

By: Senator(s) Tollison, Blackwell

To: Education

SENATE BILL NO. 2438

1 AN ACT TO AMEND SECTIONS 37-9-13 AND 37-9-25, MISSISSIPPI  
2 CODE OF 1972, TO PROVIDE FOR THE APPOINTMENT OF ALL  
3 SUPERINTENDENTS OF SCHOOLS FROM AND AFTER JANUARY 1, 2019; TO  
4 REPEAL EFFECTIVE JULY 1, 2019, SECTIONS 37-5-61, 37-5-63, 37-5-65,  
5 37-5-67, 37-5-69, 37-5-71 AND 37-5-75, MISSISSIPPI CODE OF 1972,  
6 WHICH PROVIDE FOR ELECTED COUNTY SUPERINTENDENTS OF EDUCATION,  
7 CHANGING THE POSITION OF COUNTY SUPERINTENDENT OF EDUCATION TO AN  
8 APPOINTED OFFICE PURSUANT TO PETITION AND REFERENDUM, PROVIDE FOR  
9 THE REESTABLISHMENT OF THE OFFICE AS AN ELECTIVE OFFICE, AUTHORIZE  
10 THE APPOINTMENT OF THE COUNTY SUPERINTENDENT OF EDUCATION IN  
11 CERTAIN COUNTIES, PROVIDE FOR THE SELECTION AND QUALIFICATIONS OF  
12 ELECTED SUPERINTENDENTS IN CERTAIN COUNTIES, PROVIDE FOR THE  
13 FILLING OF VACANCIES IN THE OFFICE OF ELECTED COUNTY  
14 SUPERINTENDENT OF EDUCATION, AND SECTION 37-9-12, MISSISSIPPI CODE  
15 OF 1972, WHICH PROVIDES FOR A REFERENDUM ON THE QUESTION OF  
16 RETAINING THE ELECTIVE METHOD OF CHOOSING THE COUNTY  
17 SUPERINTENDENT OF EDUCATION; AND FOR RELATED PURPOSES.

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

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

21 37-9-13. (1) Each school district shall have a  
22 superintendent of schools, selected in the manner provided by law.  
23 No person shall be eligible to the office of superintendent of  
24 schools unless such person shall hold a valid administrator's  
25 license issued by the State Department of Education and shall have



26 had not less than four (4) years of classroom or administrative  
27 experience.

28 (2) From and after January 1, 2019, in all public school  
29 districts, the local school board shall appoint the superintendent  
30 of schools of such district. At the expiration of the term of any  
31 county superintendent of education elected at the November 2015  
32 general election, the county superintendent of education of said  
33 county shall not be elected but shall thereafter be appointed by  
34 the local school board in the manner provided in Section 37-9-25.  
35 The superintendent of schools shall have the general powers and  
36 duties to administer the schools within his district as prescribed  
37 in Section 37-9-14 et seq., Mississippi Code of 1972.

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

40 37-9-25. The school board shall have the power and  
41 authority, in its discretion, to employ the superintendent, unless  
42 such superintendent is elected at the November 2015 general  
43 election, for not exceeding four (4) scholastic years and the  
44 principals or licensed employees for not exceeding three (3)  
45 scholastic years. In such case, contracts shall be entered into  
46 with such superintendents, principals and licensed employees for  
47 the number of years for which they have been employed. All such  
48 contracts with licensed employees shall for the years after the  
49 first year thereof be subject to the contingency that the licensed  
50 employee may be released if, during the life of the contract, the



51 average daily attendance should decrease from that existing during  
52 the previous year and thus necessitate a reduction in the number  
53 of licensed employees during any year after the first year of the  
54 contract. However, in all such cases the licensed employee must  
55 be released before July 1 or at least thirty (30) days prior to  
56 the beginning of the school term, whichever date should occur  
57 earlier. The salary to be paid for the years after the first year  
58 of such contract shall be subject to revision, either upward or  
59 downward, in the event of an increase or decrease in the funds  
60 available for the payment thereof, but, unless such salary is  
61 revised prior to the beginning of a school year, it shall remain  
62 for such school year at the amount fixed in such contract.  
63 However, where school district funds, other than minimum education  
64 program funds, are available during the school year in excess of  
65 the amount anticipated at the beginning of the school year the  
66 salary to be paid for such year may be increased to the extent  
67 that such additional funds are available and nothing herein shall  
68 be construed to prohibit same.

69       **SECTION 3.** Effective January 1, 2019, Sections 37-5-61,  
70 37-5-63, 37-5-65, 37-5-67, 37-5-69, 37-5-71 and 37-5-75,  
71 Mississippi Code of 1972, which provide for elected county  
72 superintendents of education, changing the position of county  
73 superintendent of education to an appointed office pursuant to  
74 petition and referendum, provide for the reestablishment of the  
75 office as an elective office, authorize the appointment of the



76 county superintendent of education in certain counties, provide  
77 for the selection and qualifications of elected superintendents in  
78 certain counties, and provide for the filling of vacancies in the  
79 office of elected county superintendent of education; and Section  
80 37-9-12, Mississippi Code of 1972, which provides for a referendum  
81 on the question of retaining the elective method of choosing the  
82 county superintendent of education, are hereby repealed.

83         **SECTION 4.** This act shall take effect and be in force from  
84 and after July 1, 2016.

