



Lynn Fitch
ATTORNEY GENERAL
OPINIONS AND POLICY

July 11, 2025

The Honorable W. Briggs Hopson III
Attorney, South Delta School District
1201 Cherry Street
Vicksburg, Mississippi 39183-2919

Re: Part-Time School Superintendent

Dear Senator Hopson:

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

Questions Presented

1. May a school district superintendent be employed on a part-time basis?
2. If the answer to number one is “yes,” is there any prohibition against a superintendent, who previously retired from the state retirement system and is collecting Public Employees’ Retirement of Mississippi (“PERS”) benefits, receiving half of full pay without affecting his retirement benefits?

Brief Response

1. There is no statutory requirement that a school district superintendent work full time.
2. A school district superintendent may collect PERS benefits and be employed by a school district on a part-time basis as long as he or she complies with the requirements of Mississippi Code Annotated Section 25-11-127.

Applicable Law and Discussion

All public school districts are required to have a superintendent of schools. Miss. Code Ann. § 37-9-13. The superintendent is appointed by the school board and must meet certain licensing and experience requirements. *Id.* The responsibilities and powers of a superintendent include the requirement “[t]o keep his office open for the transaction of business upon the days and during the hours to be designated by the school board.” Miss. Code Ann. § 37-9-14(2)(n). However, there is no statutory requirement that a superintendent work full time. Superintendents are not employed

using the standard contract form prescribed by the Mississippi Board of Education for assistant superintendents, principals, and other licensed employees. *See* Miss. Code Ann. § 37-9-23. Additionally, while school districts must contract with licensed personnel for a minimum of 187 days, there is a general exception to that requirement that states “[l]icensed personnel may be employed for less than a full school year if the contract states the exact period of time for which the licensed person is to be employed.” Miss. Code Ann. § 37-9-24(2); *see* MS AG Op. *Griffin* at *1 (Feb. 6, 2015) (explaining that 187 days equates to a full school year). Accordingly, it is the opinion of this office that there is no statutory prohibition against a school district employing a superintendent on a part-time basis. Notably, opinions of this office are limited to prospective questions of state law. Miss. Code Ann. § 7-5-25. We do not opine on or interpret agency regulations. To the extent that any regulations of the Mississippi Board of Education may apply to your situation, we refer you to the Mississippi Board of Education for further guidance.

With respect to your second question, Section 25-11-127(4) allows someone in the state retirement system to be employed and draw retirement either:

(a) For a period of time not to exceed one-half ($\frac{1}{2}$) of the normal working days for the position in any fiscal year during which the retiree will receive no more than one-half ($\frac{1}{2}$) of the salary in effect for the position at the time of employment, or

(b) For a period of time in any fiscal year sufficient in length to permit a retiree to earn not in excess of twenty-five percent (25%) of retiree's average compensation.

Section 25-11-127(4) further provides:

To determine the normal working days for a position under paragraph (a) of this subsection, the employer shall determine the required number of working days for the position on a full-time basis and the equivalent number of hours representing the full-time position. The retiree then may work up to one-half ($\frac{1}{2}$) of the required number of working days or up to one-half ($\frac{1}{2}$) of the equivalent number of hours and receive up to one-half ($\frac{1}{2}$) of the salary for the position. In the case of employment with multiple employers, the limitation shall equal one-half ($\frac{1}{2}$) of the number of days or hours for a single full-time position.

Thus, a superintendent may collect PERS benefits and be employed by a school district on a part-time basis as long as he or she complies with the requirements of Section 25-11-127. For specific questions regarding how to calculate a superintendent's work hours or salary in accordance with this statute or any applicable regulations, we refer you to PERS.

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/ Beebe Garrard

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Beebe Garrard
Special Assistant Attorney General

OFFICIAL OPINION