

By: Senator(s) Watson

To: Education

SENATE BILL NO. 2095

1 AN ACT TO AMEND SECTION 37-7-203, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT THE TRUSTEES OF MUNICIPAL SEPARATE SCHOOL  
3 DISTRICTS SHALL BE ELECTED FROM SPECIAL TRUSTEE ELECTION DISTRICTS  
4 BY THE QUALIFIED ELECTORS OF SUCH DISTRICT BEGINNING WITH THE  
5 MUNICIPAL ELECTIONS IN THE YEAR 2017; 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, 2016, 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 this chapter, either with  
38 or without added territory, shall consist of five (5)  
39 members. \* \* \* On the first Tuesday after the first Monday in  
40 June 2017, and every four (4) years thereafter, an election shall  
41 be held in each municipal separate school district in this state,  
42 in the same manner and at the same time as the regular municipal  
43 elections are held, for the purpose of electing the members of the  
44 boards of trustees established under the provisions of this  
45 chapter. Provided, however, that in any special charter  
46 municipality where the general municipal election date is  
47 different from June 2017, the members of the school board of the  
48 municipal separate school district shall be elected as provided in  
49 this section in the same manner and at the same time as the  
50 general municipal elections are held in such special charter  
51 municipality. All members of the boards of trustees as herein  
52 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. All incumbent trustees holding office at the time of  
69 the creation of such trustee election districts shall continue  
70 holding their respective offices, provided they reside within the  
71 new district, for the remainder of the term of office to which  
72 they have heretofore been selected, and their successors shall be  
73 elected from the new trustee election districts constituted herein  
74 in the manner provided for in this section.

75 \* \* \*

76 (2) \* \* \* Vacancies in the membership of the board of  
77 trustees of any municipal separate school district shall be filled  
78 by appointment, within sixty (60) days after the vacancy occurs,  
79 by the governing authorities of such municipality. Such appointee  
80 shall be selected from the qualified electors of the district in  
81 which the vacancy occurs. The president of the municipal  
82 governing authority shall certify to the Secretary of State the  
83 fact of the appointment, and the person so appointed shall be



84 commissioned by the Governor; and if the unexpired term be longer  
85 than six (6) months, such appointee shall serve until a successor  
86 is elected as hereinafter provided, unless the vacancy shall occur  
87 before ninety (90) days prior to the general election in a year in  
88 which an election would normally be held for that office as  
89 provided by law, in which case the person so appointed shall serve  
90 the unexpired portion of the term. Such vacancies shall be filled  
91 for the unexpired term by the qualified electors at the next  
92 regular special election day occurring more than ninety (90) days  
93 after the occurrence of the vacancy. The president of the  
94 municipal governing authority shall, within ten (10) days after  
95 the happening of the vacancy, make an order, in writing, directed  
96 to the commissioners of election, commanding an election to be  
97 held on the next regular special election day to fill the vacancy.  
98 The election commissioners shall require each candidate to qualify  
99 at least sixty (60) days before the date of the election, shall  
100 give a certificate of election to the person elected, and shall  
101 return to the Secretary of State a copy of the order of holding  
102 the election showing the results thereof, certified by the  
103 president of the municipal governing authority. Such election  
104 shall be held in the same manner provided for other municipal  
105 office vacancies. The person elected shall be commissioned by the  
106 Governor.

107 Provided, however, where only one (1) person shall have  
108 qualified with the commissioners of election to be a candidate



109 within the time provided by law, the commissioners of election  
110 shall certify to the municipal governing authority that there is  
111 but one (1) candidate. Thereupon, the municipal governing  
112 authority shall dispense with the election and shall appoint the  
113 candidate so certified to fill the unexpired term. The president  
114 of the municipal governing authority shall certify to the  
115 Secretary of State the candidate so appointed to serve in such  
116 office and that candidate shall be commissioned by the Governor.  
117 In the event that no person shall have qualified at least sixty  
118 (60) days prior to the date of the election, the commissioners of  
119 election shall certify that fact to the municipal governing  
120 authority which shall dispense with the election and fill the  
121 vacancy by appointment. The president of the municipal governing  
122 authority shall certify to the Secretary of State the fact of the  
123 appointment, and the person so appointed shall be commissioned by  
124 the Governor.

125 \* \* \*

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

128 37-7-703. In all such special municipal separate school  
129 districts \* \* \*, the board of trustees of such special municipal  
130 separate school district shall be \* \* \* elected in the manner  
131 provided by subsection (1) of Section 37-7-203, and all of the  
132 provisions thereof shall be fully applicable in all respects to  
133 the selection and constitution of such board of trustees.



134 Provided, however, that the board of trustees of any special  
135 municipal separate school district shall have the authority to  
136 apportion the new trustee election districts as provided in  
137 Section 37-7-203(1).

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

140 37-5-9. The name of any qualified elector who is a candidate  
141 for the county board of education shall be placed on the ballot  
142 used in the general elections by the county election  
143 commissioners, provided that the candidate files with the county  
144 election commissioners, not more than ninety (90) days and not  
145 less than sixty (60) days prior to the date of such general  
146 election, a petition of nomination signed by not less than fifty  
147 (50) qualified electors of the county residing within each  
148 supervisors district or special county board of education election  
149 district, as the case may be. Where there are less than one  
150 hundred (100) qualified electors in said supervisors district, it  
151 shall only be required that said petition of nomination be signed  
152 by at least twenty percent (20%) of the qualified electors of such  
153 supervisors district or special county board of education election  
154 district, as the case may be. The candidate in each supervisors  
155 district or special county board of education election district,  
156 as the case may be, who receives the highest number of votes cast  
157 in the district shall be declared elected.



158           When any member of the county board of education is to be  
159 elected from the county at large under the provisions of this  
160 chapter, then the petition required by the preceding paragraph  
161 hereof shall be signed by the required number of qualified  
162 electors residing in any part of the county outside of the  
163 territory embraced within a municipal separate school district or  
164 special municipal separate school district. The candidate who  
165 receives the highest number of votes cast in the election shall be  
166 declared elected.

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

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

174           37-7-211. (1) The name of any qualified elector who is  
175 otherwise eligible under the provisions of subsection (1) of  
176 Section 37-7-203 who shall desire to be a candidate for the office  
177 of trustee must qualify in the following manner in order to be  
178 allowed to be considered for election. By 5:00 p.m. not more than  
179 ninety (90) days and at least sixty (60) days before the election,  
180 he shall file with the county election commissioners \* \* \* a  
181 petition signed by not less than \* \* \* fifty (50) qualified  
182 electors of the area represented by the office which he seeks,



183 either for a full term or an unexpired term, as the case may be,  
184 and an affidavit by the candidate offering for election stating  
185 his qualifications under the terms of the section. Where there  
186 are 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 (2) Unless the petition and affidavit required in subsection  
194 (1) of this section is filed by 5:00 p.m. not less than sixty (60)  
195 days prior to the election, the name of the candidate shall not be  
196 considered in the election, and votes cast for any person who has  
197 failed to qualify shall not be counted in the election.

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

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

206 37-7-711. In all such special municipal separate school  
207 districts which may be so organized, reorganized or reconstituted





208 to embrace the entire county in which the majority of the  
209 inhabitants of the county reside outside the corporate limits of  
210 the municipality or less than the entire country, the name of any  
211 qualified elector who is a candidate for the board of trustees of  
212 such special municipal separate school district, whether such  
213 person be a candidate for an unexpired term or for a full term,  
214 shall be placed on the ballot used in the elections, provided that  
215 the candidate files with the county election commissioners, not  
216 more than ninety (90) days and not less than \* \* \* sixty (60) days  
217 prior to the date of such general election, a petition of  
218 nomination signed by not less than \* \* \* fifty (50) qualified  
219 electors of the \* \* \* trustee election district. Provided,  
220 however, that in any such special municipal separate school  
221 district which embraces the entire county and which borders the  
222 Mississippi River and in which Interstate Highway 20 and United  
223 States Highway 61 intersect and having a population in excess of  
224 forty-seven thousand (47,000) according to the 1990 federal  
225 decennial census, the candidate shall be required to file a  
226 petition of nomination with the county election commissioners not  
227 less than sixty (60) days prior to the date of such general  
228 election, in addition to the other requirements prescribed herein.  
229 Where there are less than one hundred (100) qualified electors in  
230 the trustee election district, it shall only be required that such  
231 petition of nomination be signed by at least twenty percent (20%)  
232 of the qualified electors of the trustee election district.



233           The candidate in each election who receives the highest  
234 number of votes cast in the election shall be declared to have  
235 been elected.

236           **SECTION 6.** Sections 37-7-209, 37-7-211, 37-7-213, 37-7-215,  
237 37-7-217 and 37-7-219, Mississippi Code of 1972, which provide  
238 certain methods for electing trustees of municipal separate school  
239 districts from added territory, are repealed.

240           **SECTION 7.** Sections 37-7-705, 37-7-707, 37-7-709, 37-7-711,  
241 37-7-713, 37-7-715 and 37-7-717, Mississippi Code of 1972, which  
242 provide certain methods for selecting trustees of special  
243 municipal separate school districts, are repealed.

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

246           **[Until December 31, 2016, this section shall read as**  
247 **follows:]**

248           37-9-13. Each school district shall have a superintendent of  
249 schools, selected in the manner provided by law. No person shall  
250 be eligible to the office of superintendent of schools unless such  
251 person shall hold a valid administrator's license issued by the  
252 State Department of Education and shall have had not less than  
253 four (4) years of classroom or administrative experience.

254           **[From and after January 1, 2016, this section shall read as**  
255 **follows:]**

256           37-9-13. (1) In all public school districts, except in  
257 countywide school districts wherein the incumbent county



258 superintendent of education chooses to seek reelection, the school  
259 board shall appoint the superintendent of schools of such  
260 district. Any county superintendent of education serving on July  
261 1, 2014, may choose to seek reelection, and if he is reelected in  
262 the manner provided by law, the office of county superintendent of  
263 education shall remain an elective office in such county until the  
264 incumbent vacates the office or is not reelected. If the  
265 incumbent vacates the office prior to the expiration of the term,  
266 the office of superintendent shall become an appointed office  
267 beginning immediately. If the incumbent is not reelected, the  
268 office of superintendent shall become an appointed office at the  
269 end of the four-year term of the person who was elected.

270       (2) \* \* \* No person shall be eligible to the office of  
271 superintendent of schools unless such person shall hold a valid  
272 administrator's license issued by the State Department of  
273 Education and shall have had not less than four (4) years of  
274 classroom or administrative experience.

275       **SECTION 9.** Section 37-5-61, Mississippi Code of 1972, is  
276 amended as follows:

277       [In counties wherein the county superintendent of education  
278 serving on July 1, 2014, chooses to seek reelection and is  
279 reelected, this section shall read as follows:]

280       37-5-61. (1) There shall be a county superintendent of  
281 education in each county.



282 (2) Said superintendent shall serve as the executive  
283 secretary of the county board of education, but shall have no vote  
284 in the proceedings before the board and no voice in fixing the  
285 policies thereof.

286 (3) In addition, said superintendent shall be the director  
287 of all schools in the county school district which are outside the  
288 municipal separate school districts.

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

292 **[In counties wherein the county superintendent of education**  
293 **serving on July 1, 2014, chooses not to seek reelection, this**  
294 **Section 37-5-61 shall have no force or effect.]**

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

297 **[In counties wherein the county superintendent of education**  
298 **serving on July 1, 2014, chooses to seek reelection and is**  
299 **reelected, this section shall read as follows:]**

300 37-5-71. (1) The county superintendents of education shall  
301 be elected in the manner prescribed by the provisions of this  
302 chapter, unless the school district is being reconstituted as  
303 provided in Section 37-17-13 or unless such office be made  
304 appointive as provided in this chapter, in which case the county  
305 superintendent shall be appointed by the county board of education  
306 or by the trustees of a separate school district embracing an



307 entire county with a population of fifteen thousand (15,000) or  
308 less, as provided in subsection (2) of Section 37-7-203. In all  
309 cases he shall have such qualifications as prescribed by Section  
310 37-9-13 and receive such compensation as established under Section  
311 37-9-37.

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

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

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

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

330 (d) In any county bordering on the Mississippi Sound  
331 and having a population in excess of one hundred thousand



332 (100,000), according to the 1960 federal decennial census, and  
333 having an assessed valuation in excess of Seventy Million Dollars  
334 (\$70,000,000.00);

335 (e) In any county having a population in excess of  
336 eight thousand (8,000) and less than nine thousand (9,000), and  
337 having an assessed valuation in excess of Five Million Dollars  
338 (\$5,000,000.00) but less than Six Million Dollars (\$6,000,000.00)  
339 in 1960;

340 (f) In any county having a population in excess of  
341 twenty-two thousand (22,000) and less than twenty-three thousand  
342 (23,000) in 1960, and having a total assessed valuation in excess  
343 of Thirteen Million Dollars (\$13,000,000.00) in 1960;

344 (g) In any county having a population in excess of  
345 fifty-nine thousand (59,000) but less than sixty thousand  
346 (60,000), according to the 1960 federal decennial census;

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

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



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

358 (k) In any county having a municipal separate school  
359 district lying therein, having a population in excess of  
360 twenty-one thousand (21,000) but less than twenty-one thousand  
361 five hundred (21,500), according to the 1960 decennial census, and  
362 having a combined assessed valuation in 1963 in excess of Sixteen  
363 Million Nine Hundred Thousand Dollars (\$16,900,000.00) but less  
364 than Seventeen Million Dollars (\$17,000,000.00) according to the  
365 State Tax Commission's compilation;

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

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

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



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

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

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

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

392 (s) In any county bordering the Mississippi River on  
393 the west and with a population of less than thirty-one thousand  
394 (31,000), according to the 2000 federal decennial census, and with  
395 a county seat in which U.S. Highway 49 and U.S. Highway 61  
396 intersect.

397 In any such county, however, the county superintendent of  
398 education may be a resident of a municipal separate school  
399 district or special municipal separate school district.

400 (3) The qualified electors residing within the municipal  
401 separate school districts shall not participate in the election of  
402 the county superintendent of education:

403 (a) In any county having a population of more than  
404 twenty-seven thousand (27,000) and less than twenty-eight thousand





405 (28,000) and containing therein a municipality having a population  
406 in excess of three thousand (3,000), according to the 1960 federal  
407 decennial census;

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

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

414 (d) In any Class 2 county, the southern boundary of  
415 which partially borders on the State of Louisiana, traversed by  
416 U.S. Highway 98 which intersects Mississippi Highway 13, with a  
417 land area of five hundred fifty (550) square miles and having a  
418 population of twenty-three thousand two hundred ninety-three  
419 (23,293) in the 1960 federal decennial census;

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

423 (f) In any county having a population in excess of  
424 twenty-seven thousand one hundred seventy-nine (27,179) according  
425 to the 1970 federal decennial census, wherein U.S. Highways 45 and  
426 72 intersect; and

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



429 having a population, according to the federal decennial census of  
430 1970, of forty-three thousand nine hundred thirty-three (43,933).

431 (4) The county superintendent of education, with the  
432 approval of the county board of education by its first having  
433 adopted a resolution of approval and spread upon its minutes,  
434 shall be elected from the county at large, exclusive of the  
435 municipal separate school district boundaries:

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

440 (b) In any Class 4 county wherein is located the  
441 state's oldest state-supported university, in which Mississippi  
442 Highways 6 and 7 intersect. Provided, however, that if the method  
443 of selecting the county superintendent of education in such county  
444 is changed from an elective method to an appointive method,  
445 pursuant to the provisions of Section 37-5-68, this paragraph (b)  
446 shall stand repealed; and

447 (c) In any county having a population in excess of  
448 seventeen thousand (17,000) and less than eighteen thousand  
449 (18,000), according to the 1970 federal decennial census, wherein  
450 Mississippi Highways 6 and 9 intersect.

451 (5) In any county having a municipality of between  
452 forty-nine thousand (49,000) and fifty thousand (50,000)  
453 population according to the 1960 federal census, and adjoining the



454 Alabama line, wherein U.S. Highways 80 and 45 intersect, the  
455 qualified electors residing within any municipal separate school  
456 district shall not participate in the election of the county  
457 superintendent of education, and such county superintendent of  
458 education shall not be a resident of a municipal separate school  
459 district.

460 (6) In any county traversed by the Natchez Trace Parkway  
461 wherein U.S. Highway 45 and Mississippi Highway 4 intersect and  
462 having a population of seventeen thousand nine hundred forty-nine  
463 (17,949) according to the 1960 federal census, the qualified  
464 electors residing within any municipal separate school district  
465 shall not participate in the election of the county superintendent  
466 of education, and such county superintendent of education shall  
467 not be a resident of a municipal separate school district.

468 **[In counties wherein the county superintendent of education**  
469 **serving on July 1, 2014, chooses not to seek reelection, this**  
470 **Section 37-5-71 shall have no force and effect.]**

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

473 **[Until December 31, 2015, this section shall read as**  
474 **follows:]**

475 37-9-25. The school board shall have the power and  
476 authority, in its discretion, to employ the superintendent, unless  
477 such superintendent is elected, for not exceeding four (4)  
478 scholastic years and the principals or licensed employees for not



479 exceeding three (3) scholastic years. In such case, contracts  
480 shall be entered into with such superintendents, principals and  
481 licensed employees for the number of years for which they have  
482 been employed. All such contracts with licensed employees shall  
483 for the years after the first year thereof be subject to the  
484 contingency that the licensed employee may be released if, during  
485 the life of the contract, the average daily attendance should  
486 decrease from that existing during the previous year and thus  
487 necessitate a reduction in the number of licensed employees during  
488 any year after the first year of the contract. However, in all  
489 such cases the licensed employee must be released before July 1 or  
490 at least thirty (30) days prior to the beginning of the school  
491 term, whichever date should occur earlier. The salary to be paid  
492 for the years after the first year of such contract shall be  
493 subject to revision, either upward or downward, in the event of an  
494 increase or decrease in the funds available for the payment  
495 thereof, but, unless such salary is revised prior to the beginning  
496 of a school year, it shall remain for such school year at the  
497 amount fixed in such contract. However, where school district  
498 funds, other than minimum education program funds, are available  
499 during the school year in excess of the amount anticipated at the  
500 beginning of the school year the salary to be paid for such year  
501 may be increased to the extent that such additional funds are  
502 available and nothing herein shall be construed to prohibit same.



503 **[From and after January 1, 2016, this section shall read as**  
504 **follows:]**

505 37-9-25. The school board shall have the power and  
506 authority, in its discretion, to employ the superintendent \* \* \*  
507 for not exceeding four (4) scholastic years and the principals or  
508 licensed employees for not exceeding three (3) scholastic years.  
509 In such case, contracts shall be entered into with such  
510 superintendents, principals and licensed employees for the number  
511 of years for which they have been employed. All such contracts  
512 with licensed employees shall for the years after the first year  
513 thereof be subject to the contingency that the licensed employee  
514 may be released if, during the life of the contract, the average  
515 daily attendance should decrease from that existing during the  
516 previous year and thus necessitate a reduction in the number of  
517 licensed employees during any year after the first year of the  
518 contract. However, in all such cases the licensed employee must  
519 be released before July 1 or at least thirty (30) days prior to  
520 the beginning of the school term, whichever date should occur  
521 earlier. The salary to be paid for the years after the first year  
522 of such contract shall be subject to revision, either upward or  
523 downward, in the event of an increase or decrease in the funds  
524 available for the payment thereof, but, unless such salary is  
525 revised prior to the beginning of a school year, it shall remain  
526 for such school year at the amount fixed in such contract.  
527 However, where school district funds, other than minimum education



528 program funds, are available during the school year in excess of  
529 the amount anticipated at the beginning of the school year the  
530 salary to be paid for such year may be increased to the extent  
531 that such additional funds are available and nothing herein shall  
532 be construed to prohibit same.

533         **SECTION 12.** Section 37-9-12, Mississippi Code of 1972, which  
534 provides for a referendum on the question of retaining the  
535 elective method of choosing the county superintendent of  
536 education, is hereby repealed.

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

540         **SECTION 14.** This act shall take effect and be in force from  
541 and after July 1, 2014.

