

By: Representatives Hines, Bailey,
Broomfield, Dickson

To: Juvenile Justice; County
Affairs

HOUSE BILL NO. 810

1 AN ACT TO REQUIRE THAT EACH JUVENILE DETENTION CENTER IN THE
2 STATE SHALL HAVE AT LEAST ONE CERTIFIED TEACHER WHO SHALL SERVE
3 UNDER THE SUPERVISION OF THE LOCAL SCHOOL SYSTEM; TO AMEND SECTION
4 19-5-101, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE BOARD OF
5 SUPERVISORS OF EACH COUNTY MAY EXPEND FUNDS FROM THE COUNTY
6 GENERAL FUND TO MATCH FUNDS SPENT BY THE PUBLIC SCHOOL SYSTEM TO
7 PAY THE SALARIES OF THE TEACHERS AT THE JUVENILE DETENTION CENTERS
8 LOCATED IN THE COUNTY; TO AMEND SECTION 37-9-14, MISSISSIPPI CODE
9 OF 1972, TO PROVIDE THAT THE SUPERINTENDENT OF SCHOOLS MAY EXPEND
10 THE DISTRICT SCHOOL FUNDS FOR HIS SCHOOL DISTRICT TO MATCH THE
11 COUNTY'S PORTION OF THE SALARIES PAID TO TEACHERS IN THE JUVENILE
12 DETENTION CENTERS IN THE SCHOOL DISTRICT; AND FOR RELATED
13 PURPOSES.

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

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

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

25 19-5-101. The board of supervisors of each county shall have
26 the power to expend monies from the county general fund to match
27 any other funds for the purpose of establishing juvenile
28 residential treatment centers including, but not limited to,
29 treatment centers and half-way houses. The board of supervisors
30 of each county may expend monies from the county general fund to
31 match funds spent by the public school system to pay the salaries



32 of the teachers at the juvenile detention centers located in the
33 county in accordance with Section 1 of this act.

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

36 37-9-14. (1) It shall be the duty of the superintendent of
37 schools to administer the schools within his district and to
38 implement the decisions of the school board.

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

42 (a) To enter into contracts in the manner provided by
43 law with each assistant superintendent, principal and teacher of
44 the public schools, or teachers in juvenile detention centers as
45 provided in Section 1 of this act, under his supervision, after
46 such assistant superintendent, principal and teachers have been
47 selected and approved in the manner provided by law.

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

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

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

60 (e) To preserve all reports of superintendents,
61 principals, teachers and other school officers, and to deliver to
62 his successor or clerk of the board of supervisors all money,
63 property, books, effects and papers.



64 (f) To prepare and keep in his office a map or maps
65 showing the territory embraced in his school district, to furnish
66 the county assessor with a copy of such map or maps, and to revise
67 and correct same from time to time as changes in or alterations of
68 school districts may necessitate.

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

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

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

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

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

91 (l) To visit the schools of his school district in his
92 discretion, and to require the assistant superintendents,
93 principals and teachers thereof to perform their duties as
94 prescribed by law.



95 (m) To observe such instructions and regulations as the
96 school board and other public officials may prescribe, and to make
97 special reports to these officers whenever required.

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

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

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

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

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

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

122 (t) To employ substitutes for licensed employees,
123 regardless of whether or not such substitute holds the proper
124 license, subject to such reasonable rules and regulations as may
125 be adopted by the State Board of Education.



126 (u) To comply in a timely manner with the compulsory
127 education reporting requirements prescribed in Section
128 37-13-91(6).

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

131 (w) To notify, in writing, the parent, guardian or
132 custodian, the youth court and local law enforcement of any
133 expulsion of a student for criminal activity as defined in Section
134 37-11-92.

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

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

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

157 (4) The superintendent of schools shall be the special
158 accounting officer and treasurer with respect to any and all



159 district school funds for his school district. He or his designee
160 shall issue all warrants without the necessity of registration
161 thereof by the chancery clerk. Transactions with the depositories
162 and with the various tax collecting agencies which involve school
163 funds for such school district shall be with the superintendent of
164 schools, or his designee. He may expend the district school funds
165 to match the county's portion of the salaries paid to teachers in
166 juvenile detention centers in the school district in accordance
167 with Section 19-5-101.

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

171 All agricultural high school and junior college funds shall
172 be handled and expended in the manner provided for in Sections
173 37-29-31 through 37-29-39.

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

177 (7) The superintendent of schools shall maintain as a record
178 in his office a book or a computer printout in which he shall
179 enter all demands, claims and accounts paid from any funds of the
180 school district. The record shall be in a form to be prescribed
181 by the State Auditor. All demands, claims and accounts filed
182 shall be preserved by the superintendent of schools as a public
183 record for a period of five (5) years. All claims found by the
184 school board to be illegal shall be rejected or disallowed. All
185 claims which are found to be legal and proper shall be allowed and
186 ratified as paid by the superintendent of schools. All claims as
187 to which a continuance is requested by the claimant and those
188 found to be defective but which may be perfected by amendment
189 shall be continued. The superintendent of schools shall issue a
190 pay certificate against any legal and proper fund of the school
191 district in favor of the claimant in payment of claims. The



192 provisions of this section, however, shall not be applicable to
193 the payment of teachers' salaries, salaries of drivers of publicly
194 owned school buses, travel advances, amounts due private
195 contractors or other obligations where the amount thereof has been
196 previously approved by a contract or by an order of the school
197 board entered upon its minutes, or by inclusion in the current
198 fiscal year budget, and all such amounts may be paid by the
199 superintendent of schools by pay certificates issued by him
200 against the legal and proper fund without allowance of a specific
201 claim therefor as provided in this section, provided that the
202 payment thereof is otherwise in conformity with law.

203 **SECTION 4.** This act shall take effect and be in force from
204 and after July 1, 2003.

