

By: Representative Buck

To: Education

HOUSE BILL NO. 1491

1 AN ACT TO AMEND SECTION 37-9-59, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT A LICENSED EMPLOYEE WHO HAS BEEN RELIEVED OF DUTIES
3 PENDING A HEARING SHALL BE ENTITLED TO COMPENSATION UNTIL THE DATE
4 THAT FINAL ACTION IS TAKEN BY THE BOARD; AND FOR RELATED PURPOSES.

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

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

8 37-9-59. For incompetence, neglect of duty, immoral conduct,
9 intemperance, brutal treatment of a pupil or other good cause the
10 superintendent of schools may dismiss or suspend any licensed
11 employee in any school district. Before being so dismissed or
12 suspended any licensed employee shall be notified of the charges
13 against him and he shall be advised that he is entitled to a
14 public hearing upon said charges. In the event the continued
15 presence of said employee on school premises poses a potential
16 threat or danger to the health, safety or general welfare of the
17 students, or, in the discretion of the superintendent, may
18 interfere with or cause a disruption of normal school operations,
19 the superintendent may immediately release said employee of all
20 duties pending a hearing if one is requested by the employee. In
21 the event a licensed employee is arrested, indicted or otherwise
22 charged with a felony by a recognized law enforcement official,
23 the continued presence of the licensed employee on school premises
24 shall be deemed to constitute a disruption of normal school
25 operations. The school board, upon a request for a hearing by the
26 person so suspended or removed shall set a date, time and place
27 for such hearing which shall be not sooner than five (5) days nor
28 later than thirty (30) days from the date of the request. The

29 procedure for such hearing shall be as prescribed for hearings
30 before the board or hearing officer in Section 37-9-111. From the
31 decision made at said hearing, any licensed employee shall be
32 allowed an appeal to the chancery court in the same manner as
33 appeals are authorized in Section 37-9-113. Any party aggrieved
34 by action of the chancery court may appeal to the Mississippi
35 Supreme Court as provided by law. In the event that a licensed
36 employee is immediately relieved of duties pending a hearing, as
37 provided in this section, said employee shall be entitled to
38 compensation for a period up to and including the date that the
39 initial hearing is set by the school board through the date that
40 final action is taken by the board on the hearing, 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 The school board of every school district in this state is
48 hereby prohibited from denying employment or reemployment to any
49 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 **SECTION 2.** This act shall take effect and be in force from
56 and after July 1, 2005.