

By: Senator(s) DeBar

To: Education

SENATE BILL NO. 2688

1 AN ACT TO AMEND SECTIONS 37-9-13 AND 37-9-25, MISSISSIPPI
2 CODE OF 1972, TO AUTHORIZE SCHOOL SUPERINTENDENTS TO BE ELECTED BY
3 CITIZENS OF THE LOCAL SCHOOL DISTRICT IN CERTAIN DISTRICTS; TO
4 REINSTATE THE PROVISION OF LAW THAT PROVIDED FOR COUNTY BOARDS OF
5 EDUCATION AND SUPERINTENDENTS AND THEIR FUNCTIONS; WHICH WAS
6 REPEALED IN 2019; TO CODIFY THIS LAW AT ITS FORMER LOCATION,
7 SECTION 37-5-61, MISSISSIPPI CODE OF 1972; TO REINSTATE THE
8 PROVISION OF LAW THAT PROVIDED FOR COUNTY SUPERINTENDENT
9 APPOINTMENTS; WHICH WAS REPEALED IN 2019; TO CODIFY THIS LAW AT
10 ITS FORMER LOCATION, SECTION 37-5-63, MISSISSIPPI CODE OF 1972, TO
11 REINSTATE THE PROVISION OF LAW THAT PROVIDED FOR COUNTY BOARDS OF
12 EDUCATION AND THE REESTABLISHMENT OF THE SUPERINTENDENT POSITION
13 AS ELECTIVE OFFICE; TO CODIFY THIS LAW AT ITS FORMER LOCATION;
14 SECTION 37-5-65, MISSISSIPPI CODE OF 1972; TO REINSTATE THE
15 PROVISION OF LAW THAT PROVIDED FOR THE AUTHORIZATION OF COUNTY
16 BOARDS OF EDUCATION TO APPOINT SUPERINTENDENTS IN CERTAIN
17 COUNTIES; WHICH WAS REPEALED IN 2019; TO CODIFY THIS LAW AT ITS
18 FORMER LOCATION, SECTION 37-5-67, MISSISSIPPI CODE OF 1972; TO
19 REINSTATE THE PROVISION OF LAW THAT PROVIDED FOR THE SELECTION AND
20 QUALIFICATION OF SUPERINTENDENT AND PROVISIONS RELATED TO
21 ELECTIONS IN CERTAIN COUNTIES; WHICH WAS REPEALED IN 2019; TO
22 CODIFY THIS LAW AT ITS FORMER LOCATION, SECTION 37-5-71,
23 MISSISSIPPI CODE OF 1972, TO REINSTATE THE PROVISION OF LAW THAT
24 PROVIDED FOR FILLING OF VACANCIES OF SUCH OFFICE; WHICH WAS
25 REPEALED IN 2019; TO CODIFY THIS LAW AT ITS FORMER LOCATION,
26 SECTION 37-5-75, MISSISSIPPI CODE OF 1972; TO REINSTATE THE
27 PROVISION OF LAW THAT PROVIDED FOR REFERENDUM ON CONTINUATION OR
28 ABOLITION OF OFFICE OF COUNTY SUPERINTENDENT OF EDUCATION; WHICH
29 WAS REPEALED IN 2019; TO CODIFY THIS LAW AT ITS FORMER LOCATION,
30 SECTION 37-9-12, MISSISSIPPI CODE OF 1972; AND FOR RELATED
31 PURPOSES.

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



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

35 37-9-13. (1) (a) Each school district shall have a
36 superintendent of schools, selected in the manner provided by law.
37 No person shall be eligible to the office of superintendent of
38 schools unless such person shall hold a valid administrator's
39 license issued by the State Department of Education and shall have
40 classroom or administrative experience of not less than six (6)
41 years which shall include at least three (3) years of
42 administrative experience as a school building principal (a) in a
43 school with an "A" or "B" accountability rating, or (b) in a
44 school that increased its accountability rating by a letter grade
45 during the period in which the principal was employed as principal
46 at the school, or (c) in a school with comparable accountability
47 rating or improvement in another state which shall be verified by
48 the Mississippi Department of Education.

49 (b) Notwithstanding the provisions of subsection (4) of
50 this section, no person shall be eligible to the office of
51 superintendent of schools if the person has pled guilty to or been
52 convicted of any state or federal offense in which he or she
53 unlawfully took, obtained or misappropriated funds received by or
54 entrusted to the person by virtue of his or her public office or
55 employment.

56 * * *



57 (* * *2) As an alternative to the qualifications prescribed
58 in subsection (1)(a) of this section, the State Board of Education
59 is authorized and directed to issue regulations by January 1,
60 2018, which include minimum credentials, educational
61 prerequisites, and relevant best practice experience requirements
62 that will qualify a person to serve as a superintendent without
63 having the direct experience or certification as an educator
64 specified in subsection (1)(a) of this section.

65 * * *

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

68 37-9-25. The school board shall have the power and
69 authority, in its discretion, to employ the superintendent, unless
70 such superintendent is elected * * *, for not exceeding four (4)
71 scholastic years and the principals or licensed employees for not
72 exceeding three (3) scholastic years. In such case, contracts
73 shall be entered into with such superintendents, principals and
74 licensed employees for the number of years for which they have
75 been employed. However, in the event that a vacancy in the office
76 of the superintendent of schools elected at the November 2015
77 general election shall occur before January 1, 2019, the local
78 school board shall then appoint the superintendent of the school
79 district and enter into contract with the appointee for a period
80 not to exceed three (3) scholastic years. All such contracts with
81 licensed employees shall for the years after the first year



82 thereof be subject to the contingency that the licensed employee
83 may be released if, during the life of the contract, the average
84 daily attendance should decrease from that existing during the
85 previous year and thus necessitate a reduction in the number of
86 licensed employees during any year after the first year of the
87 contract. However, in all such cases the licensed employee must
88 be released before July 1 or at least thirty (30) days prior to
89 the beginning of the school term, whichever date should occur
90 earlier. The salary to be paid for the years after the first year
91 of such contract shall be subject to revision, either upward or
92 downward, in the event of an increase or decrease in the funds
93 available for the payment thereof, but, unless such salary is
94 revised prior to the beginning of a school year, it shall remain
95 for such school year at the amount fixed in such contract.
96 However, where school district funds, other than minimum education
97 program funds, are available during the school year in excess of
98 the amount anticipated at the beginning of the school year the
99 salary to be paid for such year may be increased to the extent
100 that such additional funds are available and nothing herein shall
101 be construed to prohibit same.

102 **SECTION 3.** The following shall be codified as Section
103 37-5-61, Mississippi Code of 1972:

104 37-5-61. (1) There shall be a county superintendent of
105 education in each county.



106 (2) Said superintendent shall serve as the executive
107 secretary of the county board of education, but shall have no vote
108 in the proceedings before the board and no voice in fixing the
109 policies thereof.

110 (3) In addition, said superintendent shall be the director
111 of all schools in the county outside the municipal separate school
112 districts.

113 (4) Said superintendent shall be elected at the same time
114 and in the same manner as other county officers are elected and
115 shall hold office for a term of four (4) years.

116 **SECTION 4.** The following shall be codified as Section
117 37-5-63, Mississippi Code of 1972:

118 37-5-63. (1) Notwithstanding the provisions of Section
119 37-5-61, the office of county superintendent of education may be
120 made appointive in any county in the manner herein provided. Upon
121 the filing of a petition signed by not less than twenty percent
122 (20%) of the qualified electors of such county, it shall be the
123 duty of the board of supervisors of such county, within sixty (60)
124 days after the filing of such petition, to call a special election
125 at which there shall be submitted to the qualified electors of
126 such county the question of whether the office of county
127 superintendent of education of said county shall continue to be
128 elective or shall be filled by appointment by the county board of
129 education of said county. However, where a Class 3 county having
130 an area in excess of eight hundred twenty-five (825) square miles



131 has a county unit school system comprising less than an entire
132 county, the petition shall only be signed by electors residing
133 within the county unit school district and only electors of said
134 district shall vote on the proposition of appointing the county
135 superintendent of education.

136 The order calling such special election shall designate the
137 date upon which same shall be held and a notice of such election,
138 signed by the clerk of the board of supervisors, shall be
139 published once a week for at least three (3) consecutive weeks in
140 at least one newspaper published in such county. The first
141 publication of such notice shall be made not less than twenty-one
142 (21) days prior to the date fixed for such election and the last
143 publication shall be made not more than seven (7) days prior to
144 such date. If no newspaper is published in such county then such
145 notice shall be given by publication of same for the required time
146 in some newspaper having a general circulation in such county and,
147 in addition, by posting a copy of such notice for at least
148 twenty-one (21) days next preceding such election at three (3)
149 public places in such county, one of which shall be at the door of
150 the county courthouse in each judicial district.

151 Said election shall be held, as far as is practicable, in the
152 same manner as other elections are held in such county and all
153 qualified electors of the county may vote therein. If a majority
154 of such qualified electors who vote in such election shall vote in
155 favor of the appointment of the county superintendent of education



156 by the county board of education then, at the expiration of the
157 term of the county superintendent of education then in office, the
158 county superintendent of education of said county shall not be
159 elected but shall thereafter be appointed by the county board of
160 education for a term of not more than four (4) years; otherwise,
161 said office shall remain elective.

162 No special election shall be held in any county under the
163 provisions of this section more often than once in every four (4)
164 years, and no change from the elective to the appointive method of
165 the selection of the county superintendent of education shall
166 become effective except at the expiration of the term of the
167 county superintendent of education in office at the time such
168 election is held.

169 **SECTION 5.** The following shall be codified as Section
170 37-5-65, Mississippi Code of 1972:

171 37-5-65. (1) Where the office of county superintendent of
172 education has been made appointive under the provisions of Section
173 37-5-63, the same may thereafter be made elective in such county
174 by a petition filed and election held in the same manner provided
175 in said section, all of the provisions of which shall be
176 applicable to such proceedings. Where such change is made from
177 the appointive method back to the elective method the same shall
178 become effective at the date for the commencement of the term of
179 office of other county offices next succeeding such election, and
180 the county superintendent of education of such county shall be



181 elected at the preceding election at the same time and in the same
182 manner as other county officers are elected. Nothing herein shall
183 be construed, however, to authorize the calling of a special
184 election under any of the provisions of this section more often
185 than once in any four (4) years.

186 **SECTION 6.** The following shall be codified as Section
187 37-5-67, Mississippi Code of 1972:

188 37-5-67. (1) The county superintendent of education shall
189 be appointed by the county board of education:

190 (a) In any county of the first class lying wholly
191 within a levee district and within which there is situated a city
192 of more than forty thousand (40,000) population according to the
193 last federal decennial census;

194 (b) In any county bordering on the Gulf of Mexico or
195 Mississippi Sound, having therein a test facility operated by the
196 National Aeronautics and Space Administration;

197 (c) In any county bordering on the Alabama state line,
198 traversed by the Tombigbee River, and in which is situated a
199 senior institution of higher learning;

200 (d) In any county of the second class wherein
201 Interstate Highway 55 and State Highway 22 intersect and which is
202 also traversed in whole or in part by U.S. Highways 49 and 51, and
203 State Highways 16, 17 and 43 and the Natchez Trace;

204 (e) In any Class 4 county having population in excess
205 of twenty-five thousand (25,000) according to the 1960 federal



206 census, traversed by U.S. Highway 55 and wherein State Highways 12
207 and 17 intersect;

208 (f) In any county created after 1916 through which the
209 Yazoo River flows;

210 (g) In any Class 4 county having a land area of six
211 hundred ninety-five (695) square miles, bordering on the State of
212 Alabama, wherein the Treaty of Dancing Rabbit was signed and
213 wherein U.S. Highway 45 and State Highway 14 intersect;

214 (h) In any county bordering on the Mississippi River
215 wherein lies the campus of a land-grant institution or lands
216 contiguous thereto owned by the institution;

217 (i) In any county lying within the Yazoo-Mississippi
218 Delta Levee District, bordering upon the Mississippi River, and
219 having a county seat with a population in excess of twenty-one
220 thousand (21,000) according to the federal census of 1960;

221 (j) In any Class 3 county wherein is partially located
222 a national forest and wherein U.S. Highway 51 and State Highway 28
223 intersect, with a 1960 federal census of twenty-seven thousand
224 fifty-one (27,051) and a 1963 assessed valuation of Sixteen
225 Million Six Hundred Ninety-two Thousand Three Hundred Four Dollars
226 (\$16,692,304.00); and

227 (k) In any Class 1 county wherein U.S. Highway 49 and
228 State Highway 16 intersect, having a land area in excess of nine
229 hundred thirty (930) square miles.



230 **SECTION 7.** The following shall be codified as Section
231 37-5-71, Mississippi Code of 1972:

232 37-5-71. (1) The county superintendents of education shall
233 be elected in the manner prescribed by the provisions of this
234 chapter, unless such office be made appointive as provided in this
235 chapter, in which case the county superintendent shall be
236 appointed by the county board of education or by the trustees of a
237 separate school district embracing an entire county with a
238 population of fifteen thousand (15,000) or less, as provided in
239 Section 37-7-203(2). In all cases he shall have such
240 qualifications as prescribed by Section 37-9-13 and receive such
241 compensation as established under Section 37-9-37.

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

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

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



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

260 (d) In any county bordering on the Mississippi Sound
261 and having a population in excess of one hundred thousand
262 (100,000), according to the 1960 federal decennial census, and
263 having an assessed valuation in excess of Seventy Million Dollars
264 (\$70,000,000.00);

265 (e) In any county having a population in excess of
266 eight thousand (8,000) and less than nine thousand (9,000), and
267 having an assessed valuation in excess of Five Million Dollars
268 (\$5,000,000.00) but less than Six Million Dollars (\$6,000,000.00)
269 in 1960;

270 (f) In any county having a population in excess of
271 twenty-two thousand (22,000) and less than twenty-three thousand
272 (23,000) in 1960, and having a total assessed valuation in excess
273 of Thirteen Million Dollars (\$13,000,000.00) in 1960;

274 (g) In any county having a population in excess of
275 fifty-nine thousand (59,000) but less than sixty thousand
276 (60,000), according to the 1960 federal decennial census;

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



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

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

288 (k) In any county having a municipal separate school
289 district lying therein, having a population in excess of
290 twenty-one thousand (21,000) but less than twenty-one thousand
291 five hundred (21,500), according to the 1960 decennial census, and
292 having a combined assessed valuation in 1963 in excess of Sixteen
293 Million Nine Hundred Thousand Dollars (\$16,900,000.00) but less
294 than Seventeen Million Dollars (\$17,000,000.00) according to the
295 State Tax Commission's compilation;

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

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



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

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

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

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

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

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

322 (s) In any county bordering the Mississippi River on
323 the west and with a population of less than thirty-one thousand
324 (31,000), according to the 2000 federal decennial census, and with
325 a county seat in which U.S. Highway 49 and U.S. Highway 61
326 intersect.



327 In any such county, however, the county superintendent of
328 education may be a resident of a municipal separate school
329 district or special municipal separate school district.

330 (3) The qualified electors residing within the municipal
331 separate school districts shall not participate in the election of
332 the county superintendent of education:

333 (a) In any county having a population of more than
334 twenty-seven thousand (27,000) and less than twenty-eight thousand
335 (28,000) and containing therein a municipality having a population
336 in excess of three thousand (3,000), according to the 1960 federal
337 decennial census;

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

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

344 (d) In any Class 2 county, the southern boundary of
345 which partially borders on the State of Louisiana, traversed by
346 U.S. Highway 98 which intersects Mississippi Highway 13, with a
347 land area of five hundred fifty (550) square miles and having a
348 population of twenty-three thousand two hundred ninety-three
349 (23,293) in the 1960 federal decennial census;



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

353 (f) In any county having a population in excess of
354 twenty-seven thousand one hundred seventy-nine (27,179) according
355 to the 1970 federal decennial census, wherein U.S. Highways 45 and
356 72 intersect; and

357 (g) In any Class 1 county bordering on the Pearl River
358 in which U.S. Highway 80 intersects Mississippi Highway 18 and
359 having a population, according to the federal decennial census of
360 1970, of forty-three thousand nine hundred thirty-three (43,933).

361 (4) The county superintendent of education, with the
362 approval of the county board of education by its first having
363 adopted a resolution of approval and spread upon its minutes,
364 shall be elected from the county at large, exclusive of the
365 municipal separate school district boundaries:

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

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



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

377 (c) In any county having a population in excess of
378 seventeen thousand (17,000) and less than eighteen thousand
379 (18,000), according to the 1970 federal decennial census, wherein
380 Mississippi Highways 6 and 9 intersect.

381 (5) In any county having a municipality of between
382 forty-nine thousand (49,000) and fifty thousand (50,000)
383 population according to the 1960 federal census, and adjoining the
384 Alabama line, wherein U.S. Highways 80 and 45 intersect, the
385 qualified electors residing within any municipal separate school
386 district shall not participate in the election of the county
387 superintendent of education, and such county superintendent of
388 education shall not be a resident of a municipal separate school
389 district.

390 (6) In any county traversed by the Natchez Trace Parkway
391 wherein U.S. Highway 45 and Mississippi Highway 4 intersect and
392 having a population of seventeen thousand nine hundred forty-nine
393 (17,949) according to the 1960 federal census, the qualified
394 electors residing within any municipal separate school district
395 shall not participate in the election of the county superintendent
396 of education, and such county superintendent of education shall
397 not be a resident of a municipal separate school district.

398 **SECTION 8.** The following shall be codified as Section
399 37-5-75, Mississippi Code of 1972:



400 37-5-75. If a vacancy shall occur in the office of county
401 superintendent of education, such vacancy shall be filled by
402 appointment by the county board of education. If the unexpired
403 term shall exceed six (6) months, it shall be the duty of the
404 board of supervisors of the county to call a special election to
405 fill such vacancy for such unexpired term, which said election
406 shall be called and held in the manner provided by Section
407 23-15-839. In such case the person so appointed by the county
408 board of education shall hold office only until such election is
409 held and the person elected thereat shall qualify and enter upon
410 the discharge of his duties.

411 **SECTION 9.** The following shall be codified as Section
412 37-9-12, Mississippi Code of 1972:

413 37-9-12. The qualified electors of any county having an
414 elected county superintendent of education on July 1, 1986, shall
415 decide at the November 1988 general election whether (a) to
416 continue to have such office elected, or (b) to abolish such
417 office of county superintendent of education in the county.
418 Provided, however, that no such referendum shall be held on the
419 office of administrative superintendent in a county having an
420 administrative superintendent as defined in Section 37-6-3,
421 Mississippi Code of 1972. The county board of supervisors of such
422 counties shall publish notice of said election once a week for at
423 least three (3) consecutive weeks prior to the November 1988
424 general election in at least one (1) newspaper published or



425 circulated in such county. The proposition shall be submitted to
426 a vote of all qualified electors residing outside the territory of
427 any municipal separate or special municipal separate school
428 district located within such county. Such election shall be held
429 in the same manner as other elections are held in the county. If
430 a majority of the qualified electors who voted in such election
431 vote in favor of the abolition of such office, such abolishment
432 shall be effective at the end of any regular term of office or
433 whenever a vacancy shall occur in said office. In counties where
434 the office of elected county superintendent of education has been
435 abolished, it shall not be reinstated.

436 **SECTION 10.** This act shall take effect and be in force from
437 and after July 1, 2024.

