MISSISSIPPI LEGISLATURE
REGULAR SESSION 2002

By: Representative Hines
To: Juvenile Justice; Appropriations

HOUSE BILL NO. 973

AN ACT TO REQUIRE THAT EACH JUVENILE DETENTION CENTER IN THE
STATE SHALL HAVE AT LEAST ONE CERTIFIED TEACHER WHO SHALL SERVE
UNDER THE SUPERVISION OF THE LOCAL SCHOOL SYSTEM; TO AMEND SECTION
19-5-101, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE BOARD OF
SUPERVISORS OF EACH COUNTY MAY EXPEND FUNDS FROM THE COUNTY
GENERAL FUND TO MATCH FUNDS SPENT BY THE PUBLIC SCHOOL SYSTEM TO
PAY THE SALARIES OF THE TEACHERS AT THE JUVENILE DETENTION CENTERS
LOCATED IN THE COUNTY; TO AMEND SECTION 37-9-14, MISSISSIPPI CODE
OF 1972, TO PROVIDE THAT THE SUPERINTENDENT OF SCHOOLS MAY EXPEND
THE DISTRICT SCHOOL FUNDS FOR HIS SCHOOL DISTRICT TO MATCH THE
COUNTY'S PORTION OF THE SALARIES PAID TO TEACHERS IN THE JUVENILE
DETENTION CENTERS IN THE SCHOOL DISTRICT; AND FOR RELATED
PURPOSES.

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

SECTION 1. Each juvenile detention center in the state shall
have at least one (1) teacher who holds a professional teaching
certificate issued by the State Board of Education in accordance
with Section 37-9-1 et seq. Such teacher or teachers shall serve
under the supervision of the local school system and may be
employees of the school system. The salaries of such teachers
shall be shared by the public school system and the county in
which the juvenile detention center is located.

SECTION 2. Section 19-5-101, Mississippi Code of 1972, is
amended as follows:

19-5-101. The board of supervisors of each county shall have
the power to expend monies from the county general fund to match
any other funds for the purpose of establishing juvenile
residential treatment centers including, but not limited to,
treatment centers and halfway houses. The board of supervisors of
each county may expend monies from the county general fund to
match funds spent by the public school system to pay the salaries
of the teachers at the juvenile detention centers located in the
county in accordance with Section 1 of House Bill No.____, 2002

Regular Session.

SECTION 3. Section 37-9-14, Mississippi Code of 1972, is amended as follows:

37-9-14. (1) It shall be the duty of the superintendent of schools to administer the schools within his district and to implement the decisions of the school board.

(2) In addition to all other powers, authority and duties imposed or granted by law, the superintendent of schools shall have the following powers, authority and duties:

(a) To enter into contracts in the manner provided by law with each assistant superintendent, principal and teacher of the public schools, or teachers in juvenile detention centers as provided in Section 1 of House Bill No.____, 2002 Regular Session, under his supervision, after such assistant superintendent, principal and teachers have been selected and approved in the manner provided by law.

(b) To enforce in the public schools of the school district the courses of study provided by law or the rules and regulations of the State Board of Education, and to comply with the law with reference to the use and distribution of free textbooks.

(c) To administer oaths in all cases to persons testifying before him relative to disputes relating to the schools submitted to him for determination, and to take testimony in such cases as provided by law.

(d) To examine the monthly and annual reports submitted to him by principals and teachers for the purpose of determining and verifying the accuracy thereof.

(e) To preserve all reports of superintendents, principals, teachers and other school officers, and to deliver to his successor or clerk of the board of supervisors all money, property, books, effects and papers.
(f) To prepare and keep in his office a map or maps showing the territory embraced in his school district, to furnish the county assessor with a copy of such map or maps, and to revise and correct same from time to time as changes in or alterations of school districts may necessitate.

(g) To keep an accurate record of the names of all of the members of the school board showing the districts for which each was elected or appointed, the post office address of each, and the date of the expiration of his term of office. All official correspondence shall be addressed to the school board, and notice to such members shall be regarded as notice to the residents of the district, and it shall be the duty of the members to notify such residents.

(h) To deliver in proper time to the assistant superintendents, principals, teachers and board members such forms, records and other supplies which will be needed during the school year as provided by law or any applicable rules and regulations, and to give to such individuals such information with regard to their duties as may be required.

(i) To make to the school board reports for each scholastic month in such form as the school board may require.

(j) To distribute promptly all reports, letters, forms, circulars and instructions which he may receive for the use of school officials.

(k) To keep on file and preserve in his office all appropriate information concerning the affairs of the school district.

(l) To visit the schools of his school district in his discretion, and to require the assistant superintendents, principals and teachers thereof to perform their duties as prescribed by law.
(m) To observe such instructions and regulations as the school board and other public officials may prescribe, and to make special reports to these officers whenever required.

(n) To keep his office open for the transaction of business upon the days and during the hours to be designated by the school board.

(o) To make such reports as are required by the State Board of Education.

(p) To make an enumeration of educable children in his school district as prescribed by law.

(q) To keep in his office and carefully preserve the public school record provided, to enter therein the proceedings of the school board and his decision upon cases and his other official acts, to record therein the data required from the monthly and term reports of principals and teachers, and from the summaries of records thus kept.

(r) To delegate student disciplinary matters to appropriate school personnel.

(s) To make assignments to the various schools in the district of all noninstructional and nonlicensed employees and all licensed employees, as provided in Sections 37-9-15 and 37-9-17, and to make reassignments of such employees from time to time; however, a reassignment of a licensed employee may only be to an area in which the employee has a valid license issued by the State Department of Education. Upon request from any employee transferred, such assignment shall be subject to review by the school board.

(t) To employ substitutes for licensed employees, regardless of whether or not such substitute holds the proper license, subject to such reasonable rules and regulations as may be adopted by the State Board of Education.
(u) To comply in a timely manner with the compulsory education reporting requirements prescribed in Section 37-13-91(6).

(v) To perform such other duties as may be required of him by law.

(w) To notify, in writing, the parent, guardian or custodian, the youth court and local law enforcement of any expulsion of a student for criminal activity as defined in Section 37-11-92.

(x) To notify the youth court and local law enforcement agencies, by affidavit, of the occurrence of any crime committed by a student or students upon school property or during any school-related activity, regardless of location and the identity of the student or students committing the crime.

(y) To employ and dismiss noninstructional and nonlicensed employees as provided by law.

(3) All funds to the credit of a school district shall be paid out on pay certificates issued by the superintendent upon order of the school board of the school district properly entered upon the minutes thereof, and all such orders shall be supported by properly itemized invoices from the vendors covering the materials and supplies purchased. All such orders and the itemized invoices supporting same shall be filed as a public record in the office of the superintendent for a period of five years. The superintendent shall be liable upon his official bond for the amount of any pay certificate issued in violation of the provisions of this section. The school board shall have the power and authority to direct and cause warrants to be issued against such district funds for the purpose of refunding any amount of taxes erroneously or illegally paid into such fund when such refund has been approved in the manner provided by law.

(4) The superintendent of schools shall be special accounting officer and treasurer with respect to any and all
district school funds for his school district. He or his designee
shall issue all warrants without the necessity of registration
thereof by the chancery clerk. Transactions with the depositaries
and with the various tax collecting agencies which involve school
funds for such school district shall be with the superintendent of
schools, or his designee. He may expend the district school funds
to match the county's portion of the salaries paid to teachers in
juvenile detention centers in the school district in accordance
with Section 19-5-101.

(5) The superintendent of schools will have no
responsibility with regard to agricultural high school and junior
college funds.

All agricultural high school and junior college funds shall
be handled and expended in the manner provided for in Sections

(6) It shall be the duty of the superintendent of schools to
keep and preserve the minutes of the proceedings of the school
board.

(7) The superintendent of schools shall maintain as a record
in his office a book or a computer printout in which he shall
enter all demands, claims and accounts paid from any funds of the
school district. The record shall be in a form to be prescribed
by the State Auditor. All demands, claims and accounts filed
shall be preserved by the superintendent of schools as a public
record for a period of five (5) years. All claims found by the
school board to be illegal shall be rejected or disallowed. All
claims which are found to be legal and proper shall be allowed and
ratified as paid by the superintendent of schools. All claims as
to which a continuance is requested by the claimant and those
found to be defective but which may be perfected by amendment
shall be continued. The superintendent of schools shall issue a
pay certificate against any legal and proper fund of the school
district in favor of the claimant in payment of claims. The
provisions of this section, however, shall not be applicable to
the payment of teachers' salaries, salaries of drivers of publicly
owned school buses, travel advances, amounts due private
contractors or other obligations where the amount thereof has been
previously approved by a contract or by an order of the school
board entered upon its minutes, or by inclusion in the current
fiscal year budget, and all such amounts may be paid by the
superintendent of schools by pay certificates issued by him
against the legal and proper fund without allowance of a specific
claim therefor as provided in this section, provided that the
payment thereof is otherwise in conformity with law.

SECTION 4. This act shall take effect and be in force from
and after July 1, 2002.