

By: Representative Moore

To: Education

HOUSE BILL NO. 199

1 AN ACT TO AMEND SECTION 25-9-127, MISSISSIPPI CODE OF 1972,
 2 TO PROVIDE THAT FOR A PERIOD OF FIVE YEARS, THE PERSONNEL ACTIONS
 3 OF THE STATE DEPARTMENT OF EDUCATION SUBJECT TO THE REGULATIONS OF
 4 THE STATE PERSONNEL BOARD SHALL BE EXEMPT FROM STATE PERSONNEL
 5 BOARD PROCEDURES, AND ALL EMPLOYEES OF THE AGENCY SHALL BE
 6 CLASSIFIED AS NONSTATE SERVICE DURING THAT PERIOD; TO AMEND
 7 SECTIONS 37-3-13, 37-3-25, 37-3-95, 37-13-80 AND 43-5-8,
 8 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED
 9 PURPOSES.

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

11 **SECTION 1.** Section 25-9-127, Mississippi Code of 1972, is
 12 amended as follows:

13 25-9-127. (1) No employee of any department, agency or
 14 institution who is included under this chapter or hereafter
 15 included under its authority, and who is subject to the rules and
 16 regulations prescribed by the state personnel system, may be
 17 dismissed or otherwise adversely affected as to compensation or
 18 employment status except for inefficiency or other good cause, and
 19 after written notice and hearing within the department, agency or
 20 institution as shall be specified in the rules and regulations of
 21 the State Personnel Board complying with due process of law; and



22 any employee who has by written notice of dismissal or action
23 adversely affecting his compensation or employment status shall,
24 on hearing and on any appeal of any decision made in such action,
25 be required to furnish evidence that the reasons stated in the
26 notice of dismissal or action adversely affecting his compensation
27 or employment status are not true or are not sufficient grounds
28 for the action taken; provided, however, that this provision shall
29 not apply (a) to persons separated from any department, agency or
30 institution due to curtailment of funds or reduction in staff when
31 such separation is in accordance with rules and regulations of the
32 state personnel system; (b) during the probationary period of
33 state service of twelve (12) months; and (c) to an executive
34 officer of any state agency who serves at the will and pleasure of
35 the Governor, board, commission or other appointing authority.

36 (2) The operation of a state-owned motor vehicle without a
37 valid Mississippi driver's license by an employee of any
38 department, agency or institution that is included under this
39 chapter and that is subject to the rules and regulations of the
40 state personnel system shall constitute good cause for dismissal
41 of such person from employment.

42 (3) Beginning July 1, 1999, every male between the ages of
43 eighteen (18) and twenty-six (26) who is required to register
44 under the federal Military Selective Service Act, 50 USCS App.
45 453, and who is an employee of the state shall not be promoted to
46 any higher position of employment with the state until he submits



47 to the person, commission, board or agency by which he is employed
48 satisfactory documentation of his compliance with the draft
49 registration requirements of the Military Selective Service Act.
50 The documentation shall include a signed affirmation under penalty
51 of perjury that the male employee has complied with the
52 requirements of the Military Selective Service Act.

53 (4) For a period of * * * five (5) years beginning July 1,
54 2014, the provisions of subsection (1) shall not apply to the
55 personnel actions of the State Department of Education that are
56 subject to the rules and regulations of the State Personnel Board,
57 and all employees of the department shall be classified as
58 nonstate service during that period. However, any employee hired
59 after July 1, 2014, by the department shall meet the criteria of
60 the State Personnel Board as it presently exists for employment.
61 The State Superintendent of Public Education and the State Board
62 of Education shall consult with the Office of the Attorney General
63 before taking personnel actions authorized by this section to
64 review those actions for compliance with applicable state and
65 federal law.

66 It is not the intention or effect of this section to include
67 any school attendance officer in any exemption from coverage under
68 the State Personnel Board policy or regulations, including, but
69 not limited to, termination and conditions of employment.

70 (5) For a period of one (1) year beginning July 1, 2015, the
71 provisions of subsection (1) shall not apply to the personnel



72 actions of the Department of Corrections, and all employees of the
73 department shall be classified as nonstate service during that
74 period. However, any employee hired after July 1, 2015, by the
75 department shall meet the criteria of the State Personnel Board as
76 it presently exists for employment. The Commissioner of
77 Corrections shall consult with the Office of the Attorney General
78 before taking personnel actions authorized by this section to
79 review those actions for compliance with applicable state and
80 federal law.

81 **SECTION 2.** Section 37-3-13, Mississippi Code of 1972, is
82 amended as follows:

83 37-3-13. (1) The deputy superintendents, associate
84 superintendents and directors shall be selected by and hold office
85 subject to the will of the State Superintendent of Public
86 Education subject to the approval of the State Board of Education.
87 All other personnel shall be competitively appointed by the State
88 Superintendent and shall be dismissed only for cause in accordance
89 with the rules and regulations of the State Personnel Board. The
90 State Board of Education shall set the salary of the deputy
91 superintendents, associate superintendents and divisional
92 directors, and the members of the teaching staffs and employees of
93 the Mississippi School of the Arts. The State Superintendent,
94 subject to the approval of the State Personnel Board, shall fix
95 the amount of compensation of all other employees of the State
96 Department of Education. All salaries, compensation or expenses



97 of any of the personnel of the department shall be paid upon the
98 requisition of the State Superintendent of Public Education and
99 warrant issued thereunder by the State Auditor out of funds
100 appropriated by the Legislature in a lump sum upon the basis of
101 budgetary requirements submitted by the Superintendent of
102 Education or out of funds otherwise made available. The entire
103 expense of administering the department shall never exceed the
104 amount appropriated therefor, plus funds received from other
105 sources other than state appropriations. For a violation of this
106 provision, the superintendent shall be liable, and he and the
107 sureties on his bond shall be required to restore any such excess.

108 (2) For a period of * * * five (5) years beginning July 1,
109 2014, the provisions of subsection (1) regarding the personnel
110 actions of the State Department of Education shall not be subject
111 to the rules and regulations of the State Personnel Board for all
112 personnel employed by the department within that period. All
113 personnel hired within the period of exemption from the state
114 personnel system shall be classified as nonstate service and must
115 meet the criteria of the State Personnel Board as it presently
116 exists for employment.

117 **SECTION 3.** Section 37-3-25, Mississippi Code of 1972, is
118 amended as follows:

119 37-3-25. (1) The Director of the Division of Vocational and
120 Technical Education of the State Department of Education who shall
121 be an associate state superintendent of education shall be



122 appointed by the State Superintendent of Public Education. The
123 director's salary shall be set by the State Board of Education
124 subject to the approval of the State Personnel Board. His salary,
125 compensation, travel expenses or other expenses shall be provided
126 for out of any funds made available for such purpose by the
127 Legislature, the federal government, or other gifts or grants.
128 The director shall be responsible to the State Superintendent of
129 Public Education for the proper administration of the programs of
130 vocational and technical education in conformity with the policies
131 adopted by the State Board of Education and shall be responsible
132 for appointing any necessary supervisors, assistants, and
133 employees to assist in carrying out the programs of vocational and
134 technical education. The director shall have the authority to
135 employ, compensate, terminate, promote, demote, transfer or
136 reprimand employees of the division. The salary and compensation
137 of such employees shall be subject to the rules and regulations
138 adopted and promulgated by the State Personnel Board as created
139 under Section 25-9-101 et seq. However, if for any reason within
140 the * * * five-year period beginning July 1, 2014, a new Director
141 of the Division of Vocational and Technical Education or other
142 personnel within the division are employed by the department, the
143 employment shall not be subject to the rules and regulations of
144 the State Personnel Board, except as otherwise provided in Section
145 25-9-127(4).



146 (2) The Director of the Division of Vocational and Technical
147 Education, subject to the approval of the State Board of
148 Education, shall have charge of and be responsible for vocational
149 and technical education training in:

- 150 (a) Agriculture;
- 151 (b) Occupational and consumer home economics;
- 152 (c) Consumer and homemaking education;
- 153 (d) Trades and industry;
- 154 (e) Distributive education;
- 155 (f) Secondary adult education;
- 156 (g) Teacher training and supervision;
- 157 (h) Business and office;
- 158 (i) Health;
- 159 (j) Industrial arts;
- 160 (k) Guidance services;
- 161 (l) Technical education;
- 162 (m) Cooperative education; and
- 163 (n) All other specialized training not requiring a
164 bachelors degree, with the exception of programs of nursing
165 education regulated under the provisions of Section 37-129-1.

166 **SECTION 4.** Section 37-3-95, Mississippi Code of 1972, is
167 amended as follows:

168 37-3-95. (1) Subject to the availability of funding for
169 such purpose, the State Superintendent of Public Education shall
170 employ within the State Department of Education or, in the



171 alternative, contract with the Mississippi Military Department for
172 a statewide coordinator for Junior Reserve Officer Training Corps
173 (JROTC) programs in the public schools. If employed by the State
174 Department of Education, the JROTC statewide coordinator must be
175 an active or retired member of the military and must meet any
176 additional qualifications that may be established for the position
177 by the State Superintendent of Public Education or State Personnel
178 Board. However, if for any reason within the * * * five-year
179 period beginning July 1, 2014, a new JROTC statewide coordinator
180 is employed by the department, the employment of such individual
181 shall not be subject to the rules and regulations of the State
182 Personnel Board, except as otherwise provided in Section
183 25-9-127(4).

184 (2) The following are the powers and duties of the JROTC
185 statewide coordinator:

186 (a) To coordinate training of new JROTC instructors and
187 continuing education programs for certified instructors;

188 (b) To facilitate communication between JROTC programs
189 in the various public schools;

190 (c) To assist in organizing competitions among JROTC
191 units from different high schools;

192 (d) To assist in the development of the JROTC
193 curriculum;

194 (e) To compile information on scholarships available to
195 JROTC participants and to solicit support for such scholarships;



196 (f) To assist in establishing support groups for
197 parents of students participating in a JROTC program;
198 (g) To solicit and accept financial support for JROTC
199 programs from private sector donors;
200 (h) To promote the involvement of JROTC units within
201 their local communities;
202 (i) To facilitate interaction between JROTC units and
203 the Mississippi National Guard and Mississippi Air National Guard;
204 (j) To promote, in general, the JROTC program in high
205 schools throughout the state;
206 (k) To assist local schools with the application
207 process for establishing new JROTC programs in high schools; and
208 (l) To perform such other duties relating to the JROTC
209 program established by the State Superintendent of Public
210 Education or State Board of Education.

211 **SECTION 5.** Section 37-13-80, Mississippi Code of 1972, is
212 amended as follows:

213 37-13-80. (1) There is created the Office of Dropout
214 Prevention within the State Department of Education. The office
215 shall be responsible for the administration of a statewide dropout
216 prevention program.

217 (2) The State Superintendent of Public Education shall
218 appoint a director for the Office of Dropout Prevention, who shall
219 meet all qualifications established by the State Superintendent of
220 Public Education and the State Personnel Board. The director



221 shall be responsible for the proper administration of the Office
222 of Dropout Prevention and any other regulations or policies that
223 may be adopted by the State Board of Education. However, if for
224 any reason within the * * * five-year period beginning July 1,
225 2014, a new director for the Office of Dropout Prevention is
226 employed by the department, the employment of such individual
227 shall not be subject to the rules and regulations of the State
228 Personnel Board, except as otherwise provided in Section
229 25-9-127(4).

230 (3) Each school district shall implement a dropout
231 prevention program approved by the Office of Dropout Prevention of
232 the State Department of Education by the 2012-2013, and annually
233 thereafter, school year.

234 (4) Each local school district will be held responsible for
235 reducing and/or eliminating dropouts in the district. The local
236 school district will be responsible for the implementation of
237 dropout plans focusing on issues such as, but not limited to:

238 (a) Dropout Prevention initiatives that focus on the
239 needs of individual local education agencies;

240 (b) Establishing policies and procedures that meet the
241 needs of the districts;

242 (c) Focusing on the student-centered goals and
243 objectives that are measureable;

244 (d) Strong emphasis on reducing the retention rates in
245 grades kindergarten, first and second;



246 (e) Targeting subgroups that need additional assistance
247 to meet graduation requirements; and

248 (f) Dropout recovery initiatives that focus on students
249 age seventeen (17) through twenty-one (21), who dropped out of
250 school.

251 (5) The Office of Dropout Prevention may provide technical
252 assistance upon written request by the local school district. The
253 Office of Dropout Prevention will collaborate with program offices
254 within the Mississippi Department of Education to develop and
255 implement policies and initiatives to reduce the state's dropout
256 rate.

257 (6) Each school district's dropout prevention plan shall
258 address how students will transition to the home school district
259 from the juvenile detention centers.

260 (7) It is the intent of the Legislature that, through the
261 statewide dropout prevention program and the dropout prevention
262 programs implemented by each school district, the graduation rate
263 for cohort classes will be increased to not less than eighty-five
264 percent (85%) by the 2018-2019 school year. The Office of Dropout
265 Prevention shall establish graduation rate benchmarks for each
266 two-year period from the 2008-2009 school year through the
267 2018-2019 school year, which shall serve as guidelines for
268 increasing the graduation rate for cohort classes on a systematic
269 basis to eighty-five percent (85%) by the 2018-2019 school year.



270 **SECTION 6.** Section 43-5-8, Mississippi Code of 1972, is
271 amended as follows:

272 43-5-8. The Superintendent of the School for the Blind and
273 the Superintendent of the School for the Deaf and all principals
274 and directors shall be selected by and hold office subject to the
275 will and pleasure of the State Superintendent of Education,
276 subject to the approval of the State Board of Education. The
277 State Board of Education may provide housing for the two (2)
278 superintendents so employed either on- or off-campus. Each
279 superintendent shall at all times maintain supervision of the
280 physical properties of the school he serves unless otherwise
281 provided. All other personnel shall be competitively appointed by
282 the state superintendent and shall be dismissed only for cause in
283 accordance with the rules and regulations of the State Personnel
284 Board. The state superintendent, subject to the approval of the
285 State Personnel Board, shall fix the amount of compensation or
286 expenses of any of the personnel of the schools, which shall be
287 paid upon the requisition of the state superintendent and warrant
288 issued thereunder by the State Auditor out of the funds
289 appropriated by the Legislature in a lump sum upon the basis of
290 budgetary requirements submitted by the Superintendent of
291 Education or out of funds otherwise made available. The entire
292 expense of administering the schools shall never exceed the amount
293 appropriated therefor, plus funds received from sources other than
294 state appropriations. For a violation of this provision, the



295 superintendent shall be liable, and he and the sureties on his
296 bond shall be required to restore any excess. However, if for any
297 reason within the * * * five-year period beginning July 1, 2014, a
298 new Superintendent of the School for the Blind, Superintendent of
299 the School for the Deaf or other administrative or instructional
300 personnel are employed by the department, the employment shall not
301 be subject to the rules and regulations of the State Personnel
302 Board, except as otherwise provided in Section 25-9-127(4).

303 **SECTION 7.** This act shall take effect and be in force from
304 and after July 1, 2016.

