

By: Senator(s) Little

To: Education

SENATE BILL NO. 2167

1 AN ACT TO AMEND SECTION 37-9-17, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE CRIMINAL HISTORY BACKGROUND CHECKS FOR PUBLIC SCHOOL
3 TEACHER APPLICANTS AND TO PROHIBIT PERSONS DETERMINED THROUGH A
4 BACKGROUND CHECK TO BE GUILTY OF A FELONY FROM TEACHING IN PUBLIC
5 SCHOOLS; TO PROVIDE IMMUNITY TO SCHOOL DISTRICTS AND SCHOOL
6 DISTRICT EMPLOYEES REGARDING CERTAIN EMPLOYMENT DECISIONS; AND FOR
7 RELATED PURPOSES.

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

9 SECTION 1. Section 37-9-17, Mississippi Code of 1972, is
10 amended as follows:

11 37-9-17. On or before April 1 of each year, the principal of
12 each school shall recommend to the superintendent of the school
13 district the licensed employees or noninstructional employees to
14 be employed for the school involved except those licensed
15 employees or noninstructional employees who have been previously
16 employed and who have a contract valid for the ensuing scholastic
17 year. The superintendent of the school district shall have the
18 authority to conduct a criminal history background investigation
19 of each person applying and recommended for a teaching position.
20 If the background investigation discloses a felony conviction or a
21 guilty plea or plea of nolo contendere to a felony, the applicant
22 shall not be eligible to teach and shall not be recommended for
23 employment to the school board. If such recommendations meet with
24 the approval of the superintendent, the superintendent shall
25 recommend the employment of such licensed employees or
26 noninstructional employees to the school board, and, unless good
27 reason to the contrary exists, the board shall elect the employees
28 so recommended. If, for any reason, the school board shall
29 decline to elect any employee so recommended, additional

recommendations for the places to be filled shall be made by the principal to the superintendent and then by the superintendent to the school board as provided above. The school board of any school district shall be authorized to designate a personnel supervisor or another principal employed by the school district to recommend to the superintendent licensed employees; however, this authorization shall be restricted to no more than two (2) positions for each employment period for each school in the school district. The school board of any school district shall be authorized to designate a personnel supervisor or another principal employed by the school district to accept the recommendations of principals or their designees for licensed employees and to transmit approved recommendations to the board; however, this authorization shall be restricted to no more than two (2) positions for each employment period for each school in the school district.

When the licensed employees have been elected as provided in the preceding paragraph, the superintendent of the district shall enter into a contract with such persons in the manner provided in this chapter.

If, at the commencement of the scholastic year, any licensed employee shall present to the superintendent a license of a higher grade than that specified in such individual's contract, such individual may, if funds are available from minimum education program funds of the district, or from district funds, be paid from such funds the amount to which such higher grade license would have entitled the individual, had the license been held at the time the contract was executed.

SECTION 2. No school district or school district employee shall be held liable in any employment discrimination suit in which an allegation of discrimination is made regarding an employment decision authorized under Section 37-9-17.

SECTION 3. This act shall take effect and be in force from and after July 1, 1999.