

By: Representative Lott

To: Education

HOUSE BILL NO. 729

1 AN ACT TO AMEND SECTION 37-9-13, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE FOR THE APPOINTMENT OF ALL SCHOOL DISTRICT SUPERINTENDENTS
3 BEGINNING ON JULY 1, 2008, AND TO PROVIDE THAT ELECTED
4 SUPERINTENDENTS HOLDING OFFICE ON THAT DATE MAY SERVE UNTIL THE
5 EXPIRATION OF THE TERM FOR WHICH THEY WERE ELECTED; TO AMEND
6 SECTION 37-9-25, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO;
7 TO AMEND SECTION 37-5-61, MISSISSIPPI CODE OF 1972, TO PROVIDE
8 THAT ELECTED COUNTY SUPERINTENDENTS OF EDUCATION HOLDING OFFICE ON
9 JULY 1, 2008, MAY SERVE THE ENTIRE TERM FOR WHICH THEY WERE
10 ELECTED, TO PROVIDE FOR THE APPOINTMENT OF SUCCESSORS TO ELECTED
11 COUNTY SUPERINTENDENTS UPON THE EXPIRATION OF THEIR TERM, TO
12 DELETE THE PROVISION OF LAW THAT PROVIDES FOR THE ELECTION OF
13 COUNTY SUPERINTENDENTS OF EDUCATION IN THE SAME MANNER AND TIME AS
14 OTHER COUNTY OFFICERS, AND TO PROVIDE FOR THE REPEAL OF THE
15 SECTION EFFECTIVE JANUARY 1, 2012; TO REPEAL SECTION 37-9-12,
16 MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR A REFERENDUM ON THE
17 QUESTION OF RETAINING THE ELECTIVE METHOD OF CHOOSING THE COUNTY
18 SUPERINTENDENT OF EDUCATION; TO REPEAL SECTIONS 37-5-63 THROUGH
19 37-5-75, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE
20 APPOINTMENT OF CERTAIN COUNTY SUPERINTENDENTS OF EDUCATION, ON
21 JULY 1, 2008; TO AMEND SECTION 23-15-297, MISSISSIPPI CODE OF
22 1972, IN CONFORMITY TO THE PROVISIONS OF THIS ACT; AND FOR RELATED
23 PURPOSES.

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

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

27 37-9-13. (1) From and after July 1, 2008, in all public
28 school districts, the school board shall appoint the
29 superintendent of the school district. Any school district
30 superintendent in office on July 1, 2008, who was elected to the
31 office for a term that expires after July 1, 2008, may continue to
32 hold the office until the expiration of the term of office for
33 which the superintendent was elected, at which time the school
34 board shall appoint a successor school district superintendent.

35 (2) No person shall be eligible to the office of
36 superintendent of schools unless such person shall hold a valid
37 administrator's license by the State Department of Education and

38 shall have had not less than four (4) years of classroom or
39 administrative experience.

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

42 37-9-25. The school board shall have the power and
43 authority, in its discretion, to employ the superintendent * * *
44 for not exceeding four (4) scholastic years and the principals or
45 licensed employees for not exceeding three (3) scholastic years.
46 In such case, contracts shall be entered into with such
47 superintendents, principals and licensed employees for the number
48 of years for which they have been employed. All such contracts
49 with licensed employees shall for the years after the first year
50 thereof be subject to the contingency that the licensed employee
51 may be released if, during the life of the contract, the average
52 daily attendance should decrease from that existing during the
53 previous year and thus necessitate a reduction in the number of
54 licensed employees during any year after the first year of the
55 contract. However, in all such cases the licensed employee must
56 be released before July 1 or at least thirty (30) days prior to
57 the beginning of the school term, whichever date should occur
58 earlier. The salary to be paid for the years after the first year
59 of such contract shall be subject to revision, either upward or
60 downward, in the event of an increase or decrease in the funds
61 available for the payment thereof, but, unless such salary is
62 revised prior to the beginning of a school year, it shall remain
63 for such school year at the amount fixed in such contract.
64 However, where school district funds, other than adequate
65 education program funds, are available during the school year in
66 excess of the amount anticipated at the beginning of the school
67 year the salary to be paid for such year may be increased to the
68 extent that such additional funds are available and nothing herein
69 shall be construed to prohibit same.

70 **SECTION 3.** Section 37-5-61, Mississippi Code of 1972, is
71 amended as follows:

72 37-5-61. (1) There shall be a county superintendent of
73 education in each county.

74 (2) The superintendent shall serve as the executive
75 secretary of the county board of education, but shall have no vote
76 in the proceedings before the board and no voice in fixing the
77 policies thereof.

78 (3) In addition, the superintendent shall be the director of
79 all schools in the county outside the municipal separate school
80 districts.

81 (4) The superintendent shall be elected at the same time and
82 in the same manner as other county officers are elected and shall
83 hold office for a term of four (4) years.

84 (5) County superintendents of education holding office on
85 July 1, 2008, may continue to serve for the remainder of the term
86 for which they were elected in November 2007. However, if any
87 county superintendent holding office on July 1, 2008, ceases to
88 hold such office before the expiration of that term of office, the
89 school board of the school district shall appoint a successor
90 school district superintendent in accordance with Section 37-9-13.
91 Upon the expiration of the term of office in effect on July 1,
92 2008, the superintendent will be appointed in accordance with
93 Section 37-9-13. Persons previously elected to the office of
94 county superintendent of education may apply and be considered for
95 appointment to the position by the school board.

96 (6) This section shall stand repealed on January 1, 2012.

97 **SECTION 4.** Section 37-9-12, Mississippi Code of 1972, which
98 provides for a referendum on the question of retaining the
99 elective method of choosing the county superintendent of
100 education, is repealed.

101 **SECTION 5.** Sections 37-5-63, 37-5-65, 37-5-67, 37-5-69,
102 37-5-71 and 37-5-75, Mississippi Code of 1972, which provide for

103 the appointment of certain county superintendents of education,
104 are repealed.

105 **SECTION 6.** Section 23-15-297, Mississippi Code of 1972, is
106 amended as follows:

107 23-15-297. All candidates upon entering the race for party
108 nominations for office shall first pay to the proper officer as
109 provided for in Section 23-15-299 for each primary election the
110 following amounts:

111 (a) Candidates for Governor not to exceed Three Hundred
112 Dollars (\$300.00).

113 (b) Candidates for Lieutenant Governor, Attorney
114 General, Secretary of State, State Treasurer, Auditor of Public
115 Accounts, Commissioner of Insurance, Commissioner of Agriculture
116 and Commerce, State Highway Commissioner and State Public Service
117 Commissioner, not to exceed Two Hundred Dollars (\$200.00).

118 (c) Candidates for district attorney, not to exceed One
119 Hundred Dollars (\$100.00).

120 (d) Candidates for State Senator, State Representative,
121 sheriff, chancery clerk, circuit clerk, tax assessor, tax
122 collector, county attorney * * * and board of supervisors, not to
123 exceed Fifteen Dollars (\$15.00).

124 (e) Candidates for county surveyor, county coroner,
125 justice court judge and constable, not to exceed Ten Dollars
126 (\$10.00).

127 (f) Candidates for United States Senator, not to exceed
128 Three Hundred Dollars (\$300.00).

129 (g) Candidates for United States Representative, not to
130 exceed Two Hundred Dollars (\$200.00).

131 **SECTION 7.** The Attorney General of the State of Mississippi
132 shall submit this act, immediately upon approval by the Governor,
133 or upon approval by the Legislature subsequent to a veto, to the
134 Attorney General of the United States or to the United States
135 District Court for the District of Columbia in accordance with the

136 provisions of the Voting Rights Act of 1965, as amended and
137 extended.

138 **SECTION 8.** This act shall take effect and be in force from
139 and after July 1, 2008, or the date it is effectuated under
140 Section 5 of the Voting Rights Act of 1965, as amended and
141 extended, whichever is later.