

By: Representative Manning

To: Education

HOUSE BILL NO. 750
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 37-9-14, MISSISSIPPI CODE OF 1972, TO
2 CLARIFY THE AUTHORITY OF SCHOOL SUPERINTENDENTS TO ASSIGN
3 NONLICENSED EMPLOYEES TO THE VARIOUS SCHOOLS IN THEIR DISTRICTS
4 WITHOUT OBTAINING THE LOCAL SCHOOL BOARD'S APPROVAL; AND FOR
5 RELATED PURPOSES.

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

7 SECTION 1. Section 37-9-14, Mississippi Code of 1972, is
8 amended as follows:

9 37-9-14. (1) It shall be the duty of the superintendent of
10 schools to administer the schools within his district and to
11 implement the decisions of the school board.

12 (2) In addition to all other powers, authority and duties
13 imposed or granted by law, the superintendent of schools shall
14 have the following powers, authority and duties:

15 (a) To enter into contracts in the manner provided by
16 law with each assistant superintendent, principal and teacher of
17 the public schools under his supervision, after such assistant
18 superintendent, principal and teachers have been selected and
19 approved in the manner provided by law.

20 (b) To enforce in the public schools of the school
21 district the courses of study provided by law or the rules and
22 regulations of the State Board of Education, and to comply with
23 the law with reference to the use and distribution of free
24 textbooks.

25 (c) To administer oaths in all cases to persons
26 testifying before him relative to disputes relating to the schools
27 submitted to him for determination, and to take testimony in such

28 cases as provided by law.

29 (d) To examine the monthly and annual reports submitted
30 to him by principals and teachers for the purpose of determining
31 and verifying the accuracy thereof.

32 (e) To preserve all reports of superintendents,
33 principals, teachers and other school officers, and to deliver to
34 his successor or clerk of the board of supervisors all money,
35 property, books, effects and papers.

36 (f) To prepare and keep in his office a map or maps
37 showing the territory embraced in his school district, to furnish
38 the county assessor with a copy of such map or maps, and to revise
39 and correct same from time to time as changes in or alterations of
40 school districts may necessitate.

41 (g) To keep an accurate record of the names of all of
42 the members of the school board showing the districts for which
43 each was elected or appointed, the post office address of each,
44 and the date of the expiration of his term of office. All
45 official correspondence shall be addressed to the school board,
46 and notice to such members shall be regarded as notice to the
47 residents of the district, and it shall be the duty of the members
48 to notify such residents.

49 (h) To deliver in proper time to the assistant
50 superintendents, principals, teachers and board members such
51 forms, records and other supplies which will be needed during the
52 school year as provided by law or any applicable rules and
53 regulations, and to give to such individuals such information with
54 regard to their duties as may be required.

55 (i) To make to the school board reports for each
56 scholastic month in such form as the school board may require.

57 (j) To distribute promptly all reports, letters, forms,
58 circulars and instructions which he may receive for the use of
59 school officials.

60 (k) To keep on file and preserve in his office all
61 appropriate information concerning the affairs of the school
62 district.

63 (l) To visit the schools of his school district in his
64 discretion, and to require the assistant superintendents,

65 principals and teachers thereof to perform their duties as
66 prescribed by law.

67 (m) To observe such instructions and regulations as the
68 school board and other public officials may prescribe, and to make
69 special reports to these officers whenever required.

70 (n) To keep his office open for the transaction of
71 business upon the days and during the hours to be designated by
72 the school board.

73 (o) To make such reports as are required by the State
74 Board of Education.

75 (p) To make an enumeration of educable children in his
76 school district as prescribed by law.

77 (q) To keep in his office and carefully preserve the
78 public school record provided, to enter therein the proceedings of
79 the school board and his decision upon cases and his other
80 official acts, to record therein the data required from the
81 monthly and term reports of principals and teachers, and from the
82 summaries of records thus kept.

83 (r) To delegate student disciplinary matters to
84 appropriate school personnel.

85 (s) To make assignments to the various schools in the
86 district of all noninstructional and nonlicensed employees and all
87 licensed employees, as provided in Sections 37-9-15 and 37-9-17,
88 and to make reassignments of such employees from time to time;
89 however, a reassignment of a licensed employee may only be to an
90 area in which the employee has a valid license issued by the State
91 Department of Education * * *. Upon request from any
92 employee * * * transferred, such assignment shall be subject to
93 review by the school board.

94 (t) To employ substitutes for licensed employees,
95 regardless of whether or not such substitute holds the proper
96 license, subject to such reasonable rules and regulations as may
97 be adopted by the State Board of Education.

98 (u) To comply in a timely manner with the compulsory
99 education reporting requirements prescribed in Section
100 37-13-91(6).

101 (v) To perform such other duties as may be required of
102 him by law.

103 (w) To notify, in writing, the parent, guardian or
104 custodian, the youth court and local law enforcement of any
105 expulsion of a student for criminal activity as defined in Section
106 37-11-92.

107 (x) To notify the youth court and local law enforcement
108 agencies, by affidavit, of the occurrence of any crime committed
109 by a student or students upon school property or during any
110 school-related activity, regardless of location and the identity
111 of the student or students committing the crime.

112 (y) To employ and dismiss noninstructional and
113 nonlicensed employees as provided by law.

114 (3) All funds to the credit of a school district shall be
115 paid out on pay certificates issued by the superintendent upon
116 order of the school board of the school district properly entered
117 upon the minutes thereof, and all such orders shall be supported
118 by properly itemized invoices from the vendors covering the
119 materials and supplies purchased. All such orders and the
120 itemized invoices supporting same shall be filed as a public
121 record in the office of the superintendent for a period of five
122 (5) years. The superintendent shall be liable upon his official
123 bond for the amount of any pay certificate issued in violation of
124 the provisions of this section. The school board shall have the
125 power and authority to direct and cause warrants to be issued
126 against such district funds for the purpose of refunding any
127 amount of taxes erroneously or illegally paid into such fund when
128 such refund has been approved in the manner provided by law.

129 (4) The superintendent of schools shall be special
130 accounting officer and treasurer with respect to any and all

131 district school funds for his school district. He or his designee
132 shall issue all warrants without the necessity of registration
133 thereof by the chancery clerk. Transactions with the depositories
134 and with the various tax collecting agencies which involve school
135 funds for such school district shall be with the superintendent of
136 schools, or his designee.

137 (5) The superintendent of schools will have no
138 responsibility with regard to agricultural high school and junior
139 college funds.

140 All agricultural high school and junior college funds shall
141 be handled and expended in the manner provided for in Sections
142 37-29-31 through 37-29-39.

143 (6) It shall be the duty of the superintendent of schools to
144 keep and preserve the minutes of the proceedings of the school
145 board.

146 (7) The superintendent of schools shall maintain as a record
147 in his office a book or a computer printout in which he shall
148 enter all demands, claims and accounts paid from any funds of the
149 school district. The record shall be in a form to be prescribed
150 by the State Auditor. All demands, claims and accounts filed
151 shall be preserved by the superintendent of schools as a public
152 record for a period of five (5) years. All claims found by the
153 school board to be illegal shall be rejected or disallowed. All
154 claims which are found to be legal and proper shall be allowed and
155 ratified as paid by the superintendent of schools. All claims as
156 to which a continuance is requested by the claimant and those
157 found to be defective but which may be perfected by amendment
158 shall be continued. The superintendent of schools shall issue a
159 pay certificate against any legal and proper fund of the school
160 district in favor of the claimant in payment of claims. The
161 provisions of this section, however, shall not be applicable to
162 the payment of teachers' salaries, salaries of drivers of publicly
163 owned school buses, travel advances, amounts due private

164 contractors or other obligations where the amount thereof has been
165 previously approved by a contract or by an order of the school
166 board entered upon its minutes, or by inclusion in the current
167 fiscal year budget, and all such amounts may be paid by the
168 superintendent of schools by pay certificates issued by him
169 against the legal and proper fund without allowance of a specific
170 claim therefor as provided in this section, provided that the
171 payment thereof is otherwise in conformity with law.

172 SECTION 2. This act shall take effect and be in force from
173 and after July 1, 1999.