

By: Representative Moore

To: Education

HOUSE BILL NO. 32  
(As Passed the House)

1 AN ACT TO AMEND SECTIONS 37-9-13, 37-9-25, 37-5-61, 37-5-71,  
2 AND 37-5-75, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE  
3 APPOINTMENT OF THE SUPERINTENDENT IN SCHOOL DISTRICTS WITH AN  
4 ELECTED SUPERINTENDENT OF SCHOOLS IN THE EVENT A VACANCY IN OFFICE  
5 OCCURS BEFORE JANUARY 1, 2019; AND FOR RELATED PURPOSES.

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

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

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

16 (2) From and after January 1, 2019, in all public school  
17 districts, the local school board shall appoint the superintendent  
18 of schools of such district. At the expiration of the term of any  
19 county superintendent of education elected at the November 2015



20 general election, the county superintendent of education of said  
21 county shall not be elected but shall thereafter be appointed by  
22 the local school board in the manner provided in Section 37-9-25.  
23 However, in the event that a vacancy in the office of the  
24 superintendent of schools elected at the November 2015 general  
25 election shall occur before January 1, 2019, the office of  
26 superintendent of school shall immediately become an appointed  
27 position, and the local school board shall appoint the  
28 superintendent of the school district. The superintendent of  
29 schools shall have the general powers and duties to administer the  
30 schools within his district as prescribed in Section 37-9-14 et  
31 seq., Mississippi Code of 1972.

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

34 37-9-25. The school board shall have the power and  
35 authority, in its discretion, to employ the superintendent, unless  
36 such superintendent is elected at the November 2015 general  
37 election, for not exceeding four (4) scholastic years and the  
38 principals or licensed employees for not exceeding three (3)  
39 scholastic years. In such case, contracts shall be entered into  
40 with such superintendents, principals and licensed employees for  
41 the number of years for which they have been employed. However,  
42 in the event that a vacancy in the office of the superintendent of  
43 schools elected at the November 2015 general election shall occur  
44 before January 1, 2019, the local school board shall then appoint



45 the superintendent of the school district and enter into contract  
46 with the appointee for a period not to exceed three (3) scholastic  
47 years. All such contracts with licensed employees shall for the  
48 years after the first year thereof be subject to the contingency  
49 that the licensed employee may be released if, during the life of  
50 the contract, the average daily attendance should decrease from  
51 that existing during the previous year and thus necessitate a  
52 reduction in the number of licensed employees during any year  
53 after the first year of the contract. However, in all such cases  
54 the licensed employee must be released before July 1 or at least  
55 thirty (30) days prior to the beginning of the school term,  
56 whichever date should occur earlier. The salary to be paid for  
57 the years after the first year of such contract shall be subject  
58 to revision, either upward or downward, in the event of an  
59 increase or decrease in the funds available for the payment  
60 thereof, but, unless such salary is revised prior to the beginning  
61 of a school year, it shall remain for such school year at the  
62 amount fixed in such contract. However, where school district  
63 funds, other than minimum education program funds, are available  
64 during the school year in excess of the amount anticipated at the  
65 beginning of the school year the salary to be paid for such year  
66 may be increased to the extent that such additional funds are  
67 available and nothing herein shall be construed to prohibit same.

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



70 37-5-61. (1) There shall be a county superintendent of  
71 education in each county.

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

76 (3) In addition, said superintendent shall be the director  
77 of all schools in the county school district which are outside the  
78 municipal separate school districts.

79 (4) Said superintendent shall be elected at the same time  
80 and in the same manner as other county officers are elected and  
81 shall hold office for a term of four (4) years. However, in the  
82 event that a vacancy in the office of the superintendent of  
83 schools elected at the November 2015 general election shall occur  
84 before January 1, 2019, the office of superintendent of school  
85 shall immediately become an appointed position, and the local  
86 school board shall appoint the superintendent of the school  
87 district.

88 **SECTION 4.** Section 37-5-71, Mississippi Code of 1972, is  
89 amended as follows:

90 37-5-71. (1) The county superintendents of education shall  
91 be elected in the manner prescribed by the provisions of this  
92 chapter, unless the school district is being reconstituted as  
93 provided in Section 37-17-13 or unless such office be made  
94 appointive as provided in this chapter, in which case the county



95 superintendent shall be appointed by the county board of education  
96 or by the trustees of a separate school district embracing an  
97 entire county with a population of fifteen thousand (15,000) or  
98 less, as provided in subsection (2) of Section 37-7-203. However,  
99 in the event that a vacancy in the elective office of the  
100 superintendent of schools elected at the November 2015 general  
101 election shall occur before January 1, 2019, the office of  
102 superintendent of school shall immediately become an appointed  
103 position, and the local school board shall appoint the  
104 superintendent of the school district. In all cases he shall have  
105 such qualifications as prescribed by Section 37-9-13 and receive  
106 such compensation as established under Section 37-9-37.

107 (2) All qualified electors residing within any municipal  
108 separate or special municipal separate school district shall not  
109 vote in the election for the county superintendent of education:

110 (a) In all counties of the second class which have a  
111 population, according to the 1960 federal decennial census of at  
112 least thirty-three thousand (33,000) and less than thirty-four  
113 thousand (34,000), and having a city located therein which is the  
114 Southern Division of the A.T.&S.F. Railroad Company;

115 (b) In all counties of the fourth class which have a  
116 population, according to the 1960 federal decennial census, in  
117 excess of twenty-six thousand (26,000) and less than twenty-seven  
118 thousand (27,000), and having located therein the Mississippi  
119 State University of Agriculture and Applied Science;



120 (c) In all counties of the first class which have a  
121 population, according to the 1960 federal decennial census, in  
122 excess of forty-six thousand (46,000) and less than forty-seven  
123 thousand (47,000), and having located therein the Mississippi  
124 University for Women;

125 (d) In any county bordering on the Mississippi Sound  
126 and having a population in excess of one hundred thousand  
127 (100,000), according to the 1960 federal decennial census, and  
128 having an assessed valuation in excess of Seventy Million Dollars  
129 (\$70,000,000.00);

130 (e) In any county having a population in excess of  
131 eight thousand (8,000) and less than nine thousand (9,000), and  
132 having an assessed valuation in excess of Five Million Dollars  
133 (\$5,000,000.00) but less than Six Million Dollars (\$6,000,000.00)  
134 in 1960;

135 (f) In any county having a population in excess of  
136 twenty-two thousand (22,000) and less than twenty-three thousand  
137 (23,000) in 1960, and having a total assessed valuation in excess  
138 of Thirteen Million Dollars (\$13,000,000.00) in 1960;

139 (g) In any county having a population in excess of  
140 fifty-nine thousand (59,000) but less than sixty thousand  
141 (60,000), according to the 1960 federal decennial census;

142 (h) In any county bordered on the east by the Alabama  
143 line and on the south by the Mississippi Sound;



144 (i) In any county where Mississippi Highway 35 crosses  
145 U.S. Highway 80 and whose population, according to the 1960  
146 regular census, was between twenty-one thousand (21,000) and  
147 twenty-two thousand (22,000), and in which there are located four  
148 (4) or more chicken packing plants, one (1) zipper plant and one  
149 or more factories manufacturing Sunbeam electrical appliances;

150 (j) In any county having a population of twenty-six  
151 thousand one hundred ninety-eight (26,198) according to the 1970  
152 census wherein Highways 51 and 84 intersect;

153 (k) In any county having a municipal separate school  
154 district lying therein, having a population in excess of  
155 twenty-one thousand (21,000) but less than twenty-one thousand  
156 five hundred (21,500), according to the 1960 decennial census, and  
157 having a combined assessed valuation in 1963 in excess of Sixteen  
158 Million Nine Hundred Thousand Dollars (\$16,900,000.00) but less  
159 than Seventeen Million Dollars (\$17,000,000.00) according to the  
160 State Tax Commission's compilation;

161 (l) In any county where Mississippi Highway 15 crosses  
162 Mississippi Highway 16, whose population was more than twenty  
163 thousand (20,000) and less than twenty-one thousand (21,000),  
164 according to the regular 1960 census, and within which there is  
165 located a Choctaw Indian reservation and school operated by the  
166 United States government;

167 (m) In any county where U.S. Highway 45W Alternate  
168 intersects Mississippi Highway 50, and having a population of



169 eighteen thousand nine hundred thirty-three (18,933), according to  
170 the 1960 federal census;

171 (n) In any county having a population in excess of  
172 forty thousand five hundred (40,500), according to the 1960  
173 federal decennial census, wherein U.S. Highways 78 and 45  
174 intersect, and wherein there is a United States fish hatchery;

175 (o) In any county being traversed by Mississippi  
176 Highway 15 and U.S. Interstate Highway 20;

177 (p) In all counties wherein there is located a national  
178 military park and a national cemetery;

179 (q) In any county where U.S. Highway 82 crosses U.S.  
180 Interstate Highway 55 and having a population of twelve thousand  
181 three hundred eighty-seven (12,387) according to the 1990 federal  
182 decennial census;

183 (r) In any county where U.S. Highway 49E and U.S.  
184 Highway 82 intersect, and having a population of thirty-seven  
185 thousand three hundred forty-one (37,341) according to the 1990  
186 federal decennial census;

187 (s) In any county bordering the Mississippi River on  
188 the west and with a population of less than thirty-one thousand  
189 (31,000), according to the 2000 federal decennial census, and with  
190 a county seat in which U.S. Highway 49 and U.S. Highway 61  
191 intersect.





192 In any such county, however, the county superintendent of  
193 education may be a resident of a municipal separate school  
194 district or special municipal separate school district.

195 (3) The qualified electors residing within the municipal  
196 separate school districts shall not participate in the election of  
197 the county superintendent of education:

198 (a) In any county having a population of more than  
199 twenty-seven thousand (27,000) and less than twenty-eight thousand  
200 (28,000) and containing therein a municipality having a population  
201 in excess of three thousand (3,000), according to the 1960 federal  
202 decennial census;

203 (b) In any Class 1 county wherein is located a  
204 state-supported university and a National Guard camp, and in which  
205 Interstate Highway 59 and U.S. Highway 49 intersect;

206 (c) In any Class 4 county having two (2) judicial  
207 districts, wherein is partially located a national forest, and  
208 wherein Mississippi Highways 8 and 15 intersect;

209 (d) In any Class 2 county, the southern boundary of  
210 which partially borders on the State of Louisiana, traversed by  
211 U.S. Highway 98 which intersects Mississippi Highway 13, with a  
212 land area of five hundred fifty (550) square miles and having a  
213 population of twenty-three thousand two hundred ninety-three  
214 (23,293) in the 1960 federal decennial census;



215 (e) In any county bordering on the Gulf of Mexico or  
216 the Mississippi Sound having therein a test facility operated by  
217 the National Aeronautics and Space Administration;

218 (f) In any county having a population in excess of  
219 twenty-seven thousand one hundred seventy-nine (27,179) according  
220 to the 1970 federal decennial census, wherein U.S. Highways 45 and  
221 72 intersect; and

222 (g) In any Class 1 county bordering on the Pearl River  
223 in which U.S. Highway 80 intersects Mississippi Highway 18 and  
224 having a population, according to the federal decennial census of  
225 1970, of forty-three thousand nine hundred thirty-three (43,933).

226 (4) The county superintendent of education, with the  
227 approval of the county board of education by its first having  
228 adopted a resolution of approval and spread upon its minutes,  
229 shall be elected from the county at large, exclusive of the  
230 municipal separate school district boundaries:

231 (a) In any county bordering on the State of Tennessee  
232 having a land area of seven hundred ten (710) square miles,  
233 wherein is located part of a national forest, and wherein U.S.  
234 Highway 78 and Mississippi Highway 7 intersect;

235 (b) In any Class 4 county wherein is located the  
236 state's oldest state-supported university, in which Mississippi  
237 Highways 6 and 7 intersect. Provided, however, that if the method  
238 of selecting the county superintendent of education in such county  
239 is changed from an elective method to an appointive method,



240 pursuant to the provisions of Section 37-5-68, this paragraph (b)  
241 shall stand repealed; and

242 (c) In any county having a population in excess of  
243 seventeen thousand (17,000) and less than eighteen thousand  
244 (18,000), according to the 1970 federal decennial census, wherein  
245 Mississippi Highways 6 and 9 intersect.

246 (5) In any county having a municipality of between  
247 forty-nine thousand (49,000) and fifty thousand (50,000)  
248 population according to the 1960 federal census, and adjoining the  
249 Alabama line, wherein U.S. Highways 80 and 45 intersect, the  
250 qualified electors residing within any municipal separate school  
251 district shall not participate in the election of the county  
252 superintendent of education, and such county superintendent of  
253 education shall not be a resident of a municipal separate school  
254 district.

255 (6) In any county traversed by the Natchez Trace Parkway  
256 wherein U.S. Highway 45 and Mississippi Highway 4 intersect and  
257 having a population of seventeen thousand nine hundred forty-nine  
258 (17,949) according to the 1960 federal census, the qualified  
259 electors residing within any municipal separate school district  
260 shall not participate in the election of the county superintendent  
261 of education, and such county superintendent of education shall  
262 not be a resident of a municipal separate school district.

263 **SECTION 5.** Section 37-5-75, Mississippi Code of 1972, is  
264 amended as follows:



265           37-5-75. If a vacancy shall occur in the elective office of  
266 the county superintendent of education elected at the November  
267 2015 general election before January 1, 2019, the office of  
268 superintendent of school shall immediately become an appointed  
269 position, and such vacancy shall be filled by appointment by the  
270 county board of education. \* \* \*~~If the unexpired term shall~~  
271 ~~exceed six (6) months, it shall be the duty of the board of~~  
272 ~~supervisors of the county to call a special election to fill such~~  
273 ~~vacancy for such unexpired term, which said election shall be~~  
274 ~~called and held in the manner provided by Section 23-15-839. In~~  
275 such case the person so appointed by the county board of education  
276 shall hold office \* \* \*~~only until such election is held and the~~  
277 ~~person elected thereat shall qualify and enter upon the discharge~~  
278 ~~of his duties~~ under the terms and for the duration of the  
279 employment contracted issued by the board of education under the  
280 authority of Section 37-9-25.

281           **SECTION 6.** This act shall take effect and be in force from  
282 and after its passage.

