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:

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) (a) From and after January 1, 2016, in all public school districts with an average daily attendance below one thousand eight hundred (1,800) students, 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 paragraph (b) of this subsection. 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 paragraph (b) of this subsection.

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.

(b) If at any time prior to January 1, 2014, or ninety (90) days following the date this act is effectuated under Section 5 of the Voting Rights Act of 1965, whichever is earlier, 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.

(3) (a) From and after January 1, 2016, all public school districts with an average daily attendance above one thousand eight hundred (1,800) students and having an elected superintendent of education shall retain the office of an elected county superintendent of education of such district, unless the electors in the county have voted to authorize the county board of education to appoint the county superintendent of education as provided in paragraph (b) of this subsection. 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 continue to be elected, unless the
electors in the county have voted to retain the office of elected
county superintendent of education pursuant to referendum as
provided in paragraph (b) of this subsection. The superintendent
of education shall have the general powers and duties to
administer the schools within his district as prescribed in

(b) If at any time prior to January 1, 2014, or ninety
(90) days following the date this act is effectuated under Section
5 of the Voting Rights Act of 1965, whichever is earlier, 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 (1/4) 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.

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

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

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(2)(b), 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(2)(b) and
(3)(b), 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(2)(b) and (3)(b) has not been approved, this section shall
have no force and effect.]
SECTION 4. Effective January 1, 2016, Sections 37-5-61, 37-5-63, 37-5-65, 37-5-67, 37-5-69, 37-5-71 and 37-5-75, Mississippi Code of 1972, which provide for changing the position of county superintendent of education to an appointed office 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, are 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.
Further, amend by striking the title in its entirety and inserting in lieu thereof the following:

AN ACT TO AMEND SECTIONS 37-9-13, 37-9-25 AND 37-5-61, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE APPOINTMENT OF ALL SUPERINTENDENTS OF SCHOOLS FROM AND AFTER JANUARY 1, 2016, IN CERTAIN SCHOOL DISTRICTS WITH AN ADA BELOW 1,800 STUDENTS; TO AUTHORIZE A REFERENDUM ON THE QUESTION OF RETAINING THE OFFICE OF ELECTED COUNTY SUPERINTENDENT OF EDUCATION IN COUNTIES PURSUANT TO PETITION PRIOR TO JANUARY 1, 2015; TO REPEAL EFFECTIVE JANUARY 1, 2016, SECTIONS 37-5-61, 37-5-63, 37-5-65, 37-5-67, 37-5-69, 37-5-71 AND 37-5-75, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR CHANGING THE POSITION OF COUNTY SUPERINTENDENT OF EDUCATION TO AN APPOINTED OFFICE 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; TO REQUIRE LOCAL SCHOOL SUPERINTENDENTS TO CERTIFY AND VERIFY ALL STATISTICAL INFORMATION SUBMITTED TO THE STATE DEPARTMENT OF EDUCATION; TO PROVIDE FOR THE REVOCAUTION OF ADMINISTRATIVE LICENSE OF SUPERINTENDENTS WHO FALSIFY SUCH INFORMATION WILLFULLY AND WATONLY; AND FOR RELATED PURPOSES.

CONFEREES FOR THE SENATE
X (SIGNED) Tollison
X (SIGNED) Collins
X (SIGNED) Carmichael

CONFEREES FOR THE HOUSE
X (SIGNED) Moore
X (SIGNED) Mayo
X (SIGNED) Guice