

By: Senator(s) Ross

To: Fees, Salaries and Administration

SENATE BILL NO. 2489

1 AN ACT TO AMEND SECTIONS 37-3-9 AND 37-3-13, MISSISSIPPI CODE  
2 OF 1972, TO FIX THE SALARY OF THE STATE SUPERINTENDENT OF  
3 EDUCATION AND TO SET A CEILING ON THE SALARIES OF THE DEPUTY  
4 SUPERINTENDENTS, ASSOCIATE SUPERINTENDENTS AND DIVISIONAL  
5 DIRECTORS OF THE STATE DEPARTMENT OF EDUCATION; AND FOR RELATED  
6 PURPOSES.

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

8 **SECTION 1.** Section 37-3-9, Mississippi Code of 1972, is  
9 amended as follows:

10 37-3-9. (1) From and after July 1, 1984, there shall be a  
11 State Superintendent of Public Education who shall be appointed by  
12 the State Board of Education, with the advice and consent of the  
13 Senate, and serve at the board's will and pleasure. He shall be  
14 the chief administrative officer for the State Department of  
15 Education and shall administer the department in accordance with  
16 the policies established by the State Board of Education. He  
17 shall receive an annual salary of One Hundred Forty Thousand  
18 Dollars (\$140,000.00). The State Superintendent of Public  
19 Education shall have at least a master's degree in any field and a  
20 minimum of five (5) years' experience in administration in the  
21 educational field.

22 (2) The State Superintendent shall give bond in the penalty  
23 of Seventy-five Thousand Dollars (\$75,000.00), with sureties to be  
24 approved by the Governor, conditioned according to law. Said bond  
25 when approved shall be filed and recorded in the Office of the  
26 Secretary of State.

27 **SECTION 2.** Section 37-3-13, Mississippi Code of 1972, is  
28 amended as follows:

29           37-3-13. (1) Until July 1, 1984, the Assistant State  
30 Superintendent of Public Education, the directors, supervisors,  
31 clerical assistants, and employees shall be selected by, and hold  
32 office subject to the will of, the State Superintendent, except as  
33 provided in Section 37-3-17. The Assistant State Superintendent  
34 may be authorized to act in the absence or disability of the State  
35 Superintendent and shall perform such other duties as may be  
36 assigned to him by the State Superintendent. The State  
37 Superintendent shall have the power to assign to any division such  
38 clerical help as he may deem necessary and to discharge such  
39 clerical help among the divisions at any time necessity requires,  
40 except as provided in Section 37-3-17.

41           (2) From and after July 1, 1984, the deputy superintendents,  
42 associate superintendents and directors shall be selected by and  
43 hold office subject to the will of the State Superintendent of  
44 Public Education subject to the approval of the State Board of  
45 Education. All other personnel shall be competitively appointed  
46 by the State Superintendent and shall be dismissed only for cause  
47 in accordance with the rules and regulations of the State  
48 Personnel Board. The State Board of Education shall set the  
49 salary of the deputy superintendents, associate superintendents  
50 and divisional directors, and the members of the teaching staffs  
51 and employees of the Mississippi School of the Arts; provided,  
52 however, that no deputy superintendent, associate superintendent  
53 or divisional director shall receive an annual salary in excess of  
54 seventy-five percent (75%) of that received by the State  
55 Superintendent of Education. The State Superintendent, subject to  
56 the approval of the State Personnel Board, shall fix the amount of  
57 compensation of all other employees of the State Department of  
58 Education. All salaries, compensation or expenses of any of the  
59 personnel of the department shall be paid upon the requisition of  
60 the State Superintendent of Public Education and warrant issued  
61 thereunder by the State Auditor out of funds appropriated by the

62 Legislature in a lump sum upon the basis of budgetary requirements  
63 submitted by the Superintendent of Education or out of funds  
64 otherwise made available. The entire expense of administering the  
65 department shall never exceed the amount appropriated therefor,  
66 plus funds received from other sources other than state  
67 appropriations. For a violation of this provision, the  
68 superintendent shall be liable, and he and the sureties on his  
69 bond shall be required to restore any such excess.

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