

By: Representative Moore

To: Education

HOUSE BILL NO. 32
(As Passed the House)

1 AN ACT TO AMEND SECTIONS 37-9-13, 37-9-25, 37-5-61, 37-5-71,
2 AND 37-5-75, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE
3 APPOINTMENT OF THE SUPERINTENDENT IN SCHOOL DISTRICTS WITH AN
4 ELECTED SUPERINTENDENT OF SCHOOLS IN THE EVENT A VACANCY IN OFFICE
5 OCCURS BEFORE JANUARY 1, 2019; AND FOR RELATED PURPOSES.

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

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

9 37-9-13. (1) Each school district shall have a
10 superintendent of schools, selected in the manner provided by law.
11 No person shall be eligible to the office of superintendent of
12 schools unless such person shall hold a valid administrator's
13 license issued by the State Department of Education and shall have
14 had not less than four (4) years of classroom or administrative
15 experience.

16 (2) From and after January 1, 2019, in all public school
17 districts, the local school board shall appoint the superintendent
18 of schools of such district. At the expiration of the term of any
19 county superintendent of education elected at the November 2015



20 general election, the county superintendent of education of said
21 county shall not be elected but shall thereafter be appointed by
22 the local school board in the manner provided in Section 37-9-25.
23 However, in the event that a vacancy in the office of the
24 superintendent of schools elected at the November 2015 general
25 election shall occur before January 1, 2019, the office of
26 superintendent of school shall immediately become an appointed
27 position, and the local school board shall appoint the
28 superintendent of the school district. The superintendent of
29 schools shall have the general powers and duties to administer the
30 schools within his district as prescribed in Section 37-9-14 et
31 seq., Mississippi Code of 1972.

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

34 37-9-25. The school board shall have the power and
35 authority, in its discretion, to employ the superintendent, unless
36 such superintendent is elected at the November 2015 general
37 election, for not exceeding four (4) scholastic years and the
38 principals or licensed employees for not exceeding three (3)
39 scholastic years. In such case, contracts shall be entered into
40 with such superintendents, principals and licensed employees for
41 the number of years for which they have been employed. However,
42 in the event that a vacancy in the office of the superintendent of
43 schools elected at the November 2015 general election shall occur
44 before January 1, 2019, the local school board shall then appoint



45 the superintendent of the school district and enter into contract
46 with the appointee for a period not to exceed three (3) scholastic
47 years. All such contracts with licensed employees shall for the
48 years after the first year thereof be subject to the contingency
49 that the licensed employee may be released if, during the life of
50 the contract, the average daily attendance should decrease from
51 that existing during the previous year and thus necessitate a
52 reduction in the number of licensed employees during any year
53 after the first year of the contract. However, in all such cases
54 the licensed employee must be released before July 1 or at least
55 thirty (30) days prior to the beginning of the school term,
56 whichever date should occur earlier. The salary to be paid for
57 the years after the first year of such contract shall be subject
58 to revision, either upward or downward, in the event of an
59 increase or decrease in the funds available for the payment
60 thereof, but, unless such salary is revised prior to the beginning
61 of a school year, it shall remain for such school year at the
62 amount fixed in such contract. However, where school district
63 funds, other than minimum education program funds, are available
64 during the school year in excess of the amount anticipated at the
65 beginning of the school year the salary to be paid for such year
66 may be increased to the extent that such additional funds are
67 available and nothing herein shall be construed to prohibit same.

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



70 37-5-61. (1) There shall be a county superintendent of
71 education in each county.

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

76 (3) In addition, said superintendent shall be the director
77 of all schools in the county school district which are outside the
78 municipal separate school districts.

79 (4) Said superintendent shall be elected at the same time
80 and in the same manner as other county officers are elected and
81 shall hold office for a term of four (4) years. However, in the
82 event that a vacancy in the office of the superintendent of
83 schools elected at the November 2015 general election shall occur
84 before January 1, 2019, the office of superintendent of school
85 shall immediately become an appointed position, and the local
86 school board shall appoint the superintendent of the school
87 district.

88 **SECTION 4.** Section 37-5-71, Mississippi Code of 1972, is
89 amended as follows:

90 37-5-71. (1) The county superintendents of education shall
91 be elected in the manner prescribed by the provisions of this
92 chapter, unless the school district is being reconstituted as
93 provided in Section 37-17-13 or unless such office be made
94 appointive as provided in this chapter, in which case the county



95 superintendent shall be appointed by the county board of education
96 or by the trustees of a separate school district embracing an
97 entire county with a population of fifteen thousand (15,000) or
98 less, as provided in subsection (2) of Section 37-7-203. However,
99 in the event that a vacancy in the elective office of the
100 superintendent of schools elected at the November 2015 general
101 election shall occur before January 1, 2019, the office of
102 superintendent of school shall immediately become an appointed
103 position, and the local school board shall appoint the
104 superintendent of the school district. In all cases he shall have
105 such qualifications as prescribed by Section 37-9-13 and receive
106 such compensation as established under Section 37-9-37.

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

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

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



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

125 (d) In any county bordering on the Mississippi Sound
126 and having a population in excess of one hundred thousand
127 (100,000), according to the 1960 federal decennial census, and
128 having an assessed valuation in excess of Seventy Million Dollars
129 (\$70,000,000.00);

130 (e) In any county having a population in excess of
131 eight thousand (8,000) and less than nine thousand (9,000), and
132 having an assessed valuation in excess of Five Million Dollars
133 (\$5,000,000.00) but less than Six Million Dollars (\$6,000,000.00)
134 in 1960;

135 (f) In any county having a population in excess of
136 twenty-two thousand (22,000) and less than twenty-three thousand
137 (23,000) in 1960, and having a total assessed valuation in excess
138 of Thirteen Million Dollars (\$13,000,000.00) in 1960;

139 (g) In any county having a population in excess of
140 fifty-nine thousand (59,000) but less than sixty thousand
141 (60,000), according to the 1960 federal decennial census;

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



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

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

153 (k) In any county having a municipal separate school
154 district lying therein, having a population in excess of
155 twenty-one thousand (21,000) but less than twenty-one thousand
156 five hundred (21,500), according to the 1960 decennial census, and
157 having a combined assessed valuation in 1963 in excess of Sixteen
158 Million Nine Hundred Thousand Dollars (\$16,900,000.00) but less
159 than Seventeen Million Dollars (\$17,000,000.00) according to the
160 State Tax Commission's compilation;

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

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



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

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

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

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

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

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

187 (s) In any county bordering the Mississippi River on
188 the west and with a population of less than thirty-one thousand
189 (31,000), according to the 2000 federal decennial census, and with
190 a county seat in which U.S. Highway 49 and U.S. Highway 61
191 intersect.



192 In any such county, however, the county superintendent of
193 education may be a resident of a municipal separate school
194 district or special municipal separate school district.

195 (3) The qualified electors residing within the municipal
196 separate school districts shall not participate in the election of
197 the county superintendent of education:

198 (a) In any county having a population of more than
199 twenty-seven thousand (27,000) and less than twenty-eight thousand
200 (28,000) and containing therein a municipality having a population
201 in excess of three thousand (3,000), according to the 1960 federal
202 decennial census;

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

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

209 (d) In any Class 2 county, the southern boundary of
210 which partially borders on the State of Louisiana, traversed by
211 U.S. Highway 98 which intersects Mississippi Highway 13, with a
212 land area of five hundred fifty (550) square miles and having a
213 population of twenty-three thousand two hundred ninety-three
214 (23,293) in the 1960 federal decennial census;



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

218 (f) In any county having a population in excess of
219 twenty-seven thousand one hundred seventy-nine (27,179) according
220 to the 1970 federal decennial census, wherein U.S. Highways 45 and
221 72 intersect; and

222 (g) In any Class 1 county bordering on the Pearl River
223 in which U.S. Highway 80 intersects Mississippi Highway 18 and
224 having a population, according to the federal decennial census of
225 1970, of forty-three thousand nine hundred thirty-three (43,933).

226 (4) The county superintendent of education, with the
227 approval of the county board of education by its first having
228 adopted a resolution of approval and spread upon its minutes,
229 shall be elected from the county at large, exclusive of the
230 municipal separate school district boundaries:

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

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



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

242 (c) In any county having a population in excess of
243 seventeen thousand (17,000) and less than eighteen thousand
244 (18,000), according to the 1970 federal decennial census, wherein
245 Mississippi Highways 6 and 9 intersect.

246 (5) In any county having a municipality of between
247 forty-nine thousand (49,000) and fifty thousand (50,000)
248 population according to the 1960 federal census, and adjoining the
249 Alabama line, wherein U.S. Highways 80 and 45 intersect, the
250 qualified electors residing within any municipal separate school
251 district shall not participate in the election of the county
252 superintendent of education, and such county superintendent of
253 education shall not be a resident of a municipal separate school
254 district.

255 (6) In any county traversed by the Natchez Trace Parkway
256 wherein U.S. Highway 45 and Mississippi Highway 4 intersect and
257 having a population of seventeen thousand nine hundred forty-nine
258 (17,949) according to the 1960 federal census, the qualified
259 electors residing within any municipal separate school district
260 shall not participate in the election of the county superintendent
261 of education, and such county superintendent of education shall
262 not be a resident of a municipal separate school district.

263 **SECTION 5.** Section 37-5-75, Mississippi Code of 1972, is
264 amended as follows:



265 37-5-75. If a vacancy shall occur in the elective office of
266 the county superintendent of education elected at the November
267 2015 general election before January 1, 2019, the office of
268 superintendent of school shall immediately become an appointed
269 position, and such vacancy shall be filled by appointment by the
270 county board of education. * * * In such case the person so
271 appointed by the county board of education shall hold office * * *
272 under the terms and for the duration of the employment contracted
273 issued by the board of education under the authority of Section
274 37-9-25.

275 **SECTION 6.** This act shall take effect and be in force from
276 and after its passage.

