

By: Frierson

To: Education;
Appropriations

HOUSE BILL NO. 1483

1 AN ACT TO CREATE NEW SECTIONS 37-4-13 THROUGH 37-4-17,
 2 MISSISSIPPI CODE OF 1972, TO TRANSFER RESPONSIBILITIES AND FUNDS
 3 FOR ALL WORKFORCE TRAINING PROGRAMS THAT PROVIDE POSTSECONDARY
 4 TRAINING SERVICES TO ADULTS CURRENTLY ADMINISTERED BY THE STATE
 5 DEPARTMENT OF EDUCATION TO THE STATE BOARD FOR COMMUNITY AND
 6 JUNIOR COLLEGES; TO AUTHORIZE THE STATE BOARD FOR COMMUNITY AND
 7 JUNIOR COLLEGES TO BE THE ADMINISTRATOR AT THE STATE LEVEL FOR ALL
 8 SUCH ADULT WORKFORCE TRAINING FUNDS; TO AMEND SECTIONS 37-3-25 AND
 9 37-31-205 THROUGH 37-31-211, MISSISSIPPI CODE OF 1972, IN
 10 CONFORMITY AND TO PRESCRIBE ACCOUNTABILITY MEASURES FOR VO-TECH
 11 PROGRAMS TO BE IMPLEMENTED BY THE STATE BOARD FOR COMMUNITY AND
 12 JUNIOR COLLEGES; AND FOR RELATED PURPOSES.

13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

14 SECTION 1. The following shall be codified as Section
 15 37-4-13, Mississippi Code of 1972:

16 37-4-13. In recognition of the differences in secondary and
 17 postsecondary vocational-technical education and in an effort to
 18 achieve maximum effectiveness for the delivery of both secondary
 19 and postsecondary vocational-technical education, it is determined
 20 by the Legislature that consolidating responsibility for
 21 postsecondary vocational-technical education under the authority
 22 of the State Board for Community and Junior Colleges and secondary
 23 vocational-technical education under the authority of the State
 24 Department of Education is in the best interest of the State of
 25 Mississippi. This action will enable the State Department of
 26 Education and secondary vocational-technical education programs to
 27 receive the maximum support and attention while in turn giving the
 28 community and junior colleges and the State Board for Community
 29 and Junior Colleges the opportunity to consolidate and streamline
 30 vocational-technical education and workforce development.

31 SECTION 2. The following shall be codified as Section

32 37-4-15, Mississippi Code of 1972:

33 37-4-15. (1) The following training programs and funds
34 shall be transferred to the State Board for Community and Junior
35 Colleges on July 1, 2000:

36 (a) Postsecondary vocational-technical funds and
37 programs administered by the State Department of Education before
38 July 1, 2000, including secondary programs operated by community
39 and junior colleges;

40 (b) Postsecondary Carl Perkins programs and funds
41 administered by the State Department of Education before July 1,
42 2000; and

43 (c) Postsecondary Tech Prep programs and funds
44 administered by the State Department of Education before July 1,
45 2000.

46 (2) (a) All powers, duties and functions of the State
47 Department of Education that are being exercised or performed by
48 the Division of Vocational Education on June 30, 2000, utilizing
49 funds from all sources for all postsecondary vocational-technical
50 education training funds, all postsecondary Tech Prep funds and
51 Carl Perkins funds, are transferred to the State Board for
52 Community and Junior Colleges on July 1, 2000. All records,
53 property and contractual rights and obligations of, and unexpended
54 balances of appropriations and any other allocations to, the State
55 Department of Education that relate to the powers, duties and
56 functions exercised or performed for such programs on June 30,
57 2000, shall be transferred to the State Board for Community and
58 Junior Colleges on July 1, 2000. The State Fiscal Officer shall
59 transfer to the State Board for Community and Junior Colleges all
60 funds that are allocated to the State Department of Education for
61 such programs, and such funds shall be used by the State Board for
62 Community and Junior Colleges under the same terms and conditions
63 as specified for those funds in the applicable appropriation bill.
64 Sufficient staff shall be transferred from the agencies which, by

65 virtue of this act, will have a reduction in training and
66 educational responsibilities, to the State Board for Community and
67 Junior Colleges to assure that those transferred responsibilities
68 shall be properly managed and administered. Determinations as to
69 which jobs shall be transferred shall be made by agreement between
70 the Executive Director of the State Board for Community and Junior
71 Colleges and the State Superintendent of Public Education.
72 Reassignments shall be created by the Legislature through the
73 agencies' appropriation bills. Authorized transition activities
74 may include, but are not limited to, the enhancement of the State
75 Board for Community and Junior Colleges to manage the additional
76 federal and state funds, budgeting, accounting, grant management,
77 property management, personnel, legal and/or other administrative
78 services. The State Department of Education shall retain
79 responsibility to manage the closeout of all grants relating to
80 postsecondary vocational-technical programs and postsecondary Carl
81 Perkins programs at the end of June 30, 2000, and may retain
82 sufficient grant funds to properly close-out those grant
83 activities. Upon closeout of such grants, any remaining funds
84 will be transferred to the State Board for Community and Junior
85 Colleges by the State Fiscal Officer. The State Department of
86 Education shall assist the State Board for Community and Junior
87 Colleges with the greatest degree of cooperation to carry out the
88 intent and purpose of this act and to accomplish an orderly
89 transition.

90 (b) The State Board for Community and Junior Colleges
91 shall enter into a contract with the State Department of Education
92 which clarifies that the State Department of Education will
93 continue to be the designated recipient of the Carl Perkins funds
94 at the state level and the funds will continue to be administered
95 and used in accordance with federal guidelines. The contract
96 shall specify that all Carl Perkins funds used for postsecondary
97 training, including secondary programs operated by the community

98 and junior colleges, and for other purposes will be transferred to
99 the State Board for Community and Junior Colleges and that the
100 State Board for Community and Junior Colleges shall have the
101 responsibility and authority to direct and oversee such programs
102 that may be financed with such funds.

103 SECTION 3. The following shall be codified as Section
104 37-4-17, Mississippi Code of 1972:

105 37-4-17. (1) The Legislature shall appropriate to the State
106 Board for Community and Junior Colleges those state funds to be
107 expended for postsecondary vocational-technical education,
108 including secondary programs operated by community and junior
109 colleges. The State Board for Community and Junior Colleges shall
110 set standards for, approve and expend funds for all postsecondary
111 vocational and technical education programs. The Executive
112 Director of the State Board for Community and Junior Colleges
113 shall be responsible to the board for the proper administration of
114 the programs of postsecondary vocational and technical education
115 in conformity with the policies adopted by the State Board for
116 Community and Junior Colleges and shall be responsible for
117 appointing any necessary employees to assist in carrying out those
118 programs.

119 (2) The State Board for Community and Junior Colleges may
120 cooperate with or enter into agreements with any agency, official,
121 educational institution or political subdivision of this state,
122 any agency or official of the government of the United States of
123 America, or any private person, firm, partnership or corporation
124 in order to carry out this section.

125 (3) The State Board for Community and Junior Colleges may
126 promulgate such rules and regulations as may be necessary to carry
127 out this section.

128 (4) To the maximum extent practicable, all programs
129 embracing an institutional training component shall be coordinated
130 with and complementary to the existing state public educational

131 systems and shall not be duplicative or competitive in nature to
132 such systems.

133 (5) The State Board for Community and Junior Colleges, the
134 State Department of Education, the board of trustees of any
135 community or junior college district, and the school board of any
136 school district shall cooperate in carrying out the provisions of
137 this act.

138 SECTION 4. Section 37-3-25, Mississippi Code of 1972, is
139 amended as follows:[LR1]

140 37-3-25. (1) The Director of the Division of Vocational and
141 Technical Education of the State Department of Education who shall
142 be an associate state superintendent of education shall be
143 appointed by the State Superintendent of Public Education. The
144 director's salary shall be set by the State Board of Education
145 subject to the approval of the State Personnel Board. His salary,
146 compensation, travel expenses or other expenses shall be provided
147 for out of any funds made available for such purpose by the
148 Legislature, the federal government, or other gifts or grants.
149 The director shall be responsible to the State Superintendent of
150 Public Education for the proper administration of the programs of
151 primary and secondary vocational and technical education in
152 conformity with the policies adopted by the State Board of
153 Education and shall be responsible for appointing any necessary
154 supervisors, assistants, and employees to assist in carrying out
155 the programs of primary and secondary vocational and technical
156 education. The director shall have the authority to employ,
157 compensate, terminate, promote, demote, transfer or reprimand
158 employees of the division. The salary and compensation of such
159 employees shall be subject to the rules and regulations adopted
160 and promulgated by the State Personnel Board as created under
161 Section 25-9-101 et seq.

162 (2) The Director of the Division of Vocational and Technical
163 Education, subject to the approval of the State Board of

164 Education, shall have charge of and be responsible for primary and
165 secondary vocational and technical education training in:
166 (a) Agriculture;
167 (b) Occupational and consumer home economics;
168 (c) Consumer and homemaking education;
169 (d) Trades and industry;
170 (e) Distributive education;
171 (f) Secondary adult education;
172 (g) Teacher training and supervision;
173 (h) Business and office;
174 (i) Health;
175 (j) Industrial arts;
176 (k) Guidance services;
177 (l) Secondary technical education;
178 (m) Cooperative education; and
179 (n) All other specialized primary and secondary
180 training * * *.

181 SECTION 5. Section 37-31-205, Mississippi Code of 1972, is
182 amended as follows:[LR2]

183 37-31-205. (1) The State Board of Education shall have the
184 authority to:

- 185 (a) Expend funds received either by appropriation or
186 directly from federal or private sources;
187 (b) Channel funds to secondary schools * * * according
188 to priorities set by the board;
189 (c) Allocate funds on an annual budgetary basis;
190 (d) Set standards for and approve all primary and
191 secondary vocational and technical education programs in the
192 public school system * * * or other agencies or institutions which
193 receive state funds and federal funds for such purposes,
194 including, but not limited to, the following primary and secondary
195 vocational and technical education programs: agriculture, trade
196 and industry, occupational home economics, consumer and homemaking

197 education, distributive education, business and office, health,
198 industrial arts, guidance services, secondary technical education,
199 cooperative education, * * * all other specialized primary and
200 secondary training * * *. The State Board of Education shall
201 authorize local school boards, within such school board's
202 discretion, to offer distributive education as a one-hour or
203 two-hour block course. There shall be no reduction of
204 reimbursements from state funding for distributive education due
205 to the selection of either the one-hour or two-hour course
206 offering;

207 (e) Set and publish certification standards for primary
208 and secondary vocational and technical education personnel;

209 (f) Require data and information on program performance
210 from those programs receiving state funds;

211 (g) Expend funds to expand career information;

212 (h) Supervise and maintain the division of vocational
213 and technical education and to utilize to the greatest extent
214 possible said division as the administrative unit of the board
215 responsible for coordinating programs and services with local
216 institutions;

217 (i) Promulgate such rules and regulations necessary to
218 carry out the provisions of this chapter in accordance with
219 Section 25-43-1 et seq.;

220 (j) Set standards and approve all primary and secondary
221 vocational and technical education equipment and facilities
222 purchased and/or leased with state and federal vocational funds;

223 (k) Encourage provisions for lifelong learning and
224 changing personal career preferences and advancement of vocational
225 and technical education students through articulated programs
226 between high schools and community/junior colleges;

227 (l) Encourage the establishment of new linkages with
228 business and industry which will provide for a better
229 understanding of essential labor market concepts; and

230 (m) Periodically review the funding and reporting
231 processes required of local school districts by the board or
232 division with the aim of simplifying or eliminating inefficient
233 practices and procedures.

234 * * *

235 (2) The State Board for Community and Junior Colleges shall
236 set standards for, approve and expend funds for all postsecondary
237 vocational and technical education programs and those secondary
238 vocational programs operated by community and junior
239 colleges. * * *

240 (3) The State Board of Education and the State Board for
241 Community and Junior Colleges may provide that beginning with the
242 1995-1996 school year, every vocational and technical education
243 course or program in Mississippi may integrate academic and
244 vocational-technical education through coherent sequences of
245 courses, so that students in such programs achieve both academic
246 and occupational competencies. The boards may expend federal
247 funds available from the 1990 Perkins Act, or other available
248 federal funds, for the alignment of vocational-technical programs
249 with academic programs through the accreditation process and the
250 teacher certification process. The State Board of Education and
251 the State Board for Community and Junior Colleges shall make a
252 joint report to the 1995 Regular Session of the Legislature to the
253 Senate and House Committees on Education regarding the various
254 methods or models of integrating academic and vocational-technical
255 courses and setting forth a specific state plan for the
256 integration or realignment of these programs in the secondary and
257 postsecondary schools for implementation in the 1996-1997 school
258 year.

259 SECTION 6. Section 37-31-207, Mississippi Code of 1972, is
260 amended as follows:

261 37-31-207. The State Board of Education shall have the
262 following duties:

- 263 (a) To seek the best available projections of
264 employment and occupations for Mississippians;
- 265 (b) To utilize these projections and other
266 considerations to set primary and secondary vocational and
267 technical education priorities;
- 268 (c) To utilize the services of all state agencies
269 having information regarding the purposes of this chapter;
- 270 (d) To cooperate with the State Board for Community and
271 Junior Colleges to prevent duplication and provide continuity of
272 employment and training services;
- 273 (e) To conduct evaluations of the success or failure of
274 primary and secondary vocational-technical programs, including the
275 extent to which training actually leads to jobs in the field in
276 which the student was trained;
- 277 (f) Obtain and publish data and information on program
278 performance from those primary and secondary vocational-technical
279 programs receiving state funds; and
- 280 (g) To notify local school districts * * * prior to
281 March 1 annually of any discontinuation of ongoing vocational
282 programs which would affect the renewing of contracts with
283 vocational personnel.

284 SECTION 7. Section 37-31-209, Mississippi Code of 1972, is
285 amended as follows:

286 37-31-209. (1) Any advisory council, other than the special
287 management advisory board, serving the board shall include five
288 (5) members who are presidents of public community/junior colleges
289 located in the State of Mississippi, and three (3) members who are
290 superintendents of education of a countywide, municipal separate
291 or consolidated school district.

292 (2) In addition to any other requirements of law, it is made
293 the duty of the advisory council and it is hereby granted the
294 authority to:

- 295 (a) Advise the State Board of Education in the

296 development of comprehensive policies and programs for the
297 improvement of primary and secondary vocational-technical
298 education in the state;

299 (b) Assist in the formulation of rules, regulations and
300 standards relating to primary and secondary vocational-technical
301 education programs by submitting written recommendations prior to
302 their adoption and promulgation by the board; and

303 (c) Assist in the promotion of public understanding of
304 the purposes, policies and practices regarding primary and
305 secondary vocational-technical education in this state.

306 (3) The additional members of the advisory council may meet
307 with the board in a nonvoting capacity at regular meetings of the
308 board when the board is not in executive session.

309 (4) The additional members required by this section shall be
310 reimbursed for their expenses in the same manner and from the same
311 source as other members.

312 SECTION 8. Section 37-31-211, Mississippi Code of 1972, is
313 amended as follows:

314 37-31-211. (1) The Legislature shall appropriate to the
315 State Board of Education those state funds to be expended by the
316 board through the Division of Vocational and Technical Education
317 of the State Department of Education for primary and secondary
318 vocational-technical education.

319 (2) The Legislature shall appropriate to the State Board for
320 Community and Junior Colleges those state funds to be expended for
321 postsecondary vocational-technical education and those secondary
322 centers operated by community and junior colleges.

323 (3) That portion of the funds expended for workforce
324 education and postsecondary vocational-technical education at
325 Mississippi State University's Research and Curriculum unit shall
326 be specifically appropriated to the State Board for Community and
327 Junior Colleges to provide this service to the community and
328 junior colleges for workforce education and postsecondary

329 vocational-technical education.

330 (4) The State Board for Community and Junior Colleges shall
331 develop accountability standards that will include, in part, the
332 following items:

333 (a) The State Board for Community and Junior Colleges
334 shall develop a formula for the distribution of
335 vocational-technical funds for equipment to the local community
336 and junior colleges;

337 (b) The State Board for Community and Junior Colleges
338 shall develop guidelines for vocational-technical instructors,
339 professional staff and administrator qualifications. These
340 guidelines shall be in accordance with Southern Association of
341 Colleges and Schools criteria;

342 (c) The State Board for Community and Junior Colleges,
343 in conjunction with the State Department of Education, shall
344 develop an articulation agreement for secondary vocational
345 students matriculating into postsecondary vocational-technical
346 programs;

347 (d) Each of the fifteen (15) Mississippi community
348 colleges are governed by local boards, and these boards have
349 legislative authority to govern vocational-technical programs. In
350 addition, each of the community and junior colleges are accredited
351 by the Southern Association of Colleges and Schools, an
352 accrediting agency that has rigorous accountability standards.

353 (5) The State Board for Community and Junior Colleges, with
354 the Mississippi Association of Community/Junior Colleges, shall
355 include, but not be limited to, developing accountability
356 standards for implementation of on-going operations of
357 vocational-technical education programs. Measures of
358 accountability with program outcome intent are:

359 (a) Where applicable, national or state-developed
360 assessment instruments will measure student achievement and
361 program outcome;

362 (b) Program advisory committees composed of labor,
363 management and current and perspective employers will be a vital
364 part of the curriculum development and on-going modification;

365 (c) Employer satisfaction with education in
366 postsecondary vocational-technical programs will be evaluated and
367 recorded for public review;

368 (d) Support from alumni will be solicited, encouraged
369 and sought to promote quality and public awareness of programs;

370 (e) Positive placement rate of students who complete
371 postsecondary vocational-technical programs will be a necessary
372 element for program continuation;

373 (f) Student retention in postsecondary
374 vocational-technical programs shall be measured by a sufficient
375 number of students completing and passing all levels of
376 instruction in any individual program;

377 (g) Related studies in education for postsecondary
378 vocational-technical students will support students needing
379 developmental help for successful completion of their career
380 objective;

381 (h) Each individual institution will be accountable for
382 providing administrative support to effectively operate programs;

383 (i) Counselors will be available to help in student
384 placement and appropriate career choices;

385 (j) Average enrollment per full-time equivalent (FTE)
386 teacher unit for postsecondary occupational programs should be
387 evaluated to address labor demand for the service area of each
388 individual community college;

389 (k) A comprehensive safety and health plan is
390 implemented to ensure safe working conditions and practice in the
391 postsecondary vocational-technical labs; included shall be
392 adequate facilities and equipment to house and provide quality
393 instruction for the number of students enrolled in such programs;

394 (l) Program completers are placed in a field related to

395 their training. In addition, continuing education is to be
396 provided in a related field;

397 (m) Adequate numbers of individuals are educated in
398 postsecondary vocational-technical education and workforce
399 education;

400 (n) Each community or junior college will be
401 responsible for submitting an annual report card to the State
402 Board for Community and Junior Colleges.

403 SECTION 9. This act shall take effect and be in force from
404 and after July 1, 2000.