

By: Representative Miles

To: Education

HOUSE BILL NO. 459

1 AN ACT TO AMEND SECTION 37-9-23, MISSISSIPPI CODE OF 1972, TO  
 2 PROHIBIT SUPERINTENDENTS FROM ENTERING INTO CONTRACTS WITH ANY  
 3 CURRENT LICENSED EMPLOYEES FOR THE CONTINUATION OF EMPLOYMENT WITH  
 4 THE SCHOOL DISTRICT FOR THE SUCCESSIVE SCHOOL YEAR BEFORE APRIL  
 5 15; TO PROVIDE THAT THE TEN-DAY PERIOD FOR AN EMPLOYEE TO EXECUTE  
 6 AND RETURN THE CONTRACT SHALL NOT BEGIN TO RUN UNTIL THE DATE THE  
 7 CONTRACT IS TENDERED TO THE EMPLOYEE ON OR AFTER APRIL 15; TO  
 8 AMEND SECTION 37-9-55, MISSISSIPPI CODE OF 1972, TO STIPULATE THAT  
 9 ANY RENEWAL CONTRACT ISSUED TO AN EMPLOYEE BEFORE APRIL 15 OF THE  
 10 YEAR THAT THE EXISTING EMPLOYMENT CONTRACT IS SCHEDULED TO EXPIRE  
 11 SHALL BE CONDITIONAL; TO ALLOW THE EMPLOYEE TO SEEK RELEASE FROM  
 12 THE CONDITIONAL CONTRACT, IF EXECUTED, WITHOUT PENALTY; TO AMEND  
 13 SECTION 37-9-57, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO;  
 14 TO AMEND SECTION 37-9-105, MISSISSIPPI CODE OF 1972, TO PROVIDE  
 15 THAT APRIL 15 OR WITHIN TEN CALENDAR DAYS AFTER THE DATE THAT THE  
 16 GOVERNOR APPROVES THE APPROPRIATION LEGISLATION COMPRISING THE  
 17 STATE'S K-12 EDUCATION BUDGET, WHICHEVER DATE IS LATER, SHALL BE  
 18 THE EARLIEST DATE SUCH CONTRACT MAY BE EXECUTED AND HAVE BINDING  
 19 EFFECT UPON THE EMPLOYEE; AND FOR RELATED PURPOSES.

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

21 **SECTION 1.** Section 37-9-23, Mississippi Code of 1972, is  
 22 amended as follows:

23 37-9-23. The superintendent shall enter into a contract with  
 24 each assistant superintendent, principal, licensed employee and  
 25 person anticipating graduation from an approved teacher education  
 26 program or the issuance of a proper license before October 15 or



27 February 15, as the case may be, who is elected and approved for  
28 employment by the school board. Such contracts shall be in such  
29 form as shall be prescribed by the State Board of Education and  
30 shall be executed in duplicate with one (1) copy to be retained by  
31 the appropriate superintendent and one (1) copy to be retained by  
32 the principal, licensed employee or person recommended for a  
33 licensed position contracted with. The contract shall show the  
34 name of the district, the length of the school term, the position  
35 held (whether an assistant superintendent, principal or licensed  
36 employee), the scholastic years which it covers, the total amount  
37 of the annual salary and how same is payable. The amount of  
38 salary to be shown in such contract shall be the amount which  
39 shall have been fixed and determined by the school board, but, as  
40 to the licensed employees paid, in whole or in part, with adequate  
41 education program funds, such salary shall not be less than that  
42 required under the provisions of Chapter 19 of this title.  
43 Beginning with the 2010-2011 school year, the contract shall  
44 include a provision allowing the school district to reduce the  
45 state minimum salary by a pro rata daily amount in order to comply  
46 with the school district employee furlough provisions of Section  
47 37-7-308, and shall include a provision which conditions the  
48 payment of such salary upon the availability of adequate education  
49 funds provided for salaries. The contract entered into with any  
50 person recommended for a licensed position who is anticipating  
51 either graduation from an approved teacher education program



52 before September 1 or December 31, as the case may be, or the  
53 issuance of a proper license before October 15 or February 15, as  
54 the case may be, shall be a conditional contract and shall include  
55 a provision stating that the contract will be null and void if, as  
56 specified in the contract, the contingency upon which the contract  
57 is conditioned has not occurred. If any superintendent, other  
58 than those elected, principal, licensed employee or person  
59 recommended for a licensed position who has been elected and  
60 approved shall not execute and return the contract within ten (10)  
61 days after same has been tendered to him for execution, then, at  
62 the option of the school board, the election of the licensed  
63 employee and the contract tendered to him shall be void and of no  
64 effect. Except for entering into conditional contracts with  
65 persons anticipating the issuance of a proper license before  
66 October 15 or February 15, no superintendent shall enter into  
67 contracts with any current licensed employees for the continuation  
68 of employment with the school district for the successive school  
69 year before April 15, and the ten-day period for such licensed  
70 employees to execute and return the contract to the local school  
71 board shall not commence until the date that the contract is  
72 tendered to the employee on or after April 15.

73 **SECTION 2.** Section 37-9-55, Mississippi Code of 1972, is  
74 amended as follows:

75 37-9-55. Any appointed superintendent, principal or licensed  
76 employee in any public school who is under contract to teach or



77 perform other duties and who desires to be released from such  
78 contract shall make application in writing to the school board of  
79 the school district for release therefrom, in which application  
80 the reasons for such release shall be clearly stated. If the  
81 board acts favorably upon such application for release, such  
82 superintendent, principal or licensed employee shall be released  
83 from his contract, and said contract shall be null and void on the  
84 date specified in the school board's order. However, any renewal  
85 contract issued to a licensed employee before April 15 of the year  
86 that his or her existing employment contract is scheduled to  
87 expire shall be conditional, and shall afford the employee the  
88 opportunity to seek release, without penalty, from the conditional  
89 contract, if executed.

90 **SECTION 3.** Section 37-9-57, Mississippi Code of 1972, is  
91 amended as follows:

92 37-9-57. If any appointed superintendent, principal or  
93 licensed employee in any public school of this state shall  
94 arbitrarily or willfully breach his or her contract and abandon  
95 his or her employment without being released therefrom as provided  
96 in Section 37-9-55, the contract of such superintendent, principal  
97 or licensed employee shall be null and void. However, any  
98 contract entered into before April 15 shall be conditional, and  
99 any licensed employee seeking release from such contract shall be  
100 released by the local school board without penalty. In addition  
101 thereto the license of such superintendent, principal or licensed



102 employee may be suspended by the State Board of Education for a  
103 period of one (1) school year as provided in Section 37-3-2(8)  
104 upon written recommendation of the majority of the members of the  
105 school board of the school district involved.

106 **SECTION 4.** Section 37-9-105, Mississippi Code of 1972, is  
107 amended as follows:

108 37-9-105. (1) If a recommendation is made by the school  
109 district not to offer an employee a renewal contract for a  
110 successive year, written notice of the proposed nonreemployment  
111 stating the reasons for the proposed nonreemployment shall be  
112 given no later than the following:

113 (a) If the employee is a principal, the superintendent,  
114 without further board action, shall give notice of nonreemployment  
115 on or before March 1; or

116 (b) If the employee is a teacher, administrator or  
117 other professional educator covered under Sections 37-9-101  
118 through 37-9-113, the superintendent, without further board  
119 action, shall give notice of nonreemployment on or before April  
120 15, or within ten (10) calendar days after the date that the  
121 Governor approves the appropriation bill(s) comprising the state's  
122 education budget for funding K-12, whichever date is later.

123 (2) If a recommendation is made by the school district to  
124 offer an employee who is a teacher, administrator or other  
125 professional educator covered under Sections 37-9-101 through



126 37-9-113, a renewal contract for a successive year, April 15 or  
127 within ten (10) calendar days after the date that the Governor  
128 approves the appropriation bill(s) comprising the state's  
129 education budget for funding K-12, whichever date is later, shall  
130 be the earliest date such contract may be executed and have  
131 binding effect upon the employee with whom the contract was  
132 entered. After the latter of April 15 or within ten (10) calendar  
133 days after the date that the Governor approves the appropriation  
134 legislation comprising the state's education budget for funding  
135 K-12, a licensed employee requests a release from the contract, he  
136 or she must satisfy the requirements of Section 37-9-55, or be  
137 subject to the penalty of licensure suspension imposed under  
138 Section 37-9-57.

139       (3) An interim conservator appointed pursuant to Section  
140 37-17-6(15) (a) or a school board acting on the recommendation of a  
141 school district financial advisor appointed pursuant to Section  
142 37-9-18 shall not be required to comply with the time limitations  
143 prescribed in this section for recommending the reemployment of  
144 principals, teachers, administrators or other professional  
145 educators.

146       **SECTION 5.** This act shall take effect and be in force from  
147 and after July 1, 2023.

