

By: Representative Davis

To: Education

HOUSE BILL NO. 55

1 AN ACT TO AMEND SECTION 37-9-59, MISSISSIPPI CODE OF 1972, TO
2 CLARIFY SCHOOL SUPERINTENDENTS' AUTHORITY TO DISMISS OR SUSPEND
3 LICENSED EMPLOYEES WHO ARE CONVICTED OF A FELONY; AND FOR RELATED
4 PURPOSES.

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

6 SECTION 1. Section 37-9-59, Mississippi Code of 1972, is
7 amended as follows:

8 37-9-59. For incompetence, neglect of duty, immoral conduct,
9 intemperance, brutal treatment of a pupil, conviction of a felony
10 which has not been reversed on appeal or for which a pardon has
11 not been granted or entry of a guilty plea or a plea of nolo
12 contendere to a felony, or other good cause, the superintendent of
13 schools may dismiss or suspend any licensed employee in any school
14 district. Before being so dismissed or suspended, any licensed
15 employee shall be notified of the charges against him and he shall
16 be advised that he is entitled to a public hearing upon the
17 charges. In the event the continued presence of the employee on
18 school premises poses a potential threat or danger to the health,
19 safety or general welfare of the students, or, in the discretion
20 of the superintendent, may interfere with or cause a disruption of
21 normal school operations, the superintendent may immediately
22 release the employee of all duties pending a hearing if one is
23 requested by the employee. In the event a licensed employee is
24 arrested, indicted or otherwise charged with a felony by a
25 recognized law enforcement official, the continued presence of the
26 licensed employee on school premises shall be deemed to constitute
27 a disruption of normal school operations. The school board, upon
28 a request for a hearing by the person so suspended or removed



29 shall set a date, time and place for such hearing which shall be
30 not sooner than five (5) days nor later than thirty (30) days from
31 the date of the request. The procedure for such hearing shall be
32 as prescribed for hearings before the board or hearing officer in
33 Section 37-9-111. From the decision made at the hearing, any
34 licensed employee shall be allowed an appeal to the chancery court
35 in the same manner as appeals are authorized in Section 37-9-113.
36 Any party aggrieved by action of the chancery court may appeal to
37 the Mississippi Supreme Court as provided by law. In the event
38 that a licensed employee is immediately relieved of duties pending
39 a hearing, as provided in this section, the employee shall be
40 entitled to compensation for a period up to and including the date
41 that the initial hearing is set by the school board, in the event
42 that there is a request for such a hearing by the employee. In
43 the event that an employee does not request a hearing within five
44 (5) calendar days of the date of the notice of discharge or
45 suspension, it shall constitute a waiver of all rights by the
46 employee, and such discharge or suspension shall be effective on
47 the date set out in the notice to the employee.

48 The school board of every school district in this state
49 is * * * prohibited from denying employment or reemployment to any
50 person as a superintendent, principal or licensed employee, as
51 defined in Section 37-19-1, or as a noninstructional personnel, as
52 defined in Section 37-9-1, for the single reason that any eligible
53 child of such person does not attend the school system in which
54 such superintendent, principal, licensed employee or
55 noninstructional personnel is employed.

56 SECTION 2. This act shall take effect and be in force from
57 and after July 1, 2001.

