

REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT AND MR. SPEAKER:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

S. B. No. 2199: Local school superintendents; all appointed after January 1, 2016, except pursuant to referendum.

We, therefore, respectfully submit the following report and recommendation:

1. That the House recede from its Amendment No. 1.
2. That the Senate and House adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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

29 37-9-13. (1) Each school district shall have a
30 superintendent of schools, selected in the manner provided by law.
31 No person shall be eligible to the office of superintendent of
32 schools unless such person shall hold a valid administrator's
33 license issued by the State Department of Education and shall have
34 had not less than four (4) years of classroom or administrative
35 experience.

36 (2) (a) From and after January 1, 2016, in all public
37 school districts with an average daily attendance below one
38 thousand eight hundred (1,800) students, the local school board
39 shall appoint the superintendent of schools of such district
40 unless the electors in the county have voted to retain the office



41 of elected county superintendent of education as provided in
42 paragraph (b) of this subsection. At the expiration of the term
43 of any county superintendent of education elected at the November
44 2011 general election, the county superintendent of education of
45 said county shall not be elected but shall thereafter be appointed
46 by the local school board in the manner provided in Section
47 37-9-25, unless the electors in the county have voted to retain
48 the office of elected county superintendent of education pursuant
49 to referendum as provided in paragraph (b) of this subsection.
50 The superintendent of schools shall have the general powers and
51 duties to administer the schools within his district as prescribed
52 in Section 37-9-14 et seq., Mississippi Code of 1972.

53 (b) If at any time prior to January 1, 2014, or ninety
54 (90) days following the date this act is effectuated under Section
55 5 of the Voting Rights Act of 1965, whichever is earlier, a
56 petition signed by not less than twenty percent (20%) or one
57 thousand five hundred (1,500), whichever is less, of the
58 registered, qualified electors of such county, exclusive of the
59 municipal separate school district boundaries, is filed with the
60 county board of education requesting that a referendum be called
61 on the question of changing from the elective method of selecting
62 the county superintendent of education to the appointive method,
63 then the county board of education shall adopt, not later than the
64 next regular meeting, a resolution calling a referendum to be
65 called and held within the county school district boundaries upon



66 the question. The referendum shall be scheduled the first Tuesday
67 after the first Monday in November 2013 or 2014 that occurs more
68 than sixty (60) days after the date such petition is filed with
69 the board. When a referendum has been called, notice of the
70 referendum shall be published at least five (5) days per week,
71 unless the only newspaper published in the county school district
72 is published less than five (5) days per week, for at least three
73 (3) consecutive weeks, in at least one (1) newspaper published in
74 the county school district. The notice shall be no less than
75 one-fourth (1/4) page in size, and the type used shall be no
76 smaller than eighteen (18) point and surrounded by a
77 one-fourth-inch solid black border. The notice may not be placed
78 in that portion of the newspaper where legal notices and
79 classified advertisements appear. The first publication of the
80 notice shall be made not less than twenty-one (21) days before the
81 date fixed for the referendum, and the last publication shall be
82 made not more than seven (7) days before that date. If no
83 newspaper is published in the county school district, then the
84 notice shall be published in a newspaper having a general
85 circulation in the county school district. The referendum shall
86 be held, as far as is practicable, in the same manner as other
87 referendums and elections are held in the county. At the
88 referendum, all registered, qualified electors of the county
89 school district, exclusive of the municipal separate school
90 district boundaries, may vote. The ballots used at the referendum



91 shall have printed thereon a brief statement of the purpose of the
92 referendum and the words "FOR CHANGING FROM THE ELECTIVE TO THE
93 APPOINTIVE METHOD OF SELECTING THE COUNTY SUPERINTENDENT OF
94 EDUCATION," and "AGAINST CHANGING FROM THE ELECTIVE TO THE
95 APPOINTIVE METHOD OF SELECTING THE COUNTY SUPERINTENDENT OF
96 EDUCATION." The voter shall vote by placing a cross (X) or
97 checkmark (✓) opposite his choice on the proposition. If a
98 majority of the registered, qualified electors of the county
99 school district who vote in the referendum vote in favor of the
100 question, then the change in selection method shall be approved.
101 However, if a majority of the registered, qualified electors who
102 vote in the referendum vote against the question, the change in
103 selection method shall not be approved, and the county
104 superintendent of education of said county shall continue to be an
105 elected office.

106 (3) (a) From and after January 1, 2016, all public school
107 districts with an average daily attendance above one thousand
108 eight hundred (1,800) students and having an elected
109 superintendent of education shall retain the office of an elected
110 county superintendent of education of such district, unless the
111 electors in the county have voted to authorize the county board of
112 education to appoint the county superintendent of education as
113 provided in paragraph (b) of this subsection. At the expiration
114 of the term of any county superintendent of education elected at
115 the November 2011 general election, the county superintendent of



116 education of said county shall continue to be elected, unless the
117 electors in the county have voted to retain the office of elected
118 county superintendent of education pursuant to referendum as
119 provided in paragraph (b) of this subsection. The superintendent
120 of education shall have the general powers and duties to
121 administer the schools within his district as prescribed in
122 Section 37-9-14 et seq., Mississippi Code of 1972.

123 (b) If at any time prior to January 1, 2014, or ninety
124 (90) days following the date this act is effectuated under Section
125 5 of the Voting Rights Act of 1965, whichever is earlier, a
126 petition signed by not less than twenty percent (20%) or one
127 thousand five hundred (1,500), whichever is less, of the
128 registered, qualified electors of such county, exclusive of the
129 municipal separate school district boundaries, is filed with the
130 county board of education requesting that a referendum be called
131 on the question of changing from the elective method of selecting
132 the county superintendent of education to the appointive method,
133 then the county board of education shall adopt, not later than the
134 next regular meeting, a resolution calling a referendum to be
135 called and held within the county school district boundaries upon
136 the question. The referendum shall be scheduled the first Tuesday
137 after the first Monday in November 2013 or 2014 that occurs more
138 than sixty (60) days after the date such petition is filed with
139 the board. When a referendum has been called, notice of the
140 referendum shall be published at least five (5) days per week,



141 unless the only newspaper published in the county school district
142 is published less than five (5) days per week, for at least three
143 (3) consecutive weeks, in at least one (1) newspaper published in
144 the county school district. The notice shall be no less than
145 one-fourth (1/4) page in size, and the type used shall be no
146 smaller than eighteen (18) point and surrounded by a
147 one-fourth-inch (1/4) solid black border. The notice may not be
148 placed in that portion of the newspaper where legal notices and
149 classified advertisements appear. The first publication of the
150 notice shall be made not less than twenty-one (21) days before the
151 date fixed for the referendum, and the last publication shall be
152 made not more than seven (7) days before that date. If no
153 newspaper is published in the county school district, then the
154 notice shall be published in a newspaper having a general
155 circulation in the county school district. The referendum shall
156 be held, as far as is practicable, in the same manner as other
157 referendums and elections are held in the county. At the
158 referendum, all registered, qualified electors of the county
159 school district, exclusive of the municipal separate school
160 district boundaries, may vote. The ballots used at the referendum
161 shall have printed thereon a brief statement of the purpose of the
162 referendum and the words "FOR CHANGING FROM THE ELECTIVE TO THE
163 APPOINTIVE METHOD OF SELECTING THE COUNTY SUPERINTENDENT OF
164 EDUCATION," and "AGAINST CHANGING FROM THE ELECTIVE TO THE
165 APPOINTIVE METHOD OF SELECTING THE COUNTY SUPERINTENDENT OF



166 EDUCATION." The voter shall vote by placing a cross (X) or
167 checkmark (✓) opposite his choice on the proposition. If a
168 majority of the registered, qualified electors of the county
169 school district who vote in the referendum vote in favor of the
170 question, then the change in selection method shall be approved.
171 However, if a majority of the registered, qualified electors who
172 vote in the referendum vote against the question, the change in
173 selection method shall not be approved, and the county
174 superintendent of education of said county shall continue to be an
175 elected office.

176 (4) (a) The superintendent of schools shall certify
177 and verify any and all statistical information and reports
178 submitted to the State Department of Education with a statement
179 attesting, to the best knowledge and belief of the superintendent,
180 the data to be accurate. The willful and wanton falsification of
181 the submitted information by the superintendent shall result in
182 the revocation of the superintendent's administrative license, as
183 provided under Section 37-3-2.

184 (b) Any superintendent whose license is revoked for
185 violations of paragraph (a) of this subsection shall be afforded
186 an administrative procedures hearing as provided under Section
187 37-3-2.

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



190 37-9-25. The school board shall have the power and
191 authority, in its discretion, to employ the superintendent, unless
192 such superintendent is elected pursuant to referendum under
193 Section 37-9-13(2)(b), for not exceeding four (4) scholastic years
194 and the principals or licensed employees for not exceeding three
195 (3) scholastic years. In such case, contracts shall be entered
196 into with such superintendents, principals and licensed employees
197 for the number of years for which they have been employed. All
198 such contracts with licensed employees shall for the years after
199 the first year thereof be subject to the contingency that the
200 licensed employee may be released if, during the life of the
201 contract, the average daily attendance should decrease from that
202 existing during the previous year and thus necessitate a reduction
203 in the number of licensed employees during any year after the
204 first year of the contract. However, in all such cases the
205 licensed employee must be released before July 1 or at least
206 thirty (30) days prior to the beginning of the school term,
207 whichever date should occur earlier. The salary to be paid for
208 the years after the first year of such contract shall be subject
209 to revision, either upward or downward, in the event of an
210 increase or decrease in the funds available for the payment
211 thereof, but, unless such salary is revised prior to the beginning
212 of a school year, it shall remain for such school year at the
213 amount fixed in such contract. However, where school district
214 funds, other than minimum education program funds, are available



215 during the school year in excess of the amount anticipated at the
216 beginning of the school year the salary to be paid for such year
217 may be increased to the extent that such additional funds are
218 available and nothing herein shall be construed to prohibit same.

219 **SECTION 3.** Section 37-5-61, Mississippi Code of 1972, is
220 amended as follows:

221 **[In counties wherein the electors in the county have voted to**
222 **retain the office of elected county superintendent of education**
223 **pursuant to referendum as provided in Section 37-9-13(2) (b) and**
224 **(3) (b), this section shall read as follows:]**

225 37-5-61. (1) There shall be a county superintendent of
226 education in each county.

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

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

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

237 **[In counties where a referendum provided in Section**
238 **37-9-13(2) (b) and (3) (b) has not been approved, this section shall**
239 **have no force and effect.]**



240 **SECTION 4.** Effective January 1, 2016, Sections 37-5-61,
241 37-5-63, 37-5-65, 37-5-67, 37-5-69, 37-5-71 and 37-5-75,
242 Mississippi Code of 1972, which provide for changing the position
243 of county superintendent of education to an appointed office
244 pursuant to petition and referendum, provide for the
245 reestablishment of the office as an elective office, authorize the
246 appointment of the county superintendent of education in certain
247 counties, provide for the selection and qualifications of elected
248 superintendents in certain counties, provide for the filling of
249 vacancies in the office of elected county superintendent of
250 education, and Section 37-9-12, Mississippi Code of 1972, which
251 provides for a referendum on the question of retaining the
252 elective method of choosing the county superintendent of
253 education, are hereby repealed.

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

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



Further, amend by striking the title in its entirety and inserting in lieu thereof the following:

1 AN ACT TO AMEND SECTIONS 37-9-13, 37-9-25 AND 37-5-61,
2 MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE APPOINTMENT OF ALL
3 SUPERINTENDENTS OF SCHOOLS FROM AND AFTER JANUARY 1, 2016, IN
4 CERTAIN SCHOOL DISTRICTS WITH AN ADA BELOW 1,800 STUDENTS; TO
5 AUTHORIZE A REFERENDUM ON THE QUESTION OF RETAINING THE OFFICE OF
6 ELECTED COUNTY SUPERINTENDENT OF EDUCATION IN COUNTIES PURSUANT TO
7 PETITION PRIOR TO JANUARY 1, 2015; TO REPEAL EFFECTIVE JANUARY 1,
8 2016, SECTIONS 37-5-61, 37-5-63, 37-5-65, 37-5-67, 37-5-69,
9 37-5-71 AND 37-5-75, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR
10 CHANGING THE POSITION OF COUNTY SUPERINTENDENT OF EDUCATION TO AN
11 APPOINTED OFFICE PURSUANT TO PETITION AND REFERENDUM, PROVIDE FOR
12 THE REESTABLISHMENT OF THE OFFICE AS AN ELECTIVE OFFICE, AUTHORIZE
13 THE APPOINTMENT OF THE COUNTY SUPERINTENDENT OF EDUCATION IN
14 CERTAIN COUNTIES, PROVIDE FOR THE SELECTION AND QUALIFICATIONS OF
15 ELECTED SUPERINTENDENTS IN CERTAIN COUNTIES, PROVIDE FOR THE
16 FILLING OF VACANCIES IN THE OFFICE OF ELECTED COUNTY
17 SUPERINTENDENT OF EDUCATION, AND SECTION 37-9-12, MISSISSIPPI CODE
18 OF 1972, WHICH PROVIDES FOR A REFERENDUM ON THE QUESTION OF
19 RETAINING THE ELECTIVE METHOD OF CHOOSING THE COUNTY
20 SUPERINTENDENT OF EDUCATION; TO REQUIRE LOCAL SCHOOL
21 SUPERINTENDENTS TO CERTIFY AND VERIFY ALL STATISTICAL INFORMATION
22 SUBMITTED TO THE STATE DEPARTMENT OF EDUCATION; TO PROVIDE FOR THE
23 REVOCATION OF ADMINISTRATIVE LICENSE OF SUPERINTENDENTS WHO
24 FALSIFY SUCH INFORMATION WILLFULLY AND WATONLY; AND FOR RELATED
25 PURPOSES.

CONFEREES FOR THE SENATE

CONFEREES FOR THE HOUSE

X (SIGNED)
Tollison

X (SIGNED)
Moore

X (SIGNED)
Collins

X (SIGNED)
Mayo

X (SIGNED)
Carmichael

X (SIGNED)
Guice

