

By: Senator(s) Nunnelee

To: Education

SENATE BILL NO. 2119
(As Passed the Senate)

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; TO PROVIDE THAT IN ANY
33 MISSISSIPPI COUNTY HAVING 6 OR MORE SCHOOL DISTRICTS, THERE SHALL
34 BE AN ADMINISTRATIVE CONSOLIDATION INTO NOT MORE THAN 3 SCHOOL
35 DISTRICTS; TO PROVIDE FOR A NEW COUNTY BOARD OF EDUCATION TO BE
36 ELECTED IN SUCH COUNTY IN THE NOVEMBER 2007 GENERAL ELECTION; TO
37 PROVIDE THAT THE NEW COUNTY BOARD OF EDUCATION SHALL SERVE AS THE
38 LEAD AGENCY TO CONSOLIDATE THE SCHOOL DISTRICTS IN SUCH COUNTY AND
39 TO DIRECT THE STATE BOARD OF EDUCATION TO ADMINISTRATIVELY
40 CONSOLIDATE ANY SCHOOL DISTRICT WHICH DOES NOT VOLUNTARILY FOLLOW
41 THE CONSOLIDATION ORDER; TO ABOLISH THE FORMER SCHOOL BOARDS
42 FOLLOWING THE ADMINISTRATIVE CONSOLIDATION AND PROVIDE FOR THE
43 TRANSFER OF SCHOOL DISTRICT ASSETS AND LIABILITIES; TO PROVIDE FOR
44 EXECUTION OF TEACHER AND SCHOOL DISTRICT EMPLOYEE CONTRACTS IN THE
45 NEW SCHOOL DISTRICTS AND TO PROVIDE FOR THE PREPARATION OF SCHOOL
46 DISTRICT BUDGETS IN THE NEW SCHOOL DISTRICTS; TO DIRECT THE STATE
47 BOARD OF EDUCATION TO PROMULGATE REGULATIONS TO IMPLEMENT SUCH
48 ADMINISTRATIVE CONSOLIDATION; AND FOR RELATED PURPOSES.

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

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

52 37-7-203. (1) The boards of trustees of all municipal
53 separate school districts created under the provisions of Article
54 1 of this chapter, either with or without added territory, shall
55 consist of five (5) members * * *. On the first Tuesday after the
56 first Monday in June 2009, and every four (4) years thereafter, an
57 election shall be held in each municipal separate school district
58 in this state, in the same manner and at the same time as the
59 regular municipal elections are held, for the purpose of electing
60 the members of the boards of trustees established under the
61 provisions of this article. Provided, however, that in any
62 special charter municipality where the general municipal election
63 date is different from June 2009, the members of the school board
64 of the municipal separate school district shall be elected as
65 provided in this section in the same manner and at the same time
66 as the general municipal elections are held in such special
67 charter municipality. All members of the boards of trustees as
68 herein constituted shall take office on the first Monday of July
69 following the date of their election and shall serve for a term of
70 four (4) years. The five (5) members of the board of trustees of
71 such school district shall be elected from special trustee
72 election districts by the qualified electors thereof, as herein
73 provided. The board of trustees of such school district shall
74 apportion the municipal separate school district, including added
75 territory, into five (5) special trustee election districts as
76 nearly equal as possible according to population, incumbency and
77 other factors heretofore pronounced by the courts. The board of
78 trustees shall place upon its minutes the boundaries determined
79 for the new five-trustee election districts. The board of
80 trustees shall thereafter publish the same in a newspaper of
81 general circulation within said school district for at least three
82 (3) consecutive weeks; and after having given notice of

83 publication and recording the same upon the minutes of the board
84 of trustees. When the orders of the board of trustees adopting
85 the special trustee election district lines have been entered and
86 are final, the new district lines shall be submitted to the
87 Attorney General of the United States for preclearance or to the
88 United States District Court for the District of Columbia for a
89 declaratory judgment in accordance with the provisions of the
90 Voting Rights Act of 1965, as amended and extended. In the event
91 the new trustee election districts are either precleared by the
92 United States Department of Justice, or approved by the United
93 States District Court, the board of trustees shall formally
94 declare the new districts as effective. All incumbent trustees
95 holding office at the time of the creation of such trustee
96 election districts shall continue holding their respective
97 offices, provided they reside within the new district, for the
98 remainder of the term of office to which they have heretofore been
99 selected, and their successors shall be elected from the new
100 trustee election districts constituted herein in the manner
101 provided for in this section.

102 (2) Vacancies in the membership of the board of trustees of
103 any municipal separate school district shall be filled by
104 appointment, within sixty (60) days after the vacancy occurs, by
105 the governing authorities of such municipality. Such appointee
106 shall be selected from the qualified electors of the district in
107 which the vacancy occurs. The president of the municipal
108 governing authority shall certify to the Secretary of State the
109 fact of the appointment, and the person so appointed shall be
110 commissioned by the Governor; and if the unexpired term be longer
111 than six (6) months, such appointee shall serve until a successor
112 is elected as hereinafter provided, unless the vacancy shall occur
113 before ninety (90) days prior to the general election in a year in
114 which an election would normally be held for that office as
115 provided by law, in which case the person so appointed shall serve

116 the unexpired portion of the term. Such vacancies shall be filled
117 for the unexpired term by the qualified electors at the next
118 regular special election day occurring more than ninety (90) days
119 after the occurrence of the vacancy. The president of the
120 municipal governing authority shall, within ten (10) days after
121 the happening of the vacancy, make an order, in writing, directed
122 to the commissioners of election, commanding an election to be
123 held on the next regular special election day to fill the vacancy.
124 The election commissioners shall require each candidate to qualify
125 at least sixty (60) days before the date of the election, and
126 shall give a certificate of election to the person elected, and
127 shall return to the Secretary of State a copy of the order of
128 holding the election showing the results thereof, certified by the
129 president of the municipal governing authority. Such election
130 shall be held in the same manner provided for other municipal
131 office vacancies. The person elected shall be commissioned by the
132 Governor.

133 Provided, however, where only one (1) person shall have
134 qualified with the commissioners of election to be a candidate
135 within the time provided by law, the commissioners of election
136 shall certify to the municipal governing authority that there is
137 but one (1) candidate. Thereupon, the municipal governing
138 authority shall dispense with the election and shall appoint the
139 candidate so certified to fill the unexpired term. The president
140 of the municipal governing authority shall certify to the
141 Secretary of State the candidate so appointed to serve in such
142 office and that candidate shall be commissioned by the Governor.
143 In the event that no person shall have qualified at least sixty
144 (60) days prior to the date of the election, the commissioners of
145 election shall certify that fact to the municipal governing
146 authority which shall dispense with the election and fill the
147 vacancy by appointment. The president of the municipal governing
148 authority shall certify to the Secretary of State the fact of the

149 appointment, and the person so appointed shall be commissioned by
150 the Governor.

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

153 37-7-703. In all such special municipal separate school
154 districts * * *, the board of trustees of such special municipal
155 separate school district shall be elected in the manner provided
156 by subsection (1) of Section 37-7-203, and all of the provisions
157 thereof shall be fully applicable in all respects to the selection
158 and constitution of such board of trustees. Provided, however,
159 that the board of trustees of any special municipal separate
160 school district shall have the authority to apportion the new
161 trustee election districts as provided in Section 37-7-203(1).

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

164 37-5-9. The name of any qualified elector who is a candidate
165 for the county board of education shall be placed on the ballot
166 used in the general elections by the county election
167 commissioners, provided that the candidate files with the county
168 election commissioners, not more than ninety (90) days and not
169 less than sixty (60) days prior to the date of such general
170 election, a petition of nomination signed by not less than fifty
171 (50) qualified electors of the county residing within each
172 supervisors district or special county board of education election
173 district, as the case may be. Where there are less than one
174 hundred (100) qualified electors in said supervisors district, it
175 shall only be required that said petition of nomination be signed
176 by at least twenty percent (20%) of the qualified electors of such
177 supervisors district or special county board of education election
178 district, as the case may be. The candidate in each supervisors
179 district who receives the highest number of votes cast in the
180 district shall be declared elected.

181 * * *

182 In no case shall any qualified elector residing within a
183 municipal separate school district or special municipal separate
184 school district be eligible to sign a petition of nomination for
185 any candidate for the county board of education under any of the
186 provisions of this section.

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

189 37-7-211. Any person otherwise eligible under the provisions
190 of subsection (1) of Section 37-7-203 who shall desire to be a
191 candidate for the office of trustee must qualify in the following
192 manner in order to be allowed to be considered for election. By
193 5:00 p.m. not more than ninety (90) days and at least sixty (60)
194 days before the election he shall file with the office of the
195 superintendent of the municipal separate school district, or the
196 special municipal separate school district, as the case may be, a
197 petition signed by not less than fifty (50) qualified electors of
198 the area represented by the office which he seeks, either for a
199 full term or an unexpired term, as the case may be, and an
200 affidavit by the candidate offering for election stating his
201 qualifications under the terms of said sections. Where there are
202 less than one hundred (100) qualified electors in said area
203 represented by the trustee, it shall only be required that said
204 petition of nomination be signed by at least twenty percent (20%)
205 of the qualified electors in said area. The petition shall
206 contain an affidavit certifying that all signatures are the
207 personal signatures of each person whose name appears on the
208 petition and that each person is a qualified elector.

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

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

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

221 37-7-711. In all such special municipal separate school
222 districts which may be so organized, reorganized or reconstituted
223 to embrace the entire county in which the majority of the
224 inhabitants of the county reside outside the corporate limits of
225 the municipality or less than the entire county, the name of any
226 qualified elector who is a candidate for the board of trustees of
227 such special municipal separate school district, whether such
228 person be a candidate for an unexpired term or for a full term,
229 shall be placed on the ballot used in the elections, provided that
230 the candidate files with the county election commissioners, not
231 more than ninety (90) days and not less than sixty (60) days prior
232 to the date of such general election, a petition of nomination
233 signed by not less than fifty (50) qualified electors of the
234 trustee election district. Where there are less than one hundred
235 (100) qualified electors in the trustee election district, it
236 shall only be required that such petition of nomination be signed
237 by at least twenty percent (20%) of the qualified electors of the
238 trustee election district. The candidate in each election who
239 receives the highest number of votes cast in the election shall be
240 declared to have been elected.

241 **SECTION 6.** Sections 37-7-209, 37-7-211, 37-7-213, 37-7-215,
242 37-7-217 and 37-7-219, Mississippi Code of 1972, which provide
243 certain methods for electing trustees of municipal separate school
244 districts from added territory, are repealed.

245 **SECTION 7.** Sections 37-7-705, 37-7-707, 37-7-709, 37-7-711,
246 37-7-713, 37-7-715 and 37-7-717, Mississippi Code of 1972, which

247 provide certain methods for selecting trustees of special
248 municipal separate school districts, are repealed.

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

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

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

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

260 37-9-13. (1) In all public school districts, except in
261 countywide school districts wherein the incumbent county
262 superintendent of education chooses to seek reelection, the school
263 board shall appoint the superintendent of schools of such
264 district. Any county superintendent of education serving on July
265 1, 2007, may choose to seek reelection, and if he is reelected in
266 the manner provided by law, the office of county superintendent of
267 education shall remain an elective office in such county until the
268 incumbent vacates the office or is not reelected. If the
269 incumbent vacates the office prior to the expiration of the term,
270 the office of superintendent shall become an appointed office
271 beginning immediately. If the incumbent is not reelected, the
272 office of superintendent shall become an appointed office at the
273 end of the four-year term of the person who was elected.

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

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

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

284 37-5-61. (1) There shall be a county superintendent of
285 education in each county.

286 (2) Said superintendent shall serve as the executive
287 secretary of the county board of education, but shall have no vote
288 in the proceedings before the board and no voice in fixing the
289 policies thereof.

290 (3) In addition, said superintendent shall be the director
291 of all schools in the county outside the municipal separate school
292 districts.

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

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

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

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

304 37-5-71. (1) The county superintendents of education shall
305 be elected in the manner prescribed by the provisions of this
306 chapter, unless such office be made appointive as provided in this
307 chapter, in which case the county superintendent shall be
308 appointed by the county board of education or by the trustees of a
309 separate school district embracing an entire county with a
310 population of fifteen thousand (15,000) or less, as provided in
311 subsection (2) of Section 37-7-203. In all cases he shall have

312 such qualifications as prescribed by Section 37-9-13 and receive
313 such compensation as established under Section 37-9-37.

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

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

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

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

332 (d) In any county bordering on the Mississippi Sound
333 and having a population in excess of one hundred thousand
334 (100,000), according to the 1960 federal decennial census, and
335 having an assessed valuation in excess of Seventy Million Dollars
336 (\$70,000,000.00);

337 (e) In any county having a population in excess of
338 eight thousand (8,000) and less than nine thousand (9,000), and
339 having an assessed valuation in excess of Five Million Dollars
340 (\$5,000,000.00) but less than Six Million Dollars (\$6,000,000.00)
341 in 1960;

342 (f) In any county having a population in excess of
343 twenty-two thousand (22,000) and less than twenty-three thousand

344 (23,000) in 1960, and having a total assessed valuation in excess
345 of Thirteen Million Dollars (\$13,000,000.00) in 1960;

346 (g) In any county having a population in excess of
347 fifty-nine thousand (59,000) but less than sixty thousand
348 (60,000), according to the 1960 federal decennial census;

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

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

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

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

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

374 (m) In any county where U.S. Highway 45W Alternate
375 intersects Mississippi Highway 50, and having a population of

376 eighteen thousand nine hundred thirty-three (18,933), according to
377 the 1960 federal census;

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

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

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

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

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

394 In any such county, however, the county superintendent of
395 education may be a resident of a municipal separate school
396 district or special municipal separate school district.

397 (3) The qualified electors residing within the municipal
398 separate school districts shall not participate in the election of
399 the county superintendent of education:

400 (a) In any county having a population of more than
401 twenty-seven thousand (27,000) and less than twenty-eight thousand
402 (28,000) and containing therein a municipality having a population
403 in excess of three thousand (3,000), according to the 1960 federal
404 decennial census;

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

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

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

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

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

424 (g) In any Class 1 county bordering on the Pearl River
425 in which U.S. Highway 80 intersects Mississippi Highway 18 and
426 having a population, according to the federal decennial census of
427 1970, of forty-three thousand nine hundred thirty-three (43,933).

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

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

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

440 (c) In any county having a population in excess of
441 seventeen thousand (17,000) and less than eighteen thousand
442 (18,000), according to the 1970 federal decennial census, wherein
443 Mississippi Highways 6 and 9 intersect.

444 (5) In any county having a municipality of between
445 forty-nine thousand (49,000) and fifty thousand (50,000)
446 population according to the 1960 federal census, and adjoining the
447 Alabama line, wherein U.S. Highways 80 and 45 intersect, the
448 qualified electors residing within any municipal separate school
449 district shall not participate in the election of the county
450 superintendent of education, and such county superintendent of
451 education shall not be a resident of a municipal separate school
452 district.

453 (6) In any county traversed by the Natchez Trace Parkway
454 wherein U.S. Highway 45 and Mississippi Highway 4 intersect and
455 having a population of seventeen thousand nine hundred forty-nine
456 (17,949) according to the 1960 federal census, the qualified
457 electors residing within any municipal separate school district
458 shall not participate in the election of the county superintendent
459 of education, and such county superintendent of education shall
460 not be a resident of a municipal separate school district.

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

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

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

467 37-9-25. The school board shall have the power and

468 authority, in its discretion, to employ the superintendent, unless

469 such superintendent is elected, for not exceeding four (4)

470 scholastic years and the principals or licensed employees for not

471 exceeding three (3) scholastic years. In such case, contracts

472 shall be entered into with such superintendents, principals and

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

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

497 37-9-25. The school board shall have the power and
498 authority, in its discretion, to employ the superintendent * * *
499 for not exceeding four (4) scholastic years and the principals or
500 licensed employees for not exceeding three (3) scholastic years.
501 In such case, contracts shall be entered into with such
502 superintendents, principals and licensed employees for the number
503 of years for which they have been employed. All such contracts
504 with licensed employees shall for the years after the first year
505 thereof be subject to the contingency that the licensed employee

506 may be released if, during the life of the contract, the average
507 daily attendance should decrease from that existing during the
508 previous year and thus necessitate a reduction in the number of
509 licensed employees during any year after the first year of the
510 contract. However, in all such cases the licensed employee must
511 be released before July 1 or at least thirty (30) days prior to
512 the beginning of the school term, whichever date should occur
513 earlier. The salary to be paid for the years after the first year
514 of such contract shall be subject to revision, either upward or
515 downward, in the event of an increase or decrease in the funds
516 available for the payment thereof, but, unless such salary is
517 revised prior to the beginning of a school year, it shall remain
518 for such school year at the amount fixed in such contract.

519 However, where school district funds, other than minimum education
520 program funds, are available during the school year in excess of
521 the amount anticipated at the beginning of the school year the
522 salary to be paid for such year may be increased to the extent
523 that such additional funds are available and nothing herein shall
524 be construed to prohibit same.

525 **SECTION 12.** Section 37-9-12, Mississippi Code of 1972, which
526 provides for a referendum on the question of retaining the
527 elective method of choosing the county superintendent of
528 education, is hereby repealed.

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

532 **SECTION 14.** (1) (a) In any Mississippi county in which is
533 located six (6) or more school districts, there shall be an
534 administrative consolidation of all of the school districts in the
535 county into not more than three (3) school districts with three
536 (3) administrative units and three (3) school boards. This
537 consolidation shall not require closing school facilities. In
538 such county, there shall be a new county board of education

539 elected in the November 2007 general election which shall be
540 elected as provided in Section 37-5-7, Mississippi Code of 1972.
541 The new county board of education shall provide for the
542 administrative consolidation of all school districts in the county
543 into not more than three (3) school districts on or before July 1
544 next following the November election. The new county board of
545 education shall serve as the school board for one (1) of the three
546 (3) school districts in the county. Any school district affected
547 by the required administrative consolidation that does not
548 voluntarily consolidate with the new school district ordered by
549 the county board of education shall be administratively
550 consolidated by the State Board of Education with the appropriate
551 school district in which such district is located, to be effective
552 on July 1 following the election of the new county board of
553 education. The State Board of Education shall promptly move on
554 its own motion to administratively consolidate a school district
555 which does not voluntarily consolidate in order to enable the
556 affected school districts to reasonably accomplish the resulting
557 administrative consolidation into three (3) school districts by
558 July 1 following the election of the new county board of
559 education. All affected school districts shall comply with any
560 consolidation order issued by the county board of education or the
561 State Board of Education, as the case may be, on or before July 1
562 following the election of the new county board of education.

563 (b) On July 1 following the election of the new county
564 board of education, the former county board of education, the
565 board of trustees of any municipal separate, special municipal
566 separate, consolidated or line consolidated school district
567 located in such county shall be abolished. All real and personal
568 property which is owned or titled in the name of a school district
569 located in such county shall be transferred to the new reorganized
570 school district of the county in which such school district is
571 located. Each affected school board shall be responsible for

572 establishing the contracts for teachers and principals for the
573 next school year following the required administrative
574 consolidation with the consultation of the newly elected successor
575 county board of education. The selection of the appointed county
576 superintendent of education and the assistant superintendent of
577 education in the central administration office of the successor
578 countywide school district shall be the responsibility of the
579 successor county board of education. No such administratively
580 consolidated school district shall have more than two (2)
581 assistant superintendents of education. It shall be the
582 responsibility of the successor county board of education to
583 prepare and approve the budget of the new reorganized districts,
584 and the county board of education may use staff from the former
585 school districts to prepare the budget. Any proposed order of the
586 successor county board of education directing the transfer of the
587 assets, real or personal property of an affected school district
588 in the county, shall be submitted and approved by the State Board
589 of Education. The finding of the State Board of Education shall
590 be final and conclusive for the purposes of the transfer of
591 property required by such administrative consolidation. Any
592 person or school district aggrieved by an order of the successor
593 county school board of education pursuant to the required
594 administrative consolidation may appeal therefrom to the State
595 Board of Education within ten (10) days from the date of the
596 adjournment of the meeting at which such order is entered. Such
597 appeal shall be de novo, and the finding of the State Board of
598 Education upon such question shall be final and conclusive for the
599 purpose of the approval or disapproval of the action by said
600 county board of education.

601 (c) When any school district in such county is
602 abolished under the provisions of this section, the abolition
603 thereof shall not impair or release the property of such former
604 school district from liability for the payment of the bonds or

605 other indebtedness of such district and it shall be the duty of
606 the board of supervisors of said county to levy taxes on the
607 property of said district so abolished from year to year according
608 to the terms of such indebtedness until same shall be fully paid.

609 (d) In the administratively consolidated countywide
610 school district created under this section, the ad valorem tax
611 rate shall be determined as set forth under Section 37-57-1 et
612 seq.

613 (e) Nothing in this section shall be construed to
614 require the closing of any school or school facility, unless such
615 facility is an unneeded administrative office located within a
616 school district which has been abolished under the provisions of
617 this section. All administrative consolidations under this
618 section shall be accomplished so as not to delay or in any manner
619 negatively affect the desegregation of another school district in
620 the county pursuant to court order.

621 (f) The State Board of Education shall promulgate rules
622 and regulations to facilitate the administrative consolidation of
623 the school districts in a county pursuant to this section. When
624 the orders of the successor county board of education adopting the
625 boundaries of the successor countywide school district have been
626 entered and are final, as approved by the State Board of
627 Education, the new district lines shall be submitted by the State
628 Board of Education with the assistance of the Attorney General to
629 the Attorney General of the United States for preclearance or to
630 the United States District Court for the District of Columbia for
631 a declaratory judgment in accordance with the provisions of the
632 Voting Rights Act of 1965, as amended and extended. In the event
633 the change in the school district lines are precleared or
634 approved, the State Board of Education shall formally declare the
635 new lines as the new boundaries of the consolidated countywide
636 school district.

637 **SECTION 15.** The Attorney General of the State of Mississippi
638 shall submit this act, immediately upon approval by the Governor,
639 or upon approval by the Legislature subsequent to a veto, to the
640 Attorney General of the United States or to the United States
641 District Court for the District of Columbia in accordance with the
642 provisions of the Voting Rights Act of 1965, as amended and
643 extended.

644 **SECTION 16.** This act shall take effect and be in force from
645 and after the date it is effectuated under Section 5 of the Voting
646 Rights Act of 1965, as amended and extended.