

disorderly conduct, as required by the No Child Left Behind Act of 2001 (NCLBA). In addition, each school may publish a student/parent handbook detailing additional rules specific to that school. *[All rules applying to student conduct shall be posted in a prominent place in each school building.]*

NOTE: For information on the Beginning Principal Support Pilot Program, see House Bill 751, 1999 Legislative Session (MS Code 37-9-251), or contact the School Executive Management Institute at the Mississippi Department of Education.

LEGAL REF.: MS CODE as cited; P. L. 107-110 (No Child Left Behind Act of 2001)

CROSS REF.: Policies GAD - Staff Development

GADD - Beginning Teacher Support Program

GBRC - Professional Personnel Work Load

IB - Instructional Goals

## **PROFESSIONAL PERSONNEL REEMPLOYMENT – HSD Policy – GBP**

### LICENSED AND NON-INSTRUCTIONAL EMPLOYEES

On or before April 1 of each year, the principal of each school shall recommend to the superintendent of the local school district the licensed employees or non-instructional employees to be employed for the school involved except those licensed employees or non-instructional employees who have been previously employed and who have a contract valid for the ensuing scholastic year. If such recommendations meet with the approval of the superintendent, the superintendent shall recommend the employment of such licensed employees or non-instructional employees to the local school board, and, unless good reason to the contrary exists, the board shall elect the employees so recommended. If, for any reason, the local school board shall decline to elect any employee so recommended, additional recommendations for the places to be filled shall be made by the principal to the superintendent and then by the superintendent to the local school board as provided above.

### PERSONNEL SUPERVISOR

The school board of any local school district shall be authorized to designate a personnel supervisor or another principal employed by the school district to recommend to the superintendent licensed employees or non-instructional employees; however, this authorization shall be restricted to no more than two (2) positions for each employment period for each school in the local school district. Any non-instructional employee employed upon the recommendation of a personnel supervisor or another principal employed by the local school district must have been employed by the local school district at the time the superintendent was elected or appointed to office; a non-instructional employee employed under this authorization may not be paid compensation in excess of the statewide average compensation for such non-instructional position with comparable experience, as established by the State Department of Education.

The school board of any local school district shall be authorized to designate a personnel supervisor or another principal employed by the school district to accept the recommendations of

principals or their designees for licensed employees or non-instructional employees and to transmit approved recommendations to the local school board; however, this authorization shall be restricted to no more than two (2) positions for each employment period for each school in the local school district.

When the licensed employees have been elected as provided in the preceding paragraph, the superintendent of the district shall enter into a contract with such persons in the manner provided in this chapter.

If, at the commencement of the scholastic year, any licensed employee shall present to the superintendent a license of a higher grade than that specified in such individual's contract, such individual may, if funds are available from minimum education program funds of the district, or from district funds, be paid from such funds the amount to which such higher grade license would have entitled the individual, had the license been held at the time the contract was executed.

' 37-9-17 (2001)

#### LEGAL RULING

Plaintiff who was never recommended to the school board by the superintendent and not hired by the board pursuant to any recommendation has no enforceable rights against the school board for its refusal to honor an employment contract the plaintiff signed as career awareness counselor, since the instrument which was tendered by the superintendent never ripened into an enforceable contract without board approval.

NOTE: All new hire licensed and non-licensed employees after July 1, 2000 must have a state child abuse registry check and criminal records background check via fingerprint card. Please see sample policy GBD- Professional Personnel Hiring and/or sample policy GCD - Classified Personnel Hiring.

LEGAL REF.: MS CODE as cited

*Jones v Birdsong* (1980, ND Miss.) 350 F Supp 221

CROSS REF.: Policies GBA - Professional Personnel Compensation Guides and Contracts  
GBD - Professional Personnel Hiring

### **PROFESSIONAL PERSONNEL (REDUCTION IN FORCE) - HSD Policy – GBKAR**

The Board of Trustees has the responsibility for providing and maintaining quality schools within the district. In order to carry out its responsibility, the board may: (1) abolish or combine job positions, (2) reduce the length of the work year with a concomitant reduction in salary (the same to be in no event less than 187 days per contract year), (3) reduce administrative supplements, (4) reduce the number of employees. Initially, staff reduction will be accomplished by attrition.