

By: Representatives Brown (70th), Crudup,
Gibbs (36th), Porter, Summers, Walker

To: Education;
Appropriations

HOUSE BILL NO. 881

1 AN ACT TO AMEND SECTION 37-1-3, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE THE STATE BOARD OF EDUCATION TO DEVELOP CURRICULA AND
3 COURSES OF STUDY TO PROMOTE VOCATIONAL AND TECHNICAL EDUCATION,
4 HOME ECONOMICS AND CHARACTER EDUCATION OBJECTIVES FOR ALL MIDDLE
5 AND HIGH SCHOOL STUDENTS AND STUDENTS ASSIGNED TO AN ALTERNATIVE
6 SCHOOL PROGRAM; TO PRESCRIBE THE MINIMUM COMPONENTS TO BE INCLUDED
7 IN THE CURRICULUM; TO AMEND SECTIONS 37-13-92, 37-13-151,
8 37-13-181 AND 37-31-61, MISSISSIPPI CODE OF 1972, IN CONFORMITY
9 THERETO; TO AMEND SECTION 37-13-153, MISSISSIPPI CODE OF 1972, TO
10 REQUIRE THAT STATE FUNDING FOR HOME ECONOMICS BE INCLUDED IN THE
11 ADEQUATE EDUCATION PROGRAM AND VOCATIONAL EDUCATION APPROPRIATION
12 BILLS FOR THE APPROPRIATE FISCAL YEAR; TO AMEND SECTION 37-31-205,
13 MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PROVISIONS OF THIS
14 ACT; AND FOR RELATED PURPOSES.

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

16 **SECTION 1.** Section 37-1-3, Mississippi Code of 1972, is
17 amended as follows:

18 37-1-3. (1) The State Board of Education shall adopt rules
19 and regulations and set standards and policies for the
20 organization, operation, management, planning, budgeting and
21 programs of the State Department of Education.

22 (a) The board is directed to identify all functions of
23 the department that contribute to or comprise a part of the state
24 system of educational accountability and to establish and maintain



25 within the department the necessary organizational structure,
26 policies and procedures for effectively coordinating such
27 functions. Such policies and procedures shall clearly fix and
28 delineate responsibilities for various aspects of the system and
29 for overall coordination of the total system and its effective
30 management.

31 (b) The board shall establish and maintain a
32 system-wide plan of performance, policy and directions of public
33 education not otherwise provided for.

34 (c) The board shall effectively use the personnel and
35 resources of the department to enhance technical assistance to
36 school districts in instruction and management therein.

37 (d) The board shall establish and maintain a central
38 budget policy.

39 (e) The board shall establish and maintain within the
40 State Department of Education a central management capacity under
41 the direction of the State Superintendent of Public Education.

42 (f) The board, with recommendations from the
43 superintendent, shall design and maintain a five-year plan and
44 program for educational improvement that shall set forth
45 objectives for system performance and development and be the basis
46 for budget requests and legislative initiatives.

47 (2) (a) The State Board of Education shall adopt and
48 maintain a curriculum and a course of study to be used in the
49 public school districts that is designed to prepare the state's



children and youth to be productive, informed, creative citizens, workers and leaders, and it shall regulate all matters arising in the practical administration of the school system not otherwise provided for.

(b) Before the 1999-2000 school year, the State Board of Education shall develop personal living and finances objectives that focus on money management skills for individuals and families for appropriate, existing courses at the secondary level. The objectives must require the teaching of those skills necessary to handle personal business and finances and must include instruction in the following:

- (i) Opening a bank account and assessing the quality of a bank's services;
- (ii) Balancing a checkbook;
- (iii) Managing debt, including retail and credit card debt;
- (iv) Completing a loan application;
- (v) The implications of an inheritance;
- (vi) The basics of personal insurance policies;
- (vii) Consumer rights and responsibilities;
- (viii) Dealing with salesmen and merchants;
- (ix) Computing state and federal income taxes;
- (x) Local tax assessments;
- (xi) Computing interest rates by various mechanisms;



(xii) Understanding simple contracts; and

(xiii) Contesting an incorrect billing statement.

(c) Before the start of the 2021-2022 school year, the State Board of Education shall require the inclusion of vocational and technical courses and character education courses as a mandatory component of the curriculum used by local school districts in providing instructions and life skills for all middle and high school students and those students assigned to an alternative school program. The board shall grant each school district the discretion to determine at which grade level, each of the required course offerings shall be made available.

(d) Before the start of 2021-2022 school year, the State Board of Education shall develop a curriculum and a course of study to promote home economics objectives that focus on the knowledge, understanding and skills necessary for living as an individual, as a member of a household, personal life management and postsecondary education advancement for appropriate, existing courses at the secondary level. The objectives must require the teaching of those skills essential to family and consumer science and must include instruction in the following:

(i) Cooking, including food safety, preparation and preservation and the nutritional benefits of a balanced meal;

(ii) Child development that provides instruction as to how to correctly respond to children at each stage;

(iii) Education and community awareness;



- 100 (iv) Home management and design;
- 101 (v) Sewing and textiles;
- 102 (vi) Budgeting and economics; and
- 103 (vii) Health and hygiene.

104 (3) The State Board of Education shall have authority to
105 expend any available federal funds, or any other funds expressly
106 designated, to pay training, educational expenses, salary
107 incentives and salary supplements to licensed teachers employed in
108 local school districts or schools administered by the State Board
109 of Education. Such incentive payments shall not be considered
110 part of a school district's local supplement as defined in Section
111 37-151-5(o), nor shall the incentives be considered part of the
112 local supplement paid to an individual teacher for the purposes of
113 Section 37-19-7(1). MAEP funds or any other state funds shall not
114 be used to provide such incentives unless specifically authorized
115 by law.

116 (4) The State Board of Education shall through its actions
117 seek to implement the policies set forth in Section 37-1-2.

118 **SECTION 2.** Section 37-13-92, Mississippi Code of 1972, is
119 amended as follows:

120 37-13-92. (1) Beginning with the school year 2004-2005, the
121 school boards of all school districts shall establish, maintain
122 and operate, in connection with the regular programs of the school
123 district, an alternative school program or behavior modification
124 program as defined by the State Board of Education for, but not



limited to, the following categories of compulsory-school-age students:

(a) Any compulsory-school-age child who has been suspended for more than ten (10) days or expelled from school, except for any student expelled for possession of a weapon or other felonious conduct;

(b) Any compulsory-school-age child referred to such alternative school based upon a documented need for placement in the alternative school program by the parent, legal guardian or custodian of such child due to disciplinary problems;

(c) Any compulsory-school-age child referred to such alternative school program by the dispositive order of a chancellor or youth court judge, with the consent of the superintendent of the child's school district;

(d) Any compulsory-school-age child whose presence in the classroom, in the determination of the school superintendent or principal, is a disruption to the educational environment of the school or a detriment to the interest and welfare of the students and teachers of such class as a whole; and

(e) No school district is required to place a child returning from out-of-home placement in the mental health, juvenile justice or foster care system in alternative school. Placement of a child in the alternative school shall be done consistently, and for students identified under the Individuals with Disabilities Education Act (IDEA), shall adhere to the



requirements of the Individuals with Disabilities Education Improvement Act of 2004. If a school district chooses to place a child in alternative school the district will make an individual assessment and evaluation of that child in the following time periods:

(i) Five (5) days for a child transitioning from a group home, mental health care system, and/or the custody of the Department of Human Services, Division of Youth and Family Services;

(ii) Ten (10) days for a child transitioning from a dispositional placement order by a youth court pursuant to Section 43-21-605; and

(iii) An individualized assessment for youth transitioning from out-of-home placement to the alternative school shall include:

1. A strength needs assessment.
2. A determination of the child's academic strengths and deficiencies.
3. A proposed plan for transitioning the child to a regular education placement at the earliest possible date.

(2) The principal or program administrator of any such alternative school program shall require verification from the appropriate guidance counselor of any such child referred to the alternative school program regarding the suitability of such child



for attendance at the alternative school program. Before a student may be removed to an alternative school education program, the superintendent of the student's school district must determine that the written and distributed disciplinary policy of the local district is being followed. The policy shall include standards for:

(a) The removal of a student to an alternative education program that will include a process of educational review to develop the student's individual instruction plan and the evaluation at regular intervals of the student's educational progress; the process shall include classroom teachers and/or other appropriate professional personnel, as defined in the district policy, to ensure a continuing educational program for the removed student;

(b) The duration of alternative placement; and

(c) The notification of parents or guardians, and their appropriate inclusion in the removal and evaluation process, as defined in the district policy. Nothing in this paragraph should be defined in a manner to circumvent the principal's or the superintendent's authority to remove a student to alternative education.

(3) The local school board or the superintendent shall provide for the continuing education of a student who has been removed to an alternative school program.



199 (4) A school district, in its discretion, may provide a
200 program of High School Equivalency Diploma preparatory instruction
201 in the alternative school program. However, any High School
202 Equivalency Diploma preparation program offered in an alternative
203 school program must be administered in compliance with the rules
204 and regulations established for such programs under Sections
205 37-35-1 through 37-35-11 and by the Mississippi Community College
206 Board. The school district may administer the High School
207 Equivalency Diploma Testing Program under the policies and
208 guidelines of the Testing Service of the American Council on
209 Education in the alternative school program or may authorize the
210 test to be administered through the community/junior college
211 district in which the alternative school is situated.

212 (5) Any such alternative school program operated under the
213 authority of this section shall meet all appropriate accreditation
214 requirements of the State Department of Education.

215 (6) The alternative school program may be held within such
216 school district or may be operated by two (2) or more adjacent
217 school districts, pursuant to a contract approved by the State
218 Board of Education. When two (2) or more school districts
219 contract to operate an alternative school program, the school
220 board of a district designated to be the lead district shall serve
221 as the governing board of the alternative school program.
222 Transportation for students attending the alternative school
223 program shall be the responsibility of the local school district.



The expense of establishing, maintaining and operating such alternative school program may be paid from funds contributed or otherwise made available to the school district for such purpose or from local district maintenance funds.

(7) The State Board of Education shall promulgate minimum guidelines for alternative school programs. The guidelines shall require, at a minimum, the formulation of an individual instruction plan for each student referred to the alternative school program and, upon a determination that it is in a student's best interest for that student to receive High School Equivalency Diploma preparatory instruction, that the local school board assign the student to a High School Equivalency Diploma preparatory program established under subsection (4) of this section. The minimum guidelines for alternative school programs shall also require the following components:

(a) Clear guidelines and procedures for placement of students into alternative education programs which at a minimum shall prescribe due process procedures for disciplinary and High School Equivalency Diploma placement;

(b) Clear and consistent goals for students and parents;

(c) Curricula addressing cultural and learning style differences;

(d) Direct supervision of all activities on a closed campus;



(e) Attendance requirements that allow for educational and workforce development opportunities;

(f) Selection of program from options provided by the local school district, Division of Youth Services or the youth court, including transfer to a community-based alternative school;

(g) Continual monitoring and evaluation and formalized passage from one (1) step or program to another;

(h) A motivated and culturally diverse staff;

(i) Counseling for parents and students;

(j) Administrative and community support for the program; * * *

(k) Clear procedures for annual alternative school program review and evaluation * * *; and

(l) Grade-appropriate curricula for vocational and technical courses, home economics and character education instruction.

(8) On request of a school district, the State Department of Education shall provide the district informational material on developing an alternative school program that takes into consideration size, wealth and existing facilities in determining a program best suited to a district.

(9) Any compulsory-school-age child who becomes involved in any criminal or violent behavior shall be removed from such alternative school program and, if probable cause exists, a case shall be referred to the youth court.



(10) The State Board of Education shall promulgate guidelines for alternative school programs which provide broad authority to school boards of local school districts to establish alternative education programs to meet the specific needs of the school district.

(11) Each school district having an alternative school program shall submit a report by July 31 of each calendar year to the State Department of Education describing the results of its annual alternative school program review and evaluation undertaken pursuant to subsection (7)(k). The report shall include a detailed account of any actions taken by the school district during the previous year to comply with substantive guidelines promulgated by the State Board of Education under subsection (7)(a) through (j). In the report to be implemented under this section, the State Department of Education shall prescribe the appropriate measures on school districts that fail to file the annual report. The report should be made available online via the department's website to ensure transparency, accountability and efficiency.

SECTION 3. Section 37-13-151, Mississippi Code of 1972, is amended as follows:

37-13-151. Before * * * August 1, 2021, all local school districts shall provide programs of education in home economics, in Grade 7, 8, 9, 10, 11 or 12, which include course work in responsible parenting and family living skills. These programs



shall contain instruction to prepare students to understand children's physical, mental, emotional and social growth and development as well as to assume responsibility for their care and guidance, with emphasis on nutrition, emotional health and physical health. All such programs shall be * * * aligned with the curriculum and course of study for home economics developed by the State Board of Education * * *.

SECTION 4. Section 37-13-153, Mississippi Code of 1972, is amended as follows:

37-13-153. Beginning with the 2021-2022 school year, and each year thereafter, state funding for the home economics programs required in Section 37-13-151 shall be * * * included in the * * * adequate education program and vocational education appropriation bills for each fiscal year * * *. There shall be a line item specifying the amount that is to be expended to employ no less than one (1) instructor in each * * * school district in the state. Any funds so appropriated by line item which are not expended for this purpose in the vocational education appropriation may be expended for other related home economics vocational purposes during the fiscal year for which those funds were appropriated. * * *

SECTION 5. Section 37-13-181, Mississippi Code of 1972, is amended as follows:

37-13-181. The local school boards of the public school districts, in their discretion, may develop and implement, at the



beginning of the 1999-2000 school year, a comprehensive program for character education in Grades K-12 and alternative school programs. The definition of the character traits chosen by the school district for implementation shall reflect and be in keeping with both the spirit and the letter of the following founding documents: the Mississippi Constitution of 1890; the Constitution of the United States of America; the Declaration of Independence; and state and federal law. A public school or alternative school program may not define or teach character or character traits in any manner that might promote or encourage students to participate in conduct that would violate any state or federal law.

SECTION 6. Section 37-31-61, Mississippi Code of 1972, is amended as follows:

37-31-61. The State Board of Education is hereby authorized and empowered to establish and conduct schools, classes or courses, for preparing, equipping and training citizens of the State of Mississippi for employment in gainful vocational and technical occupations which do not terminate in a bachelors degree, in conjunction with any public school, agricultural high school or community/junior college, which shall be required for all middle and high school students.

The trustees of such school districts, as classified and defined by law, including those already having this authority, and the trustees of agricultural high schools and community/junior colleges may, with the consent in writing of the State Board of



Education, establish and conduct such schools, classes or courses,
under the provisions herein stated and under the general
supervision of the board.

SECTION 7. Section 37-31-205, Mississippi Code of 1972, is
amended as follows:

37-31-205. (1) The State Board of Education shall have the
authority to:

(a) Expend funds received either by appropriation or
directly from federal or private sources;

(b) Channel funds to secondary schools, community and
junior colleges and regional vocational-technical facilities
according to priorities set by the board;

(c) Allocate funds on an annual budgetary basis;

(d) Set standards for and approve all vocational and
technical education programs in the public school system and
community and junior colleges or other agencies or institutions
which receive state funds and federal funds for such purposes,
including, but not limited to, the following vocational and
technical education programs: agriculture, trade and
industry, * * * consumer * * * education, distributive education,
business and office, health, industrial arts, guidance services,
technical education, cooperative education, and all other
specialized training not requiring a bachelor's degree, with the
exception of programs of nursing education regulated under the
provisions of Section 37-129-1. The State Board of Education



shall authorize local school boards, within such school board's discretion, to offer distributive education as a one-hour or two-hour block course. There shall be no reduction of payments from state funding for distributive education due to the selection of either the one-hour or two-hour course offering;

(e) Set and publish licensure standards for vocational and technical education personnel. The State Board of Education shall recognize a vocational and technical education teacher's work when school is not in session which is in the teacher's particular field of instruction as a means for the teacher to fulfill the requirements for renewal of the teacher's license. The board shall establish, by rules and regulations, the documentation of such work which must be submitted to the board and the number of actual working hours required to fulfill renewal requirements. If a vocational and technical education teacher who does not have a bachelor's degree takes classes in fulfillment of licensure renewal requirements, such classes must be in furtherance of a bachelor's degree;

(f) Require data and information on program performance from those programs receiving state funds;

(g) Expend funds to expand career information;

(h) Supervise and maintain the Division of Vocational and Technical Education and to utilize, to the greatest extent possible, the division as the administrative unit of the board



398 responsible for coordinating programs and services with local
399 institutions;

400 (i) Utilize appropriate staff of the State Department
401 of Education to perform services for the vocational student
402 organizations, including, but not limited to, procurement,
403 accounting services, tax services and banking services. The
404 department may also procure and pay for annual audits of the
405 vocational student organizations using vocational funds or other
406 available funds of the State Department of Education. It is the
407 intent of this provision that any related costs be paid with
408 vocational funds appropriated by the Legislature;

409 (j) Promulgate such rules and regulations necessary to
410 carry out the provisions of this chapter in accordance with
411 Section 25-43-1 et seq.;

412 (k) Set standards and approve all vocational and
413 technical education equipment and facilities purchased and/or
414 leased with state and federal vocational funds;

415 (l) Encourage provisions for lifelong learning and
416 changing personal career preferences and advancement of vocational
417 and technical education students through articulated programs
418 between high schools and community and junior colleges;

419 (m) Encourage the establishment of new linkages with
420 business and industry which will provide for a better
421 understanding of essential labor market concepts;



422 (n) Periodically review the funding and reporting
423 processes required of local school districts by the board or
424 division with the aim of simplifying or eliminating inefficient
425 practices and procedures;

426 (o) Assist in the development of high technology
427 programs and resource centers to support current and projected
428 industrial needs;

429 (p) Assist in the development of a technical assistance
430 program for business and industry which will provide for
431 industrial training and services, including the transfer of
432 information relative to new applications and advancements in
433 technology; and

434 (q) Enter into contracts and agreements with the
435 Mississippi Community College Board for conditions under which
436 vocational and technical education programs in community and
437 junior colleges shall receive state and federal funds which flow
438 through the State Board of Education for such purposes.

439 (2) It is the intent of the Legislature that no vocational
440 and technical education course or program existing on June 30,
441 1982, shall be eliminated by the State Board of Education under
442 the authority vested in paragraph (d) of subsection (1) of this
443 section prior to June 30, 1985. It is further the intent of the
444 Legislature that no vocational and technical education teacher or
445 other personnel employed on June 30, 1983, shall be discharged due
446 to licensure standards promulgated by the board under paragraph



(e) of subsection (1) of this section, if any such teacher or personnel shall have complied with any newly published licensure standards by June 30, 1985. Nothing contained in this section shall be construed to abrogate or affect in any manner the authority of local public school districts or community and junior colleges to eliminate vocational and technical education courses or programs or to discharge any vocational and technical education teacher or other personnel.

(3) The State Board of Education and the Mississippi Community College Board may provide that every vocational and technical education course or program in Mississippi may integrate academic and vocational-technical education through coherent sequences of courses, so that students in such programs achieve both academic and occupational competencies. The boards may expend federal funds available from the 1990 Perkins Act, or other available federal funds, for the alignment of vocational-technical programs with academic programs through the accreditation process and the teacher licensure process.

SECTION 8. This act shall take effect and be in force from and after July 1, 2021.

