HOUSE BILL NO. 55

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

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

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

37-9-59. For incompetence, neglect of duty, immoral conduct, intemperance, brutal treatment of a pupil, conviction of a felony which has not been reversed on appeal or for which a pardon has not been granted or entry of a guilty plea or a plea of nolo contendere to a felony, or other good cause, the superintendent of schools may dismiss or suspend any licensed employee in any school district. Before being so dismissed or suspended, any licensed employee shall be notified of the charges against him and he shall be advised that he is entitled to a public hearing upon the charges. In the event the continued presence of the employee on school premises poses a potential threat or danger to the health, safety or general welfare of the students, or, in the discretion of the superintendent, may interfere with or cause a disruption of normal school operations, the superintendent may immediately release the employee of all duties pending a hearing if one is requested by the employee. In the event a licensed employee is arrested, indicted or otherwise charged with a felony by a recognized law enforcement official, the continued presence of the licensed employee on school premises shall be deemed to constitute a disruption of normal school operations. The school board, upon a request for a hearing by the person so suspended or removed...
shall set a date, time and place for such hearing which shall be
not sooner than five (5) days nor later than thirty (30) days from
the date of the request. The procedure for such hearing shall be
as prescribed for hearings before the board or hearing officer in
Section 37-9-111. From the decision made at the hearing, any
licensed employee shall be allowed an appeal to the chancery court
in the same manner as appeals are authorized in Section 37-9-113.
Any party aggrieved by action of the chancery court may appeal to
the Mississippi Supreme Court as provided by law. In the event
that a licensed employee is immediately relieved of duties pending
a hearing, as provided in this section, the employee shall be
entitled to compensation for a period up to and including the date
that the initial hearing is set by the school board, in the event
that there is a request for such a hearing by the employee. In
the event that an employee does not request a hearing within five
(5) calendar days of the date of the notice of discharge or
suspension, it shall constitute a waiver of all rights by the
employee and such discharge or suspension shall be effective on
the date set out in the notice to the employee.

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

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