

By: Representative Wallace

To: Education

HOUSE BILL NO. 1065

1 AN ACT TO PROVIDE THAT EFFECTIVE WITH THE TERM OF OFFICE
 2 BEGINNING ON JANUARY 1, 2024, THE OFFICE OF COUNTY SUPERINTENDENT
 3 OF EDUCATION IN A CERTAIN COUNTY SHALL NO LONGER BE APPOINTIVE BUT
 4 ELECTED; TO PROVIDE THAT THE ELECTION SHALL OCCUR AT THE NOVEMBER
 5 2023 GENERAL STATEWIDE AND COUNTY ELECTIONS; TO PROVIDE AN
 6 OPPORTUNITY FOR THOSE WHO OBJECT TO THE CHANGE IN THE METHOD OF
 7 SELECTING THE COUNTY SUPERINTENDENT OF EDUCATION TO FILE A
 8 PETITION REQUESTING A REFERENDUM ON THE ISSUE ON CHANGING THE
 9 PROCESS OF SELECTION; TO DESIGNATE THE TIME IN WHICH THE
 10 REFERENDUM SHALL BE HELD PRIOR TO THE DATE OF THE GENERAL
 11 STATEWIDE AND COUNTY ELECTIONS; TO ESTABLISH THE REQUIREMENTS TO
 12 QUALIFY FOR ELECTION TO THE OFFICE OF COUNTY SUPERINTENDENT OF
 13 EDUCATION IF THE REFERENDUM IN FAVOR OF CHANGING THE METHOD OF
 14 SELECTION IS APPROVED; TO AMEND SECTION 37-9-13, MISSISSIPPI CODE
 15 OF 1972, IN CONFORMITY TO; AND FOR RELATED PURPOSES.

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

17 **SECTION 1.** (1) Effective with the term of office beginning
 18 on January 1, 2024, the county superintendent of education in the
 19 county situated in the Third Congressional District, having a
 20 population in excess of twenty-five thousand (25,000) according to
 21 the 2020 federal decennial census, and in which U.S. Highway 49
 22 Mississippi Highway 13 intersect, and which is also traversed in
 23 whole or in part by Mississippi Highways, 28, 43 and 149, shall be
 24 an elected position with a term of four (4) years, as determined



25 by the election of such qualifying individual at the same time and
26 manner of the general statewide and county elections held on the
27 first Tuesday after the first Monday in November 2023, and every
28 four (4) years thereafter. However, if at any time prior to
29 November 7, 2023, or sixty (60) days following July 1, 2023,
30 whichever is earlier, a petition signed by not less than twenty
31 percent (20%) or one thousand five hundred (1,500), whichever is
32 less, of the registered, qualified electors of the county, is
33 filed with the county board of education and county board of
34 supervisors requesting that a referendum be called on the question
35 of changing from the appointive method of selecting the county
36 superintendent of education to the elective method, then the
37 county board of education and county board of supervisors shall
38 jointly adopt, not later than the next regular meeting of each
39 body, a resolution calling a referendum to be called and held
40 within the county school district boundaries upon the question.
41 The referendum shall be scheduled for not more than six (6) weeks
42 after the date such petition is filed with the boards. When a
43 referendum has been called, notice of the referendum shall be
44 published at least three (3) days per week, unless the only
45 newspaper published in the county is published less than three (3)
46 days per week, for at least three (3) consecutive weeks, in at
47 least one (1) newspaper published in the county. The notice shall
48 be no less than one-fourth (1/4) page in size, and the type used
49 shall be no smaller than eighteen (18) point and surrounded by a



50 one-fourth-inch solid black border. The notice may not be placed
51 in that portion of the newspaper where legal notices and
52 classified advertisements appear. The first publication of the
53 notice shall be made not less than twenty-one (21) days before the
54 date fixed for the referendum, and the last publication shall be
55 made not more than seven (7) days before that date. If no
56 newspaper is published in the county school district, then the
57 notice shall be published in a newspaper having a general
58 circulation in the county and, in addition, by posting a copy of
59 the notice for a least twenty-one (21) days next preceding the
60 referendum at three (3) public places in the county, one (1) of
61 which shall be at the door of the county courthouse in each
62 judicial district. The referendum shall be held, as far as is
63 practicable, in the same manner as other referendums and elections
64 are held in the county. At the referendum, all registered,
65 qualified electors of the county may vote. The ballots used at
66 the referendum shall have printed thereon a brief statement of the
67 purpose of the referendum and the words "FOR CHANGING FROM THE
68 APPOINTIVE TO THE ELECTIVE METHOD OF SELECTING THE COUNTY
69 SUPERINTENDENT OF EDUCATION," and "AGAINST CHANGING FROM THE
70 APPOINTIVE TO THE ELECTIVE METHOD OF SELECTING THE COUNTY
71 SUPERINTENDENT OF EDUCATION." The voter shall vote by placing a
72 cross (X) or checkmark (✓) opposite the voter's choice on the
73 proposition. If a majority of the registered, qualified electors
74 of the county who vote in the referendum vote in favor of the



75 question, then the change in selection method shall be approved.
76 However, if a majority of the registered, qualified electors who
77 vote in the referendum vote against the question, the change in
78 selection method shall not be approved.

79 (2) If a referendum is called pursuant to the provisions of
80 subsection (1) of this section, and a majority of the qualified
81 electors of the county vote in favor of changing the office of
82 county superintendent of education from the appointive to the
83 elective method, such individuals desiring to be elected to such
84 office shall:

85 (a) Satisfy the residency requirements as a bona fide
86 resident of the county;

87 (b) Possess the qualifications required under the
88 provisions of Section 37-9-13; and

89 (c) File a petition with the county election
90 commissioners, not more than ninety (90) days and not less than
91 sixty (60) days before the date of general statewide and county
92 elections, a petition signed by not less than twenty percent (20%)
93 or one thousand five hundred (1,500), whichever is less, of the
94 registered, qualified electors of the county.

95 (3) The candidate who receives the majority of votes cast in
96 the election shall be declared elected. If no candidate receives
97 a majority of the votes cast in the election, a runoff election
98 shall be held between the two (2) candidates receiving the highest
99 number of votes in the first election. The runoff election, in



100 the event that such is necessary, shall be held three (3) weeks
101 after the first election.

102 **SECTION 2.** Section 37-9-13, Mississippi Code of 1972, is
103 amended as follows:

104 37-9-13. (1) (a) Each school district shall have a
105 superintendent of schools, selected in the manner provided by law.
106 No person shall be eligible to the office of superintendent of
107 schools unless such person shall hold a valid administrator's
108 license issued by the State Department of Education and shall have
109 classroom or administrative experience of not less than six (6)
110 years which shall include at least three (3) years of
111 administrative experience as a school building principal (a) in a
112 school with an "A" or "B" accountability rating, or (b) in a
113 school that increased its accountability rating by a letter grade
114 during the period in which the principal was employed as principal
115 at the school, or (c) in a school with comparable accountability
116 rating or improvement in another state which shall be verified by
117 the Mississippi Department of Education.

118 (b) Notwithstanding the provisions of subsection (4) of
119 this section, no person shall be eligible to the office of
120 superintendent of schools if the person has pled guilty to or been
121 convicted of any state or federal offense in which he or she
122 unlawfully took, obtained or misappropriated funds received by or
123 entrusted to the person by virtue of his or her public office or
124 employment.



125 (2) From and after January 1, 2019, in all public school
126 districts, except as otherwise provided in Section 1 of this act,
127 the local school board shall appoint the superintendent of schools
128 of such district. At the expiration of the term of any county
129 superintendent of education elected at the November 2015 general
130 election, the county superintendent of education of said county
131 shall not be elected but shall thereafter be appointed by the
132 local school board in the manner provided in Section 37-9-25.
133 However, in the event that a vacancy in the office of the
134 superintendent of schools elected at the November 2015 general
135 election shall occur before January 1, 2019, the office of
136 superintendent of schools shall immediately become an appointed
137 position, and the local school board shall appoint the
138 superintendent of the school district. The superintendent of
139 schools shall have the general powers and duties to administer the
140 schools within his district as prescribed in Section 37-9-14 et
141 seq., Mississippi Code of 1972.

142 (3) As an alternative to the qualifications prescribed in
143 subsection (1)(a) of this section, the State Board of Education is
144 authorized and directed to issue regulations by January 1, 2018,
145 which include minimum credentials, educational prerequisites, and
146 relevant best practice experience requirements that will qualify a
147 person to serve as a superintendent without having the direct
148 experience or certification as an educator specified in subsection
149 (1)(a) of this section.



150 (4) The provisions of this section shall be applicable to
151 any superintendent of schools selected on or after July 1, 2017,
152 who has not previously served as a superintendent or assistant
153 superintendent within the last five (5) years.

154 **SECTION 3.** This act shall take effect and be in force from
155 and after its passage.

