

By: Representative Frierson

To: Fees and Salaries of  
Public Officers; Education

HOUSE BILL NO. 1115

1 AN ACT TO BRING FORWARD SECTIONS 37-3-13, 37-6-13, 37-9-33,  
2 MISSISSIPPI CODE OF 1972, RELATING TO THE SALARIES OF  
3 SUPERINTENDENTS, FOR PURPOSES OF AMENDMENT; AND FOR RELATED  
4 PURPOSES.

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

6 **SECTION 1.** Section 37-3-13, Mississippi Code of 1972, is  
7 brought forward as follows:

8 37-3-13. (1) Until July 1, 1984, the Assistant State  
9 Superintendent of Public Education, the directors, supervisors,  
10 clerical assistants, and employees shall be selected by, and hold  
11 office subject to the will of, the State Superintendent, except as  
12 provided in Section 37-3-17. The Assistant State Superintendent  
13 may be authorized to act in the absence or disability of the State  
14 Superintendent and shall perform such other duties as may be  
15 assigned to him by the State Superintendent. The State  
16 Superintendent shall have the power to assign to any division such  
17 clerical help as he may deem necessary and to discharge such  
18 clerical help among the divisions at any time necessity requires,  
19 except as provided in Section 37-3-17.

20 (2) From and after July 1, 1984, the deputy superintendents,  
21 associate superintendents and directors shall be selected by and  
22 hold office subject to the will of the State Superintendent of  
23 Public Education subject to the approval of the State Board of  
24 Education. All other personnel shall be competitively appointed  
25 by the State Superintendent and shall be dismissed only for cause  
26 in accordance with the rules and regulations of the State  
27 Personnel Board. The State Board of Education shall set the  
28 salary of the deputy superintendents, associate superintendents

29 and divisional directors, and the members of the teaching staffs  
30 and employees of the Mississippi School of the Arts. The State  
31 Superintendent, subject to the approval of the State Personnel  
32 Board, shall fix the amount of compensation of all other employees  
33 of the State Department of Education. All salaries, compensation  
34 or expenses of any of the personnel of the department shall be  
35 paid upon the requisition of the State Superintendent of Public  
36 Education and warrant issued thereunder by the State Auditor out  
37 of funds appropriated by the Legislature in a lump sum upon the  
38 basis of budgetary requirements submitted by the Superintendent of  
39 Education or out of funds otherwise made available. The entire  
40 expense of administering the department shall never exceed the  
41 amount appropriated therefor, plus funds received from other  
42 sources other than state appropriations. For a violation of this  
43 provision, the superintendent shall be liable, and he and the  
44 sureties on his bond shall be required to restore any such excess.

45 **SECTION 2.** Section 37-6-13, Mississippi Code of 1972, is  
46 brought forward as follows:

47 37-6-13. (1) Each person serving as a member of the school  
48 board of any school district shall receive per diem in the amount  
49 of Sixty-seven Dollars (\$67.00) for no more than thirty-six (36)  
50 meetings of the school board during any one (1) fiscal year or, in  
51 his or her discretion, irrevocably may choose to receive as  
52 compensation for his or her services an annual salary in the  
53 amount of Two Thousand Four Hundred Dollars (\$2,400.00), which  
54 choice shall remain in force for all successive terms or periods  
55 of service of that member. The receipt of the compensation shall  
56 not entitle any member of a school board to receive or be eligible  
57 for any state employee group insurance, retirement or other fringe  
58 benefits. Each member shall be reimbursed for the necessary  
59 expenses and mileage in attending meetings of the school board.  
60 In addition to the foregoing, all members may be reimbursed for  
61 mileage and actual expenses incurred in the further performance of

62 their duties, including attendance at any mandatory school board  
63 training session or at regional and national education meetings,  
64 when such mileage and other expenses are authorized by the board  
65 prior to the date on which they occur. Detailed vouchers shall be  
66 submitted for reimbursement for all expenses authorized by this  
67 section. Such reimbursement shall be in accordance with Section  
68 25-3-41.

69 Such expenses shall be paid on order of the school board by  
70 pay certificates issued by the superintendent of the school  
71 district involved against the funds available for payment of the  
72 administrative expense of the district.

73 (2) (a) If a member of a school board misses twenty percent  
74 (20%) or more of the meetings of the school board during a  
75 calendar year, except for absences caused by required military  
76 duty, the member must reimburse the school district that portion  
77 of the total salary paid to the member that year which is  
78 proportionate to the number of meetings missed by the member in  
79 relation to the total number of school board meetings held during  
80 that year. For purposes of this subsection, consideration may be  
81 given only to meetings of which public notice is required.

82 (b) Before February 1 of each year, the president of  
83 each local school board shall submit a report to the State Board  
84 of Education containing the names of any members of the school  
85 board who missed twenty percent (20%) or more of the school board  
86 meetings during the preceding calendar year.

87 **SECTION 3.** Section 37-9-33, Mississippi Code of 1972, is  
88 amended as follows:

89 \* \* \*

90 37-9-33. In employing and contracting with appointed  
91 superintendents, principals and certificated employees, the school  
92 board shall in all cases determine whether the amount of salary to  
93 be paid such superintendent, principals and certificated employees  
94 is in compliance with the provisions of the adequate education

95 program. No contract shall be entered into where the salary of a  
96 superintendent, principal or certificated employee is to be paid  
97 in whole or in part from adequate education program funds except  
98 where the requirements of said chapter as to the amount of such  
99 salary are fully met. Nothing herein shall be construed, however,  
100 to prohibit any school district from increasing the salaries of  
101 appointed superintendents, principals and certificated employees  
102 above the amounts fixed by said chapter, provided that the amount  
103 of such increase is paid from funds available to such district  
104 other than adequate program funds.

105       **SECTION 4.** This act shall take effect and be in force from  
106 and after July 1, 2005.