

By: Representative Moore

To: Education

HOUSE BILL NO. 874

1 AN ACT TO AMEND SECTIONS 37-9-13 AND 37-9-25, MISSISSIPPI  
2 CODE OF 1972, WHICH RELATE TO THE SELECTION AND EMPLOYMENT OF  
3 SCHOOL SUPERINTENDENTS TO REQUIRE SCHOOL BOARDS TO ONLY APPOINT  
4 AND CONTRACT WITH INDIVIDUALS FOR THE OFFICE OF SUPERINTENDENT WHO  
5 HAVE SERVED IN AN "A" OR "B" RATED DISTRICT OR EQUALLY COMPARABLE  
6 ACCREDITED OUT OF STATE DISTRICT; AND FOR RELATED PURPOSES.

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

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

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

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



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

30 (3) In selecting an individual to appoint to the office of  
31 superintendent of schools of a school district, the school board  
32 shall only recruit, consider and make the appointment of  
33 individuals meeting the requirements of subsection (1) of this  
34 section who have worked in a school district having an "A" or "B"  
35 accountability rating as determined by the system of accreditation  
36 established by the State Department of Education. If the local  
37 board recruits and considers an individual who resides outside of  
38 the state of Mississippi for the office of superintendent, that  
39 individual must have worked in a school district within the state  
40 of recruitment that has the two (2) highest levels of  
41 accreditation which are equally comparable to the accountability  
42 ratings used by the department for accreditation purposes.

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



45           37-9-25. The school board shall have the power and  
46 authority, in its discretion, to employ the superintendent, unless  
47 such superintendent is elected at the November 2015 general  
48 election, for not exceeding four (4) scholastic years and the  
49 principals or licensed employees for not exceeding three (3)  
50 scholastic years. However in the employment of the  
51 superintendent, the school board shall only recruit, consider and  
52 make the appointment of individuals meeting the requirements of  
53 subsection (1) of this section who have worked in a school  
54 district having an "A" or "B" accountability rating as determined  
55 by the system of accreditation established by the State Department  
56 of Education, or from an equally comparable accredited district  
57 from another state. In such case, contracts shall be entered into  
58 with such superintendents, principals and licensed employees for  
59 the number of years for which they have been employed. All such  
60 contracts with licensed employees shall for the years after the  
61 first year thereof be subject to the contingency that the licensed  
62 employee may be released if, during the life of the contract, the  
63 average daily attendance should decrease from that existing during  
64 the previous year and thus necessitate a reduction in the number  
65 of licensed employees during any year after the first year of the  
66 contract. However, in all such cases the licensed employee must  
67 be released before July 1 or at least thirty (30) days prior to  
68 the beginning of the school term, whichever date should occur  
69 earlier. The salary to be paid for the years after the first year



70 of such contract shall be subject to revision, either upward or  
71 downward, in the event of an increase or decrease in the funds  
72 available for the payment thereof, but, unless such salary is  
73 revised prior to the beginning of a school year, it shall remain  
74 for such school year at the amount fixed in such contract.  
75 However, where school district funds, other than minimum education  
76 program funds, are available during the school year in excess of  
77 the amount anticipated at the beginning of the school year the  
78 salary to be paid for such year may be increased to the extent  
79 that such additional funds are available and nothing herein shall  
80 be construed to prohibit same.

81         **SECTION 3.** This act shall take effect and be in force from  
82 and after July 1, 2017.

