

By: Representatives Buck, Evans, Fredericks, Straughter To: Education

## HOUSE BILL NO. 1018

1 AN ACT TO AMEND SECTION 37-9-14, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE THAT IN SCHOOL DISTRICTS WHERE THE SUPERINTENDENT IS  
3 ELECTED AND THE SUPERINTENDENT IS NOT REELECTED TO CONTINUE  
4 SERVING AS SUPERINTENDENT OF THAT SCHOOL DISTRICT, THEN THAT  
5 SUPERINTENDENT SHALL NOT BRING DISMISSAL ACTIONS AGAINST  
6 CONTRACTED EMPLOYEES AFTER THE ELECTION RESULTS, EXCEPT IN EXTREME  
7 CIRCUMSTANCES THAT THREATEN THE SAFETY OF STUDENTS, FACULTY OR  
8 STAFF; TO PROVIDE THAT A CONTRACTED EMPLOYEE SHALL CONTINUE TO BE  
9 PAID UNTIL THE END OF THE CONTRACT YEAR UNLESS THE CONTRACTED  
10 EMPLOYEE IS FOUND TO BE A THREAT; TO PROVIDE THAT ANY EMPLOYEE OF  
11 ANY SCHOOL DISTRICT SHALL NOT BE PROHIBITED FROM PARTICIPATING IN  
12 THE ELECTION PROCESS; AND FOR RELATED PURPOSES.

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

14 **SECTION 1.** Section 37-9-14, Mississippi Code of 1972, is  
15 amended as follows:

16 37-9-14. (1) It is the duty of the superintendent of  
17 schools to administer the schools within his district and to  
18 implement the decisions of the school board.

19 (2) In addition to all other powers, authority and duties  
20 imposed or granted by law, the superintendent of schools has the  
21 following powers, authority and duties:

22 (a) To enter into contracts in the manner provided by  
23 law with each assistant superintendent, principal and teacher of  
24 the public schools under his supervision, after the assistant  
25 superintendent, principal and teachers have been selected and  
26 approved in the manner provided by law.

27 (b) To enforce in the public schools of the school  
28 district the courses of study provided by law or the rules and  
29 regulations of the State Board of Education, and to comply with  
30 the law with reference to the use and distribution of free  
31 textbooks.

32           (c) To administer oaths in all cases to persons  
33 testifying before him relative to disputes relating to the schools  
34 submitted to him for determination, and to take testimony in those  
35 cases as provided by law.

36           (d) To examine the monthly and annual reports submitted  
37 to him by principals and teachers for the purpose of determining  
38 and verifying the accuracy thereof.

39           (e) To preserve all reports of superintendents,  
40 principals, teachers and other school officers, and to deliver to  
41 his successor or clerk of the board of supervisors all money,  
42 property, books, effects and papers.

43           (f) To prepare and keep in his office a map or maps  
44 showing the territory embraced in his school district, to furnish  
45 the county assessor with a copy of the map or maps, and to revise  
46 and correct same from time to time as changes in or alterations of  
47 school districts may necessitate.

48           (g) To keep an accurate record of the names of all of  
49 the members of the school board showing the districts for which  
50 each was elected or appointed, the post office address of each,  
51 and the date of the expiration of his term of office. All  
52 official correspondence shall be addressed to the school board,  
53 and notice to the members shall be regarded as notice to the  
54 residents of the district, and it is the duty of the members to  
55 notify the residents.

56           (h) To deliver in proper time to the assistant  
57 superintendents, principals, teachers and board members such  
58 forms, records and other supplies that may be needed during the  
59 school year as provided by law or any applicable rules and  
60 regulations, and to give to those individuals the information with  
61 regard to their duties as may be required.

62           (i) To make to the school board reports for each  
63 scholastic month in such form as the school board may require.

64           (j) To distribute promptly all reports, letters, forms,  
65 circulars and instructions that he may receive for the use of  
66 school officials.

67           (k) To keep on file and preserve in his office all  
68 appropriate information concerning the affairs of the school  
69 district.

70           (l) To visit the schools of his school district in his  
71 discretion, and to require the assistant superintendents,  
72 principals and teachers thereof to perform their duties as  
73 prescribed by law.

74           (m) To observe such instructions and regulations as the  
75 school board and other public officials may prescribe, and to make  
76 special reports to these officers whenever required.

77           (n) To keep his office open for the transaction of  
78 business upon the days and during the hours to be designated by  
79 the school board.

80           (o) To make such reports as are required by the State  
81 Board of Education.

82           (p) To make an enumeration of educable children in his  
83 school district as prescribed by law.

84           (q) To keep in his office and carefully preserve the  
85 public school record provided, to enter therein the proceedings of  
86 the school board and his decision upon cases and his other  
87 official acts, to record therein the data required from the  
88 monthly and term reports of principals and teachers, and from the  
89 summaries of records thus kept.

90           (r) To delegate student disciplinary matters to  
91 appropriate school personnel.

92           (s) To make assignments to the various schools in the  
93 district of all noninstructional and nonlicensed employees and all  
94 licensed employees, as provided in Sections 37-9-15 and 37-9-17,  
95 and to make reassignments of those employees from time to time;  
96 however, a reassignment of a licensed employee may only be to an

97 area in which the employee has a valid license issued by the State  
98 Department of Education. Upon request from any employee  
99 transferred, the assignment shall be subject to review by the  
100 school board.

101 (t) To employ substitutes for licensed employees,  
102 regardless of whether or not the substitute holds the proper  
103 license, subject to such reasonable rules and regulations as may  
104 be adopted by the State Board of Education.

105 (u) To comply in a timely manner with the compulsory  
106 education reporting requirements prescribed in Section  
107 37-13-91(6).

108 (v) To perform such other duties as may be required of  
109 him by law.

110 (w) To notify, in writing, the parent, guardian or  
111 custodian, the youth court and local law enforcement of any  
112 expulsion of a student for criminal activity as defined in Section  
113 37-11-92.

114 (x) To notify the youth court and local law enforcement  
115 agencies, by affidavit, of the occurrence of any crime committed  
116 by a student or students upon school property or during any  
117 school-related activity, regardless of location and the identity  
118 of the student or students committing the crime.

119 (y) To employ and dismiss noninstructional and  
120 nonlicensed employees as provided by law.

121 (3) All funds to the credit of a school district shall be  
122 paid out on pay certificates issued by the superintendent upon  
123 order of the school board of the school district properly entered  
124 upon the minutes thereof, and all such orders shall be supported  
125 by properly itemized invoices from the vendors covering the  
126 materials and supplies purchased. All such orders and the  
127 itemized invoices supporting same shall be filed as a public  
128 record in the office of the superintendent for a period of five  
129 (5) years. The superintendent shall be liable upon his official

130 bond for the amount of any pay certificate issued in violation of  
131 the provisions of this section. The school board may direct and  
132 cause warrants to be issued against the district funds for the  
133 purpose of refunding any amount of taxes erroneously or illegally  
134 paid into the fund when the refund has been approved in the manner  
135 provided by law.

136 (4) The superintendent of schools shall be special  
137 accounting officer and treasurer with respect to any and all  
138 district school funds for his school district. He or his designee  
139 shall issue all warrants without the necessity of registration  
140 thereof by the chancery clerk. Transactions with the depositories  
141 and with the various tax collecting agencies that involve school  
142 funds for the school district shall be with the superintendent of  
143 schools, or his designee.

144 (5) The superintendent of schools will have no  
145 responsibility with regard to agricultural high school and junior  
146 college funds.

147 All agricultural high school and junior college funds shall  
148 be handled and expended in the manner provided for in Sections  
149 37-29-31 through 37-29-39.

150 (6) It is the duty of the superintendent of schools to keep  
151 and preserve the minutes of the proceedings of the school board.

152 (7) The superintendent of schools shall maintain as a record  
153 in his office a book or a computer printout in which he shall  
154 enter all demands, claims and accounts paid from any funds of the  
155 school district. The record shall be in a form to be prescribed  
156 by the State Auditor. All demands, claims and accounts filed  
157 shall be preserved by the superintendent of schools as a public  
158 record for a period of five (5) years. All claims found by the  
159 school board to be illegal shall be rejected or disallowed. All  
160 claims that are found to be legal and proper shall be allowed and  
161 ratified as paid by the superintendent of schools. All claims as  
162 to which a continuance is requested by the claimant and those

163 found to be defective but which may be perfected by amendment  
164 shall be continued. The superintendent of schools shall issue a  
165 pay certificate against any legal and proper fund of the school  
166 district in favor of the claimant in payment of claims. The  
167 provisions of this section, however, shall not be applicable to  
168 the payment of teachers' salaries, salaries of drivers of publicly  
169 owned school buses, travel advances, amounts due private  
170 contractors or other obligations where the amount thereof has been  
171 previously approved by a contract or by an order of the school  
172 board entered upon its minutes, or by inclusion in the current  
173 fiscal year budget, and all such amounts may be paid by the  
174 superintendent of schools by pay certificates issued by him  
175 against the legal and proper fund without allowance of a specific  
176 claim therefor as provided in this section, provided that the  
177 payment thereof is otherwise in conformity with law.

178 (8) In school districts where the superintendent is elected,  
179 if the superintendent is not reelected to continue serving as  
180 superintendent of that school district, then that superintendent  
181 shall not bring dismissal actions against contracted employees  
182 after the election results, except in extreme circumstances that  
183 threaten the safety of students, faculty or staff. When the  
184 superintendent is not reelected, a contracted employee shall  
185 continue to be paid until the end of the contract year unless the  
186 contracted employee is found to be a threat as provided in this  
187 section.

188 **SECTION 2.** Any employee of any school district, including  
189 superintendents, principals and teachers shall not be prohibited  
190 from participating in the election process.

191 **SECTION 3.** This act shall take effect and be in force from  
192 and after July 1, 2004.