

By: Senator(s) Nunnelee

To: Education

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2119

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 BEGINNING WITH THE
5 MUNICIPAL ELECTIONS IN THE YEAR 2009; TO PROVIDE THAT SUCH
6 ELECTION SHALL BE HELD EVERY FOUR YEARS IN THE SAME MANNER AS
7 ELECTIONS ARE HELD FOR OTHER MUNICIPAL OFFICERS; TO PROVIDE THAT
8 THE LOCAL SCHOOL BOARD SHALL APPORTION THE NEW TRUSTEE ELECTION
9 DISTRICTS; TO AMEND SECTION 37-7-703, MISSISSIPPI CODE OF 1972, TO
10 PROVIDE THAT THE TRUSTEES OF SPECIAL MUNICIPAL SEPARATE SCHOOL
11 DISTRICTS SHALL BE ELECTED IN THE SAME MANNER AS TRUSTEES OF
12 MUNICIPAL SEPARATE SCHOOL DISTRICTS; TO AMEND SECTIONS 37-5-9,
13 37-7-211 AND 37-7-711, MISSISSIPPI CODE OF 1972, TO PROVIDE A
14 UNIFORM NUMBER OF SIGNATURES ON PETITIONS OF NOMINATION TO RUN FOR
15 THE OFFICE OF ELECTED SCHOOL BOARD AND TO REQUIRE PETITIONS TO BE
16 FILED AT LEAST 60 DAYS PRIOR TO THE ELECTION; TO REPEAL SECTIONS
17 37-7-209 THROUGH 37-7-219, MISSISSIPPI CODE OF 1972, WHICH PROVIDE
18 CERTAIN METHODS FOR ELECTING TRUSTEES OF MUNICIPAL SEPARATE SCHOOL
19 DISTRICTS FROM ADDED TERRITORY; TO REPEAL SECTIONS 37-7-705
20 THROUGH 37-7-717, MISSISSIPPI CODE OF 1972, WHICH PROVIDE CERTAIN
21 METHODS FOR SELECTING TRUSTEES OF SPECIAL MUNICIPAL SEPARATE
22 SCHOOL DISTRICTS; TO AMEND SECTION 37-9-13, MISSISSIPPI CODE OF
23 1972, TO PROVIDE FOR THE APPOINTMENT OF ALL SUPERINTENDENTS OF
24 SCHOOLS FROM AND AFTER JANUARY 1, 2008, UNLESS THE INCUMBENT
25 COUNTY SUPERINTENDENT OF EDUCATION CHOOSES TO SEEK REELECTION; TO
26 AMEND SECTIONS 37-5-61, 37-5-71 AND 37-9-25, MISSISSIPPI CODE OF
27 1972, IN CONFORMITY THERETO; TO REPEAL SECTION 37-9-12,
28 MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR A REFERENDUM ON THE
29 QUESTION OF RETAINING THE ELECTIVE METHOD OF CHOOSING THE COUNTY
30 SUPERINTENDENT OF EDUCATION; TO REPEAL SECTIONS 37-5-63 THROUGH
31 37-5-69, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE ELECTION
32 OF COUNTY SUPERINTENDENTS OF EDUCATION; AND FOR RELATED PURPOSES.

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

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

36 37-7-203. (1) The boards of trustees of all municipal
37 separate school districts created under the provisions of Article
38 1 of this chapter, either with or without added territory, shall
39 consist of five (5) members * * *. On the first Tuesday after the
40 first Monday in June 2009, and every four (4) years thereafter, an
41 election shall be held in each municipal separate school district
42 in this state, in the same manner and at the same time as the

43 regular municipal elections are held, for the purpose of electing
44 the members of the boards of trustees established under the
45 provisions of this article. Provided, however, that in any
46 special charter municipality where the general municipal election
47 date is different from June 2009, the members of the school board
48 of the municipal separate school district shall be elected as
49 provided in this section in the same manner and at the same time
50 as the general municipal elections are held in such special
51 charter municipality. All members of the boards of trustees as
52 herein constituted shall take office on the first Monday of July
53 following the date of their election and shall serve for a term of
54 four (4) years. The five (5) members of the board of trustees of
55 such school district shall be elected from special trustee
56 election districts by the qualified electors thereof, as herein
57 provided. The board of trustees of such school district shall
58 apportion the municipal separate school district, including added
59 territory, into five (5) special trustee election districts as
60 nearly equal as possible according to population, incumbency and
61 other factors heretofore pronounced by the courts. The board of
62 trustees shall place upon its minutes the boundaries determined
63 for the new five-trustee election districts. The board of
64 trustees shall thereafter publish the same in a newspaper of
65 general circulation within said school district for at least three
66 (3) consecutive weeks; and after having given notice of
67 publication and recording the same upon the minutes of the board
68 of trustees. When the orders of the board of trustees adopting
69 the special trustee election district lines have been entered and
70 are final, the new district lines shall be submitted to the
71 Attorney General of the United States for preclearance or to the
72 United States District Court for the District of Columbia for a
73 declaratory judgment in accordance with the provisions of the
74 Voting Rights Act of 1965, as amended and extended. In the event
75 the new trustee election districts are either precleared by the

76 United States Department of Justice, or approved by the United
77 States District Court, the board of trustees shall formally
78 declare the new districts as effective. All incumbent trustees
79 holding office at the time of the creation of such trustee
80 election districts shall continue holding their respective
81 offices, provided they reside within the new district, for the
82 remainder of the term of office to which they have heretofore been
83 selected, and their successors shall be elected from the new
84 trustee election districts constituted herein in the manner
85 provided for in this section.

86 (2) Vacancies in the membership of the board of trustees of
87 any municipal separate school district shall be filled by
88 appointment, within sixty (60) days after the vacancy occurs, by
89 the governing authorities of such municipality. Such appointee
90 shall be selected from the qualified electors of the district in
91 which the vacancy occurs. The president of the municipal
92 governing authority shall certify to the Secretary of State the
93 fact of the appointment, and the person so appointed shall be
94 commissioned by the Governor; and if the unexpired term be longer
95 than six (6) months, such appointee shall serve until a successor
96 is elected as hereinafter provided, unless the vacancy shall occur
97 before ninety (90) days prior to the general election in a year in
98 which an election would normally be held for that office as
99 provided by law, in which case the person so appointed shall serve
100 the unexpired portion of the term. Such vacancies shall be filled
101 for the unexpired term by the qualified electors at the next
102 regular special election day occurring more than ninety (90) days
103 after the occurrence of the vacancy. The president of the
104 municipal governing authority shall, within ten (10) days after
105 the happening of the vacancy, make an order, in writing, directed
106 to the commissioners of election, commanding an election to be
107 held on the next regular special election day to fill the vacancy.
108 The election commissioners shall require each candidate to qualify

109 at least sixty (60) days before the date of the election, and
110 shall give a certificate of election to the person elected, and
111 shall return to the Secretary of State a copy of the order of
112 holding the election showing the results thereof, certified by the
113 president of the municipal governing authority. Such election
114 shall be held in the same manner provided for other municipal
115 office vacancies. The person elected shall be commissioned by the
116 Governor.

117 Provided, however, where only one (1) person shall have
118 qualified with the commissioners of election to be a candidate
119 within the time provided by law, the commissioners of election
120 shall certify to the municipal governing authority that there is
121 but one (1) candidate. Thereupon, the municipal governing
122 authority shall dispense with the election and shall appoint the
123 candidate so certified to fill the unexpired term. The president
124 of the municipal governing authority shall certify to the
125 Secretary of State the candidate so appointed to serve in such
126 office and that candidate shall be commissioned by the Governor.
127 In the event that no person shall have qualified at least sixty
128 (60) days prior to the date of the election, the commissioners of
129 election shall certify that fact to the municipal governing
130 authority which shall dispense with the election and fill the
131 vacancy by appointment. The president of the municipal governing
132 authority shall certify to the Secretary of State the fact of the
133 appointment, and the person so appointed shall be commissioned by
134 the Governor.

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

137 37-7-703. In all such special municipal separate school
138 districts * * *, the board of trustees of such special municipal
139 separate school district shall be elected in the manner provided
140 by subsection (1) of Section 37-7-203, and all of the provisions
141 thereof shall be fully applicable in all respects to the selection

142 and constitution of such board of trustees. Provided, however,
143 that the board of trustees of any special municipal separate
144 school district shall have the authority to apportion the new
145 trustee election districts as provided in Section 37-7-203(1).

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

148 37-5-9. The name of any qualified elector who is a candidate
149 for the county board of education shall be placed on the ballot
150 used in the general elections by the county election
151 commissioners, provided that the candidate files with the county
152 election commissioners, not more than ninety (90) days and not
153 less than sixty (60) days prior to the date of such general
154 election, a petition of nomination signed by not less than fifty
155 (50) qualified electors of the county residing within each
156 supervisors district or special county board of education election
157 district, as the case may be. Where there are less than one
158 hundred (100) qualified electors in said supervisors district, it
159 shall only be required that said petition of nomination be signed
160 by at least twenty percent (20%) of the qualified electors of such
161 supervisors district or special county board of education election
162 district, as the case may be. The candidate in each supervisors
163 district who receives the highest number of votes cast in the
164 district shall be declared elected.

165 * * *

166 In no case shall any qualified elector residing within a
167 municipal separate school district or special municipal separate
168 school district be eligible to sign a petition of nomination for
169 any candidate for the county board of education under any of the
170 provisions of this section.

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

173 37-7-211. Any person otherwise eligible under the provisions
174 of subsection (1) of Section 37-7-203 who shall desire to be a

175 candidate for the office of trustee must qualify in the following
176 manner in order to be allowed to be considered for election. By
177 5:00 p.m. not more than ninety (90) days and at least sixty (60)
178 days before the election he shall file with the office of the
179 superintendent of the municipal separate school district, or the
180 special municipal separate school district, as the case may be, a
181 petition signed by not less than fifty (50) qualified electors of
182 the area represented by the office which he seeks, either for a
183 full term or an unexpired term, as the case may be, and an
184 affidavit by the candidate offering for election stating his
185 qualifications under the terms of said sections. Where there are
186 less than one hundred (100) qualified electors in said area
187 represented by the trustee, it shall only be required that said
188 petition of nomination be signed by at least twenty percent (20%)
189 of the qualified electors in said area. The petition shall
190 contain an affidavit certifying that all signatures are the
191 personal signatures of each person whose name appears on the
192 petition and that each person is a qualified elector.

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

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

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

205 37-7-711. In all such special municipal separate school
206 districts which may be so organized, reorganized or reconstituted
207 to embrace the entire county in which the majority of the

208 inhabitants of the county reside outside the corporate limits of
209 the municipality or less than the entire county, the name of any
210 qualified elector who is a candidate for the board of trustees of
211 such special municipal separate school district, whether such
212 person be a candidate for an unexpired term or for a full term,
213 shall be placed on the ballot used in the elections, provided that
214 the candidate files with the county election commissioners, not
215 more than ninety (90) days and not less than sixty (60) days prior
216 to the date of such general election, a petition of nomination
217 signed by not less than fifty (50) qualified electors of the
218 trustee election district. Where there are less than one hundred
219 (100) qualified electors in the trustee election district, it
220 shall only be required that such petition of nomination be signed
221 by at least twenty percent (20%) of the qualified electors of the
222 trustee election district. The candidate in each election who
223 receives the highest number of votes cast in the election shall be
224 declared to have been elected.

225 **SECTION 6.** Sections 37-7-209, 37-7-211, 37-7-213, 37-7-215,
226 37-7-217 and 37-7-219, Mississippi Code of 1972, which provide
227 certain methods for electing trustees of municipal separate school
228 districts from added territory, are repealed.

229 **SECTION 7.** Sections 37-7-705, 37-7-707, 37-7-709, 37-7-711,
230 37-7-713, 37-7-715 and 37-7-717, Mississippi Code of 1972, which
231 provide certain methods for selecting trustees of special
232 municipal separate school districts, are repealed.

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

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

236 37-9-13. Each school district shall have a superintendent of
237 schools, selected in the manner provided by law. No person shall
238 be eligible to the office of superintendent of schools unless such
239 person shall hold a valid administrator's license issued by the

240 State Department of Education and shall have had not less than
241 four (4) years of classroom or administrative experience.

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

244 37-9-13. (1) In all public school districts, except in
245 countywide school districts wherein the incumbent county
246 superintendent of education chooses to seek reelection, the school
247 board shall appoint the superintendent of schools of such
248 district. Any county superintendent of education serving on July
249 1, 2007, may choose to seek reelection, and if he is reelected in
250 the manner provided by law, the office of county superintendent of
251 education shall remain an elective office in such county until the
252 incumbent vacates the office or is not reelected. If the
253 incumbent vacates the office prior to the expiration of the term,
254 the office of superintendent shall become an appointed office
255 beginning immediately. If the incumbent is not reelected, the
256 office of superintendent shall become an appointed office at the
257 end of the four-year term of the person who was elected.

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

263 **SECTION 9.** Section 37-5-61, 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 37-5-61. (1) There shall be a county superintendent of
269 education in each county.

270 (2) Said superintendent shall serve as the executive
271 secretary of the county board of education, but shall have no vote

272 in the proceedings before the board and no voice in fixing the
273 policies thereof.

274 (3) In addition, said superintendent shall be the director
275 of all schools in the county outside the municipal separate school
276 districts.

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

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

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

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

288 37-5-71. (1) The county superintendents of education shall
289 be elected in the manner prescribed by the provisions of this
290 chapter, unless such office be made appointive as provided in this
291 chapter, in which case the county superintendent shall be
292 appointed by the county board of education or by the trustees of a
293 separate school district embracing an entire county with a
294 population of fifteen thousand (15,000) or less, as provided in
295 subsection (2) of Section 37-7-203. In all cases he shall have
296 such qualifications as prescribed by Section 37-9-13 and receive
297 such compensation as established under Section 37-9-37.

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

301 (a) In all counties of the second class which have a
302 population, according to the 1960 federal decennial census of at
303 least thirty-three thousand (33,000) and less than thirty-four

304 thousand (34,000), and having a city located therein which is the
305 Southern Division of the A.T.&S.F. Railroad Company;

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

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

316 (d) In any county bordering on the Mississippi Sound
317 and having a population in excess of one hundred thousand
318 (100,000), according to the 1960 federal decennial census, and
319 having an assessed valuation in excess of Seventy Million Dollars
320 (\$70,000,000.00);

321 (e) In any county having a population in excess of
322 eight thousand (8,000) and less than nine thousand (9,000), and
323 having an assessed valuation in excess of Five Million Dollars
324 (\$5,000,000.00) but less than Six Million Dollars (\$6,000,000.00)
325 in 1960;

326 (f) In any county having a population in excess of
327 twenty-two thousand (22,000) and less than twenty-three thousand
328 (23,000) in 1960, and having a total assessed valuation in excess
329 of Thirteen Million Dollars (\$13,000,000.00) in 1960;

330 (g) In any county having a population in excess of
331 fifty-nine thousand (59,000) but less than sixty thousand
332 (60,000), according to the 1960 federal decennial census;

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

335 (i) In any county where Mississippi Highway 35 crosses
336 U.S. Highway 80 and whose population, according to the 1960

337 regular census, was between twenty-one thousand (21,000) and
338 twenty-two thousand (22,000), and in which there are located four
339 (4) or more chicken packing plants, one (1) zipper plant and one
340 or more factories manufacturing Sunbeam electrical appliances;

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

344 (k) In any county having a municipal separate school
345 district lying therein, having a population in excess of
346 twenty-one thousand (21,000) but less than twenty-one thousand
347 five hundred (21,500), according to the 1960 decennial census, and
348 having a combined assessed valuation in 1963 in excess of Sixteen
349 Million Nine Hundred Thousand Dollars (\$16,900,000.00) but less
350 than Seventeen Million Dollars (\$17,000,000.00) according to the
351 State Tax Commission's compilation;

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

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

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

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

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

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

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

378 In any such county, however, the county superintendent of
379 education may be a resident of a municipal separate school
380 district or special municipal separate school district.

381 (3) The qualified electors residing within the municipal
382 separate school districts shall not participate in the election of
383 the county superintendent of education:

384 (a) In any county having a population of more than
385 twenty-seven thousand (27,000) and less than twenty-eight thousand
386 (28,000) and containing therein a municipality having a population
387 in excess of three thousand (3,000), according to the 1960 federal
388 decennial census;

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

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

395 (d) In any Class 2 county, the southern boundary of
396 which partially borders on the State of Louisiana, traversed by
397 U.S. Highway 98 which intersects Mississippi Highway 13, with a
398 land area of five hundred fifty (550) square miles and having a
399 population of twenty-three thousand two hundred ninety-three
400 (23,293) in the 1960 federal decennial census;

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

404 (f) In any county having a population in excess of
405 twenty-seven thousand one hundred seventy-nine (27,179) according
406 to the 1970 federal decennial census, wherein U.S. Highways 45 and
407 72 intersect; and

408 (g) In any Class 1 county bordering on the Pearl River
409 in which U.S. Highway 80 intersects Mississippi Highway 18 and
410 having a population, according to the federal decennial census of
411 1970, of forty-three thousand nine hundred thirty-three (43,933).

412 (4) The county superintendent of education, with the
413 approval of the county board of education by its first having
414 adopted a resolution of approval and spread upon its minutes,
415 shall be elected from the county at large, exclusive of the
416 municipal separate school district boundaries:

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

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

424 (c) In any county having a population in excess of
425 seventeen thousand (17,000) and less than eighteen thousand
426 (18,000), according to the 1970 federal decennial census, wherein
427 Mississippi Highways 6 and 9 intersect.

428 (5) In any county having a municipality of between
429 forty-nine thousand (49,000) and fifty thousand (50,000)
430 population according to the 1960 federal census, and adjoining the
431 Alabama line, wherein U.S. Highways 80 and 45 intersect, the
432 qualified electors residing within any municipal separate school
433 district shall not participate in the election of the county

434 superintendent of education, and such county superintendent of
435 education shall not be a resident of a municipal separate school
436 district.

437 (6) In any county traversed by the Natchez Trace Parkway
438 wherein U.S. Highway 45 and Mississippi Highway 4 intersect and
439 having a population of seventeen thousand nine hundred forty-nine
440 (17,949) according to the 1960 federal census, the qualified
441 electors residing within any municipal separate school district
442 shall not participate in the election of the county superintendent
443 of education, and such county superintendent of education shall
444 not be a resident of a municipal separate school district.

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

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

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

451 37-9-25. The school board shall have the power and
452 authority, in its discretion, to employ the superintendent, unless
453 such superintendent is elected, for not exceeding four (4)
454 scholastic years and the principals or licensed employees for not
455 exceeding three (3) scholastic years. In such case, contracts
456 shall be entered into with such superintendents, principals and
457 licensed employees for the number of years for which they have
458 been employed. All such contracts with licensed employees shall
459 for the years after the first year thereof be subject to the
460 contingency that the licensed employee may be released if, during
461 the life of the contract, the average daily attendance should
462 decrease from that existing during the previous year and thus
463 necessitate a reduction in the number of licensed employees during
464 any year after the first year of the contract. However, in all
465 such cases the licensed employee must be released before July 1 or
466 at least thirty (30) days prior to the beginning of the school

467 term, whichever date should occur earlier. The salary to be paid
468 for the years after the first year of such contract shall be
469 subject to revision, either upward or downward, in the event of an
470 increase or decrease in the funds available for the payment
471 thereof, but, unless such salary is revised prior to the beginning
472 of a school year, it shall remain for such school year at the
473 amount fixed in such contract. However, where school district
474 funds, other than minimum education program funds, are available
475 during the school year in excess of the amount anticipated at the
476 beginning of the school year the salary to be paid for such year
477 may be increased to the extent that such additional funds are
478 available and nothing herein shall be construed to prohibit same.

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

481 37-9-25. The school board shall have the power and
482 authority, in its discretion, to employ the superintendent * * *
483 for not exceeding four (4) scholastic years and the principals or
484 licensed employees for not exceeding three (3) scholastic years.
485 In such case, contracts shall be entered into with such
486 superintendents, principals and licensed employees for the number
487 of years for which they have been employed. All such contracts
488 with licensed employees shall for the years after the first year
489 thereof be subject to the contingency that the licensed employee
490 may be released if, during the life of the contract, the average
491 daily attendance should decrease from that existing during the
492 previous year and thus necessitate a reduction in the number of
493 licensed employees during any year after the first year of the
494 contract. However, in all such cases the licensed employee must
495 be released before July 1 or at least thirty (30) days prior to
496 the beginning of the school term, whichever date should occur
497 earlier. The salary to be paid for the years after the first year
498 of such contract shall be subject to revision, either upward or
499 downward, in the event of an increase or decrease in the funds

500 available for the payment thereof, but, unless such salary is
501 revised prior to the beginning of a school year, it shall remain
502 for such school year at the amount fixed in such contract.
503 However, where school district funds, other than minimum education
504 program funds, are available during the school year in excess of
505 the amount anticipated at the beginning of the school year the
506 salary to be paid for such year may be increased to the extent
507 that such additional funds are available and nothing herein shall
508 be construed to prohibit same.

509 **SECTION 12.** Section 37-9-12, Mississippi Code of 1972, which
510 provides for a referendum on the question of retaining the
511 elective method of choosing the county superintendent of
512 education, is hereby repealed.

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

516 **SECTION 14.** The Attorney General of the State of Mississippi
517 shall submit this act, immediately upon approval by the Governor,
518 or upon approval by the Legislature subsequent to a veto, to the
519 Attorney General of the United States or to the United States
520 District Court for the District of Columbia in accordance with the
521 provisions of the Voting Rights Act of 1965, as amended and
522 extended.

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