

By: Representative Warren

To: Education;
Appropriations

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 744

1 AN ACT TO AMEND SECTIONS 37-3-93, 37-4-11, 37-9-77,
2 37-11-18.1, 37-11-54 AND 37-15-1, MISSISSIPPI CODE OF 1972, TO
3 EXTEND THE AUTOMATIC REPEALERS ON THOSE STATUTES PROVIDING FOR THE
4 SCHOOL CRISIS MANAGEMENT PROGRAM, THE TRANSFER OF INDUSTRIAL
5 TRAINING AND ADULT SHORT-TERM TRAINING PROGRAMS TO THE STATE BOARD
6 FOR COMMUNITY AND JUNIOR COLLEGES, THE SCHOOL ADMINISTRATOR
7 SABBATICAL LEAVE PROGRAM, THE EXPULSION AUTHORITY FOR HABITUALLY
8 DISRUPTIVE STUDENTS, THE CONFLICT RESOLUTION-PEER MEDIATION
9 CURRICULA REQUIREMENT AND THE EVIDENCE OF DATE OF BIRTH FOR
10 ENROLLMENT IN KINDERGARTEN OR GRADE 1; AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** Section 37-3-93, Mississippi Code of 1972, is
13 amended as follows:

14 37-3-93. (1) Subject to the availability of funding
15 specifically appropriated for such purpose, there is established a
16 School Crisis Management Program under the State Department of
17 Education. This program is to be initiated and executed by the
18 department using only existing staff and resources. Under this
19 program, the State Department of Education shall create an office
20 making available a quick response team of personnel trained in
21 school safety and crisis management to respond to traumatic or
22 violent situations that impact students and faculty in the public
23 schools in Mississippi. The School Crisis Management Program
24 shall operate in accordance with the following:

25 (a) The basic response team shall consist of those
26 personnel designated by the State Superintendent of Public
27 Education, or their designees, depending on the size of the school
28 and the nature of the event.

29 (b) In order to access the services of a response team,
30 the request must be made by the local school principal or the



31 superintendent of schools, who shall make the request to the State
32 Department of Education or its contact designee.

33 (c) A response team shall enter a school to work with
34 students and faculty for a period of no more than three (3) days,
35 unless otherwise requested by the school district.

36 (d) The State Department of Education, or its designee,
37 shall operate a toll-free incoming wide area telephone service for
38 the purpose of receiving reports of suspected cases of school
39 violence and other traumatic situations impacting on students and
40 faculty in the public schools.

41 (e) The request made by a school district to access the
42 services of a response team following a school safety incident may
43 seek a review of the local school district's safety plan, and the
44 results of this evaluation may be published by the local school
45 board in a newspaper with wide circulation in the district.

46 (f) Subject to the availability of funds specifically
47 appropriated therefor by the Legislature, the expenses of the
48 quick response teams and their administrative support shall be
49 provided from state funds. The State Department of Education may
50 apply for and expend funds for the support and maintenance of this
51 program from private and other funding sources.

52 (2) Local school districts, school superintendents and
53 principals may request and utilize the services of quick response
54 teams provided for under this section; however, this section does
55 not require school officials to request the services of quick
56 response teams.

57 (3) This section shall be repealed on July 1, 2007.

58 **SECTION 2.** Section 37-4-11, Mississippi Code of 1972, is
59 amended as follows:

60 37-4-11. (1) The purpose of this section is to insure the
61 uniform management, oversight and accountability of the
62 state-funded Industrial Training Programs, and postsecondary Adult
63 Short-Term Training Programs and Workforce Education Programs



64 administered by the State Board for Community and Junior Colleges
65 for adults provided to the citizens of Mississippi.

66 (2) Effective July 1, 1999, all state-funded Industrial
67 Training Programs and postsecondary Adult Short-term Training
68 Programs administered by and through the State Department of
69 Education on June 30, 1999, shall be transferred to the Workforce
70 Education Program of the State Board for Community and Junior
71 Colleges. The Legislature shall appropriate annually to the State
72 Board for Community and Junior Colleges funds necessary to
73 administer these programs.

74 (3) Effective July 1, 1999, all funds, unexpended balances,
75 assets, liabilities and property of the State Department of
76 Education which are used in the delivery of postsecondary Adult
77 Short-term Training Programs and Industrial Training Programs,
78 excluding funds, unexpended balances, assets, liabilities and
79 property associated with the Research and Curriculum Unit at
80 Mississippi State University, shall be transferred to the
81 Workforce Education Program funds of the State Board for Community
82 and Junior Colleges. The State Department of Education also shall
83 transfer to the State Board for Community and Junior Colleges all
84 positions and funds employed by the State Department of Education
85 and community colleges which render industrial training,
86 postsecondary adult short-term training or workforce education
87 services, including the seven (7) administrative and support
88 positions providing support to these programs. Sufficient staff
89 positions shall be transferred from the State Department of
90 Education, which will have a reduction in training and educational
91 responsibilities by virtue of this act, to the State Board for
92 Community and Junior Colleges to assure that the transferred
93 responsibilities will be properly managed and administered. Any
94 funds available to the State Department of Education for
95 Industrial Training Programs and state-funded postsecondary Adult
96 Short-term Training Programs which are subject to carryover shall



97 be transferred to the Work Force Carryover Fund established by
98 Chapter 498, Laws of 1995, for use by the State Board for
99 Community and Junior Colleges, on or before August 15, 1999.

100 (4) The State Board for Community and Junior Colleges shall
101 develop an accountability system that shall report and describe
102 all classes taught in the area of workforce education, the number
103 of persons taught in these classes, and the location and cost of
104 each class taught. To assess the impact of these programs, the
105 State Board for Community and Junior Colleges also shall report:

106 (a) Whether the needs of industry have been met through
107 training program offerings;

108 (b) Any changes in the income of trainees between the
109 completion of training and the date of the report;

110 (c) The number of jobs created and the number of jobs
111 retained through the programs; and

112 (d) Trainee success in passing proficiency tests, where
113 applicable.

114 This information shall be reported on a fiscal year basis and
115 shall be provided to the House and Senate Education Committees
116 before December 15 of each year.

117 (5) This section shall be repealed on July 1, 2007.

118 **SECTION 3.** Section 37-9-77, Mississippi Code of 1972, is
119 amended as follows:

120 37-9-77. (1) There is established the Mississippi School
121 Administrator Sabbatical Program which shall be available to
122 licensed teachers employed in Mississippi school districts for not
123 less than three (3) years, for the purpose of allowing such
124 teachers to become local school district administrators under the
125 conditions set forth in this section. The State Board of
126 Education, in coordination with the Board of Trustees of State
127 Institutions of Higher Learning, shall develop guidelines for the
128 program. Application shall be made to the State Department of
129 Education for the Mississippi School Administrator Sabbatical



130 Program by qualified teachers meeting the criteria for a
131 department-approved administration program and who have been
132 recommended by the local school board. Administration programs
133 that are eligible for the administrator sabbatical program shall
134 be limited to those that have been approved by the department by
135 the January 1 preceding the date of admission to the program.
136 Admission into the program shall authorize the applicant to take
137 university course work and training leading to an administrator's
138 license.

139 (2) The salaries of the teachers approved for participation
140 in the administrator sabbatical program shall be paid by the
141 employing school district from nonminimum education program funds.
142 However, the State Department of Education shall reimburse the
143 employing school districts for the cost of the salaries and paid
144 fringe benefits of teachers participating in the administrator
145 sabbatical program for one (1) contract year. Reimbursement shall
146 be made in accordance with the then current minimum education
147 program salary schedule under Section 37-19-7, except that the
148 maximum amount of the reimbursement from state funds shall not
149 exceed the minimum education program salary for a teacher holding
150 a Class A license and having five (5) years' experience. The
151 local school district shall be responsible for that portion of a
152 participating teacher's salary attributable to the local
153 supplement and for any portion of the teacher's salary that
154 exceeds the maximum amount allowed for reimbursement from state
155 funds as provided in this subsection, and the school board may not
156 reduce the local supplement payable to that teacher. Any
157 reimbursements made by the State Department of Education to local
158 school districts under this section shall be subject to available
159 appropriations and may be made only to school districts determined
160 by the State Board of Education as being in need of
161 administrators.



162 (3) Such teachers participating in the program on a
163 full-time basis shall continue to receive teaching experience and
164 shall receive the salary prescribed in Section 37-19-7, including
165 the annual experience increments. Such participants shall be
166 fully eligible to continue participation in the Public Employees'
167 Retirement System and the Public School Employees Health Insurance
168 Plan during the time they are in the program on a full-time basis.

169 (4) As a condition for participation in the School
170 Administrator Sabbatical Program, such teachers shall agree to
171 employment as administrators in the sponsoring school district for
172 not less than five (5) years following completion of administrator
173 licensure requirements. Any person failing to comply with this
174 employment commitment in any required school year, unless the
175 commitment is deferred as provided in subsection (5) of this
176 section, shall immediately be in breach of contract and become
177 liable to the State Department of Education for that amount of his
178 salary and paid fringe benefits paid by the state while the
179 teacher was on sabbatical, less twenty percent (20%) of the amount
180 of his salary and paid fringe benefits paid by the state for each
181 year that the person was employed as an administrator following
182 completion of the administrator licensure requirements. In
183 addition, the person shall become liable to the local school
184 district for any portion of his salary and paid fringe benefits
185 paid by the local school district while the teacher was on
186 sabbatical that is attributable to the local salary supplement or
187 is attributable to the amount that exceeds the maximum amount
188 allowed for reimbursement from state funds as provided in
189 subsection (2) of this section, less twenty percent (20%) of the
190 amount of his salary and paid fringe benefits paid by the school
191 district for each year that the person was employed as an
192 administrator following completion of the administrator licensure
193 requirements. Interest on the amount due shall accrue at the
194 current Stafford Loan rate at the time the breach occurs. If the



195 claim for repayment of such salary and fringe benefits is placed
196 in the hands of an attorney for collection after default, then the
197 obligor shall be liable for an additional amount equal to a
198 reasonable attorney's fee.

199 (5) If there is not an administrator position immediately
200 available in the sponsoring school district after a person has
201 completed the administrator licensure requirements, or if the
202 administrator position in the sponsoring school district in which
203 the person is employed is no longer needed before the completion
204 of the five-year employment commitment, the local school board
205 shall defer any part of the employment commitment that has not
206 been met until such time as an administrator position becomes
207 available in the sponsoring school district. If such a deferral
208 is made, the sponsoring school district shall employ the person as
209 a teacher in the school district during the period of deferral,
210 unless the person desires to be released from employment by the
211 sponsoring school district and the district agrees to release the
212 person from employment. If the sponsoring school district
213 releases a person from employment, that person may be employed as
214 an administrator in another school district in the state that is
215 in need of administrators as determined by the State Board of
216 Education, and that employment for the other school district shall
217 be applied to any remaining portion of the five-year employment
218 commitment required under this section. Nothing in this
219 subsection shall prevent a school district from not renewing the
220 person's contract before the end of the five-year employment
221 commitment in accordance with the School Employment Procedures Law
222 (Section 37-9-101 et seq.). However, if the person is not
223 employed as an administrator by another school district after
224 being released by the sponsoring school district, or after his
225 contract was not renewed by the sponsoring school district, he
226 shall be liable for repayment of the amount of his salary and
227 fringe benefits as provided in subsection (4) of this section.



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

232 (7) This section shall stand repealed on July 1, 2007.

233 **SECTION 4.** Section 37-11-18.1, Mississippi Code of 1972, is
234 amended as follows:

235 37-11-18.1. (1) For the purposes of this section:

236 (a) The term "disruptive behavior" means conduct of a
237 student that is so unruly, disruptive or abusive that it seriously
238 interferes with a school teacher's or school administrator's
239 ability to communicate with the students in a classroom, with a
240 student's ability to learn, or with the operation of a school or
241 school-related activity, and which is not covered by other laws
242 related to violence or possession of weapons or controlled
243 substances on school property, school vehicles or at
244 school-related activities. Such behaviors include, but are not
245 limited to: foul, profane, obscene, threatening, defiant or
246 abusive language or action toward teachers or other school
247 employees; defiance, ridicule or verbal attack of a teacher; and
248 willful, deliberate and overt acts of disobedience of the
249 directions of a teacher; and

250 (b) The term "habitually disruptive" refers to such
251 actions of a student which cause disruption in a classroom, on
252 school property or vehicles or at a school-related activity on
253 more than two (2) occasions during a school year, and to
254 disruptive behavior that was initiated, willful and overt on the
255 part of the student and which required the attention of school
256 personnel to deal with the disruption. However, no student shall
257 be considered to be habitually disruptive before the development
258 of a behavior modification plan for the student in accordance with
259 the code of student conduct and discipline plans of the school
260 district.



261 (2) Any student who is thirteen (13) years of age or older
262 for whom a behavior modification plan is developed by the school
263 principal, reporting teacher and student's parent and which
264 student does not comply with the plan shall be deemed habitually
265 disruptive and subject to automatic expulsion on the occurrence of
266 the third act of disruptive behavior during a school year. After
267 the second act of disruptive behavior during a school year by a
268 student who is younger than thirteen (13) years of age, a
269 psychological evaluation shall be performed upon the child.

270 (3) This section shall be repealed on July 1, 2007.

271 **SECTION 5.** Section 37-11-54, Mississippi Code of 1972, is
272 amended as follows:

273 37-11-54. The State Board of Education, using only existing
274 staff and resources, shall develop a list of recommended conflict
275 resolution and mediation materials, models and curricula that
276 address responsible decision making, the causes and effects of
277 school violence and harassment, cultural diversity, and nonviolent
278 methods for resolving conflict, including peer mediation, and
279 shall make the list available to local school administrative units
280 and school buildings before the beginning of the 2002-2003 school
281 year. However, no monies from the Temporary Assistance for Needy
282 Families grant may be used for developing this list. In
283 developing this list, the board shall emphasize materials, models
284 and curricula that currently are being used in Mississippi and
285 which the board determines to be effective. The board shall
286 include at least one (1) model that includes instruction and
287 guidance for the voluntary implementation of peer mediation
288 programs and one (1) model that provides instruction and guidance
289 for teachers concerning the integration of conflict resolution and
290 mediation lessons into the existing classroom curriculum.

291 This section shall be repealed on July 1, 2007.

292 **SECTION 6.** Section 37-15-1, Mississippi Code of 1972, is
293 amended as follows:



294 37-15-1. The State Board of Education shall prepare and
295 provide necessary forms for keeping permanent records and
296 cumulative folders for each pupil in the public schools of the
297 state. In the permanent record and cumulative folders, the
298 teachers and principals shall keep information concerning the
299 pupil's date of birth, as verified by the documentation authorized
300 in this section, record of attendance, grades and withdrawal from
301 the school, including the date of any expulsion from the school
302 system and a description of the student's act or behavior
303 resulting in the expulsion. The records also shall contain
304 information pertaining to immunization and such other information
305 as the State Board of Education may prescribe. The cumulative
306 folder, in addition to that information maintained in the
307 permanent records, also shall contain such other information as
308 the State Board of Education shall prescribe. It shall be the
309 responsibility of the person in charge of each school to enforce
310 the requirement for evidence of the age of each pupil before
311 enrollment. If the first prescribed evidence is not available,
312 the next evidence obtainable in the order set forth below shall be
313 accepted:

314 (a) A certified birth certificate;

315 (b) A duly attested transcript of a certificate of
316 baptism showing the date of birth and place of baptism of the
317 child, accompanied by an affidavit sworn to by a parent,
318 grandparent or custodian;

319 (c) An insurance policy on the child's life which has
320 been in force for at least two (2) years;

321 (d) A bona fide contemporary Bible record of the
322 child's birth accompanied by an affidavit sworn to by the parent,
323 grandparent or custodian;

324 (e) A passport or certificate of arrival in the United
325 States showing the age of the child;



326 (f) A transcript of record of age shown in the child's
327 school record of at least four (4) years prior to application,
328 stating date of birth; or

329 (g) If none of these evidences can be produced, an
330 affidavit of age sworn to by a parent, grandparent or custodian.
331 Any child enrolling in Kindergarten or Grade 1 shall present the
332 required evidence of age upon enrollment. Any child in Grades 2
333 through 12 not in compliance at the end of sixty (60) days from
334 enrollment shall be suspended until in compliance.

335 This section shall stand repealed on July 1, 2007.

336 **SECTION 7.** This act shall take effect and be in force from
337 and after June 30, 2003.

