



*Lynn Fitch*  
**ATTORNEY GENERAL**  
OPINIONS AND POLICY

February 28, 2024

Arch Bullard, Esq.  
Attorney, Alcorn School District  
Post Office Box 1613  
Corinth, Mississippi 38835

Re: Mississippi Code Annotated Section 45-9-181(6): Administrator Payment

Dear Mr. Bullard:

The Office of the Attorney General has received your request for an official opinion.

### **Question Presented**

May the Alcorn School District pay principals and other school district administrators an additional monthly stipend after they have completed the Mississippi School Safety Guardian Act program to be designated as School Safety Guardians?

### **Brief Response**

Yes. Mississippi Code Annotated Section 45-9-181(6) provides that a school district shall pay a monthly stipend of not less than \$100 and not more than \$500 to employees who have completed training in accordance with the Mississippi School Safety Guardian Act. Section 37-11-27 does not apply to contracts entered pursuant to the Mississippi School Safety Guardianship Act.

### **Applicable Law and Discussion**

Section 45-9-181 is known as the Mississippi School Safety Guardian Act (the “Act”). The Act allows the governing body of a school, in consultation with school administrators and the Department of Public Safety, to establish a program that allows trained school employees to carry concealed firearms on campus for protection purposes:

The governing body of a school, in consultation with school administrators and the department, may establish a program under this act. . . . If the governing body of a school establishes a program under this act, the governing body of a school shall designate employees to participate in the training program developed by the

department by which designated and trained school employees are authorized to carry concealed firearms for the protection of the students, employees and others on the campus of the school. The scope and purpose of each program shall include responding to an active shooter situation or other situation that would cause death or serious bodily harm on the school campus or in the immediate vicinity of the school campus. The school safety guardian's weapon shall always remain under his or her physical control on campus.

Miss. Code Ann. § 45-9-181(4). Regarding compensation, Section 45-9-181(6) provides that "School Safety Guardians *shall* be paid a monthly stipend in an amount not less than One Hundred Dollars (\$100.00), but not more than Five Hundred Dollars (\$500.00) by the school district." (emphasis added). *See also Pitalo v. GPCH-GP, Inc.*, 933 So. 2d 927, 929 (Miss. 2006) ("Simply stated, 'shall' is mandatory, while 'may' is discretionary.").

According to your request, you are concerned that Section 37-11-27 prohibits the Alcorn School District from paying principals and other school district administrators an additional monthly stipend for serving as a School Safety Guardian. However, a contract with a principal or other school district administrator pursuant to the Act does not fall within the prohibitions of Section 37-11-27.

Pursuant to Section 37-11-27:

It shall be unlawful for any member of the board of trustees of any school district, any member of the county board of education, the county superintendent of education, or any superintendent, principal or other school district administrator with authority to negotiate school district contracts, to have or own any direct or indirect interest individually or as agent or employee of any person, partnership, firm, or corporation in any contract made or let by the county board of education, the county superintendent of education or the board of trustees of the school district *for the construction, repair, or improvement of any school facility, the furnishing of any supplies, materials, or other articles, the doing of any public work<sup>[1]</sup> or the transportation of children or upon any subcontract arising therefrom or connected therewith in any manner.*

(emphasis added). A contract between a principal or other district administrator pursuant to the Act is not a contract "for the construction, repair, or improvement of any school facility, the furnishing of any supplies, materials, or other articles, the doing of any public work or the transportation of children or upon any subcontract arising therefrom or connected therewith in any manner." *See also MS AG Op., Blessey* at \*2 (Apr. 2, 2004) (indicating a service-only contract that is not connected with the categories listed within Section 37-11-27 is not prohibited by Section 37-11-27). Further, the Act itself does not prohibit principals or other school district administrators from serving as School Safety Guardians. *See Miss. Code Ann. § 45-9-181*. It is thus the opinion

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<sup>1</sup> "'Public works' is defined as '[s]tructures (such as roads or dams) built by the government for public use and paid for by public funds.'" *Howell v. Bd. of Sup'rs of Jefferson Davis Cnty.*, 70 So. 3d 1148, 1156 (Miss. Ct. App. 2011) (quoting BLACK'S LAW DICTIONARY 1639 (8th ed. 2004)).

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of this office that Section 37-11-27 does not prohibit the Alcorn School District from paying a principal or other school district administrators an additional monthly stipend pursuant to the Act.

If this office may be of any further assistance to you, please do not hesitate to contact us.

Sincerely,

LYNN FITCH, ATTORNEY GENERAL

By: */s/ Maggie Kate Bobo*

Maggie Kate Bobo  
Special Assistant Attorney General

OFFICIAL OPINION