

By: Senator(s) White (5th)

To: Universities and
Colleges;
Appropriations

SENATE BILL NO. 2529

1 AN ACT TO AMEND SECTIONS 37-9-15, 37-29-63 AND 37-101-15,
2 MISSISSIPPI CODE OF 1972, TO DIRECT LOCAL SCHOOL BOARDS, BOARDS OF
3 TRUSTEES OF COMMUNITY/JUNIOR COLLEGE DISTRICTS AND THE BOARD OF
4 TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING TO SET ASIDE 20%
5 OF THEIR RESPECTIVE ADMINISTRATIVE SALARY BUDGETS FOR THE PURPOSE
6 OF EMPLOYING FEMALE ADMINISTRATORS; AND FOR RELATED PURPOSES.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:
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9 SECTION 1. Section 37-9-15, Mississippi Code of 1972, is
10 amended as follows:

11 37-9-15. No later than February 15 of each year, the
12 superintendent of each school district, or such other person
13 designated or authorized by the school board, shall recommend to
14 the school board thereof the assistant superintendents and
15 principals to be employed for each of the schools of the districts
16 except in the case of those assistant superintendents and
17 principals who have been previously employed and who have a
18 contract valid for the ensuing scholastic year. Unless good
19 reason to the contrary exists, the school board shall approve and
20 authorize the employment of the assistant superintendents and
21 principals so recommended. If, for any reason, the school board
22 shall decline to approve an assistant superintendent or principal
23 so recommended, the superintendent or the board's designee shall
24 make additional recommendations for the place or places to be
25 filled.

26 When the assistant superintendents and principals of the
27 schools have been recommended and approved as provided in the
28 preceding paragraph, the superintendent of such district shall
29 enter into proper contracts with them. At a subsequent meeting he

30 shall report same to the school board and such shall be entered in
31 the minutes.

32 An interim conservator appointed pursuant to the provisions
33 of Section 37-17-6(14)(a) shall not be required to comply with the
34 time limitations prescribed in this section for recommending and
35 employing assistant superintendents and principals.

36 Notwithstanding any provision of this section to the
37 contrary, any school board, by order placed on its minutes, shall
38 set aside a minimum of twenty percent (20%) of the school
39 district's anticipated budget for administrative salaries for the
40 employment of female administrators, which shall include
41 superintendents, assistant superintendents, principals, assistant
42 principals, and any other employment position which requires the
43 person to hold an administrator's certificate.

44 SECTION 2. Section 37-29-63, Mississippi Code of 1972, is
45 amended as follows:

46 37-29-63. The president of any community or junior college
47 shall have the power to recommend to the board of trustees all
48 teachers to be employed in the district. He may remove or suspend
49 any member of the faculty subject to the approval of the trustees.
50 He shall be the general manager of all fiscal and administrative
51 affairs of the district with full authority to select, direct,
52 employ and discharge any and all employees other than teachers;
53 however, the board may make provisions and establish policies for
54 leave for faculty members and other key personnel.

55 The president shall have the authority, subject to the
56 provisions of Sections 37-29-1 to 37-29-273 and the approval of
57 the trustees, to arrange and survey courses of study, fix
58 schedules, and establish and enforce rules and discipline for the
59 governing of teachers and students. He shall be the general
60 custodian of the property of the district.

61 Notwithstanding any provision of this section to the
62 contrary, any board of trustees of a community or junior college
63 district, by order placed on its minutes, shall set aside a
64 minimum of twenty percent (20%) of the district's anticipated
65 budget for administrative salaries for the employment of female
66 administrators, which shall include presidents, vice presidents,

67 deans, department heads, and any other employment position which
68 requires the person to hold an administrator's credential.

69 SECTION 3. Section 37-101-15, Mississippi Code of 1972, is
70 amended as follows:

71 37-101-15. (a) The Board of Trustees of State Institutions
72 of Higher Learning shall succeed to and continue to exercise
73 control of all records, books, papers, equipment, and supplies,
74 and all lands, buildings, and other real and personal property
75 belonging to or assigned to the use and benefit of the board of
76 trustees formerly supervising and controlling the institutions of
77 higher learning named in Section 37-101-1. The board shall have
78 and exercise control of the use, distribution and disbursement of
79 all funds, appropriations and taxes, now and hereafter in
80 possession, levied and collected, received, or appropriated for
81 the use, benefit, support, and maintenance or capital outlay
82 expenditures of the institutions of higher learning, including the
83 authorization of employees to sign vouchers for the disbursement
84 of funds for the various institutions, except where otherwise
85 specifically provided by law.

86 (b) The board shall have general supervision of the affairs
87 of all the institutions of higher learning, including the
88 departments and the schools thereof. The board shall have the
89 power in its discretion to determine who shall be privileged to
90 enter, to remain in, or to graduate therefrom. The board shall
91 have general supervision of the conduct of libraries and
92 laboratories, the care of dormitories, buildings, and grounds; the
93 business methods and arrangement of accounts and records; the
94 organization of the administrative plan of each institution; and
95 all other matters incident to the proper functioning of the
96 institutions. The board shall have the authority to establish
97 minimum standards of achievement as a prerequisite for entrance
98 into any of the institutions under its jurisdiction, which
99 standards need not be uniform between the various institutions and

100 which may be based upon such criteria as the board may establish.

101 (c) The board shall exercise all the powers and prerogatives
102 conferred upon it under the laws establishing and providing for
103 the operation of the several institutions herein specified. The
104 board shall adopt such bylaws and regulations from time to time as
105 it deems expedient for the proper supervision and control of the
106 several institutions of higher learning, insofar as such bylaws
107 and regulations are not repugnant to the Constitution and laws,
108 and not inconsistent with the object for which these institutions
109 were established. The board shall have power and authority to
110 prescribe rules and regulations for policing the campuses and all
111 buildings of the respective institutions, to authorize the arrest
112 of all persons violating on any campus any criminal law of the
113 state, and to have such law violators turned over to the civil
114 authorities.

115 (d) For all institutions specified herein, the board shall
116 provide a uniform system of recording and of accounting approved
117 by the State Department of Audit. The board shall annually
118 prepare, or cause to be prepared, a budget for each institution of
119 higher learning for the succeeding year which must be prepared and
120 in readiness for at least thirty (30) days before the convening of
121 the regular session of the Legislature. All relationships and
122 negotiations between the state Legislature and its various
123 committees and the institutions named herein shall be carried on
124 through the board of trustees. No official, employee or agent
125 representing any of the separate institutions shall appear before
126 the Legislature or any committee thereof except upon the written
127 order of the board or upon the request of the Legislature or a
128 committee thereof.

129 (e) For all institutions specified herein, the board shall
130 prepare an annual report to the Legislature setting forth the
131 disbursements of all monies appropriated to the respective
132 institutions. Each report to the Legislature shall show how the

133 money appropriated to the several institutions has been expended,
134 beginning and ending with the fiscal years of the institutions,
135 showing the name of each teacher, officer, and employee, and the
136 salary paid each, and an itemized statement of each and every item
137 of receipts and expenditures. Each report must be balanced, and
138 must begin with the former balance. If any property belonging to
139 the state or the institution is used for profit, the reports shall
140 show the expense incurred in managing the property and the amount
141 received therefrom. The reports shall also show a summary of the
142 gross receipts and gross disbursements for each year and shall
143 show the money on hand at the beginning of the fiscal period of
144 the institution next preceding each session of the Legislature and
145 the necessary amount of expense to be incurred from said date to
146 January 1 following. The board shall keep the annual expenditures
147 of each institution herein mentioned within the income derived
148 from legislative appropriations and other sources, but in case of
149 emergency arising from acts of providence, epidemics, fire or
150 storm with the written approval of the Governor and by written
151 consent of a majority of the Senators and of the Representatives
152 it may exceed the income. The board shall require a surety bond
153 in a surety company authorized to do business in this state, of
154 every employee who is the custodian of funds belonging to one or
155 more of the institutions mentioned herein, which bond shall be in
156 a sum to be fixed by the board in an amount that will properly
157 safeguard the said funds, the premium for which shall be paid out
158 of the funds appropriated for said institutions.

159 (f) The board shall have the power and authority to elect
160 the heads of the various institutions of higher learning and to
161 contract with all deans, professors, and other members of the
162 teaching staff, and all administrative employees of said
163 institutions for a term of not exceeding four (4) years. The
164 board shall have the power and authority to terminate any such
165 contract at any time for malfeasance, inefficiency, or

166 contumacious conduct, but never for political reasons. It shall
167 be the policy of the board to permit the executive head of each
168 institution to nominate for election by the board all subordinate
169 employees of the institution over which he presides. It shall be
170 the policy of the board to elect all officials for a definite
171 tenure of service and to reelect during the period of satisfactory
172 service. The board shall have the power to make any adjustments
173 it thinks necessary between the various departments and schools of
174 any institution or between the different institutions.

175 Notwithstanding any provision of this section to the
176 contrary, the Board of Trustees of State Institutions of Higher
177 Learning, by order placed on its minutes, shall set aside a
178 minimum of twenty percent (20%) of each institution's anticipated
179 budget for administrative salaries for the employment of female
180 administrators, which shall include presidents, chancellors,
181 vice-presidents, vice-chancellors, deans, college or department
182 heads, and any other employment position which requires the person
183 to hold an administrator's credential.

184 (g) The board shall keep complete minutes and records of all
185 proceedings which shall be open for inspection by any citizen of
186 the state.

187 (h) The board shall have the power to contract, on a
188 shared-savings, lease or lease-purchase basis, for energy
189 efficiency services and/or equipment as prescribed in Section
190 31-7-14, not to exceed ten (10) years.

191 (i) The Board of Trustees of State Institutions of Higher
192 Learning, for and on behalf of Jackson State University, is hereby
193 authorized to convey by donation or otherwise easements across
194 portions of certain real estate located in the City of Jackson,
195 Hinds County, Mississippi, for right-of-way required for the Metro
196 Parkway Project.

197 SECTION 4. This act shall take effect and be in force from
198 and after July 1, 1999.