

By: Representatives Buck, Carlton,
Straughter

To: Education; Apportionment
and Elections

HOUSE BILL NO. 1074

1 AN ACT TO AMEND SECTION 37-5-61, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT ALL COUNTY SUPERINTENDENTS OF EDUCATION SHALL BE
3 APPOINTED; TO AMEND SECTIONS 37-5-69, 37-5-71, 37-5-75, 37-7-105,
4 37-7-725, 37-9-23, 37-9-25, 37-17-13, 37-18-7, 37-43-39,
5 MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PRECEDING
6 PROVISION; TO REPEAL SECTIONS 37-5-63 AND 37-5-65, WHICH PROVIDE
7 FOR AN ELECTION TO BE HELD TO DETERMINE WHETHER THE OFFICE OF THE
8 COUNTY SUPERINTENDENT SHALL BE ELECTED OR APPOINTED; TO REPEAL
9 SECTION 37-5-67, MISSISSIPPI CODE OF 1972, WHICH AUTHORIZES THE
10 APPOINTMENT OF THE COUNTY SUPERINTENDENT BY THE COUNTY BOARD OF
11 EDUCATION IN CERTAIN COUNTIES; TO REPEAL SECTION 37-9-12,
12 MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE QUALIFIED
13 ELECTORS OF ANY COUNTY HAVING AN ELECTED COUNTY SUPERINTENDENT OF
14 EDUCATION ON JULY 1, 1986, TO DECIDE AT THE NOVEMBER 1988 GENERAL
15 ELECTION WHETHER TO CONTINUE TO HAVE THE OFFICE ELECTED OR TO
16 ABOLISH THE OFFICE IN THE COUNTY; AND FOR RELATED PURPOSES.

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

18 **SECTION 1.** Section 37-5-61, Mississippi Code of 1972, is
19 amended as follows:

20 37-5-61. (1) Except as otherwise provided by law, there
21 shall be a county superintendent of education in each county.

22 (2) The superintendent shall serve as the executive
23 secretary of the county board of education, but shall have no vote
24 in the proceedings before the board and no voice in fixing the
25 policies thereof.

26 (3) In addition, the superintendent shall be the director of
27 all schools in the county outside the municipal separate school
28 districts.

29 (4) The superintendent shall be appointed by the county
30 board of education for a term of not more than four (4) years.
31 Any superintendent whose term of office otherwise would expire
32 after January 1, 2008, shall expire on January 1, 2008.

33 **SECTION 2.** Section 37-5-69, Mississippi Code of 1972, is
34 amended as follows:

35 37-5-69. In any county organizing a countywide municipal
36 separate school district after the first day of January, 1965, the
37 office of county superintendent of education is * * * abolished.
38 There is excepted from the provisions of subsections (1) and (4)
39 of Section 37-5-61, * * * subsection (1) of Section 37-5-73, and
40 Section 37-5-75, any county of the first class which has a land
41 area of less than four hundred fifty (450) square miles, and has
42 located therein a municipality of more than fifteen thousand
43 (15,000) population, according to the 1950 federal decennial
44 census.

45 **SECTION 3.** Section 37-5-71, Mississippi Code of 1972, is
46 amended as follows:

47 37-5-71. * * * The county superintendents of education * * *
48 shall be appointed by the county board of education or by the
49 trustees of a separate school district embracing an entire county
50 with a population of fifteen thousand (15,000) or less, as
51 provided in subsection (2) of Section 37-7-203. In all cases he
52 shall have such qualifications as prescribed by Section 37-9-13
53 and receive such compensation as established under Section
54 37-9-37.

55 * * *

56 **SECTION 4.** Section 37-5-75, Mississippi Code of 1972, is
57 amended as follows:

58 37-5-75. If a vacancy * * * occurs in the office of county
59 superintendent of education, the vacancy shall be filled by
60 appointment by the county board of education. * * *

61 **SECTION 5.** Section 37-7-105, Mississippi Code of 1972, is
62 amended as follows:

63 37-7-105. (1) In cases where two (2) or more school boards
64 determine that it is appropriate that their existing boundaries be
65 altered to provide better service to students, each school board
66 shall enter on its minutes the legal description of new district
67 lines and shall publish the order altering the districts in some

68 newspaper published and having a general circulation in the
69 district(s) once each week for three (3) consecutive weeks,
70 which * * * order shall be duly certified by the president of the
71 school board. If no newspaper is published in the school
72 district, then the order shall be published for the required time
73 in some newspaper having a general circulation therein, and, in
74 addition, a copy of the order shall be posted for the required
75 time at three (3) public places in the school district. The order
76 so published shall contain a provision giving notice that the
77 order shall become final thirty (30) days after the first
78 publication of the notice unless a petition is filed protesting
79 against same within such time. If no * * * petition is filed,
80 then the * * * order shall become final at that time. However, if
81 twenty percent (20%) or fifteen hundred (1500), whichever is less,
82 of the qualified electors of any school district altered by the
83 order * * * file a petition with the school board, within thirty
84 (30) days after the first publication of the notice, protesting
85 against the alteration of the district, then an election shall be
86 called and held, on order of the school board, by the county
87 election commission(s), after publication of legal notice of the
88 election, which * * * election shall be held within thirty (30)
89 days after the first publication of the notice of the election.
90 At the election the question shall be submitted to the qualified
91 electors of the district or districts in which a petition is filed
92 as to whether or not the district or districts shall be altered as
93 provided in the * * * order of the school board. If a majority of
94 those voting in the election in each district affected and from
95 which a petition is filed * * * vote in favor of the order of the
96 school board, then the order shall become final. If a majority of
97 those voting in the election in any district from which a petition
98 is filed * * * vote against the order of the school board, then
99 the order shall be void and of no effect and no further attempt to

100 make the proposed change in the district shall be made for a
101 period of at least two (2) years after the date of the election.

102 (2) When the orders of all boards adopting the new lines
103 have been entered and are final, all orders shall be submitted to
104 and considered by the State Board of Education as prescribed in
105 Section 37-7-113. If the new lines are approved by the State
106 Board of Education, the new district lines shall be submitted to
107 the Attorney General of the United States for preclearance or to
108 the United States District Court for the District of Columbia for
109 a declaratory judgment in accordance with the provisions of the
110 Voting Rights Act of 1965, as amended and extended. If the change
111 in the school district lines are either precleared by the United
112 States Department of Justice, or approved by the United States
113 District Court, then the State Board of Education shall formally
114 declare the new lines as the new boundaries of the school
115 districts.

116 (3) If two (2) or more school districts determine that they
117 wish to consolidate, the following actions shall be taken by the
118 districts to perfect this consolidation: (a) Each board shall
119 state its intent to consolidate with the other district or
120 districts by passing a resolution of the board to that effect and
121 spreading it on the minutes of the districts; and (b) each school
122 board shall publish the order consolidating the districts in some
123 newspaper having a general circulation in the district(s) once
124 each week for three (3) consecutive weeks, which * * * order shall
125 be duly certified by the president of the school board. The order
126 so published shall contain a provision giving notice that the
127 order shall become final thirty (30) days after the first
128 publication of the notice unless a petition is filed protesting
129 against same within that time. If no * * * petition is filed,
130 then the * * * order shall become final on that date. However,
131 if twenty percent (20%) or fifteen hundred (1500), whichever is
132 less, of the qualified electors of any one (1) of the school

133 districts affected by the proposed consolidation * * * file a
134 petition with the applicable school board, within thirty (30) days
135 after the first publication of the notice, protesting against the
136 consolidation of the district or districts, then an election shall
137 be called and held in the school districts where petitions were
138 filed, on order of the school board, by the county election
139 commission(s), after publication of legal notice of the election,
140 which * * * election shall be held within thirty (30) days after
141 the first publication of the notice of the election. At the
142 election the question shall be submitted to the qualified electors
143 of any district or districts in which petitions were filed as to
144 whether or not the district or districts shall be consolidated as
145 provided in the * * * order of the school boards. If a majority
146 of those voting in the election * * * vote in favor of the order
147 of the school boards, then the order shall become final. If less
148 than a majority of the electors of any single school district vote
149 in favor of the adoption of the proposed consolidation, that
150 school district shall not participate in any voluntary
151 consolidation as authorized in this subsection, and the proposed
152 consolidation plan adopted by the districts shall be void.

153 After the order of the local school boards becomes final, it
154 shall be submitted to and considered by the State Board of
155 Education. If approved by the State Board of Education, the
156 consolidation shall be submitted by the local school boards to the
157 appropriate federal agencies for approval. After all preclearance
158 has been received, the State Board of Education shall declare the
159 new boundaries of the consolidated school district and all action
160 shall proceed as outlined under law using the new boundaries.

161 Upon preclearance of the consolidation, all school boards
162 shall approve a joint resolution for the election of five (5) new
163 board members from single member districts as provided by law.
164 These elections shall be scheduled before May 1 of the year in
165 which the consolidation is to become effective. The new

166 consolidated district shall become effective on July 1 of that
167 same year. The superintendent of any district created through
168 consolidation shall be appointed * * *. The superintendent shall
169 begin work as the superintendent on July 1 of the year when the
170 consolidation becomes effective. The order to consolidate shall
171 invalidate the contracts of the superintendents of the preceding
172 districts * * *. The order to consolidate shall invalidate the
173 term of any school board member after July 1 of that year whether
174 they are elected or appointed. Any school board member from any
175 school district may be eligible to run for election to the new
176 consolidated school board.

177 Each school board shall be responsible for establishing the
178 contracts for teachers and principals for the next school year
179 with the consultation of the successor school board if they have
180 been selected at the time those decisions are to be made. The
181 selection of administrator in the central administration office
182 shall be the responsibility of the successor school board. No
183 existing dates for renewal of contracts shall invalidate the
184 responsibility of the successor school board in taking that
185 action. The successor school board may enter into these contracts
186 at any time following their election, but no later than July 1 of
187 that year. It shall also be the responsibility of the successor
188 school board to prepare and approve the budget of the new
189 district. The successor school board may use staff from the
190 existing districts to prepare the budget. The school board may
191 approve the budget before the July 1 date and shall follow the
192 time line established for budget preparation under the law. If
193 either district at the time of consolidation have more liabilities
194 than assets, then the successor school board may levy an ad
195 valorem tax upon the taxable property in the territory of the
196 district where the deficit exists, a tax not to exceed five
197 percent (5%) of the existing tax levy for the sole purpose of
198 reducing the deficit. When the deficit is eliminated, then the

199 tax levy shall be terminated. Any taxes levied to bring about the
200 equalization of funding, to equalize pay scales or levied in the
201 territory of a newly created district where a deficit exists,
202 shall constitute a "new program" for the purposes of ad valorem
203 tax limitations as prescribed in Sections 27-39-321 and 37-57-107.

204 **SECTION 6.** Section 37-7-725, Mississippi Code of 1972, is
205 amended as follows:

206 37-7-725. When a special municipal separate school district
207 embraces and includes all of the territory of the county, then the
208 office of county superintendent of education in that county shall
209 be abolished and discontinued in that county * * *. In addition,
210 the superintendent of the special municipal separate school
211 district shall thereafter perform and discharge all duties that
212 would otherwise devolve upon the county superintendent of
213 education under the provisions of any applicable statute of this
214 state, and, for that purpose, the superintendent of the special
215 municipal separate school district shall have and be vested with
216 all power and authority conferred by law upon the county
217 superintendents of education.

218 **SECTION 7.** Section 37-9-23, Mississippi Code of 1972, is
219 amended as follows:

220 37-9-23. The superintendent shall enter into a contract with
221 each assistant superintendent, principal, licensed employee and
222 person anticipating graduation from an approved teacher education
223 program or the issuance of a proper license before October 15 or
224 February 15, as the case may be, who is elected and approved for
225 employment by the school board. The contracts shall be in such
226 form as shall be prescribed by the State Board of Education and
227 shall be executed in duplicate with one (1) copy to be retained by
228 the appropriate superintendent and one (1) copy to be retained by
229 the principal, licensed employee or person recommended for a
230 licensed position contracted with. The contract shall show the
231 name of the district, the length of the school term, the position

232 held (whether an assistant superintendent, principal or licensed
233 employee), the scholastic years that it covers, the total amount
234 of the annual salary and how same is payable. The amount of
235 salary to be shown in the contract shall be the amount that has
236 been fixed and determined by the school board, but, as to the
237 licensed employees paid in whole or in part with minimum education
238 program funds, the salary shall not be less than that required
239 under the provisions of Chapter 19 of this title. The contract
240 entered into with any person recommended for a licensed position
241 who is anticipating either graduation from an approved teacher
242 education program before September 1 or December 31, as the case
243 may be, or the issuance of a proper license before October 15 or
244 February 15, as the case may be, shall be a conditional contract
245 and shall include a provision stating that the contract will be
246 null and void if, as specified in the contract, the contingency
247 upon which the contract is conditioned has not occurred. If any
248 superintendent, * * * principal, licensed employee or person
249 recommended for a licensed position who has been elected and
250 approved does not execute and return the contract within ten (10)
251 days after same has been tendered to him for execution, then, at
252 the option of the school board, the election of the licensed
253 employee and the contract tendered to him shall be void and of no
254 effect.

255 **SECTION 8.** Section 37-9-25, Mississippi Code of 1972, is
256 amended as follows:

257 37-9-25. The school board shall have the power and
258 authority, in its discretion, to employ the superintendent * * *
259 for not exceeding four (4) scholastic years and the principals or
260 licensed employees for not exceeding three (3) scholastic years.
261 In that case, contracts shall be entered into with the
262 superintendents, principals and licensed employees for the number
263 of years for which they have been employed. All the contracts
264 with licensed employees shall for the years after the first year

265 thereof be subject to the contingency that the licensed employee
266 may be released if, during the life of the contract, the average
267 daily attendance * * * decreases from that existing during the
268 previous year and thus necessitates a reduction in the number of
269 licensed employees during any year after the first year of the
270 contract. However, in all those cases the licensed employee must
271 be released before July 1 or at least thirty (30) days before the
272 beginning of the school term, whichever date * * * occurs earlier.
273 The salary to be paid for the years after the first year of the
274 contract shall be subject to revision, either upward or downward,
275 in the event of an increase or decrease in the funds available for
276 the payment thereof, but, unless the salary is revised before the
277 beginning of a school year, it shall remain for the school year at
278 the amount fixed in the contract. However, where school district
279 funds, other than adequate education program funds, are available
280 during the school year in excess of the amount anticipated at the
281 beginning of the school year the salary to be paid for that year
282 may be increased to the extent that the additional funds are
283 available and nothing herein shall be construed to prohibit same.

284 **SECTION 9.** Section 37-17-13, Mississippi Code of 1972, is
285 amended as follows:

286 37-17-13. (1) Whenever the Governor declares a state of
287 emergency in a school district in response to a certification by
288 the State Board of Education and the Commission on School
289 Accreditation made under Section 37-17-6(11)(b), the State Board
290 of Education, in addition to any actions taken under Section
291 37-17-6, shall abolish the school district and assume control and
292 administration of the schools formerly constituting the district,
293 and appoint a conservator to carry out this purpose under the
294 direction of the State Board of Education. In that case, the
295 State Board of Education shall have all powers that were held by
296 the previously existing school board, and the previously existing
297 superintendent of schools or county superintendent of education,

298 including, but not limited to, those enumerated in Section
299 37-7-301, and the authority to request tax levies from the
300 appropriate governing authorities for the support of the schools
301 and to receive and expend the tax funds as provided by Section
302 37-57-1 et seq., and Section 37-57-105 et seq.

303 (2) When a school district is abolished under this section,
304 loans from the School District Emergency Assistance Fund may be
305 made by the State Board of Education for the use and benefit of
306 the schools formerly constituting the district in accordance with
307 the procedures set forth in Section 37-17-6(14) for those loans to
308 the district. The abolition of a school district under this
309 section shall not impair or release the property of that school
310 district from liability for the payment of the loan indebtedness,
311 and it shall be the duty of the appropriate governing authorities
312 to levy taxes on the property of the district so abolished from
313 year to year according to the terms of the indebtedness until same
314 shall be fully paid.

315 (3) After a school district is abolished under this section,
316 at such time as the State Board of Education determines that the
317 impairments have been substantially corrected, the State Board of
318 Education shall reconstitute, reorganize or change or alter the
319 boundaries of the previously existing district; however, no
320 partition or assignment of territory formerly included in the
321 abolished district to one or more other school districts may be
322 made by the State Board of Education without the consent of the
323 school board of the school district to which the territory is to
324 be transferred, the consent to be spread upon its minutes. At
325 that time, the State Board of Education, in appropriate cases,
326 shall notify the appropriate governing authority or authorities of
327 its action and request them to provide for the election or
328 appointment of school board members and the appointment of a
329 superintendent or superintendents to govern the district or
330 districts affected, in the manner provided by law.

331 **SECTION 10.** Section 37-18-7, Mississippi Code of 1972, is
332 amended as follows:

333 37-18-7. (1) As part of the school improvement plan for a
334 Priority School, a professional development plan shall be prepared
335 for those school administrators, teachers or other employees who
336 are identified by the evaluation team as needing improvement. The
337 State Department of Education shall assist the Priority School in
338 identifying funds necessary to fully implement the school
339 improvement plan.

340 (2) (a) If a principal is deemed to be in need of
341 improvement by the evaluation team, a professional development
342 plan shall be developed for the principal, and the principal's
343 full participation in the professional development plan shall be a
344 condition of continued employment. The plan shall provide
345 professional training in the roles and behaviors of an
346 instructional leader and shall offer training specifically
347 identified for that principal's needs. The principal of a
348 Priority School may be assigned mentors who have demonstrated
349 expertise as an exemplary-performing principal. Mentors shall
350 make a personal time commitment to this process and may not be
351 evaluators of the principals being mentored. The local school
352 administration shall continue to monitor and evaluate all school
353 personnel during this period, evaluate their professional
354 development plans and make personnel decisions as appropriate.

355 (b) At the end of the second year, if a school
356 continues to be a Priority School and a principal has been at that
357 school for three (3) or more years, the administration shall
358 recommend and the local school board shall dismiss the principal
359 in a manner consistent with Section 37-9-59, and the State Board
360 of Education may initiate the school district conservatorship
361 process authorized under Section 37-17-6. If extenuating
362 circumstances exist, such as the assignment of a principal at a

363 Priority School for less than two (2) years, other options may be
364 considered, subject to approval by the State Board of Education.

365 (3) (a) If a teacher is deemed to be in need of
366 professional development by the independent evaluation team, that
367 teacher shall be required to participate in a professional
368 development plan. This plan will provide professional training
369 and will be based on each teacher's specific needs and teaching
370 assignments. The teacher's full participation in the professional
371 development plan shall be required. This process shall be
372 followed by a performance-based evaluation, which shall monitor
373 the teacher's teaching skills and teaching behavior over a period
374 of time. This monitoring shall include announced and unannounced
375 reviews. Additionally, the teacher also may be assigned a mentor
376 who has demonstrated expertise as a high-performing teacher.

377 (b) If, after one (1) year, the teacher fails to
378 perform, the local school administration shall reevaluate the
379 teacher's professional development plan, make any necessary
380 adjustments to it, and require his participation in the plan for a
381 second year.

382 (c) If, after the second year, the teacher fails to
383 perform, the administration shall recommend and the local school
384 shall dismiss the teacher in a manner consistent with Section
385 37-9-59.

386 (4) (a) If the evaluation report reveals a school district
387 central office problem, a superintendent of the school district
388 having a Priority School shall be required to participate in a
389 professional development plan. Additionally, the superintendent
390 may be assigned mentors who are high-performing superintendents
391 and have demonstrated expertise and knowledge of high-performing
392 schools. The local school board will continue to evaluate the
393 performance of the superintendent and his participation in a
394 professional development plan, making appropriate revisions to the
395 plan as needed.

396 (b) If a school continues to be a Priority School after
397 a second year, the local school board may take one (1) of the
398 following actions:

399 (i) Impose a cap on the superintendent's salary;

400 or

401 (ii) Make any necessary adjustments to his
402 professional development plan and require his continued
403 participation in a plan.

404 (c) If a school continues to be designated a Priority
405 School after three (3) years of implementing a school improvement
406 plan the State Board of Education shall, or if more than fifty
407 percent (50%) of the schools within the school district are
408 designated as Priority Schools in any one (1) year the State Board
409 of Education may, issue a written request with documentation to
410 the Governor asking that the office of the superintendent of the
411 school district be subject to recall. Whenever the Governor
412 declares that the office of the superintendent of the school
413 district is subject to recall, the local school board * * * shall
414 take the following action: * * * The name of the superintendent
415 shall be submitted by the president of the local school board at
416 the next regular meeting of the school board for retention in
417 office or dismissal from office. If a majority of the school
418 board voting on the question vote against retaining the
419 superintendent in office, a vacancy shall exist that shall be
420 filled as provided by law, otherwise the superintendent shall
421 remain in office for the duration of his employment contract.

422 (5) If a school continues to be designated a Priority School
423 after three (3) years of implementing a school improvement plan
424 the State Board of Education shall, or if more than fifty percent
425 (50%) of the schools within the school district are designated as
426 Priority Schools in any one (1) year the State Board of Education
427 may, issue a written request with documentation to the Governor
428 that the membership of the school board of the school district

429 shall be subject to recall. Whenever the Governor declares that
430 the membership of the school board shall be subject to recall, the
431 county election commission or the local governing authorities, as
432 the case may be, shall take the following action:

433 (a) If the members of the local school board are
434 elected to office, in those years in which the specific member's
435 office is not up for election, the name of the school board member
436 shall be submitted by the State Board of Education to the county
437 election commission at least sixty (60) days before the next
438 regular special election, and the county election commission at
439 the next regular special election shall submit the question to the
440 voters eligible to vote for the particular member's office within
441 the county or school district, as the case may be. The ballot
442 shall read substantially as follows:

443 "Members of the _____ (here the title of the school
444 district shall be inserted) School Board who are not up for
445 election this year are subject to recall because of the school
446 district's continued designation as a Priority School. Shall the
447 member of the school board representing this area, _____
448 (here the name of the school board member holding the office shall
449 be inserted), be retained in office? Yes _____ No _____"

450 If a majority of those voting on the question vote against
451 retaining the member of the school board in office, a vacancy in
452 that board member's office shall exist which shall be filled in
453 the manner provided by law; otherwise, the school board member
454 shall remain in office for the term of that office, and at the
455 expiration of the term of office, the member shall be eligible for
456 qualification and election to another term or terms of office.
457 However, if a majority of the school board members are recalled in
458 the regular special election, the Governor shall authorize the
459 board of supervisors of the county in which the school district is
460 situated to appoint members to fill the offices of the members
461 recalled. The board of supervisors shall make the appointments in

462 the manner provided by law for filling vacancies on the school
463 board, and the appointed members shall serve until the office is
464 filled at the next regular special election or general election.

465 (b) If the local school board is an appointed school
466 board, the name of all school board members shall be submitted as
467 a collective board by the president of the municipal or county
468 governing authority, as the case may be, at the next regular
469 meeting of the governing authority for retention in office or
470 dismissal from office. If a majority of the governing authority
471 voting on the question vote against retaining the board in office,
472 a vacancy shall exist in each school board member's office, which
473 shall be filled as provided by law; otherwise, the members of the
474 appointed school board shall remain in office for the duration of
475 their term of appointment, and the members may be reappointed.

476 (c) If the local school board is comprised of both
477 elected and appointed members, the elected members shall be
478 subject to recall in the manner provided in paragraph (a) of this
479 subsection. Appointed members shall be subject to recall in the
480 manner provided in paragraph (b).

481 (6) If a school continues to be designated a Priority School
482 after three (3) years of implementing a school improvement plan,
483 or if more than fifty percent (50%) of the schools within the
484 school district are designated as Priority Schools in any one (1)
485 year, the State Board of Education may request that the Governor
486 declare a state of emergency in that school district. Upon the
487 declaration of the state of emergency by the Governor, the State
488 Board of Education may take all such action for dealing with
489 school districts as is authorized under subsection (11) or (14) of
490 Section 37-17-6, including the appointment of an interim
491 conservator.

492 (7) The State Department of Education shall make a
493 semiannual report to the State Board of Education identifying the
494 number and names of schools classified as Priority Schools, which

495 shall include a description of the deficiencies identified and the
496 actions recommended and implemented. The department shall also
497 notify the State Board of Education of any Priority School that
498 has successfully completed their improvement plans and shall
499 notify the Governor and the Legislature of the school's progress.

500 (8) The State Board of Education shall direct and provide
501 comprehensive staff development training for school administrators
502 and teachers on the new requirements of this chapter. Any new
503 assessment instruments to be used in conjunction with any
504 evaluation required by this chapter shall be made available for
505 review by teachers, administrators and other staff. Before
506 evaluation of individual teachers, administrators and other staff
507 pre-evaluation interviews will be conducted. Likewise, after any
508 evaluation is complete, post-evaluation interviews will be
509 conducted. During the post-interviews, evaluators shall identify
510 and discuss the following: teaching techniques used, teaching
511 strengths and weaknesses and an overall assessment of performance.

512 (9) No later than July 1 of each year the State Board of
513 Education shall report to the State Legislature and the public at
514 large:

515 (a) An itemized accounting of the use of state funds to
516 provide technical, legal and financial assistance to each Priority
517 School, and to the schools that had been designated as Priority
518 Schools within the previous three (3) years, if the schools
519 received that assistance at any time during the previous three (3)
520 years;

521 (b) An explanation of the problems sought to be
522 addressed in each such school receiving this assistance and for
523 which such expenditure of funds was undertaken;

524 (c) The actions taken in each school district to
525 utilize the funds to address the problems identified in paragraph
526 (b) immediately above;

527 (d) An evaluation of the impact of the effort to
528 address the problems identified;

529 (e) An assessment of what further actions need to be
530 undertaken to address these problems, if the problems have not
531 been entirely alleviated; and

532 (f) An assessment of the impact that Laws, 1999,
533 Chapter 421, and Laws, 2000, Chapter 610 are having on the
534 educational goals that these statutes sought to address.

535 **SECTION 11.** Section 37-43-39, Mississippi Code of 1972, is
536 amended as follows:

537 37-43-39. No teacher in any of the schools of the state, and
538 no county or municipal superintendent of schools, and no person
539 officially connected with the government of or direction of any
540 school shall, during the term of his office as the superintendent
541 or during the time of his or her employment as teacher, act as
542 agent or attorney for any textbook publishing company selling
543 textbooks in this state. If, after election as * * * municipal
544 superintendent, appointment of county superintendent or employment
545 as teacher, any person filling that position accepts the agency or
546 attorneyship of any textbook publishing company, the acceptance of
547 the agency or attorneyship shall work a forfeiture of the office
548 or position as teacher held at the time of the acceptance of the
549 agency or attorneyship.

550 **SECTION 12.** Sections 37-5-63 and 37-5-65, Mississippi Code
551 of 1972, which provide for an election to be held to determine
552 whether the office of the county superintendent shall be elected
553 or appointed, are repealed.

554 **SECTION 13.** Section 37-5-67, Mississippi Code of 1972, which
555 authorizes the appointment of the county superintendent by the
556 county board of education in certain counties, is repealed.

557 **SECTION 14.** Section 37-9-12, Mississippi Code of 1972, which
558 provides for the qualified electors of any county having an
559 elected county superintendent of education on July 1, 1986, to

560 decide at the November 1988 general election whether to continue
561 to have the office elected or to abolish the office in the county,
562 is repealed.

563 **SECTION 15.** The Attorney General of the State of Mississippi
564 shall submit this act, immediately upon approval by the Governor,
565 or upon approval by the Legislature subsequent to a veto, to the
566 Attorney General of the United States or to the United States
567 District Court for the District of Columbia in accordance with the
568 provisions of the Voting Rights Act of 1965, as amended and
569 extended.

570 **SECTION 16.** This act shall take effect and be in force from
571 and after the date it is effectuated under Section 5 of the Voting
572 Rights Act of 1965, as amended and extended, or from and after
573 January 1, 2008, whichever is later.