

By: Representative Brown

To: Education

HOUSE BILL NO. 1003

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 * * * established a county board of
13 education in each county of the State of Mississippi. The 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. A
21 person who is the superintendent of another school district is not
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 the county shall
28 thereafter publish the same in some newspaper of general
29 circulation within that 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 the county,
32 the new district lines will thereafter be effective. The board of
33 education of the county shall reapportion the board of education
34 districts in accordance with the procedure described herein for
35 the original apportionment of districts as soon as practicable
36 after the results of the 2000 decennial census are published and
37 as soon as practicable after every decennial census thereafter.

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

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

43 37-7-201. In order for a person to be eligible to hold the
44 office of trustee of any school district, such person must be a
45 bona fide resident and a qualified elector of such school
46 district, and, in the case of a school district lying in two (2)
47 or more counties, but not including municipal separate school
48 districts, such person must be a bona fide resident and a
49 qualified elector of the territory entitled to such representation
50 on the board. A person is not eligible to hold the office of
51 trustee of any school district if he or she is the superintendent
52 of another school district.

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

55 37-7-203. (1) The boards of trustees of all municipal
56 separate school districts created under the provisions of Article
57 1 of this chapter, either with or without added territory, shall
58 consist of five (5) members, each to be chosen for a term of five
59 (5) years, but so chosen that the term of office of one (1) member
60 shall expire each year. In the event the added territory of a
61 municipal separate school district furnishes fifteen percent (15%)
62 or more of the pupils enrolled in the schools of such district,
63 then at least one (1) member of the board of trustees of such

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

97 embraces four (4) full supervisors districts in the county, and in
98 any county in which a municipal separate school district embraces
99 the entire county in which Highways 14 and 15 intersect, one (1)
100 trustee shall be elected from each supervisors district.

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

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

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

150 In any county organizing a countywide municipal separate
151 school district after January 1, 1965, the trustees thereof to be
152 elected from outside the municipality, such trustees shall be
153 elected by the board of supervisors of such county, and the
154 superintendent of such school district shall have authority to pay
155 out and distribute the funds of the district. In the event a
156 municipal separate school district should occupy territory in a
157 county other than that in which the municipality is located and
158 fifteen percent (15%) or more of the pupils enrolled in the
159 schools of such district shall come from the territory of the
160 district in the county other than that in which the municipality
161 is located, the territory of such county in which the municipality
162 is not located shall be entitled to one (1) member on the board of

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

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

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

186 (2) In counties of less than fifteen thousand (15,000)
187 people having a municipal separate school district with added
188 territory which embraces all the territory of a county, one (1) or
189 more trustees of such district shall be nominated from each
190 supervisors district upon petition of fifty (50) qualified
191 electors of the district, or twenty percent (20%) of the qualified
192 electors of such district, whichever number shall be smaller, and
193 shall be elected by a plurality of the vote of the qualified
194 electors of the county. One (1) trustee so elected shall reside
195 in each supervisors district of the county. In such counties

196 embraced entirely by a municipal separate school district there
197 shall be no county board of education after the formation of such
198 district and the county superintendent of education shall act as
199 superintendent of schools of the district and shall be appointed
200 by the board of trustees of the district, and the provisions of
201 subsection (1) of this section and the first paragraph of Section
202 37-7-211 shall not apply to such districts.

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

205 37-9-13. Each school district shall have a superintendent of
206 schools, selected in the manner provided by law. No person shall
207 be eligible to the office of superintendent of schools unless such
208 person shall hold a valid administrator's license issued by the
209 State Department of Education and shall have had not less than
210 four (4) years of classroom or administrative experience. A
211 person is not eligible to the office of superintendent of schools
212 if he or she is a member of the school board of another school
213 district.

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

221 **SECTION 6.** This act shall take effect and be in force from
222 and after July 1, 2007, or the date it is effectuated under
223 Section 5 of the Voting Rights Act of 1965, as amended and
224 extended, whichever is later.