

By: Senator(s) Ross, Chaney, Brown,
Robertson, White, Jackson (15th)

To: Education

SENATE BILL NO. 2737

1 AN ACT TO AMEND SECTIONS 37-9-59 AND 37-9-105, MISSISSIPPI
2 CODE OF 1972, TO PROVIDE THAT FROM PASSAGE OF THIS ACT UNTIL
3 JANUARY 1, 2006, SCHOOL DISTRICTS ARE PROHIBITED FROM DENYING
4 REEMPLOYMENT TO ANY TEACHER FOR ANY REASON OTHER THAN GOOD CAUSE;
5 AND FOR RELATED PURPOSES.

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

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

9 37-9-59. (1) For incompetence, neglect of duty, immoral
10 conduct, intemperance, brutal treatment of a pupil or other good
11 cause the superintendent of schools may dismiss or suspend any
12 licensed employee in any school district. Before being so
13 dismissed or suspended any licensed employee shall be notified of
14 the charges against him and he shall be advised that he is
15 entitled to a public hearing upon said charges. In the event the
16 continued presence of said employee on school premises poses a
17 potential threat or danger to the health, safety or general
18 welfare of the students, or, in the discretion of the
19 superintendent, may interfere with or cause a disruption of normal
20 school operations, the superintendent may immediately release said
21 employee of all duties pending a hearing if one is requested by
22 the employee. In the event a licensed employee is arrested,
23 indicted or otherwise charged with a felony by a recognized law
24 enforcement official, the continued presence of the licensed
25 employee on school premises shall be deemed to constitute a
26 disruption of normal school operations. The school board, upon a
27 request for a hearing by the person so suspended or removed shall
28 set a date, time and place for such hearing which shall be not

29 sooner than five (5) days nor later than thirty (30) days from the
30 date of the request. The procedure for such hearing shall be as
31 prescribed for hearings before the board or hearing officer in
32 Section 37-9-111. From the decision made at said hearing, any
33 licensed employee shall be allowed an appeal to the chancery court
34 in the same manner as appeals are authorized in Section 37-9-113.
35 Any party aggrieved by action of the chancery court may appeal to
36 the Mississippi Supreme Court as provided by law. In the event
37 that a licensed employee is immediately relieved of duties pending
38 a hearing, as provided in this section, said employee shall be
39 entitled to compensation for a period up to and including the date
40 that the initial hearing is set by the school board, in the event
41 that there is a request for such a hearing by the employee. In
42 the event that an employee does not request a hearing within five
43 (5) calendar days of the date of the notice of discharge or
44 suspension, it shall constitute a waiver of all rights by said
45 employee and such discharge or suspension shall be effective on
46 the date set out in the notice to the employee.

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

55 (3) For a period beginning upon passage of this act and
56 ending on January 1, 2006, the school board of every school
57 district in this state is hereby prohibited from denying
58 reemployment to any person as a licensed teacher as defined in
59 Section 37-151-5, for any reason other than good cause shown, as
60 provided in subsection (1) of this section, unless the school
61 board makes a finding spread upon its minutes that there is no

62 educational need for the teacher. For purposes of the prohibition
63 in this subsection (3), the implementation of a school district's
64 reduction in force policy resulting from financial difficulties
65 does not constitute good cause for the termination or rescission
66 of a teacher's contract.

67 **SECTION 2.** Section 37-9-105, Mississippi Code of 1972, is
68 amended as follows:

69 37-9-105. (1) In the event that a recommendation is made by
70 the school district not to offer an employee a renewal contract
71 for a successive year, written notice of the proposed
72 nonreemployment stating the reasons for the proposed
73 nonreemployment shall be given no later than the following:

74 (a) If the employee is a principal, the superintendent,
75 without further board action, shall give notice of nonreemployment
76 on or before March 1; or

77 (b) If the employee is a teacher, administrator or
78 other professional educator covered under Sections 37-9-101
79 through 37-9-113, the superintendent, without further board
80 action, shall give notice of nonreemployment on or before April
81 15.

82 (2) An interim conservator appointed pursuant to the
83 provisions of Section 37-17-6(14)(a) or a school board acting on
84 the recommendation of a school district financial advisor
85 appointed pursuant to the provisions of Section 37-9-18 shall not
86 be required to comply with the time limitations prescribed in this
87 section for recommending the reemployment of principals, teachers,
88 administrators or other professional educators.

89 (3) Notwithstanding the provisions of this section relating
90 to time limitations, for a period beginning upon passage of this
91 act and ending on January 1, 2006, the school board of every
92 school district in this state is hereby prohibited from denying a
93 recommendation for reemployment to any teacher for any reason
94 other than good cause shown as provided in Section 37-9-59, unless

95 the school board makes a finding spread upon its minutes that
96 there is no educational need for the teacher. For purposes of the
97 prohibition in this subsection (3), the implementation of a school
98 district's reduction in force policy resulting from financial
99 difficulties does not constitute good cause for the nonrenewal of
100 a teacher's contract.

101 **SECTION 3.** This act shall take effect and be in force from
102 and after its passage.