

## **Mississippi Uniform School Law**

### 1. Mississippi Uniform School Law

- a. After July 1, 1987, all school districts in Mississippi shall have the same “prerogatives, powers, duties and privileges.
- b. School Board means: Any County Board of Education or Board of trustees of any municipal separate, special municipal separate, consolidated or line consolidated school district.
- c. School districts are “political subdivisions.”
- d. Board is organized by electing a president and secretary from among the members, and board conducts business in a general business fashion: quorum, keeping minutes, etc.

## **COUNTY BOARD OF EDUCATION**

### 1. Members

- a. Number of Members (37-5-1): 5
- b. Election (37-5-1):
  - i. One shall be elected by the qualified electors of each board of education district of the county.
  - ii. Each member elected shall be a resident and qualified elector of the district from which he is elected.
  - iii. Redistricting occurs every ten (10) years with the census. Apportioned by the Board of Education.
  - iv. No person who is a resident of the territory embraced within a municipal separate school district or special municipal separate school district shall be eligible to be a member of the county board of education. 37-5-3.
- c. Residency Requirement (37-5-3)
  - i. Qualified electors residing within a municipal separate school district or special municipal separate school district shall not be eligible to vote or participate in the election of members of the county board of education.

### 2. Election (37-5-7).

- a. On the first Tuesday after the first Monday in November, in any year, an election shall be held in each such county in this state.

### 3. Terms (37-5-7):

- a. Members shall be elected at general elections as vacancies occur for terms of 6 years each.

<b>Districts</b>	<b>Next Election</b>
Dist. 1 & 2	2016
Dist. 3 & 4	2018
Dist. 5	2014

4. Office (37-5-7)
  - a. All members take office on the first Monday of January following the date of their election.
5. Placing Candidate's Name on the Ballot (37-5-9)
  - a. The candidate's name shall be placed on the ballot used in general elections provided:
    - i. The candidate files with the county election commissioners not more than 90 days and not less than 60 days prior to the date of the election:
      1. Qualifying statement of intent, and
      2. Petition of nomination is signed by not less than 50 qualified electors of the county residing within each supervisor's district.
        - a. Exceptions:
          - i. If there are less than 100 qualified electors, only 20% is required.
        - ii. When a member is to be elected from the county at large, the petition shall be signed by the required number of qualified electors residing in any part of the county outside of the territory embraced within a municipal separate school district or special municipal separate school district.
    - b. The candidate who receives the highest number of votes in the election shall be declared elected.
      - i. No Runoff: In March 2010, DOJ rejected attempt at changing, stating the State failed to state a compelling reason a runoff what necessary. (Legislature attempted to change in 2009 Session)
6. Members elected from Special Districts (37-5-18)
  - a. In any county bordering on the Mississippi Sound and having therein at least 4 municipal separate school districts, each member shall be elected from and shall be a resident and qualified elector in a special district. (Harrison Co?)
  - b. The special districts are apportioned by the board of education in the territory outside the municipal separate school districts, and these board of education districts shall be divided nearly as equally as possible according to population, incumbency and other factors.
7. Vacancies (37-5-19)
  - a. Vacancies shall be filled:
    - i. By appointment
    - ii. Within 60 days after the vacancy occurs
    - iii. By the remaining member of the county board of education.
    - iv. The appointee shall be selected from the qualified electors of the district in which the vacancy occurs
  - b. Term
    - i. They shall serve until the first Monday of January next succeeding the next general election.

- ii. At the next general election, a member shall be elected to fill the remainder of the unexpired term in the same manner and with the same qualifications applicable to the election of a member for full term.
  - 1. AG Opinion to Elise Munn, September 22, 2008: Candidates for the vacant position qualify in same manner as for regular election (qualify 60-90 days before election, 50 signatures, etc.)
- iii. November is the General Special Election Day for all Counties
- c. Conservatorship
  - i. If the school district is under a conservatorship and no members remain in office, the Governor shall call a special election to fill the vacancies.
- d. If the vacancy occurs more than 5 months prior to the next general election and the remaining members are unable to agree upon an individual to be appointed, any two members may certify such disagreement to the county election commission.
- e. Upon the receipt of the certificate, the commission shall hold a special election to fill the vacancy.
  - i. Notice and ballots shall be controlled by the laws of special election.
  - ii. The person elected shall serve for the remainder of the unexpired term.

### **COUNTY SUPERINTENDENTS OF EDUCATION**

1. Members (37-5-61)
  - a. There shall be a county superintendent of education in each county
2. Term (37-5-61)
  - a. The superintendent shall be elected at the same time and in the same manner as other county officers are elected and shall hold office for a term of 4 years.
  - b. However, effective January 1, 2012, the county superintendent of education shall be appointed by the county board of education in any county wherein is located the state's oldest state-supported university, having a population in excess of thirty eight thousand (Lafayette County). 37-5-68.
3. Appointments (37-5-63):
  - a. Notwithstanding the provisions of 37-5-61, the office may be made appointive in any county in the manner provided:
    - i. Filing of the petition signed by not less than twenty percent (20%) of the qualified electors
    - ii. It is the duty of the board of supervisors to call a special election within 60 days after the filing.
    - iii. At the special election, the question of whether the office shall continue to be elective or changed to appointment shall be submitted to the qualified electors.
    - iv. The office would be filled by the County Board if it was made appointed.

- b. Where the office of county superintendent of education has been made appointive under the provisions of section 37-5-63, the same may thereafter be made elective in such county by a petition filed and election held in the same manner provided in said section, all of the provisions of which shall be applicable to such proceedings. (37-5-65)
    - i. Where such change is made from the appointive method back to the elective method the same shall become effective at the date for the commencement of the term of office of other county offices next succeeding such election, and the county superintendent of education of such county shall be elected at the preceding election at the same time and in the same manner as other county officers are elected.
    - ii. Nothing herein shall be construed, however, to authorize the calling of a special election under any of the provisions of this section more often than once in any four years
  - c. Exceptions:
    - i. A Class 3 county that has more than 825 square miles of land and a county unit school system comprising less than an entire county, the petition shall only be signed by electors residing within the county unit school district.
4. Special Election (37-5-63):
- a. The order calling the special election for changing position from elective to appointive (or vice versa) shall designate the date that the election will be held.
  - b. Notice shall be published once a week for at least 3 consecutive weeks in at least one newspaper published in that county.
    - i. The first publication shall be made not less than 21 days prior to the election and the last publication shall not be made more than seven days prior to the election.
  - c. The special election shall be held in the same manner as other county elections.
  - d. No special election shall be held more often than once in every 4 years and no change from the elective to the appointive method shall become effective except at the expiration of the term.
5. Vacancy (37-5-75)
- a. A vacancy will be filled by appointment by the county board of education.
  - b. If the unexpired term exceeds 6 months, it shall be the duty of the board of supervisors of the county to call a special election to fill such vacancy for such unexpired term under 23-15-839.
  - c. If the person appointed shall hold office only until such election is held and the person elected shall qualify and enter upon the discharge of his duties.
6. Appointed in 37-5-67: Legislature defined counties in which the superintendent was to be appointed by county board of education rather than elective. (I could not figure these out)
- a.
  - b. Hancock – AG Op in 1995 states position is elective
  - c. Lowndes
  - d. Madison

- e. Lexington
  - f.
  - g.
  - h. Jefferson
  - i.
  - j. Copiah
  - k.
7. Qualifications (37-5-71)
    - a. The county superintendents of education shall be elected in the manner prescribed by the provisions of this chapter, unless the school district is being reconstituted as provided in Section 37-17-13 or unless such office be made appointive as provided in this chapter, in which case the county superintendent shall be appointed by the county board of education or by the trustees of a separate school district embracing an entire county with a population of fifteen thousand (15,000) or less, as provided in subsection (2) of Section 37-7-203. In all cases he shall have such qualifications as prescribed by Section 37-9-13 and receive such compensation as established under Section 37-9-37.
  8. Selection of School District Superintendent. (37-9-13)
    - a. Each school district shall have a superintendent of schools, selected in the manner provided by law. No person shall be eligible to the office of superintendent of schools unless such person shall hold a valid administrator's license issued by the State Department of Education and shall have had not less than four (4) years of classroom or administrative experience

## BOARD OF TRUSTEES

1. Qualifications (37-7-201)
  - a. Must be a bona fide resident and a qualified elector of the school district.
  - b. If the school district is in two or more counties, but not including a municipal separate school district, such person must be a bona fide resident and a qualified elector of the territory entitled to such representation on the board.
2. Board of Trustees of Municipal Separate School District (37-7-203)
  - a. 5 members.
  - b. Term of 5 years
  - c. The members were so chosen that the term of office of one member shall expire each year. (Staggered terms)
  - d. The trustees of such a municipal separate school district shall be elected by a majority of the governing authorities of the municipality (City Council, Board of Aldermen) at the first meeting of the governing authorities held in the month of February of each year, and the term of office of the member so elected shall commence on the first Saturday of March following.

- e. If territory outside of the municipal limits (corporate limits) is added to the school district, then a trustee shall be elected from that territory if a certain percentage of the pupils reside in that particular area. The trustee shall be elected from and by the qualified electors of the territory.
  - f. Vacancies: Filled by original appointing governing authority, except for position residing outside of territorial limits of municipality.
3. Vacancy in Countywide municipal separate school districts. (37-7-204)
- a. If there is a vacancy and the next regular school board election at which the vacancy may be filled is less than one year from the date of the resignation, the school board may appoint an interim board member to fill in until a duly qualified successor takes office.
  - b. He shall serve until the new board member is duly elected to fill the unexpired term, pursuant to an election held at the next regularly scheduled school board election held in the county.
4. Trustees of reconstituted or new districts, Consolidated districts (37-7-207)
- a. (1) All school districts reconstituted or created under the provisions of Article 1 of this chapter, and which lie wholly within one (1) county, but not including municipal separate and countywide districts, shall be governed by a board of five (5) trustees.
  - b. The first board of trustees of such districts shall be appointed by the county board of education, and the original appointments shall be so made that one (1) trustee shall be appointed to serve until the first Saturday of March following such appointments, one (1) for one (1) year longer, one (1) for two (2) years longer, one (1) for three (3) years longer, and one (1) for four (4) years longer.
  - c. After such original appointments, the trustees of such school districts shall be elected by the qualified electors of such school districts in the manner provided for in section 37-7-203 to 37-7-229, with each trustee to be elected for a term of five (5) years. The five (5) members of the board of trustees of such consolidated school district shall be elected from special trustee election districts by the qualified electors thereof, as herein provided.
  - d. The board of trustees of any such consolidated school district shall apportion the consolidated school district into five (5) special trustee election districts.
  - e. The board of trustees of such school district shall place upon its minutes the boundaries determined for the new five (5) trustee election districts.
  - f. The board of trustees shall thereafter publish the same in a newspaper of general circulation within said school district for at least three (3) consecutive weeks; and after having given notice of publication and recording the same upon the minutes of the board of trustees, said new district lines shall thereafter be effective.
  - g. On the first Tuesday after the first Monday in November, in any year in which any consolidated school district shall elect to utilize the authority to create single member election districts, an election shall be held in each such district in this state for the purpose of electing the board of trustees of such district.
  - h. At said election the member of the said board from District One shall be elected for a term of one (1) year, the member from District Two shall be elected for a term of two

(2) years, the member from District Three shall be elected for a term of three (3) years, the member from District Four shall be elected for a term of four (4) years, and the member from District Five shall be elected for a term of five (5) years. Thereafter, members shall be elected at general elections as vacancies occur for terms of five (5) years each.

- i. Trustees elected from single member election districts as provided above shall otherwise be elected as provided for in 37-7-223 to 37-7-229, All members of the said board of trustees shall take office on the first Monday of January following the date of their election.
  - j. All vacancies which may occur during a term shall be filled by appointment of the consolidated school district trustees, but the person so appointed shall serve only until the next general election following such appointment, at which time a person shall be elected for the remainder of the unexpired term at the same time and in the same manner as a trustee is elected for the full term then expiring.
  - k. The person so elected to the unexpired term shall take office immediately. Said appointee shall be selected from the qualified electors of the district in which the vacancy occurs.
  - l. In the event the school district is under conservatorship and no members of the board of trustees remain in office, the Governor shall call a special election to fill the vacancies and the said election will be conducted by the county election commission.
5. Filing Petition (37-7-211)
- a. Any qualified elector who desires to be a candidate for the office of trustee must qualify by:
    - i. Beginning July 1, 2014, not more than 90 and not less than 60 days before the election by 5:00p.m. shall file a petition signed by not less than 50 qualified electors of the area represented by the office which he seeks with the county election commissioners, and
      - 1. The petition shall contain an affidavit certifying that all signatures are the personal signature of each person whose name appears on the petition and that they are a qualified elector.
    - ii. An affidavit by the candidate stating his qualifications.
  - b. If the candidate does not meet the deadline, he shall not be considered for election.
  - c. If there is only one candidate, there will be no election.
6. Time of Election (37-7-215)
- a. All elections shall be held on the first Tuesday after the first Monday in November of each year and in the same manner as general state and county elections are held and conducted.
  - b. If a runoff election is necessary, it shall be held three weeks thereafter.
7. Election Procedures (37-7-217)
- a. The county election commissioners shall make clear on the ballot the candidates running for a full term and candidates running for unexpired terms.

- b. Persons elected shall assume the duties of his office for the full term on the first day of January if the election is for the full term.
  - c. Unexpired Term: elected person shall assume office immediately.
- 8. Qualified Elector List (37-7-219)
  - a. It is the duty of the county election commissioner to prepare a list of all qualified electors who are eligible to participate in the election.
  - b. The list shall be furnished to the election managers in each precinct.
  - c. If the election precinct embraces parts of two or more school districts it shall be the duty of the county election commissioner to prepare separate lists of the qualified electors.
- 9. Consolidated or Consolidated Line School District Elections (37-7-221)
  - a. All elections shall be held on the first Tuesday after the first Monday in November of each year in the same manner as general state and county elections are held and conducted. (37-7-223)
  - b. Petition of Nomination (37-7-225)
    - i. The petition of nomination must be filed not more than 90 days and by 5:00 p.m. and not less than 60 days prior to the date of election.
      - 1. It must be signed by 50 qualified electors.
      - 2. If there are less than 100 qualified electors, it must have 20% of the total number.
    - ii. If there is only one qualified candidate, then no election is necessary.

### **SPECIAL MUNICIPAL SEPARATE SCHOOL DISTRICTS**

- 1. Trustee Selection; majority residing within municipality (37-7-703)
  - a. In all such special municipal separate school districts which embrace the entire county in which, according to the latest available federal census, a majority of the inhabitants of the county reside within the corporate limits of the municipality, the board of trustees of such special municipal separate school district shall be chosen and selected in the manner provided by subsection 1 of 37-7-203, and all of the provisions thereof shall be fully applicable in all respects to the selection and constitution of such board of trustees.
- 2. Trustee selection; Majority residing outside city limits (37-7-705)
  - a. Special municipal separate school districts which embrace the entire county and the majority of the inhabitants of the county reside outside the corporate limits of the municipality; the board of trustees shall be constituted in accordance with 37-7-707 through 37-7-711, unless the governing authorities of the municipality and county provide for an alternative as provided by 37-7-715 and 37-7-717.
- 3. Trustee Election (37-7-707)
  - a. In special municipal separate school districts which may be organized, reorganized or reconstituted to embrace the entire county in which the majority of the inhabitants reside outside the corporate limits, the board of trustees shall be composed of five

members, one of which shall be a resident qualified elector of each supervisor's district of the county.

- b. He shall be elected at large by qualified electors at the first regular general election following the approval by the state educational finance commission.
- c. He shall take office the first Monday of January following their election.

4. Terms (37-7-707).

- a. Upon organization, districts shall be elected to create staggered terms:
  - i. Districts one and five: 6 years
  - ii. Districts three and four: four years
  - iii. District two: two years.
- b. Thereafter members shall be elected at regular general elections as vacancies occur for terms of six years each and shall take office on the first Monday of January after their election.

5. Vacancies:

- a. All vacancies which may occur during the term of office shall be filled by appointment by the remaining members of the board of trustees.
- b. Such appointee to have the same qualifications as other members of the board and reside in the same supervisor's district as the former member whose death, removal or resignation caused the vacancy.
- c. Such appointment shall be made within thirty days after the vacancy occurs.
- d. The person so appointed shall serve only until the first Monday of January following the next regular general election after such appointment and, at the regular general election next preceding such first Monday in January, a person shall be elected for the remainder of the unexpired term at the same time and in the same manner as a trustee is elected for the full term next expiring, and such person shall take office on said first Monday of January.

6. Petitions (37-7-711)

- a. The name of any qualified elector who is a candidate for the board of trustees of such special municipal separate school district, whether such person be a candidate for an unexpired term or for a full term, shall be placed on the ballot used in the elections.
- b. Beginning 7/1/2014, the candidate must file with the county election commissioners, not more than ninety (90) days and not less than sixty (60) days prior to the date of such general election, a petition of nomination.
  - i. Signed by not less than fifty (50) qualified electors of the county.
- c. (Pointless now, but still included) Provided, however, that in any such special municipal separate school district which embraces the entire county and which borders the Mississippi River and in which Interstate Highway 20 and United States Highway 61 intersect and having a population in excess of forty-seven thousand (47,000) according to the 1990 federal decennial census, the candidate shall be required to file a petition of nomination with the county election commissioners not less than sixty (60) days prior to the date of such general election, in addition to the other requirements prescribed herein.
- d. The candidate in each election who receives the highest number of votes shall be declared to have been elected.

7. Trustee Selected in Certain Districts (37-7-713)

- a. In all special municipal separate school districts where the district embraces less than the entire area of the county and where the majority of the educable children of such district reside outside the limits of the municipality the said special municipal separate school district shall be governed by a board of trustees.
  - i. Consists of five members, to be elected by the qualified electors of such municipal separate school district from the district at large in the manner provided by Sections 37-7-209 to 37-7-219, and all duties imposed upon the county superintendent of education by said sections with reference to such elections shall be imposed upon and performed by the superintendent of the municipal separate school district.
- b. However, the first board of trustees of such special municipal separate school district shall be appointed in the following manner.
  - i. The governing authorities of the municipality shall appoint three trustees,
  - ii. Such appointments shall be made so that one trustee shall be appointed to serve (to create staggered terms):
    - 1. Position 1: Until the first Saturday of March following such appointment,
    - 2. Position 3: One for two years longer, and
    - 3. Position 5: One for four years longer.
  - iii. The board of education of the county shall appoint two trustees,
  - iv. Such appointments to be made so that one trustee shall be appointed to serve:
    - 1. Position 2: Until the first Saturday of March of the second year following such appointment, and
    - 2. Position 4: One trustee for two years longer.
  - v. After such original appointments the trustees of such a special municipal separate school district shall be elected for a term of five years, as herein provided.
- c. All such members of said board of trustees shall be residents and qualified electors of such school district.
- d. Vacancy:
  - i. All vacancies which may occur during a term of office shall be filled by appointment by the remaining members of the board of trustees, such appointee to have the same qualifications as other members of the board. Such appointment shall be made within thirty days after the vacancy occurs. The person so appointed shall serve only until his successor shall have qualified. The successor to serve the remainder of the unexpired term shall be elected on the first Saturday of March next following the occurrence of such vacancy.

8. Trustees selected by agreement (37-7-715)

- a. Upon the organization, reorganization or reconstitution of any special municipal separate school district, the board of supervisors of the county wherein such special municipal separate school district is located and the governing authorities of the municipality may, by an order spread upon their minutes within sixty days after such organization, reorganization or reconstitution shall have become final, expressing an agreement between both such governing authorities, choose to constitute the board of such special municipal separate school district under one of the optional methods of organization set out in Section 37-7-717.

- b. In the event that both the governing authorities hereinabove referred to shall enter such an order within said period, then the said board of trustees shall be thereafter constituted and selected according to the terms of such agreement, provided such agreement is in conformity with the terms of Section 37-7-717. It is further expressly provided that irregularities of a procedural nature in the adoption of such orders shall not affect the validity of the same or the validity of any acts of the board of trustees which may be constituted by virtue thereof.
9. Organization and selection process. (37-7-717)
- a. The board of supervisors of any county wherein there is a special municipal separate school district and the governing authorities of the municipality may provide that the board of trustees of such special municipal separate school district shall be organized and constituted in one of the following manners:
    - i. The board may consist of five members,
      - 1. All of whom shall be bona fide residents of and qualified electors of such school districts and
      - 2. Who shall be appointed by:
        - a. Either the board of supervisors, the governing authorities of the municipality, or
        - b. By both of said bodies in such proportion as the governing bodies may agree upon.
    - ii. The first such board shall be appointed so trustees are appointed and the terms to expire each year to create staggering terms.
    - iii. Upon the expiration of each such original term, each appointment shall be for five years and shall be made by the authority making the original appointment.
    - iv. In case of the occurrence of a vacancy, the authority which made the appointment of the trustee responsible for such vacancy shall appoint a successor to serve the remainder of the term of such trustee.
    - v. In case of a special municipal separate school district which embraces the entire county, the board of trustees may be constituted and selected in accordance with the terms and provisions of Section 37-7-707 to 37-7-711 with the exception that one member of such board shall be elected by each supervisors district and shall be a resident and qualified elector of the district from which he is elected.
    - vi. In case of a special municipal separate school district embracing the entire county, the board of trustees may be constituted and selected in accordance with 37-7-713.
  - b. District board of trustees to supersede county board in county-wide districts
    - i. County board of education to discontinue if special municipal separate school district embraces and includes the entire county.
  - c. District superintendent to supersede county superintendent of education in county-wide districts
    - i. County superintendent of education shall be abolished and discontinued in counties where special municipal separate school district embraces and includes the entire county.