

By: Senator(s) Nunnelee

To: Education

SENATE BILL NO. 2040

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.

