuated under Section 5 of the Voting
976 Rights Act of 1965, as amended and extended.