

**Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

Senate Bill No. 2149

BY: Committee

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

17 **SECTION 1.** (1) If a school district that has an elected
18 superintendent of education (a) is designated by the State Board
19 of Education accountability system as an underperforming school
20 district for two (2) consecutive full school years, or (b) has
21 fifty percent (50%) or more of the schools within the school
22 district that are designated by the State Board of Education
23 accountability system as underperforming for two (2) consecutive
24 full school years, and the school district was under the
25 administration of the same superintendent during those two (2)
26 consecutive full school years, the State Board of Education shall
27 issue a written request with documentation to the Governor to
28 declare that the superintendent of education of that school
29 district shall not be elected but shall thereafter be appointed by
30 the school board of the school district for a term of not more
31 than four (4) years in the manner provided in Section 37-9-25.
32 This change in the method of selection of the superintendent of
33 education of the school district shall be effective at the end of
34 the regular term of office of the elected superintendent of
35 education then in office, or whenever a vacancy occurs in that



36 office, whichever occurs first. Whenever the Governor declares
37 that the method of selection of the superintendent of education in
38 an underperforming school district shall change to the appointive
39 method, he shall certify his order to the elected superintendent
40 of education then in office and to the school board of that school
41 district. In school districts where the office of elected
42 superintendent of education has been abolished and the method of
43 selection changed to the appointive method under the provisions of
44 this subsection, it shall not be reinstated as an elective office.

45 (2) If a school district that has an appointed
46 superintendent of education (a) is designated by the State Board
47 of Education accountability system as an underperforming school
48 district for two (2) consecutive full school years, or (b) has
49 fifty percent (50%) or more of the schools within the school
50 district that are designated by the State Board of Education
51 accountability system as underperforming for two (2) consecutive
52 full school years, and the school district was under the
53 administration of the same superintendent during those two (2)
54 consecutive full school years, the school board of the school
55 district shall remove the superintendent then in office at the end
56 of the school year, and shall employ a new superintendent for the
57 next school year in the manner provided in Section 37-9-25.

58 However, an appointed superintendent of education who stands
59 to be removed under the provisions of this subsection and whose
60 term of employment under contract with the school district exceeds
61 the two (2) consecutive full school years described by this
62 subsection, shall remain as superintendent until the contract
63 expires or shall be removed only if the school district pays the
64 superintendent for all compensation and other benefits that the
65 superintendent would otherwise be entitled to receive during the
66 unexpired term of the contract. The provisions of this paragraph
67 shall not prevent or otherwise negatively affect any right that a



68 school district may have to dismiss or otherwise remove a
69 superintendent for cause as provided by the terms of the contract
70 between the superintendent and the school district, or as
71 otherwise provided by law.

72 (3) The State Department of Education shall make a
73 semiannual report to the State Board of Education identifying the
74 number and names of school districts and schools in school
75 districts that have been underperforming, in order to identify
76 those districts that fall in the category of underperformance for
77 two (2) consecutive full school years. Those reports shall
78 include a description of the deficiencies identified and the
79 actions recommended for corrective action. The State Board of
80 Education shall report to the Legislature on July 1 annually
81 relative to the status of underperforming school districts.

82 (4) The procedure for changing the method of selecting the
83 superintendent of education or removing the superintendent of
84 education in underperforming school districts shall be in addition
85 to the corrective action sanctions for underperforming schools and
86 underperforming school districts that may be implemented by the
87 State Board of Education and the State Department of Education
88 under Sections 37-17-6(11), (14) and (16), 37-17-13 and 37-18-7.

89 **SECTION 2.** In counties with a population of thirty-eight
90 thousand seven hundred forty-four (38,744) according to the 2000
91 federal decennial census, in which a Level 4 or greater school is
92 located and in which a major state university is located, the
93 county superintendent of education may be appointed by the county
94 board of education rather than elected if there is a unanimous
95 resolution by all members of the board in support of the
96 appointment of a county school superintendent of education and the
97 elected superintendent of education signs a written declaration
98 agreeing to the method of appointing a county superintendent of
99 education. This change in the method of selection of the



100 superintendent of education of the school district shall be
101 effective at the end of the regular term of office of the elected
102 superintendent of education then in office, or whenever a vacancy
103 occurs in that office, whichever occurs first.

104 The provisions of this section shall be an alternative to and
105 supplemental to any other procedure provided by law.

106 **SECTION 3.** The Attorney General of the State of Mississippi
107 shall submit this act, immediately upon approval by the Governor,
108 or upon approval by the Legislature subsequent to a veto, to the
109 Attorney General of the United States or to the United States
110 District Court for the District of Columbia in accordance with the
111 provisions of the Voting Rights Act of 1965, as amended and
112 extended.

113 **SECTION 4.** This act shall take effect and be in force from
114 and after the date it is effectuated under Section 5 of the Voting
115 Rights Act of 1965, as amended and extended.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO REQUEST THE
2 GOVERNOR TO ABOLISH THE OFFICE OF ELECTED SUPERINTENDENT OF
3 EDUCATION IN ANY SCHOOL DISTRICT THAT IS AN UNDERPERFORMING SCHOOL
4 DISTRICT FOR TWO OR MORE CONSECUTIVE FULL SCHOOL YEARS; TO PROVIDE
5 THAT IN THOSE SCHOOL DISTRICTS, THE SUPERINTENDENT OF EDUCATION
6 SHALL BE APPOINTED BY THE SCHOOL BOARD OF THE SCHOOL DISTRICT AT
7 THE END OF THE REGULAR TERM OF OFFICE OF THE ELECTED
8 SUPERINTENDENT AS PROVIDED BY LAW; TO PROVIDE THAT IN THOSE SCHOOL
9 DISTRICTS, THE OFFICE OF SUPERINTENDENT OF EDUCATION SHALL NOT BE
10 REINSTATED AS AN ELECTIVE OFFICE; TO DIRECT THE SCHOOL BOARD OF
11 ANY SCHOOL DISTRICT THAT HAS AN APPOINTED SUPERINTENDENT OF
12 EDUCATION AND IS AN UNDERPERFORMING SCHOOL DISTRICT FOR TWO OR
13 MORE CONSECUTIVE FULL SCHOOL YEARS TO REMOVE THE SUPERINTENDENT AT
14 THE END OF THE SCHOOL YEAR AND EMPLOY A NEW SUPERINTENDENT; AND
15 FOR RELATED PURPOSES.

