

By: Senator(s) Hewes, Watson, Yancey

To: Education

SENATE BILL NO. 2149
(As Sent to Governor)

1 AN ACT TO PROVIDE THAT THE APPOINTED OR ELECTED
2 SUPERINTENDENT OF EDUCATION IN AN UNDERPERFORMING SCHOOL DISTRICT
3 FOR TWO CONSECUTIVE FULL SCHOOL YEARS SHALL BE REMOVED FROM OFFICE
4 BY THE SCHOOL BOARD OF THE SCHOOL DISTRICT AT THE END OF THE
5 SCHOOL YEAR; TO PROVIDE THAT THE SCHOOL BOARD SHALL EMPLOY A NEW
6 SUPERINTENDENT FOR THE NEXT SCHOOL YEAR IN THE MANNER PROVIDED BY
7 LAW; TO PROVIDE THAT AN ELECTED SUPERINTENDENT IN AN
8 UNDERPERFORMING SCHOOL DISTRICT WHO IS REMOVED FROM OFFICE SHALL
9 NOT BE ELIGIBLE TO SEEK REELECTION FOR A CERTAIN TIME PERIOD; AND
10 FOR RELATED PURPOSES.

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

12 **SECTION 1.** (1) If a school district that has an appointed
13 or elected superintendent of education (a) is designated by the
14 State Board of Education accountability system as an
15 underperforming school district for two (2) consecutive full
16 school years, or (b) has fifty percent (50%) or more of the
17 schools within the school district that are designated by the
18 State Board of Education accountability system as underperforming
19 for two (2) consecutive full school years, and the school district
20 was under the administration of the same superintendent during
21 those two (2) consecutive full school years, the school board of
22 the school district shall remove the superintendent then in office
23 upon final designation and notification by the State Board of
24 Education of the status as an underperforming school district.
25 Prior to such final designation the State Board of Education shall
26 notify the school district superintendent and school board members
27 by certified mail of its findings that the school district is
28 underperforming as defined in this section. The school district
29 shall have fifteen (15) days from the date of notification to
30 submit documentation to the State Superintendent of Education



31 outlining reasons why such a designation is unwarranted. The
32 State Board of Education shall evaluate the documentation and make
33 a determination of the status of the school district within thirty
34 (30) days and such determination shall be final.

35 Upon removal of the superintendent from office under the
36 provisions of this section, the school board shall employ a new
37 superintendent in the manner provided in Section 37-9-25 for an
38 appointed superintendent. In the case of an elected
39 superintendent, the Governor, upon the written request of the
40 State Board of Education, shall remove such superintendent from
41 office and such vacancy shall be filled in the manner provided in
42 Section 37-5-75 for an elected superintendent. In addition, if an
43 elected superintendent in an underperforming school district is
44 removed from office as provided in this section, then that person
45 shall not be eligible to seek reelection for the office of
46 superintendent of education for a period of one (1) full term of
47 office for that position.

48 (2) The school board of a school district in which the
49 elected superintendent of education is removed from office under
50 the provisions of this section shall publish in a newspaper having
51 general circulation in the county a full page notice informing the
52 residents of the county that the office of superintendent of
53 education may be made appointive in the county upon approval in a
54 special election called by the board of supervisors after
55 receiving a petition signed by not less than twenty percent (20%)
56 of the qualified electors of the county, as provided in Section
57 37-5-63. Such notice shall be published no less than thirty (30)
58 days after notification by the State Board of Education that the
59 school district has been designated as underperforming and such
60 notice shall run for no less than three (3) consecutive weeks.

61 (3) The State Department of Education shall make an annual
62 report to the State Board of Education identifying the number and
63 names of school districts and schools in school districts that



64 have been underperforming, in order to identify those districts
65 that fall in the category of underperformance for two (2)
66 consecutive full school years. Those reports shall include a
67 description of the deficiencies identified and the actions
68 recommended for corrective action. The State Board of Education
69 shall report to the Legislature on December 1 annually relative to
70 the status of underperforming school districts.

71 (4) The procedure for removing the superintendent of
72 education in underperforming school districts shall be in addition
73 to the corrective action sanctions for underperforming schools and
74 underperforming school districts that may be implemented by the
75 State Board of Education and the State Department of Education
76 under Sections 37-17-6(11), (14) and (16), 37-17-13 and 37-18-7.

77 (5) The provisions of this section shall be prospective
78 only, and shall not apply to any full or partial school year
79 occurring before the effective date of this act.

80 **SECTION 2.** The Attorney General of the State of Mississippi
81 shall submit this act, immediately upon approval by the Governor,
82 or upon approval by the Legislature subsequent to a veto, to the
83 Attorney General of the United States or to the United States
84 District Court for the District of Columbia in accordance with the
85 provisions of the Voting Rights Act of 1965, as amended and
86 extended.

87 **SECTION 3.** This act shall take effect and be in force from
88 and after the date it is effectuated under Section 5 of the Voting
89 Rights Act of 1965, as amended and extended.

