SENATE BILL NO. 2199
(As Passed the Senate)


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

SECTION 1. Section 37-9-13, Mississippi Code of 1972, is amended as follows:

37-9-13. (1) Each school district shall have a superintendent of schools, selected in the manner provided by law. No person shall be eligible to the office of superintendent of schools unless such person shall hold a valid administrator's
license issued by the State Department of Education and shall have had not less than four (4) years of classroom or administrative experience.

(2) From and after January 1, 2016, in all public school districts, the local school board shall appoint the superintendent of schools of such district unless the electors in the county have voted to retain the office of elected county superintendent of education as provided in subsection (3) of this section. At the expiration of the term of any county superintendent of education elected at the November 2011 general election, the county superintendent of education of said county shall not be elected but shall thereafter be appointed by the local school board in the manner provided in Section 37-9-25, unless the electors in the county have voted to retain the office of elected county superintendent of education pursuant to referendum as provided in subsection (3) of this section. The superintendent of schools shall have the general powers and duties to administer the schools within his district as prescribed in Section 37-9-14 et seq., Mississippi Code of 1972.

(3) If a petition signed by not less than twenty percent (20%) or one thousand five hundred (1,500), whichever is less, of the registered, qualified electors of such county, exclusive of the municipal separate school district boundaries, is filed with the county board of education requesting that a referendum be called on the question of changing from the elective method of
selecting the county superintendent of education to the appointive method, then the county board of education shall adopt, not later than the next regular meeting, a resolution calling a referendum to be called and held within the county school district boundaries upon the question. The referendum shall be scheduled the first Tuesday after the first Monday in November 2013 or 2014 that occurs more than sixty (60) days after the date such petition is filed with the board. When a referendum has been called, notice of the referendum shall be published at least five (5) days per week, unless the only newspaper published in the county school district is published less than five (5) days per week, for at least three (3) consecutive weeks, in at least one (1) newspaper published in the county school district. The notice shall be no less than one-fourth (1/4) page in size, and the type used shall be no smaller than eighteen (18) point and surrounded by a one-fourth-inch solid black border. The notice may not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The first publication of the notice shall be made not less than twenty-one (21) days before the date fixed for the referendum, and the last publication shall be made not more than seven (7) days before that date. If no newspaper is published in the county school district, then the notice shall be published in a newspaper having a general circulation in the county school district. The referendum shall be held, as far as is practicable, in the same manner as other
referendums and elections are held in the county. At the referendum, all registered, qualified electors of the county school district, exclusive of the municipal separate school district boundaries, may vote. The ballots used at the referendum shall have printed thereon a brief statement of the purpose of the referendum and the words "FOR CHANGING FROM THE ELECTIVE TO THE APPOINTIVE METHOD OF SELECTING THE COUNTY SUPERINTENDENT OF EDUCATION," and "AGAINST CHANGING FROM THE ELECTIVE TO THE APPOINTIVE METHOD OF SELECTING THE COUNTY SUPERINTENDENT OF EDUCATION." The voter shall vote by placing a cross (X) or checkmark (√) opposite his choice on the proposition. If a majority of the registered, qualified electors of the county school district who vote in the referendum vote in favor of the question, then the change in selection method shall be approved. However, if a majority of the registered, qualified electors who vote in the referendum vote against the question, the change in selection method shall not be approved, and the county superintendent of education of said county shall continue to be an elected office.

SECTION 2. Section 37-9-25, Mississippi Code of 1972, is amended as follows:

37-9-25. The school board shall have the power and authority, in its discretion, to employ the superintendent, unless such superintendent is elected pursuant to referendum under Section 37-9-13(3), for not exceeding four (4) scholastic years
and the principals or licensed employees for not exceeding three (3) scholastic years. In such case, contracts shall be entered into with such superintendents, principals and licensed employees for the number of years for which they have been employed. All such contracts with licensed employees shall for the years after the first year thereof be subject to the contingency that the licensed employee may be released if, during the life of the contract, the average daily attendance should decrease from that existing during the previous year and thus necessitate a reduction in the number of licensed employees during any year after the first year of the contract. However, in all such cases the licensed employee must be released before July 1 or at least thirty (30) days prior to the beginning of the school term, whichever date should occur earlier. The salary to be paid for the years after the first year of such contract shall be subject to revision, either upward or downward, in the event of an increase or decrease in the funds available for the payment thereof, but, unless such salary is revised prior to the beginning of a school year, it shall remain for such school year at the amount fixed in such contract. However, where school district funds, other than minimum education program funds, are available during the school year in excess of the amount anticipated at the beginning of the school year the salary to be paid for such year may be increased to the extent that such additional funds are available and nothing herein shall be construed to prohibit same.
SECTION 3. Section 37-5-61, Mississippi Code of 1972, is amended as follows:

[In counties wherein the electors in the county have voted to retain the office of elected county superintendent of education pursuant to referendum as provided in Section 37-9-13(3), this section shall read as follows:]

37-5-61. (1) There shall be a county superintendent of education in each county.

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

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

(4) Said superintendent shall be elected at the same time and in the same manner as other county officers are elected and shall hold office for a term of four (4) years.

[In counties where a referendum provided in Section 37-9-13(3) has not been approved, this section shall have no force and effect.]

pursuant to petition and referendum, provide for the
reestablishment of the office as an elective office, authorize the
appointment of the county superintendent of education in certain
counties, provide for the selection and qualifications of elected
superintendents in certain counties, provide for the filling of
vacancies in the office of elected county superintendent of
education, and Section 37-9-12, Mississippi Code of 1972, which
provides for a referendum on the question of retaining the
elective method of choosing the county superintendent of
education, is hereby repealed.

SECTION 5. The Attorney General of the State of Mississippi
shall submit this act, immediately upon approval by the Governor,
or upon approval by the Legislature subsequent to a veto, to the
Attorney General of the United States or to the United States
District Court for the District of Columbia in accordance with the
provisions of the Voting Rights Act of 1965, as amended and
extended.

SECTION 6. This act shall take effect and be in force from
and after the date it is effectuated under Section 5 of the Voting
Rights Act of 1965, as amended and extended