

By: Senator(s) Harden

To: Education;
Appropriations

SENATE BILL NO. 2229
(As Passed the Senate)

1 AN ACT TO AMEND SECTION 37-9-77, MISSISSIPPI CODE OF 1972, TO
2 EXTEND THE AUTOMATIC REPEALER ON THE SCHOOL ADMINISTRATOR
3 SABBATICAL LEAVE PROGRAM; AND FOR RELATED PURPOSES.

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

5 SECTION 1. Section 37-9-77, Mississippi Code of 1972, is
6 amended as follows:

7 37-9-77. (1) There is established the Mississippi School
8 Administrator Sabbatical Program which shall be available to
9 licensed teachers employed in Mississippi school districts for not
10 less than three (3) years, for the purpose of allowing such
11 teachers to become local school district administrators under the
12 conditions set forth in this section. The State Board of
13 Education, in coordination with the Board of Trustees of State
14 Institutions of Higher Learning, shall develop guidelines for the
15 program. Application shall be made to the State Department of
16 Education for the Mississippi School Administrator Sabbatical
17 Program by qualified teachers meeting the criteria for a
18 department-approved administration program and who have been
19 recommended by the local school board. Administration programs
20 that are eligible for the administrator sabbatical program shall
21 be limited to those that have been approved by the department by
22 the January 1 preceding the date of admission to the program.
23 Admission into the program shall authorize the applicant to take
24 university course work and training leading to an administrator's
25 license.

26 (2) The salaries of the teachers approved for participation
27 in the administrator sabbatical program shall be paid by the

28 employing school district from nonminimum education program funds.
29 However, the State Department of Education shall reimburse the
30 employing school districts for the cost of the salaries and paid
31 fringe benefits of teachers participating in the administrator
32 sabbatical program for one (1) contract year. Reimbursement shall
33 be made in accordance with the then current minimum education
34 program salary schedule under Section 37-19-7, except that the
35 maximum amount of the reimbursement from state funds shall not
36 exceed the minimum education program salary for a teacher holding
37 a Class A license and having five (5) years' experience. The
38 local school district shall be responsible for that portion of a
39 participating teacher's salary attributable to the local
40 supplement and for any portion of the teacher's salary that
41 exceeds the maximum amount allowed for reimbursement from state
42 funds as provided in this subsection, and the school board may not
43 reduce the local supplement payable to that teacher. Any
44 reimbursements made by the State Department of Education to local
45 school districts under this section shall be subject to available
46 appropriations and may be made only to school districts determined
47 by the State Board of Education as being in need of
48 administrators.

49 (3) Such teachers participating in the program on a
50 full-time basis shall continue to receive teaching experience and
51 shall receive the salary prescribed in Section 37-19-7, including
52 the annual experience increments. Such participants shall be
53 fully eligible to continue participation in the Public Employees
54 Retirement System and the Public School Employees Health Insurance
55 Plan during the time they are in the program on a full-time basis.

56 (4) As a condition for participation in the School
57 Administrator Sabbatical Program, such teachers shall agree to
58 employment as administrators in the sponsoring school district for
59 not less than five (5) years following completion of administrator
60 licensure requirements. Any person failing to comply with this

61 employment commitment in any required school year, unless the
62 commitment is deferred as provided in subsection (5) of this
63 section, shall immediately be in breach of contract and become
64 liable to the State Department of Education for that amount of his
65 salary and paid fringe benefits paid by the state while the
66 teacher was on sabbatical, less twenty percent (20%) of the amount
67 of his salary and paid fringe benefits paid by the state for each
68 year that the person was employed as an administrator following
69 completion of the administrator licensure requirements. In
70 addition, the person shall become liable to the local school
71 district for any portion of his salary and paid fringe benefits
72 paid by the local school district while the teacher was on
73 sabbatical that is attributable to the local salary supplement or
74 is attributable to the amount that exceeds the maximum amount
75 allowed for reimbursement from state funds as provided in
76 subsection (2) of this section, less twenty percent (20%) of the
77 amount of his salary and paid fringe benefits paid by the school
78 district for each year that the person was employed as an
79 administrator following completion of the administrator licensure
80 requirements. Interest on the amount due shall accrue at the
81 current Stafford Loan rate at the time the breach occurs. If the
82 claim for repayment of such salary and fringe benefits is placed
83 in the hands of an attorney for collection after default, then the
84 obligor shall be liable for an additional amount equal to a
85 reasonable attorney's fee.

86 (5) If there is not an administrator position immediately
87 available in the sponsoring school district after a person has
88 completed the administrator licensure requirements, or if the
89 administrator position in the sponsoring school district in which
90 the person is employed is no longer needed before the completion
91 of the five-year employment commitment, the local school board
92 shall defer any part of the employment commitment that has not
93 been met until such time as an administrator position becomes

94 available in the sponsoring school district. If such a deferral
95 is made, the sponsoring school district shall employ the person as
96 a teacher in the school district during the period of deferral,
97 unless the person desires to be released from employment by the
98 sponsoring school district and the district agrees to release the
99 person from employment. If the sponsoring school district
100 releases a person from employment, that person may be employed as
101 an administrator in another school district in the state that is
102 in need of administrators as determined by the State Board of
103 Education, and that employment for the other school district shall
104 be applied to any remaining portion of the five-year employment
105 commitment required under this section. Nothing in this
106 subsection shall prevent a school district from not renewing the
107 person's contract before the end of the five-year employment
108 commitment in accordance with the School Employment Procedures Law
109 (Section 37-9-101 et seq.). However, if the person is not
110 employed as an administrator by another school district after
111 being released by the sponsoring school district, or after his
112 contract was not renewed by the sponsoring school district, he
113 shall be liable for repayment of the amount of his salary and
114 fringe benefits as provided in subsection (4) of this section.

115 (6) All funds received by the State Department of Education
116 from the repayment of salary and fringe benefits paid by the state
117 from program participants shall be deposited in the Mississippi
118 Critical Teacher Shortage Fund.

119 (7) This section shall stand repealed from and after July 1,
120 2004.

121 SECTION 2. This act shall take effect and be in force from
122 and after June 30, 2001.