

# ATTORNEY GENERAL OPINIONS UPDATE 2018

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## STATUTORY AUTHORITY FOR AG OPINIONS

MISS. CODE ANN. SECTION 7-5-25

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## HELPFUL WEBSITES

### Overview

<http://www.ago.state.ms.us/divisions/opinions-and-local-government-2/>

### Searchable Database

<http://government.westlaw.com/msag/>

## SUPERINTENDENT QUALIFICATIONS

MISS. CODE ANN. SECTION 37-9-13

## MISS. CODE ANN. SECTION 37-9-13(1)

- a) in a school with an "A" or "B" accountability rating, or
- b) in a school that increased its accountability rating by a letter grade during the period in which the principal was employed as principal at the school, or
- c) in a school with comparable accountability rating or improvement in another state which shall be verified by the Mississippi Department of Education.

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## MS AG OP., DORRILL (JUNE 2, 2017)

Question: "If a principal was in a school that improved from a 'C' rating to a 'B' or 'A' rating and then fell back to a 'C' rating or lower during the principal's tenure, would that principal meet the criteria" to serve as a superintendent as outlined in Section 37-9-13(1)(b)?"

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## MS AG OP., DORRILL (JUNE 2, 2017)

Answer: "To qualify for the experience in the above-quoted Section 37-9-13(1)(b), principal must be employed at a school that **maintains** its accountability rating increase for three years. To read this subsection as applying to a principal who was in a school that improved from a "C" rating to a "B" or "A" rating and then fell back to a "C" rating in less than three years would negate the statutory requirement that three of the six years be in a school with an increased accountability rating."

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## MS AG OP., TURNER (APRIL 13, 2018)

Question: Does administrative experience earned under the Level 1- 5 accountability system count towards the Section 37-9-13(1) experience requirement?

Answer: NO.

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## MS AG OP., TURNER (APRIL 13, 2018)

Question: Does a principal get credit for his school's accountability rating if he transfers to a different school prior to the release of the scores?

Answer: "When calculating the experience required under Section 37-9-13(1), one should look at the school year for which the accountability ratings were earned, not the date the accountability ratings were released."

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## MS AG OP., MCDONALD (FEBRUARY 23, 2018)

Question: "Do the 3 years that a principal must serve in an "A" or "B" school have to be consecutive years?"

Answer: NO

Question: If not, can the total of 3 years be served at different schools?"

Answer: YES

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MS AG OP., MCDONALD (FEBRUARY 23, 2018)

Question: "Is an interim superintendent required to meet the same qualifications as an appointed superintendent?"

Answer: YES

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MISS. CODE ANN. SECTION 37-9-13(4)

"The provisions of this section shall be applicable to any superintendent of schools selected on or after July 1, 2017, who has not previously served as a superintendent or assistant superintendent within the last five (5) years."

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MS AG OP., MCDONALD (FEBRUARY 23, 2018)

Question: "Are there other positions equivalent to an "assistant superintendent" such as school district Curriculum Director, Director of Operations, Chief Academic Officer, or Bureau Director with the Mississippi Department of Education?"

Answer: NO

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MS AG OP., GARNER (APRIL 20, 2018)

Question: Does a person who has district wide responsibilities such as Director of Special Service or Supervising Principal or Curriculum Director meet the statutory definition of Assistant under Section 37-9-13?

Answer: No

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# SUPERINTENDENT CONTRACT

MS AG OP., KEITH (FEBRUARY 2, 2018)

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# OPEN MEETINGS

MISS. CODE ANN. SECTION 25-41-1, ET SEQ.

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MS AG OP., NEYMAN (JUNE 30, 2018)

The requirement to post notice on a website and provide a copy of this notice to requesting citizens and media outlets does not apply to public bodies that are required to post notice under Section 25-41-13(2).

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MS AG OP., CROW (SEPTEMBER 29, 2017)

Board members cannot vote by email on an issue before the board.

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## MS AG OP., BROWN (DECEMBER 14, 2017)

A public board does not have the authority to declare a moratorium on itself not to bring up a specific issue at board meetings.

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## MS AG OP., MILLS (MARCH 16, 2018)

If a public body determines that possession or use of cell phones in an open meeting disrupts the meeting, the public body may adopt a rule prohibiting cell phones during the meeting. Any rule restricting the types of equipment used to record a public meeting cannot be drafted or enforced in a way that would completely prohibit a citizen from recording a public meeting.

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## OTHER SCHOOL LAW OPINIONS

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### MS AG OP., KEITH (FEBRUARY 5, 2018)

There is no statewide uniform calendar for when elections for county school board members should occur. The dates of the terms for county school board members depends upon when the county school district adopted single member district lines in accordance with Section 37-5-7(2).

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MS AG OP., TURNER  
(APRIL 6, 2018)

All current board members and school superintendents serving in school districts with one or more failing schools must attend the additional training mandated by Section 37 3 4(5)(c).

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MS AG OP., HEDGEPEETH  
(SEPTEMBER 22, 2017)

If a school district has made the factual determination that substitute bus drivers are not "regular nonstudent school bus drivers" as contemplated in Section 25-15-15, then the school district may not provide health insurance coverage to these employees.

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## MS AG OP., HILL (OCTOBER 27, 2017)

Financial awards under the School Recognition Program must be used for nonrecurring salary supplements teachers and staff of qualifying highly productive schools.

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## MS AG OP., TRAINER (JUNE 28, 2017)

“The Mississippi Supreme Court has stated that nothing in statutory or common law authorizes a public entity's use of public funds to actively campaign for a favored position on a bond issue.”

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