

By: Representative Mayo

To: Education; Apportionment  
and Elections

## HOUSE BILL NO. 847

1 AN ACT TO AMEND SECTION 37-5-61, MISSISSIPPI CODE OF 1972, TO  
 2 PROVIDE THAT ALL COUNTY SUPERINTENDENTS OF EDUCATION SHALL BE  
 3 APPOINTED; TO AMEND SECTIONS 37-5-69, 37-5-71, 37-5-75, 37-7-105,  
 4 37-7-725, 37-9-23, 37-9-25, 37-17-13, 37-18-7, 37-43-39,  
 5 MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PRECEDING  
 6 PROVISION; TO REPEAL SECTIONS 37-5-63 AND 37-5-65, WHICH PROVIDE  
 7 FOR AN ELECTION TO BE HELD TO DETERMINE WHETHER THE OFFICE OF THE  
 8 COUNTY SUPERINTENDENT SHALL BE ELECTED OR APPOINTED; TO REPEAL  
 9 SECTION 37-5-67, MISSISSIPPI CODE OF 1972, WHICH AUTHORIZES THE  
 10 APPOINTMENT OF THE COUNTY SUPERINTENDENT BY THE COUNTY BOARD OF  
 11 EDUCATION IN CERTAIN COUNTIES; TO REPEAL SECTION 37-9-12,  
 12 MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE QUALIFIED  
 13 ELECTORS OF ANY COUNTY HAVING AN ELECTED COUNTY SUPERINTENDENT OF  
 14 EDUCATION ON JULY 1, 1986, TO DECIDE AT THE NOVEMBER 1988 GENERAL  
 15 ELECTION WHETHER TO CONTINUE TO HAVE THE OFFICE ELECTED OR TO  
 16 ABOLISH THE OFFICE IN THE COUNTY; AND FOR RELATED PURPOSES.

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

18 **SECTION 1.** Section 37-5-61, Mississippi Code of 1972, is  
 19 amended as follows:

20 37-5-61. (1) Except as otherwise provided by law, there  
 21 shall be a county superintendent of education in each county.

22 (2) The superintendent shall serve as the executive  
 23 secretary of the county board of education, but shall have no vote  
 24 in the proceedings before the board and no voice in fixing the  
 25 policies thereof.

26 (3) In addition, the superintendent shall be the director of  
 27 all schools in the county outside the municipal separate school  
 28 districts.

29 (4) The superintendent shall be appointed by the county  
 30 board of education for a term of not more than four (4) years.  
 31 Any superintendent whose term of office otherwise would expire  
 32 after January 1, 2008, shall expire on January 1, 2008.

33 **SECTION 2.** Section 37-5-69, Mississippi Code of 1972, is  
 34 amended as follows:

35           37-5-69. In any county organizing a countywide municipal  
36 separate school district after the first day of January 1965, the  
37 office of county superintendent of education is \* \* \* abolished.  
38 There is excepted from the provisions of subsections (1) and (4)  
39 of Section 37-5-61, \* \* \* subsection (1) of Section 37-5-73, and  
40 Section 37-5-75, any county of the first class which has a land  
41 area of less than four hundred fifty (450) square miles, and has  
42 located therein a municipality of more than fifteen thousand  
43 (15,000) population, according to the 1950 federal decennial  
44 census.

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

47           37-5-71. \* \* \* The county superintendents of education \* \* \*  
48 shall be appointed by the county board of education or by the  
49 trustees of a separate school district embracing an entire county  
50 with a population of fifteen thousand (15,000) or less, as  
51 provided in subsection (2) of Section 37-7-203. In all cases he  
52 shall have the qualifications as prescribed by Section 37-9-13 and  
53 receive the compensation as established under Section 37-9-37.

54           \* \* \*

55           **SECTION 4.** Section 37-5-75, Mississippi Code of 1972, is  
56 amended as follows:

57           37-5-75. If a vacancy \* \* \* occurs in the office of county  
58 superintendent of education, the vacancy shall be filled by  
59 appointment by the county board of education. \* \* \*

60           **SECTION 5.** Section 37-7-105, Mississippi Code of 1972, is  
61 amended as follows:

62           37-7-105. (1) In cases where two (2) or more school boards  
63 determine that it is appropriate that their existing boundaries be  
64 altered to provide better service to students, each school board  
65 shall enter on its minutes the legal description of new district  
66 lines and shall publish the order altering the districts in some  
67 newspaper published and having a general circulation in the

68 district(s) once each week for three (3) consecutive weeks,  
69 which \* \* \* order shall be duly certified by the president of the  
70 school board. If no newspaper is published in the school  
71 district, then the order shall be published for the required time  
72 in some newspaper having a general circulation therein, and, in  
73 addition, a copy of the order shall be posted for the required  
74 time at three (3) public places in the school district. The order  
75 so published shall contain a provision giving notice that the  
76 order shall become final thirty (30) days after the first  
77 publication of the notice unless a petition is filed protesting  
78 against same within such time. If no \* \* \* petition is filed,  
79 then the \* \* \* order shall become final at that time. However, if  
80 twenty percent (20%) or fifteen hundred (1500), whichever is less,  
81 of the qualified electors of any school district altered by the  
82 order \* \* \* file a petition with the school board, within thirty  
83 (30) days after the first publication of the notice, protesting  
84 against the alteration of the district, then an election shall be  
85 called and held, on order of the school board, by the county  
86 election commission(s), after publication of legal notice of the  
87 election, which \* \* \* election shall be held within thirty (30)  
88 days after the first publication of the notice of the election.  
89 At the election the question shall be submitted to the qualified  
90 electors of the district or districts in which a petition is filed  
91 as to whether or not the district or districts shall be altered as  
92 provided in the \* \* \* order of the school board. If a majority of  
93 those voting in the election in each district affected and from  
94 which a petition is filed \* \* \* vote in favor of the order of the  
95 school board, then the order shall become final. If a majority of  
96 those voting in the election in any district from which a petition  
97 is filed \* \* \* vote against the order of the school board, then  
98 the order shall be void and of no effect and no further attempt to  
99 make the proposed change in the district shall be made for a  
100 period of at least two (2) years after the date of the election.

101           (2) When the orders of all boards adopting the new lines  
102 have been entered and are final, all orders shall be submitted to  
103 and considered by the State Board of Education as prescribed in  
104 Section 37-7-113. If the new lines are approved by the State  
105 Board of Education, the new district lines shall be submitted to  
106 the Attorney General of the United States for preclearance or to  
107 the United States District Court for the District of Columbia for  
108 a declaratory judgment in accordance with the provisions of the  
109 Voting Rights Act of 1965, as amended and extended. If the change  
110 in the school district lines are either precleared by the United  
111 States Department of Justice, or approved by the United States  
112 District Court, then the State Board of Education shall formally  
113 declare the new lines as the new boundaries of the school  
114 districts.

115           (3) If two (2) or more school districts determine that they  
116 wish to consolidate, the following actions shall be taken by the  
117 districts to perfect this consolidation: (a) Each board shall  
118 state its intent to consolidate with the other district or  
119 districts by passing a resolution of the board to that effect and  
120 spreading it on the minutes of the districts; and (b) each school  
121 board shall publish the order consolidating the districts in some  
122 newspaper having a general circulation in the district(s) once  
123 each week for three (3) consecutive weeks, which \* \* \* order shall  
124 be duly certified by the president of the school board. The order  
125 so published shall contain a provision giving notice that the  
126 order shall become final thirty (30) days after the first  
127 publication of the notice unless a petition is filed protesting  
128 against same within that time. If no \* \* \* petition is filed,  
129 then the \* \* \* order shall become final on that date. However,  
130 if twenty percent (20%) or fifteen hundred (1500), whichever is  
131 less, of the qualified electors of any one (1) of the school  
132 districts affected by the proposed consolidation \* \* \* file a  
133 petition with the applicable school board, within thirty (30) days

134 after the first publication of the notice, protesting against the  
135 consolidation of the district or districts, then an election shall  
136 be called and held in the school districts where petitions were  
137 filed, on order of the school board, by the county election  
138 commission(s), after publication of legal notice of the election,  
139 which \* \* \* election shall be held within thirty (30) days after  
140 the first publication of the notice of the election. At the  
141 election the question shall be submitted to the qualified electors  
142 of any district or districts in which petitions were filed as to  
143 whether or not the district or districts shall be consolidated as  
144 provided in the \* \* \* order of the school boards. If a majority  
145 of those voting in the election \* \* \* vote in favor of the order  
146 of the school boards, then the order shall become final. If less  
147 than a majority of the electors of any single school district vote  
148 in favor of the adoption of the proposed consolidation, that  
149 school district shall not participate in any voluntary  
150 consolidation as authorized in this subsection, and the proposed  
151 consolidation plan adopted by the districts shall be void.

152 After the order of the local school boards becomes final, it  
153 shall be submitted to and considered by the State Board of  
154 Education. If approved by the State Board of Education, the  
155 consolidation shall be submitted by the local school boards to the  
156 appropriate federal agencies for approval. After all preclearance  
157 has been received, the State Board of Education shall declare the  
158 new boundaries of the consolidated school district and all action  
159 shall proceed as outlined under law using the new boundaries.

160 Upon preclearance of the consolidation, all school boards  
161 shall approve a joint resolution for the election of five (5) new  
162 board members from single member districts as provided by law.  
163 These elections shall be scheduled before May 1 of the year in  
164 which the consolidation is to become effective. The new  
165 consolidated district shall become effective on July 1 of that  
166 same year. The superintendent of any district created through

167 consolidation shall be appointed \* \* \*. The superintendent shall  
168 begin work as the superintendent on July 1 of the year when the  
169 consolidation becomes effective. The order to consolidate shall  
170 invalidate the contracts of the superintendents of the preceding  
171 districts \* \* \*. The order to consolidate shall invalidate the  
172 term of any school board member after July 1 of that year whether  
173 they are elected or appointed. Any school board member from any  
174 school district may be eligible to run for election to the new  
175 consolidated school board.

176 Each school board shall be responsible for establishing the  
177 contracts for teachers and principals for the next school year  
178 with the consultation of the successor school board if they have  
179 been selected at the time those decisions are to be made. The  
180 selection of administrator in the central administration office  
181 shall be the responsibility of the successor school board. No  
182 existing dates for renewal of contracts shall invalidate the  
183 responsibility of the successor school board in taking that  
184 action. The successor school board may enter into these contracts  
185 at any time following their election, but no later than July 1 of  
186 that year. It shall also be the responsibility of the successor  
187 school board to prepare and approve the budget of the new  
188 district. The successor school board may use staff from the  
189 existing districts to prepare the budget. The school board may  
190 approve the budget before the July 1 date and shall follow the  
191 time line established for budget preparation under the law. If  
192 either district at the time of consolidation have more liabilities  
193 than assets, then the successor school board may levy an ad  
194 valorem tax upon the taxable property in the territory of the  
195 district where the deficit exists, a tax not to exceed five  
196 percent (5%) of the existing tax levy for the sole purpose of  
197 reducing the deficit. When the deficit is eliminated, then the  
198 tax levy shall be terminated. Any taxes levied to bring about the  
199 equalization of funding, to equalize pay scales or levied in the

200 territory of a newly created district where a deficit exists,  
201 shall constitute a "new program" for the purposes of ad valorem  
202 tax limitations as prescribed in Sections 27-39-321 and 37-57-107.

203       **SECTION 6.** Section 37-7-725, Mississippi Code of 1972, is  
204 amended as follows:

205       37-7-725. When a special municipal separate school district  
206 embraces and includes all of the territory of the county, then the  
207 office of county superintendent of education in that county shall  
208 be abolished and discontinued in that county \* \* \*. In addition,  
209 the superintendent of the special municipal separate school  
210 district shall thereafter perform and discharge all duties that  
211 would otherwise devolve upon the county superintendent of  
212 education under the provisions of any applicable statute of this  
213 state, and, for that purpose, the superintendent of the special  
214 municipal separate school district shall have and be vested with  
215 all power and authority conferred by law upon the county  
216 superintendents of education.

217       **SECTION 7.** Section 37-9-23, Mississippi Code of 1972, is  
218 amended as follows:

219       37-9-23. The superintendent shall enter into a contract with  
220 each assistant superintendent, principal, licensed employee and  
221 person anticipating graduation from an approved teacher education  
222 program or the issuance of a proper license before October 15 or  
223 February 15, as the case may be, who is elected and approved for  
224 employment by the school board. The contracts shall be in such  
225 form as shall be prescribed by the State Board of Education and  
226 shall be executed in duplicate with one (1) copy to be retained by  
227 the appropriate superintendent and one (1) copy to be retained by  
228 the principal, licensed employee or person recommended for a  
229 licensed position contracted with. The contract shall show the  
230 name of the district, the length of the school term, the position  
231 held (whether an assistant superintendent, principal or licensed  
232 employee), the scholastic years that it covers, the total amount

233 of the annual salary and how same is payable. The amount of  
234 salary to be shown in the contract shall be the amount that has  
235 been fixed and determined by the school board, but, as to the  
236 licensed employees paid in whole or in part with minimum education  
237 program funds, the salary shall not be less than that required  
238 under the provisions of Chapter 19 of this title. The contract  
239 entered into with any person recommended for a licensed position  
240 who is anticipating either graduation from an approved teacher  
241 education program before September 1 or December 31, as the case  
242 may be, or the issuance of a proper license before October 15 or  
243 February 15, as the case may be, shall be a conditional contract  
244 and shall include a provision stating that the contract will be  
245 null and void if, as specified in the contract, the contingency  
246 upon which the contract is conditioned has not occurred. If any  
247 superintendent, \* \* \* principal, licensed employee or person  
248 recommended for a licensed position who has been elected and  
249 approved does not execute and return the contract within ten (10)  
250 days after same has been tendered to him for execution, then, at  
251 the option of the school board, the election of the licensed  
252 employee and the contract tendered to him shall be void and of no  
253 effect.

254 **SECTION 8.** Section 37-9-25, Mississippi Code of 1972, is  
255 amended as follows:

256 37-9-25. The school board shall have the power and  
257 authority, in its discretion, to employ the superintendent \* \* \*  
258 for not exceeding four (4) scholastic years and the principals or  
259 licensed employees for not exceeding three (3) scholastic years.  
260 In that case, contracts shall be entered into with the  
261 superintendents, principals and licensed employees for the number  
262 of years for which they have been employed. All the contracts  
263 with licensed employees shall for the years after the first year  
264 thereof be subject to the contingency that the licensed employee  
265 may be released if, during the life of the contract, the average



266 daily attendance \* \* \* decreases from that existing during the  
267 previous year and thus necessitates a reduction in the number of  
268 licensed employees during any year after the first year of the  
269 contract. However, in all those cases the licensed employee must  
270 be released before July 1 or at least thirty (30) days before the  
271 beginning of the school term, whichever date \* \* \* occurs earlier.  
272 The salary to be paid for the years after the first year of the  
273 contract shall be subject to revision, either upward or downward,  
274 in the event of an increase or decrease in the funds available for  
275 the payment thereof, but, unless the salary is revised before the  
276 beginning of a school year, it shall remain for the school year at  
277 the amount fixed in the contract. However, where school district  
278 funds, other than adequate education program funds, are available  
279 during the school year in excess of the amount anticipated at the  
280 beginning of the school year the salary to be paid for that year  
281 may be increased to the extent that the additional funds are  
282 available and nothing herein shall be construed to prohibit same.

283 **SECTION 9.** Section 37-17-13, Mississippi Code of 1972, is  
284 amended as follows:

285 37-17-13. (1) Whenever the Governor declares a state of  
286 emergency in a school district in response to a certification by  
287 the State Board of Education and the Commission on School  
288 Accreditation made under Section 37-17-6(11)(b), the State Board  
289 of Education, in addition to any actions taken under Section  
290 37-17-6, shall abolish the school district and assume control and  
291 administration of the schools formerly constituting the district,  
292 and appoint a conservator to carry out this purpose under the  
293 direction of the State Board of Education. In that case, the  
294 State Board of Education shall have all powers that were held by  
295 the previously existing school board, and the previously existing  
296 superintendent of schools or county superintendent of education,  
297 including, but not limited to, those enumerated in Section  
298 37-7-301, and the authority to request tax levies from the

299 appropriate governing authorities for the support of the schools  
300 and to receive and expend the tax funds as provided by Section  
301 37-57-1 et seq., and Section 37-57-105 et seq.

302 (2) When a school district is abolished under this section,  
303 loans from the School District Emergency Assistance Fund may be  
304 made by the State Board of Education for the use and benefit of  
305 the schools formerly constituting the district in accordance with  
306 the procedures set forth in Section 37-17-6(14) for those loans to  
307 the district. The abolition of a school district under this  
308 section shall not impair or release the property of that school  
309 district from liability for the payment of the loan indebtedness,  
310 and it shall be the duty of the appropriate governing authorities  
311 to levy taxes on the property of the district so abolished from  
312 year to year according to the terms of the indebtedness until same  
313 shall be fully paid.

314 (3) After a school district is abolished under this section,  
315 at such time as the State Board of Education determines that the  
316 impairments have been substantially corrected, the State Board of  
317 Education shall reconstitute, reorganize or change or alter the  
318 boundaries of the previously existing district; however, no  
319 partition or assignment of territory formerly included in the  
320 abolished district to one or more other school districts may be  
321 made by the State Board of Education without the consent of the  
322 school board of the school district to which the territory is to  
323 be transferred, the consent to be spread upon its minutes. At  
324 that time, the State Board of Education, in appropriate cases,  
325 shall notify the appropriate governing authority or authorities of  
326 its action and request them to provide for the election or  
327 appointment of school board members and the appointment of a  
328 superintendent or superintendents to govern the district or  
329 districts affected, in the manner provided by law.

330 **SECTION 10.** Section 37-18-7, Mississippi Code of 1972, is  
331 amended as follows:

332           37-18-7. (1) As part of the school improvement plan for a  
333 Priority School, a professional development plan shall be prepared  
334 for those school administrators, teachers or other employees who  
335 are identified by the evaluation team as needing improvement. The  
336 State Department of Education shall assist the Priority School in  
337 identifying funds necessary to fully implement the school  
338 improvement plan.

339           (2) (a) If a principal is deemed to be in need of  
340 improvement by the evaluation team, a professional development  
341 plan shall be developed for the principal, and the principal's  
342 full participation in the professional development plan shall be a  
343 condition of continued employment. The plan shall provide  
344 professional training in the roles and behaviors of an  
345 instructional leader and shall offer training specifically  
346 identified for that principal's needs. The principal of a  
347 Priority School may be assigned mentors who have demonstrated  
348 expertise as an exemplary-performing principal. Mentors shall  
349 make a personal time commitment to this process and may not be  
350 evaluators of the principals being mentored. The local school  
351 administration shall continue to monitor and evaluate all school  
352 personnel during this period, evaluate their professional  
353 development plans and make personnel decisions as appropriate.

354           (b) At the end of the second year, if a school  
355 continues to be a Priority School and a principal has been at that  
356 school for three (3) or more years, the administration shall  
357 recommend and the local school board shall dismiss the principal  
358 in a manner consistent with Section 37-9-59, and the State Board  
359 of Education may initiate the school district conservatorship  
360 process authorized under Section 37-17-6. If extenuating  
361 circumstances exist, such as the assignment of a principal at a  
362 Priority School for less than two (2) years, other options may be  
363 considered, subject to approval by the State Board of Education.

364           (3) (a) If a teacher is deemed to be in need of  
365 professional development by the independent evaluation team, that  
366 teacher shall be required to participate in a professional  
367 development plan. This plan will provide professional training  
368 and will be based on each teacher's specific needs and teaching  
369 assignments. The teacher's full participation in the professional  
370 development plan shall be required. This process shall be  
371 followed by a performance-based evaluation, which shall monitor  
372 the teacher's teaching skills and teaching behavior over a period  
373 of time. This monitoring shall include announced and unannounced  
374 reviews. Additionally, the teacher also may be assigned a mentor  
375 who has demonstrated expertise as a high-performing teacher.

376           (b) If, after one (1) year, the teacher fails to  
377 perform, the local school administration shall reevaluate the  
378 teacher's professional development plan, make any necessary  
379 adjustments to it, and require his participation in the plan for a  
380 second year.

381           (c) If, after the second year, the teacher fails to  
382 perform, the administration shall recommend and the local school  
383 shall dismiss the teacher in a manner consistent with Section  
384 37-9-59.

385           (4) (a) If the evaluation report reveals a school district  
386 central office problem, a superintendent of the school district  
387 having a Priority School shall be required to participate in a  
388 professional development plan. Additionally, the superintendent  
389 may be assigned mentors who are high-performing superintendents  
390 and have demonstrated expertise and knowledge of high-performing  
391 schools. The local school board will continue to evaluate the  
392 performance of the superintendent and his participation in a  
393 professional development plan, making appropriate revisions to the  
394 plan as needed.

395           (b) If a school continues to be a Priority School after  
396 a second year, the local school board may take one (1) of the  
397 following actions:

398                   (i) Impose a cap on the superintendent's salary;  
399 or

400                   (ii) Make any necessary adjustments to his  
401 professional development plan and require his continued  
402 participation in a plan.

403           (c) If a school continues to be designated a Priority  
404 School after three (3) years of implementing a school improvement  
405 plan the State Board of Education shall, or if more than fifty  
406 percent (50%) of the schools within the school district are  
407 designated as Priority Schools in any one (1) year the State Board  
408 of Education may, issue a written request with documentation to  
409 the Governor asking that the office of the superintendent of the  
410 school district be subject to recall. Whenever the Governor  
411 declares that the office of the superintendent of the school  
412 district is subject to recall, the local school board \* \* \* shall  
413 take the following action: \* \* \* The name of the superintendent  
414 shall be submitted by the president of the local school board at  
415 the next regular meeting of the school board for retention in  
416 office or dismissal from office. If a majority of the school  
417 board voting on the question vote against retaining the  
418 superintendent in office, a vacancy shall exist that shall be  
419 filled as provided by law, otherwise the superintendent shall  
420 remain in office for the duration of his employment contract.

421           (5) If a school continues to be designated a Priority School  
422 after three (3) years of implementing a school improvement plan  
423 the State Board of Education shall, or if more than fifty percent  
424 (50%) of the schools within the school district are designated as  
425 Priority Schools in any one (1) year the State Board of Education  
426 may, issue a written request with documentation to the Governor  
427 that the membership of the school board of the school district

428 shall be subject to recall. Whenever the Governor declares that  
429 the membership of the school board shall be subject to recall, the  
430 county election commission or the local governing authorities, as  
431 the case may be, shall take the following action:

432 (a) If the members of the local school board are  
433 elected to office, in those years in which the specific member's  
434 office is not up for election, the name of the school board member  
435 shall be submitted by the State Board of Education to the county  
436 election commission at least sixty (60) days before the next  
437 regular special election, and the county election commission at  
438 the next regular special election shall submit the question to the  
439 voters eligible to vote for the particular member's office within  
440 the county or school district, as the case may be. The ballot  
441 shall read substantially as follows:

442 "Members of the \_\_\_\_\_ (here the title of the school  
443 district shall be inserted) School Board who are not up for  
444 election this year are subject to recall because of the school  
445 district's continued designation as a Priority School. Shall the  
446 member of the school board representing this area, \_\_\_\_\_  
447 (here the name of the school board member holding the office shall  
448 be inserted), be retained in office? Yes \_\_\_\_\_ No \_\_\_\_\_"

449 If a majority of those voting on the question vote against  
450 retaining the member of the school board in office, a vacancy in  
451 that board member's office shall exist which shall be filled in  
452 the manner provided by law; otherwise, the school board member  
453 shall remain in office for the term of that office, and at the  
454 expiration of the term of office, the member shall be eligible for  
455 qualification and election to another term or terms of office.  
456 However, if a majority of the school board members are recalled in  
457 the regular special election, the Governor shall authorize the  
458 board of supervisors of the county in which the school district is  
459 situated to appoint members to fill the offices of the members  
460 recalled. The board of supervisors shall make the appointments in

461 the manner provided by law for filling vacancies on the school  
462 board, and the appointed members shall serve until the office is  
463 filled at the next regular special election or general election.

464 (b) If the local school board is an appointed school  
465 board, the name of all school board members shall be submitted as  
466 a collective board by the president of the municipal or county  
467 governing authority, as the case may be, at the next regular  
468 meeting of the governing authority for retention in office or  
469 dismissal from office. If a majority of the governing authority  
470 voting on the question vote against retaining the board in office,  
471 a vacancy shall exist in each school board member's office, which  
472 shall be filled as provided by law; otherwise, the members of the  
473 appointed school board shall remain in office for the duration of  
474 their term of appointment, and the members may be reappointed.

475 (c) If the local school board is comprised of both  
476 elected and appointed members, the elected members shall be  
477 subject to recall in the manner provided in paragraph (a) of this  
478 subsection. Appointed members shall be subject to recall in the  
479 manner provided in paragraph (b).

480 (6) If a school continues to be designated a Priority School  
481 after three (3) years of implementing a school improvement plan,  
482 or if more than fifty percent (50%) of the schools within the  
483 school district are designated as Priority Schools in any one (1)  
484 year, the State Board of Education may request that the Governor  
485 declare a state of emergency in that school district. Upon the  
486 declaration of the state of emergency by the Governor, the State  
487 Board of Education may take all such action for dealing with  
488 school districts as is authorized under subsection (11) or (14) of  
489 Section 37-17-6, including the appointment of an interim  
490 conservator.

491 (7) The State Department of Education shall make a  
492 semiannual report to the State Board of Education identifying the  
493 number and names of schools classified as Priority Schools, which

494 shall include a description of the deficiencies identified and the  
495 actions recommended and implemented. The department shall also  
496 notify the State Board of Education of any Priority School that  
497 has successfully completed their improvement plans and shall  
498 notify the Governor and the Legislature of the school's progress.

499 (8) The State Board of Education shall direct and provide  
500 comprehensive staff development training for school administrators  
501 and teachers on the new requirements of this chapter. Any new  
502 assessment instruments to be used in conjunction with any  
503 evaluation required by this chapter shall be made available for  
504 review by teachers, administrators and other staff. Before  
505 evaluation of individual teachers, administrators and other staff  
506 pre-evaluation interviews will be conducted. Likewise, after any  
507 evaluation is complete, post-evaluation interviews will be  
508 conducted. During the post-interviews, evaluators shall identify  
509 and discuss the following: teaching techniques used, teaching  
510 strengths and weaknesses and an overall assessment of performance.

511 (9) No later than July 1 of each year the State Board of  
512 Education shall report to the State Legislature and the public at  
513 large:

514 (a) An itemized accounting of the use of state funds to  
515 provide technical, legal and financial assistance to each Priority  
516 School, and to the schools that had been designated as Priority  
517 Schools within the previous three (3) years, if the schools  
518 received that assistance at any time during the previous three (3)  
519 years;

520 (b) An explanation of the problems sought to be  
521 addressed in each such school receiving this assistance and for  
522 which such expenditure of funds was undertaken;

523 (c) The actions taken in each school district to  
524 utilize the funds to address the problems identified in paragraph  
525 (b) immediately above;



526 (d) An evaluation of the impact of the effort to  
527 address the problems identified;

528 (e) An assessment of what further actions need to be  
529 undertaken to address these problems, if the problems have not  
530 been entirely alleviated; and

531 (f) An assessment of the impact that Laws, 1999,  
532 Chapter 421, and Laws, 2000, Chapter 610 are having on the  
533 educational goals that these statutes sought to address.

534 **SECTION 11.** Section 37-43-39, Mississippi Code of 1972, is  
535 amended as follows:

536 37-43-39. No teacher in any of the schools of the state, and  
537 no county or municipal superintendent of schools, and no person  
538 officially connected with the government of or direction of any  
539 school shall, during the term of his office as the superintendent  
540 or during the time of his or her employment as teacher, act as  
541 agent or attorney for any textbook publishing company selling  
542 textbooks in this state. If, after election as \* \* \* municipal  
543 superintendent, appointment of county superintendent or employment  
544 as teacher, any person filling that position accepts the agency or  
545 attorneyship of any textbook publishing company, the acceptance of  
546 the agency or attorneyship shall work a forfeiture of the office  
547 or position as teacher held at the time of the acceptance of the  
548 agency or attorneyship.

549 **SECTION 12.** Sections 37-5-63 and 37-5-65, Mississippi Code  
550 of 1972, which provide for an election to be held to determine  
551 whether the office of the county superintendent shall be elected  
552 or appointed, are repealed.

553 **SECTION 13.** Section 37-5-67, Mississippi Code of 1972, which  
554 authorizes the appointment of the county superintendent by the  
555 county board of education in certain counties, is repealed.

556 **SECTION 14.** Section 37-9-12, Mississippi Code of 1972, which  
557 provides for the qualified electors of any county having an  
558 elected county superintendent of education on July 1, 1986, to

559 decide at the November 1988 general election whether to continue  
560 to have the office elected or to abolish the office in the county,  
561 is repealed.

562         **SECTION 15.** The Attorney General of the State of Mississippi  
563 shall submit this act, immediately upon approval by the Governor,  
564 or upon approval by the Legislature subsequent to a veto, to the  
565 Attorney General of the United States or to the United States  
566 District Court for the District of Columbia in accordance with the  
567 provisions of the Voting Rights Act of 1965, as amended and  
568 extended.

569         **SECTION 16.** This act shall take effect and be in force from  
570 and after the date it is effectuated under Section 5 of the Voting  
571 Rights Act of 1965, as amended and extended, or from and after  
572 January 1, 2008, whichever is later.