4/4/16 1:39 P.M.

Chapter No. 311
16/SS26/R146.1
LR / TB/LR

SENATE BILL NO. 2438

Originated in Senate _____ Secretary

SENATE BILL NO. 2438

AN ACT TO AMEND SECTIONS 37-9-13 AND 37-9-25, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE APPOINTMENT OF ALL SUPERINTENDENTS OF SCHOOLS FROM AND AFTER JANUARY 1, 2019; TO REPEAL EFFECTIVE JULY 1, 2019, SECTIONS 37-5-61, 37-5-63, 37-5-65, 37-5-67, 37-5-69, 37-5-71 AND 37-5-75, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR ELECTED COUNTY SUPERINTENDENTS OF EDUCATION, CHANGING THE POSITION OF COUNTY SUPERINTENDENT OF EDUCATION TO AN APPOINTED OFFICE PURSUANT TO PETITION AND REFERENDUM, PROVIDE FOR THE REESTABLISHMENT OF THE OFFICE AS AN ELECTIVE OFFICE, AUTHORIZE THE APPOINTMENT OF THE COUNTY SUPERINTENDENT OF EDUCATION IN CERTAIN COUNTIES, PROVIDE FOR THE SELECTION AND QUALIFICATIONS OF ELECTED SUPERINTENDENTS IN CERTAIN COUNTIES, PROVIDE FOR THE FILLING OF VACANCIES IN THE OFFICE OF ELECTED COUNTY SUPERINTENDENT OF EDUCATION, AND SECTION 37-9-12, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR A REFERENDUM ON THE QUESTION OF RETAINING THE ELECTIVE METHOD OF CHOOSING THE COUNTY SUPERINTENDENT OF EDUCATION; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 37-9-13, Mississippi Code of 1972, is amended as follows:

37-9-13. (1) 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.

(2) From and after January 1, 2019, in all public school districts, the local school board shall appoint the superintendent of schools of such district. At the expiration of the term of any county superintendent of education elected at the November 2015 general election, the county superintendent of education of said county shall not be elected but shall thereafter be appointed by the local school board in the manner provided in Section 37-9-25. The superintendent of schools shall have the general powers and duties to administer the schools within his district as prescribed in Section 37-9-14 et seq., Mississippi Code of 1972.

SECTION 2. Section 37-9-25, Mississippi Code of 1972, is amended as follows:

37-9-25. The school board shall have the power and authority, in its discretion, to employ the superintendent, unless such superintendent is elected at the November 2015 general election, for not exceeding four (4) scholastic years and the principals or licensed employees for not exceeding three (3) scholastic years. In such case, contracts shall be entered into with such superintendents, principals and licensed employees for the number of years for which they have been employed. All such contracts with licensed employees shall for the years after the first year thereof be subject to the contingency that the licensed

employee may be released if, during the life of the contract, the average daily attendance should decrease from that existing during the previous year and thus necessitate a reduction in the number of licensed employees during any year after the first year of the contract. However, in all such cases the licensed employee must be released before July 1 or at least thirty (30) days prior to the beginning of the school term, whichever date should occur earlier. The salary to be paid for the years after the first year of such contract shall be subject to revision, either upward or downward, in the event of an increase or decrease in the funds available for the payment thereof, but, unless such salary is revised prior to the beginning of a school year, it shall remain for such school year at the amount fixed in such contract. However, where school district funds, other than minimum education program funds, are available during the school year in excess of the amount anticipated at the beginning of the school year the salary to be paid for such year may be increased to the extent that such additional funds are available and nothing herein shall be construed to prohibit same.

SECTION 3. Effective January 1, 2019, Sections 37-5-61, 37-5-63, 37-5-65, 37-5-67, 37-5-69, 37-5-71 and 37-5-75, Mississippi Code of 1972, which provide for elected county superintendents of education, changing the position of county superintendent of education to an appointed office pursuant to petition and referendum, provide for the reestablishment of the

office as an elective office, authorize the appointment of the county superintendent of education in certain counties, provide for the selection and qualifications of elected superintendents in certain counties, and provide for the filling of vacancies in the office of elected county superintendent of education; and Section 37-9-12, Mississippi Code of 1972, which provides for a referendum on the question of retaining the elective method of choosing the county superintendent of education, are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after July 1, 2016.

PASSED BY THE SENATE
February 11, 2016

Tate Reeves

PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
March 24, 2016

Philip Gunn

SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR

Phil Bryant

GOVERNOR

April 4, 2016
1:35 pm