

By: Senator(s) Harden

To: Education

SENATE BILL NO. 2318

1 AN ACT TO AMEND SECTION 37-9-13, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE FOR THE APPOINTMENT OF ALL SUPERINTENDENTS OF SCHOOLS FROM  
3 AND AFTER JANUARY 1, 2004; TO AMEND SECTION 37-9-25, MISSISSIPPI  
4 CODE OF 1972, IN CONFORMITY THERETO; TO REPEAL SECTION 37-9-12,  
5 MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR A REFERENDUM ON THE  
6 QUESTION OF RETAINING THE ELECTIVE METHOD OF CHOOSING THE COUNTY  
7 SUPERINTENDENT OF EDUCATION; TO REPEAL SECTIONS 37-5-61 THROUGH  
8 37-5-71, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE ELECTION  
9 OF COUNTY SUPERINTENDENTS OF EDUCATION; AND FOR RELATED PURPOSES.

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

11 SECTION 1. Section 37-9-13, Mississippi Code of 1972, is  
12 amended as follows:

13 [Until December 31, 2003, this section will read as follows:]

14 37-9-13. Each school district shall have a superintendent of  
15 schools, selected in the manner provided by law. No person shall  
16 be eligible to the office of superintendent of schools unless such  
17 person shall hold a valid administrator's license issued by the  
18 State Department of Education and shall have had not less than  
19 four (4) years of classroom or administrative experience.

20 [From and after January 1, 2004, this section will read as  
21 follows:]

22 37-9-13. (1) In all public school districts, the school  
23 board shall, on or before January 15 of each year, appoint the  
24 superintendent of schools of such district, except in those cases  
25 where the superintendent has been previously selected and has a  
26 contract which is valid for the ensuing scholastic year.

27 (2) No person shall be eligible to the office of  
28 superintendent of schools unless such person shall hold a valid  
29 administrator's license issued by the State Department of



30 Education and shall have had not less than four (4) years of  
31 classroom or administrative experience.

32 **SECTION 2.** Section 37-9-25, Mississippi Code of 1972, is  
33 amended as follows:

34 **[Until December 31, 2003, this section will read as follows:]**

35 37-9-25. The school board shall have the power and  
36 authority, in its discretion, to employ the superintendent, unless  
37 such superintendent is elected, for not exceeding four (4)  
38 scholastic years and the principals or licensed employees for not  
39 exceeding three (3) scholastic years. In such case, contracts  
40 shall be entered into with such superintendents, principals and  
41 licensed employees for the number of years for which they have  
42 been employed. All such contracts with licensed employees shall  
43 for the years after the first year thereof be subject to the  
44 contingency that the licensed employee may be released if, during  
45 the life of the contract, the average daily attendance should  
46 decrease from that existing during the previous year and thus  
47 necessitate a reduction in the number of licensed employees during  
48 any year after the first year of the contract. However, in all  
49 such cases the licensed employee must be released before July 1 or  
50 at least thirty (30) days prior to the beginning of the school  
51 term, whichever date should occur earlier. The salary to be paid  
52 for the years after the first year of such contract shall be  
53 subject to revision, either upward or downward, in the event of an  
54 increase or decrease in the funds available for the payment  
55 thereof, but, unless such salary is revised prior to the beginning  
56 of a school year, it shall remain for such school year at the  
57 amount fixed in such contract. However, where school district  
58 funds, other than minimum education program funds, are available  
59 during the school year in excess of the amount anticipated at the  
60 beginning of the school year the salary to be paid for such year  
61 may be increased to the extent that such additional funds are  
62 available and nothing herein shall be construed to prohibit same.



63           [From and after January 1, 2004, this section will read as  
64 follows:]

65           37-9-25. The school board shall have the power and  
66 authority, in its discretion, to employ the superintendent \* \* \*  
67 for not exceeding four (4) scholastic years and the principals or  
68 licensed employees for not exceeding three (3) scholastic years.  
69 In such case, contracts shall be entered into with such  
70 superintendents, principals and licensed employees for the number  
71 of years for which they have been employed. All such contracts  
72 with licensed employees shall for the years after the first year  
73 thereof be subject to the contingency that the licensed employee  
74 may be released if, during the life of the contract, the average  
75 daily attendance should decrease from that existing during the  
76 previous year and thus necessitate a reduction in the number of  
77 licensed employees during any year after the first year of the  
78 contract. However, in all such cases the licensed employee must  
79 be released before July 1 or at least thirty (30) days prior to  
80 the beginning of the school term, whichever date should occur  
81 earlier. The salary to be paid for the years after the first year  
82 of such contract shall be subject to revision, either upward or  
83 downward, in the event of an increase or decrease in the funds  
84 available for the payment thereof, but, unless such salary is  
85 revised prior to the beginning of a school year, it shall remain  
86 for such school year at the amount fixed in such contract.  
87 However, where school district funds, other than minimum education  
88 program funds, are available during the school year in excess of  
89 the amount anticipated at the beginning of the school year the  
90 salary to be paid for such year may be increased to the extent  
91 that such additional funds are available and nothing herein shall  
92 be construed to prohibit same.

93           **SECTION 3.** Section 37-9-12, Mississippi Code of 1972, which  
94 provides for a referendum on the question of retaining the



95 elective method of choosing the county superintendent of  
96 education, is hereby repealed.

97         **SECTION 4.** Sections 37-5-61, 37-5-63, 37-5-65, 37-5-67,  
98 37-5-69 and 37-5-71, Mississippi Code of 1972, which provide for  
99 the election of county superintendents of education, are hereby  
100 repealed.

101         **SECTION 5.** The Attorney General of the State of Mississippi  
102 shall submit this act, immediately upon approval by the Governor,  
103 or upon approval by the Legislature subsequent to a veto, to the  
104 Attorney General of the United States or to the United States  
105 District Court for the District of Columbia in accordance with the  
106 provisions of the Voting Rights Act of 1965, as amended and  
107 extended.

108         **SECTION 6.** This act shall take effect and be in force from  
109 and after the date it is effectuated under Section 5 of the Voting  
110 Rights Act of 1965, as amended and extended.

