

STATE OF MISSISSIPPI



JIM HOOD
ATTORNEY GENERAL

OPINIONS
DIVISION

July 12, 2019

Dr. Jason Dean, Chairman
Mississippi State Board of Education
Post Office Box 771
Jackson, Mississippi 39205

Re: Section 37-1-3 of the Mississippi Code

Dear Dr. Dean:

Attorney General Jim Hood has received your opinion request and has assigned it to me for research and reply.

Issues Presented

In your request, you provide:

The Mississippi State Board of Education (SBE) oversees the Mississippi School for the Deaf and School for the Blind (MSD/MSB). Currently, the educators at those two schools are state service employees and occupy "PINs" assigned by the State Personnel Board. Because of this, the licensed educators employed at the MSD/MSB have not received local teacher pay supplements that are routinely offered to teachers performing similar duties in the public school districts in the metro-Jackson area and across the state. The result is that the MSD/MSB are at an extreme disadvantage when trying to attract educators to serve at these schools.

Citing Section 37-1-3(3) of the Mississippi Code, you ask whether the Mississippi Department of Education has the authority to provide salary supplements to teachers at MSD/MSB.

Response and Applicable Law

The State Superintendent fixes the compensation of the teachers employed at the MSD/MSB in accordance with State Personnel Board regulations and may seek to increase the compensation with the approval of the State Personnel Board.

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Section 43-5-8 provides, in relevant part:

The Superintendent of the School for the Blind and the Superintendent of the School for the Deaf and all principals and directors shall be selected by and hold office subject to the will and pleasure of the State Superintendent of Education, subject to the approval of the State Board of Education. The State Board of Education may provide housing for the two (2) superintendents so employed either on- or off-campus. Each superintendent shall at all times maintain supervision of the physical properties of the school he serves unless otherwise provided. All other personnel shall be competitively appointed by the state superintendent and shall be dismissed only for cause in accordance with the rules and regulations of the State Personnel Board. The state superintendent, subject to the approval of the State Personnel Board, shall fix the amount of compensation or expenses of any of the personnel of the schools, which shall be paid upon the requisition of the state superintendent and warrant issued thereunder by the State Auditor out of the funds appropriated by the Legislature in a lump sum upon the basis of budgetary requirements submitted by the Superintendent of Education or out of funds otherwise made available . . .

Section 37-1-3(3) provides:

OFFICIAL OPINION

The State Board of Education shall have authority to expend any available federal funds, or any other funds expressly designated, to pay training, educational expenses, salary incentives and salary supplements to licensed teachers employed in local school districts or schools administered by the State Board of Education. Such incentive payments shall not be considered part of a school district's local supplement as defined in Section 37-151-5(o), nor shall the incentives be considered part of the local supplement paid to an individual teacher for the purposes of Section 37-19-7(1). MAEP funds or any other state funds shall not be used to provide such incentives unless specifically authorized by law.

Accordingly, it is the opinion of this office that the State Superintendent may increase the compensation for teachers employed at the MSD/MSB with the approval of the State Personnel Board.

If we may be of further service, please let us know.

Very truly yours,

JIM HOOD, ATTORNEY GENERAL

By:



Beebe Garrard
Special Assistant Attorney General