MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Cockerham To: Education

# HOUSE BILL NO. 879

AN ACT TO AMEND SECTION 37-9-103, MISSISSIPPI CODE OF 1972, TO INCLUDE ASSISTANT TEACHERS IN THE DEFINITION OF THE WORD "EMPLOYEE" AS THAT TERM IS USED TO IDENTIFY PERSONS ENTITLED TO DUE PROCESS UNDER THE EDUCATION EMPLOYMENT PROCEDURES LAW OF 2001; TO AMEND SECTION 37-9-105, MISSISSIPPI CODE OF 1972, TO REQUIRE SCHOOL DISTRICTS TO GIVE ASSISTANT TEACHERS WRITTEN NOTICE OF NONREEMPLOYMENT FOR THE SUCCESSIVE YEAR; AND FOR RELATED PURPOSES.

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

**SECTION 1.** Section 37-9-103, Mississippi Code of 1972, is amended as follows:

37-9-103. (1) As used in Sections 37-9-101 through 37-9-113, the word "employee" shall include:

(a) Any teacher, principal, superintendent or other professional personnel employed by the local school district or the Mississippi School of the Arts (MSA) for a continuous period of two (2) years with that district and required to have a valid license issued by the State Department of Education as a prerequisite of employment; or

(b) Any teacher, principal, superintendent or other professional personnel who has completed a continuous period of

two (2) years of employment in a Mississippi public school district and one (1) full year of employment with the school district of current employment or the MSA, and who is required to have a valid license issued by the State Department of Education as a prerequisite of employment.

(c) Any assistant teacher who has completed a continuous period of two (2) years of employment as an assistant teacher in a Mississippi public school district and one (1) full year of employment with the school district of current employment.

(2) (a) The Education Employment Procedures Law shall not apply to any category of employee as defined in this section employed in any school district after the Governor declares a state of emergency under the provisions of Section 37-17-6(12). The Education Employment Procedures Law shall not be applicable in any school district for the full period of time that those conditions, as defined in Section 37-17-6(12), exist.

(b) The Education Employment Procedures Law shall not apply to any category of teacher, administrator or other employee employed to work in any charter school.

(3) For purposes of Sections 37-9-101 through 37-9-113, the term "days" means calendar days.

**SECTION 2.** Section 37-9-105, Mississippi Code of 1972, is amended as follows:

37-9-105. If a recommendation is made by the school district not to offer an employee a renewal contract for a successive year,

written notice of the proposed nonreemployment stating the reasons for the proposed nonreemployment shall be given no later than the following:

(a) If the employee is a principal, the superintendent, without further board action, shall give notice of nonreemployment on or before March 1; or

(b) If the employee is a teacher, assistant teacher, administrator or other professional educator covered under Sections 37-9-101 through 37-9-113, the superintendent, without further board action, shall give notice of nonreemployment on or before April 15, or within ten (10) calendar days after the date that the Governor approves the appropriation bill(s) comprising the state's education budget for funding K-12, whichever date is later.

An interim conservator appointed pursuant to Section 37-17-6(15)(a) or a school board acting on the recommendation of a school district financial advisor appointed pursuant to Section 37-9-18 shall not be required to comply with the time limitations prescribed in this section for recommending the reemployment of principals, teachers, assistant teachers, administrators or other professional educators.

**SECTION 3.** This act shall take effect and be in force from and after July 1, 2021.