

By: Representative Brown

To: Education

## HOUSE BILL NO. 1247

1 AN ACT TO AMEND SECTIONS 37-5-1, 37-7-201 AND 37-7-203,  
2 MISSISSIPPI CODE OF 1972, TO PROHIBIT A PERSON FROM BEING ELECTED  
3 OR APPOINTED TO A SCHOOL BOARD IF THE PERSON IS THE SUPERINTENDENT  
4 OF ANOTHER SCHOOL DISTRICT; TO AMEND SECTION 37-9-13, MISSISSIPPI  
5 CODE OF 1972, TO PROHIBIT A PERSON FROM HOLDING THE OFFICE OF  
6 SUPERINTENDENT OF A SCHOOL DISTRICT IF THE PERSON IS A MEMBER OF  
7 THE SCHOOL BOARD OF ANOTHER SCHOOL DISTRICT; AND FOR RELATED  
8 PURPOSES.

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

10 **SECTION 1.** Section 37-5-1, Mississippi Code of 1972, is  
11 amended as follows:

12 37-5-1. (1) There is hereby established a county board of  
13 education in each county of the State of Mississippi. Said county  
14 board of education shall consist of five (5) members, one (1) of  
15 which, subject to the further provisions of this chapter and  
16 except as is otherwise provided in Section 37-5-1(2), shall be  
17 elected by the qualified electors of each board of education  
18 district of the county. Except as is otherwise provided in  
19 Section 37-5-3, each member so elected shall be a resident and  
20 qualified elector of the district from which he is elected. No  
21 person who is the superintendent of another school district is  
22 eligible to be a member of the county board of education.

23 (2) The county board of education shall apportion the county  
24 school district into five (5) single member board of education  
25 districts. The county board of education shall place upon its  
26 minutes the boundaries determined for the new five (5) board of  
27 education districts. The board of education of said county shall  
28 thereafter publish the same in some newspaper of general  
29 circulation within said county for at least three (3) consecutive  
30 weeks and after having given notice of publication and recording

31 the same upon the minutes of the board of education of said  
32 county, said new district lines will thereafter be effective. The  
33 board of education of said county shall reapportion the board of  
34 education districts in accordance with the procedure described  
35 herein for the original apportionment of districts as soon as  
36 practicable after the results of the 2000 decennial census are  
37 published and as soon as practicable after every decennial census  
38 thereafter.

39 (3) In counties where the office of "administrative  
40 superintendent" as defined in Section 37-6-3, Mississippi Code of  
41 1972, has been abolished, there shall be no county board of  
42 education.

43 **SECTION 2.** Section 37-7-201, Mississippi Code of 1972, is  
44 amended as follows:

45 37-7-201. In order for a person to be eligible to hold the  
46 office of trustee of any school district, such person must be a  
47 bona fide resident and a qualified elector of such school  
48 district, and, in the case of a school district lying in two (2)  
49 or more counties, but not including municipal separate school  
50 districts, such person must be a bona fide resident and a  
51 qualified elector of the territory entitled to such representation  
52 on the board. No person is eligible to hold the office of trustee  
53 of any school district if he or she is the superintendent of  
54 another school district.

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

57 37-7-203. (1) The boards of trustees of all municipal  
58 separate school districts created under the provisions of Article  
59 1 of this chapter, either with or without added territory, shall  
60 consist of five (5) members, each to be chosen for a term of five  
61 (5) years, but so chosen that the term of office of one (1) member  
62 shall expire each year. In the event the added territory of a  
63 municipal separate school district furnishes fifteen percent (15%)

64 or more of the pupils enrolled in the schools of such district,  
65 then at least one (1) member of the board of trustees of such  
66 school district shall be a resident of the added territory outside  
67 the corporate limits. In the event the added territory of a  
68 municipal separate school district furnishes thirty percent (30%)  
69 or more of the pupils enrolled in the schools of such district,  
70 then not more than two (2) members of the board of trustees of  
71 such school district shall be residents of the added territory  
72 outside the corporate limits. In the event the added territory of  
73 a municipal separate school district in a county in which  
74 Mississippi Highways 8 and 15 intersect furnishes thirty percent  
75 (30%) or more of the pupils enrolled in the schools of such  
76 district, then the five (5) members of the board of trustees of  
77 such school district shall be elected at large from such school  
78 district for a term of five (5) years each except that the two (2)  
79 elected trustees presently serving on such board shall continue to  
80 serve for their respective terms of office. The three (3)  
81 appointed trustees presently serving on such board shall continue  
82 to serve until their successors are elected in March of 1975 in  
83 the manner provided for in Section 37-7-215. At such election,  
84 one (1) trustee shall be elected for a term of two (2) years, one  
85 (1) for a term of three (3) years and one (1) for a term of five  
86 (5) years. Subsequent terms for each successor trustee shall be  
87 for five (5) years. In the event one (1) of two (2) municipal  
88 separate school districts located in any county with two (2)  
89 judicial districts, District 1 being comprised of Supervisors  
90 Districts 1, 2, 4 and 5, and District 2 being comprised of  
91 Supervisors District 3, with added territory embraces three (3)  
92 full supervisors districts of a county, one (1) trustee shall be  
93 elected from each of the three (3) supervisors districts outside  
94 the corporate limits of the municipality. In the further event  
95 that the territory of a municipal separate school district located  
96 in any county with two (2) judicial districts, District 1 being

97 comprised of Supervisors Districts 1, 2, 4 and 5, and District 2  
98 being comprised of Supervisors District 3, with added territory  
99 embraces four (4) full supervisors districts in the county, and in  
100 any county in which a municipal separate school district embraces  
101 the entire county in which Highways 14 and 15 intersect, one (1)  
102 trustee shall be elected from each supervisors district.

103       Except as otherwise provided herein, the trustees of such a  
104 municipal separate school district shall be elected by a majority  
105 of the governing authorities of the municipality at the first  
106 meeting of the governing authorities held in the month of February  
107 of each year, and the term of office of the member so elected  
108 shall commence on the first Saturday of March following. In the  
109 case of a member of said board of trustees who is required to come  
110 from the added territory outside the corporate limits as is above  
111 provided, such member of the board of trustees shall be elected by  
112 the qualified electors of the school district residing in such  
113 added territory outside the corporate limits at the same time and  
114 in the same manner as is otherwise provided in this article for  
115 the election of trustees of school districts other than municipal  
116 separate school districts.

117       In the event that a portion of a county school district is  
118 reconstituted, in the manner provided by law, into a municipal  
119 separate school district with added territory and in the event  
120 that the trustees to be elected from the added territory are  
121 requested to be elected from separate election districts within  
122 the added territory, instead of elected at large, by the Attorney  
123 General of the United States as a result of and pursuant to  
124 preclearance under Section 5 of the Voting Rights Act of 1965 as  
125 amended and extended, and in the event the added territory of a  
126 municipal separate school district of a municipality furnishes  
127 thirty percent (30%) or more of the pupils enrolled in the schools  
128 of such district, then two (2) members of the board of trustees  
129 shall be residents of the added territory outside the corporate

130 limits of such municipality and shall be elected from special  
131 trustee election districts by the qualified electors thereof as  
132 herein provided. The board of trustees of the school district  
133 shall apportion the added territory into two (2) special trustee  
134 election districts as nearly as possible according to population  
135 and other factors heretofore pronounced by the courts. The board  
136 of trustees of the school district shall thereafter publish the  
137 same in a newspaper of general circulation within said school  
138 district for at least two (2) consecutive weeks; and after having  
139 given notice of publication and recording the same upon the  
140 minutes of the board of trustees of the school district, said new  
141 district lines shall thereafter be effective. Any person elected  
142 from the new trustee election districts constituted herein shall  
143 be elected in the manner provided for in Section 37-7-215 for a  
144 term of five (5) years. Any vacancy in the office of a trustee  
145 elected from such trustee election district, whether occasioned by  
146 redistricting or by other cause, shall be filled by appointment of  
147 the governing authorities of the municipality, provided that the  
148 person so appointed shall serve only until the first Saturday of  
149 March following his appointment, at which time a person shall be  
150 elected for the remainder of the unexpired term in the manner  
151 provided in Section 37-7-215.

152 In any county organizing a countywide municipal separate  
153 school district after January 1, 1965, the trustees thereof to be  
154 elected from outside the municipality, such trustees shall be  
155 elected by the board of supervisors of such county, and the  
156 superintendent of such school district shall have authority to pay  
157 out and distribute the funds of said district. In the event a  
158 municipal separate school district should occupy territory in a  
159 county other than that in which the municipality is located and  
160 fifteen percent (15%) or more of the pupils enrolled in the  
161 schools of such district shall come from the territory of the  
162 district in the county other than that in which the municipality

163 is located, the territory of such county in which the municipality  
164 is not located shall be entitled to one (1) member on the board of  
165 trustees of such school district. Said trustee shall be a  
166 resident of the territory of that part of the district lying in  
167 the county in which the municipality is not located and shall be  
168 elected by the qualified electors of the territory of such county  
169 at the same time and in the same manner as is provided for the  
170 election of trustees of school districts other than municipal  
171 separate school districts having territory in two (2) or more  
172 counties.

173 All vacancies shall be filled for the unexpired terms by  
174 appointment of the governing authorities of the municipality;  
175 except that in the case of the trustees coming from the added  
176 territory outside the corporate limits, the person so appointed  
177 shall serve only until the first Saturday of March following his  
178 appointment, at which time a person shall be elected for the  
179 remainder of the unexpired term in the manner otherwise provided  
180 herein.

181 No person who is a member of such governing body, or who is  
182 an employee of the municipality, or who is a member of the county  
183 board of education, or who is a trustee of any public, private or  
184 sectarian school or college located in the county, inclusive of  
185 the municipal separate school district, or who is the  
186 superintendent of another school district, or who is a teacher in  
187 or a trustee of said school district, shall be eligible for  
188 appointment to said board of trustees.

189 (2) In counties of less than fifteen thousand (15,000)  
190 people having a municipal separate school district with added  
191 territory which embraces all the territory of a county, one (1) or  
192 more trustees of such district shall be nominated from each  
193 supervisors district upon petition of fifty (50) qualified  
194 electors of said district, or twenty percent (20%) of the  
195 qualified electors of such district, whichever number shall be

196 smaller, and shall be elected by a plurality of the vote of the  
197 qualified electors of said county. One (1) trustee so elected  
198 shall reside in each supervisors district of the county. In such  
199 counties embraced entirely by a municipal separate school district  
200 there shall be no county board of education after the formation of  
201 such district and the county superintendent of education shall act  
202 as superintendent of schools of said district and shall be  
203 appointed by the board of trustees of said district, and the  
204 provisions of subsection (1) of this section and the first  
205 paragraph of Section 37-7-211 shall not apply to such districts.

206 **SECTION 4.** Section 37-9-13, Mississippi Code of 1972, is  
207 amended as follows:

208 37-9-13. Each school district shall have a superintendent of  
209 schools, selected in the manner provided by law. No person shall  
210 be eligible to the office of superintendent of schools unless such  
211 person shall hold a valid administrator's license issued by the  
212 State Department of Education and shall have had not less than  
213 four (4) years of classroom or administrative experience. No  
214 person shall be eligible to the office of superintendent of  
215 schools of a school district if he or she is a member of the  
216 school board of another school district.

217 **SECTION 5.** The Attorney General of the State of Mississippi  
218 shall submit this act, immediately upon approval by the Governor,  
219 or upon approval by the Legislature subsequent to a veto, to the  
220 Attorney General of the United States or to the United States  
221 District Court for the District of Columbia in accordance with the  
222 provisions of the Voting Rights Act of 1965, as amended and  
223 extended.

224 **SECTION 6.** This act shall take effect and be in force from  
225 and after July 1, 2006, or the date it is effectuated under  
226 Section 5 of the Voting Rights Act of 1965, as amended and  
227 extended, whichever is later.