
OFFICE OF GOVERNOR RONNIE MUSGROVE
MEMORANDUM

TO: GOVERNOR
FROM: RILEY
SUBJECT: HB 527
DATE: 3/20/2001
CC: FILE

HB 527

HB 527, the Education Employment Procedures Law of 2001, amends Section 37-9-101 to provide that all decisions of non-reemployment of school employees must be based on valid educational reasons with respect to employment or noncompliance with school district personnel policies. HB 527 also amends current statute to provide that this law is to apply to all licensed personnel employed by a school district. HB 527 also creates a new Section 37-9-104 to require notice of a preliminary determination by a school board not to renew a superintendent's contract to be provided by February 1 of each year. HB 527 excludes interim conservators and appointed financial advisors from the time limitations. HB 527 also requires the written notice of a licensed employee's proposed non-reemployment to state the specific reasons for such non-reemployment and requires the district to provide, upon written request of the employee within ten days of the employee receiving notice of non-reemployment, a list of witnesses and evidence substantiating the reasons for non-reemployment to be presented at a hearing. HB 527 also requires the employee to provide the district with a list of witnesses and evidence in support of his/her position to be presented at the hearing.

HB 527 provides that hearing officers not have an interest in the outcome of a hearing or be related to any board member or administrator making recommendations for non-reemployment. HB 527 requires hearings to be held in executive session unless the employee elects a public hearing, provides for the presentation of evidence at the hearing and prescribes the burden of proof at the hearing for upholding the decision of non-reemployment.

A similar bill has been introduced the last three regular sessions. Senator Farris expressed concern that HB 527 will tie up the courts because a "valid educational reason" is not a defined standard. David Watkins, who worked with a group of superintendents and teachers last summer to rewrite the bill, said that 55 school board attorneys have signed off on the bill. Judy Rhodes said that MDE is okay with the bill, although schools have expressed concern that the bill could result in increased legal fees for districts. The Mississippi AFT supports HB 527, but does not favor the requirement of employees' submitting a list of witnesses and evidence to the district out of fear of witness tampering. MAE supports the bill, defines "valid educational reason" as anything that impacts a teacher's action in the classroom, and says that the bill's requirement of evidence will provide more certainty in non-reemployment matters because principals are not currently documenting reasons for non-reemployment. HB 527 is effective July 1, 2001.