

By: Senator(s) Burton, Hall, Horhn, Dearing, To: Economic Dev, Tourism
Woodfield, Hamilton, Ferris, Moffatt, and Parks;
Stogner, Ross, Johnson (19th), Carlton, Appropriations
Harvey, Gordon, White (29th), Mettetal,
Carter

SENATE BILL NO. 2796
(As Sent to Governor)

1 AN ACT TO CODIFY SECTION 37-4-11, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE FOR THE TRANSFER OF THE STATE-FUNDED INDUSTRIAL
3 TRAINING PROGRAMS AND POSTSECONDARY ADULT SHORT-TERM TRAINING
4 PROGRAMS AND FUNDS ADMINISTERED BY THE STATE BOARD OF EDUCATION TO
5 THE WORKFORCE EDUCATION PROGRAM OF THE STATE BOARD FOR COMMUNITY
6 AND JUNIOR COLLEGES; TO REQUIRE THE STATE BOARD FOR COMMUNITY AND
7 JUNIOR COLLEGES TO DEVELOP AN ACCOUNTABILITY SYSTEM AND TO
8 ANNUALLY REPORT TO THE EDUCATION COMMITTEES ON THE PROGRAMS; TO
9 AMEND SECTIONS 37-3-25 AND 37-31-205, MISSISSIPPI CODE OF 1972, IN
10 CONFORMITY TO THIS ACT; TO REPEAL SECTION 37-31-106, MISSISSIPPI
11 CODE OF 1972, WHICH CREATES THE MANPOWER DEVELOPMENT AND TRAINING
12 CARRYOVER FUND; AND FOR RELATED PURPOSES.

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

14 SECTION 1. The following provision shall be codified as
15 Section 37-4-11, Mississippi Code of 1972:

16 37-4-11. (1) The purpose of this section is to insure the
17 uniform management, oversight and accountability of the
18 state-funded Industrial Training Programs, and postsecondary Adult
19 Short-term Training Programs and Workforce Education Programs
20 administered by the State Board for Community and Junior Colleges
21 for adults provided to the citizens of Mississippi.

22 (2) Effective July 1, 1999, all state-funded Industrial
23 Training Programs and postsecondary Adult Short-term Training
24 Programs administered by and through the State Department of
25 Education on June 30, 1999, shall be transferred to the Workforce
26 Education Program of the State Board for Community and Junior
27 Colleges. The Legislature shall appropriate annually to the State
28 Board for Community and Junior Colleges funds necessary to
29 administer these programs.

30 (3) Effective July 1, 1999, all funds, unexpended balances,
31 assets, liabilities and property of the State Department of

Education which are used in the delivery of postsecondary Adult Short-term Training Programs and Industrial Training Programs, excluding funds, unexpended balances, assets, liabilities and property associated with the Research and Curriculum Unit at Mississippi State University, shall be transferred to the Workforce Education Program funds of the State Board for Community and Junior Colleges. The State Department of Education also shall transfer to the State Board for Community and Junior Colleges all positions and funds employed by the State Department of Education and community colleges which render industrial training, postsecondary adult short-term training or workforce education services, including the seven (7) administrative and support positions providing support to these programs. Sufficient staff positions shall be transferred from the State Department of Education, which will have a reduction in training and educational responsibilities by virtue of this act, to the State Board for Community and Junior Colleges to assure that the transferred responsibilities will be properly managed and administered. Any funds available to the State Department of Education for Industrial Training Programs and state-funded postsecondary Adult Short-term Training Programs which are subject to carryover shall be transferred to the Work Force Carryover Fund established by Chapter 498, Laws of 1995, for use by the State Board for Community and Junior Colleges, on or before August 15, 1999.

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

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

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

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

(d) Trainee success in passing proficiency tests, where

69 applicable.

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

73 (5) This section shall be repealed on July 1, 2003.

74 SECTION 2. Section 37-3-25, Mississippi Code of 1972, is
75 amended as follows:

76 37-3-25. (1) The Director of the Division of Vocational and
77 Technical Education of the State Department of Education who shall
78 be an associate state superintendent of education shall be
79 appointed by the State Superintendent of Public Education. The
80 director's salary shall be set by the State Board of Education
81 subject to the approval of the State Personnel Board. His salary,
82 compensation, travel expenses or other expenses shall be provided
83 for out of any funds made available for such purpose by the
84 Legislature, the federal government, or other gifts or grants. The
85 director shall be responsible to the State Superintendent of
86 Public Education for the proper administration of the programs of
87 vocational and technical education in conformity with the policies
88 adopted by the State Board of Education and shall be responsible
89 for appointing any necessary supervisors, assistants, and
90 employees to assist in carrying out the programs of vocational and
91 technical education. The director shall have the authority to
92 employ, compensate, terminate, promote, demote, transfer or
93 reprimand employees of the division. The salary and compensation
94 of such employees shall be subject to the rules and regulations
95 adopted and promulgated by the State Personnel Board as created
96 under Section 25-9-101 et seq.

97 (2) The Director of the Division of Vocational and Technical
98 Education, subject to the approval of the State Board of
99 Education, shall have charge of and be responsible for vocational
100 and technical education training in:

101 (a) Agriculture;

- 102 (b) Occupational and consumer home economics;
103 (c) Consumer and homemaking education;
104 (d) Trades and industry;
105 (e) Distributive education;
106 (f) Secondary adult education;
107 (g) Teacher training and supervision;
108 (h) Business and office;
109 (i) Health;
110 (j) Industrial arts;
111 (k) Guidance services;
112 (l) Technical education;
113 (m) Cooperative education; and

114 * * *

115 (n) All other specialized training not requiring a
116 bachelors degree, with the exception of programs of nursing
117 education regulated under the provisions of Section 37-129-1.

118 SECTION 3. Section 37-31-205, Mississippi Code of 1972, is
119 amended as follows:

120 37-31-205. (1) The State Board of Education shall have the
121 authority to:

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

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

127 (c) Allocate funds on an annual budgetary basis;

128 (d) Set standards for and approve all vocational and
129 technical education programs in the public school system and
130 community/junior colleges or other agencies or institutions which
131 receive state funds and federal funds for such purposes,
132 including, but not limited to, the following vocational and
133 technical education programs: agriculture, trade and industry,
134 occupational home economics, consumer and homemaking education,

distributive education, business and office, health, industrial arts, guidance services, technical education, cooperative education, and all other specialized training not requiring a bachelors 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 schools 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 reimbursements from state funding for distributive education due to the selection of either the one-hour or two-hour course offering;

(e) Set and publish certification standards for vocational and technical education personnel;

(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 said division as the administrative unit of the board responsible for coordinating programs and services with local institutions;

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

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

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

(l) Encourage the establishment of new linkages with business and industry which will provide for a better

168 understanding of essential labor market concepts;

169 (m) Periodically review the funding and reporting
170 processes required of local school districts by the board or
171 division with the aim of simplifying or eliminating inefficient
172 practices and procedures;

173 (n) Assist in the development of high technology
174 programs and resource centers to support current and projected
175 industrial needs;

176 (o) Assist in the development of a technical assistance
177 program for business and industry which will provide for
178 industrial training and services, including the transfer of
179 information relative to new applications and advancements in
180 technology; and

181 (p) Enter into contracts and agreements with the State
182 Board for Community and Junior Colleges for conditions under which
183 vocational and technical education programs in community/junior
184 colleges shall receive state and federal funds which flow through
185 the State Board of Education for such purposes.

186 (2) It is the intent of the Legislature that no vocational
187 and technical education course or program existing on June 30,
188 1982, shall be eliminated by the State Board of Education under
189 the authority vested in paragraph (d) of subsection (1) of this
190 section prior to June 30, 1985. It is further the intent of the
191 Legislature that no vocational and technical education teacher or
192 other personnel employed on June 30, 1983, shall be discharged due
193 to certification standards promulgated by the board under
194 paragraph (e) of subsection (1) of this section, if any such
195 teacher or personnel shall have complied with any newly published
196 certification standards by June 30, 1985. Nothing contained in
197 this section shall be construed to abrogate or affect in any
198 manner the authority of local public school districts or
199 community/junior colleges to eliminate vocational and technical
200 education courses or programs or to discharge any vocational and

201 technical education teacher or other personnel.

202 (3) The State Board of Education and the State Board for
203 Community and Junior Colleges may provide that beginning with the
204 1995-1996 school year, every vocational and technical education
205 course or program in Mississippi may integrate academic and
206 vocational-technical education through coherent sequences of
207 courses, so that students in such programs achieve both academic
208 and occupational competencies. The boards may expend federal
209 funds available from the 1990 Perkins Act, or other available
210 federal funds, for the alignment of vocational-technical programs
211 with academic programs through the accreditation process and the
212 teacher certification process. The State Board of Education and
213 the State Board for Community and Junior Colleges shall make a
214 joint report to the 1995 Regular Session of the Legislature to the
215 Senate and House Committees on Education regarding the various
216 methods or models of integrating academic and vocational-technical
217 courses and setting forth a specific state plan for the
218 integration or realignment of these programs in the secondary and
219 postsecondary schools for implementation in the 1996-1997 school
220 year.

221 SECTION 4. Section 37-31-106, Mississippi Code of 1972,
222 which creates the Manpower Development and Training Carryover Fund
223 in the State Treasury, is repealed.

224 SECTION 5. Sections 1, 2 and 3 of this act shall take effect
225 and be in force from and after July 1, 1999. Section 4 of this
226 act shall take effect and be in force from and after August 15,
227 1999.