

By: Burton

To: Economic Dev, Tourism
and Parks;
Appropriations

SENATE BILL NO. 3186

1 AN ACT TO BE KNOWN AS THE COMPREHENSIVE WORKFORCE TRAINING
2 AND EDUCATION CONSOLIDATION ACT OF 2000; TO CODIFY SECTIONS
3 37-4-11 THROUGH 37-4-17, MISSISSIPPI CODE OF 1972, TO TRANSFER
4 RESPONSIBILITIES AND FUNDS FOR ALL WORKFORCE TRAINING PROGRAMS
5 THAT PROVIDE POSTSECONDARY TRAINING SERVICES TO ADULTS CURRENTLY
6 ADMINISTERED BY THE STATE DEPARTMENT OF EDUCATION TO THE STATE
7 BOARD FOR COMMUNITY AND JUNIOR COLLEGES; TO AUTHORIZE THE STATE
8 BOARD FOR COMMUNITY AND JUNIOR COLLEGES TO BE THE ADMINISTRATOR AT
9 THE STATE LEVEL FOR ALL SUCH ADULT WORKFORCE TRAINING FUNDS; TO
10 AMEND SECTIONS 37-3-25 AND 37-31-205 THROUGH 37-31-211,
11 MISSISSIPPI CODE OF 1972, IN CONFORMITY AND TO PRESCRIBE
12 ACCOUNTABILITY MEASURES FOR VO-TECH PROGRAMS TO BE IMPLEMENTED BY
13 THE STATE BOARD FOR COMMUNITY AND JUNIOR COLLEGES; AND FOR RELATED
14 PURPOSES.

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

16 SECTION 1. The following provision shall be codified as

17 Section 37-4-11, Mississippi Code of 1972:

18 37-4-11. This act shall be known and may be cited as the
19 "Mississippi Comprehensive Workforce Training and Education
20 Consolidation Act of 2000."

21 SECTION 2. The following provision shall be codified as

22 Section 37-4-13, Mississippi Code of 1972:

23 37-4-13. It is the intent of the Legislature by passage of
24 this act to establish one (1) comprehensive workforce training
25 system in the State of Mississippi that is focused on achieving
26 results, using resources efficiently and ensuring that workers and
27 employers can easily access needed training services.

28 The purpose of this act is to provide workforce training
29 activities, through statewide and local workforce training
30 systems, that increase the employment, retention and earnings of
31 participants, and increase occupational skill attainment by
32 participants and, as a result, improve the quality of the

33 workforce, reduce welfare dependency and enhance the productivity
34 and competitiveness of the state.

35 In recognition of the differences in secondary and
36 postsecondary vocational-technical education and that in an effort
37 to achieve maximum effectiveness for the delivery of both
38 secondary and postsecondary vocational-technical education, it is
39 determined that consolidating responsibility for postsecondary
40 vocational-technical education under the authority of the State
41 Board for Community and Junior Colleges and secondary
42 vocational-technical education under the authority of the State
43 Department of Education would be in the best interest of the State
44 of Mississippi. This action being an attempt to respond to the
45 above-described differences by allowing a special focus to be made
46 in enabling the two (2) systems to operate in the most effective
47 and efficient means possible. This will enable the State
48 Department of Education and secondary vocational-technical
49 education programs to receive the maximum support and attention
50 while in turn giving the community and junior colleges and the
51 State Board for Community and Junior Colleges the opportunity to
52 consolidate and streamline vocational-technical education and
53 workforce development.

54 SECTION 3. The following provision shall be codified as
55 Section 37-4-15, Mississippi Code of 1972:

56 37-4-15. (1) The following training programs and funds
57 shall be transferred to the State Board for Community and Junior
58 Colleges on July 1, 2000:

59 (a) Postsecondary vocational-technical funds and
60 programs presently administered by the State Department of
61 Education, to include secondary programs currently operated by
62 community and junior colleges;

63 (b) Postsecondary Carl Perkins programs and funds
64 presently administered by the State Department of Education; and

65 (c) Postsecondary Tech Prep programs and funds
66 presently administered by the State Department of Education.

67 (2) (a) All powers, duties and functions of the State
68 Department of Education that are being exercised or performed by
69 the Division of Vocational Education on June 30, 2000, utilizing

70 funds from all sources for all postsecondary vocational-technical
71 education training funds, all postsecondary Tech Prep funds and
72 Carl Perkins funds, are hereby transferred to the State Board for
73 Community and Junior Colleges on July 1, 2000. All records,
74 property and contractual rights and obligations of, and unexpended
75 balances of appropriations and any other allocations to, the State
76 Department of Education that relate to the powers, duties and
77 functions exercised or performed for such programs on June 30,
78 2000, shall be transferred to the State Board for Community and
79 Junior Colleges on or before July 1, 2000. The State Fiscal
80 Officer shall transfer to the State Board for Community and Junior
81 Colleges all funds that are allocated to the State Department of
82 Education for such programs and such funds shall be used by the
83 State Board for Community and Junior Colleges under the same terms
84 and conditions as specified for those funds in the applicable
85 appropriation bill. Sufficient staff shall be transferred from
86 the agencies that will, by virtue of this act have a reduction in
87 training and educational responsibilities, to the State Board for
88 Community and Junior Colleges to assure that those transferred
89 responsibilities shall be properly managed and administered.
90 Determinations as to which jobs shall be transferred shall be made
91 by agreement between the Executive Director of the State Board for
92 Community and Junior Colleges and the chief executive of the
93 affected transferring agency. Reassignments shall be created by
94 the Legislature through the agencies' appropriation bills.
95 Authorized transition activities may include, but not be limited
96 to, the enhancement of the State Board for Community and Junior
97 Colleges to manage the additional federal and state funds,
98 budgeting, accounting, grant management, property management,
99 personnel, legal and/or other administrative services. The State
100 Department of Education shall retain responsibility to manage the
101 closeout of all grants relating to postsecondary
102 vocational-technical programs and postsecondary Carl Perkins

103 programs at the end of June 30, 2000, and shall be authorized to
104 retain sufficient grant funds to properly close-out said grant
105 activities. Upon closeout of such grants, any remaining funds
106 will be transferred to the State Board for Community and Junior
107 Colleges by the State Fiscal Officer. The State Department of
108 Education shall assist the State Board for Community and Junior
109 Colleges with the greatest degree of cooperation to carry out the
110 intent and purpose of this act and to accomplish an orderly
111 transition.

112 (b) The State Board for Community and Junior Colleges
113 shall enter into a contract with the State Department of Education
114 that clarifies that the State Department of Education will
115 continue to be the designated recipient of the Carl Perkins funds
116 at the state level and said funds will continue to be administered
117 and used in accordance with federal guidelines. The contract
118 shall specify that all Carl Perkins funds used for postsecondary
119 training to include secondary programs operated by the community
120 and junior colleges and other purposes will be transferred to the
121 State Board for Community and Junior Colleges and that the State
122 Board for Community and Junior Colleges shall have the
123 responsibility and authority to direct and oversee such programs
124 as may be financed with such funds.

125 SECTION 4. The following provision shall be codified as
126 Section 37-4-17, Mississippi Code of 1972:

127 37-4-17. (1) The Legislature shall appropriate to the State
128 Board for Community and Junior Colleges those state funds to be
129 expended for postsecondary vocational-technical education to
130 include secondary programs operated by community and junior
131 colleges. The State Board for Community and Junior Colleges shall
132 set standards for, approve and expend funds for all postsecondary
133 vocational and technical education programs. The Executive
134 Director of the State Board for Community and Junior Colleges
135 shall be responsible to the State Board for the proper

136 administration of the programs of postsecondary vocational and
137 technical education in conformity with the policies adopted by the
138 State Board for Community and Junior Colleges and shall be
139 responsible for appointing any necessary employees to assist in
140 carrying out said programs.

141 (2) The State Board for Community and Junior Colleges is
142 hereby authorized to cooperate with or enter into agreements with
143 any agency, official, educational institution or political
144 subdivision of this state, any agency or official of the
145 government of the United States of America, or any private person,
146 firm, partnership or corporation in order to carry out the
147 provisions of this section.

148 (3) The State Board for Community and Junior Colleges is
149 authorized to promulgate such rules and regulations as may be
150 necessary to carry out the provisions of this section.

151 (4) To the maximum extent practicable, all programs
152 embracing an institutional training component shall be coordinated
153 with and complementary to the existing state public educational
154 systems and shall not be duplicative or competitive in nature to
155 such systems.

156 (5) The State Board for Community and Junior Colleges, the
157 State Department of Education, the board of trustees of any
158 community or junior college district, and the school board of any
159 school district shall cooperate in carrying out the provisions of
160 this act.

161 SECTION 5. Section 37-3-25, Mississippi Code of 1972, is
162 amended as follows:[LR1]

163 37-3-25. (1) The Director of the Division of Vocational and
164 Technical Education of the State Department of Education who shall
165 be an associate state superintendent of education shall be
166 appointed by the State Superintendent of Public Education. The
167 director's salary shall be set by the State Board of Education
168 subject to the approval of the State Personnel Board. His salary,

169 compensation, travel expenses or other expenses shall be provided
170 for out of any funds made available for such purpose by the
171 Legislature, the federal government, or other gifts or grants.
172 The director shall be responsible to the State Superintendent of
173 Public Education for the proper administration of the programs of
174 primary and secondary vocational and technical education in
175 conformity with the policies adopted by the State Board of
176 Education and shall be responsible for appointing any necessary
177 supervisors, assistants, and employees to assist in carrying out
178 the programs of primary and secondary vocational and technical
179 education. The director shall have the authority to employ,
180 compensate, terminate, promote, demote, transfer or reprimand
181 employees of the division. The salary and compensation of such
182 employees shall be subject to the rules and regulations adopted
183 and promulgated by the State Personnel Board as created under
184 Section 25-9-101 et seq.

185 (2) The Director of the Division of Vocational and Technical
186 Education, subject to the approval of the State Board of
187 Education, shall have charge of and be responsible for primary and
188 secondary vocational and technical education training in:

- 189 (a) Agriculture;
- 190 (b) Occupational and consumer home economics;
- 191 (c) Consumer and homemaking education;
- 192 (d) Trades and industry;
- 193 (e) Distributive education;
- 194 (f) Secondary adult education;
- 195 (g) Teacher training and supervision;
- 196 (h) Business and office;
- 197 (i) Health;
- 198 (j) Industrial arts;
- 199 (k) Guidance services;
- 200 (l) Secondary technical education;
- 201 (m) Cooperative education; and

202 (n) All other specialized primary and secondary
203 training * * *.

204 SECTION 6. Section 37-31-205, Mississippi Code of 1972, is
205 amended as follows:[LR2]

206 37-31-205. (1) The State Board of Education shall have the
207 authority to:

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

210 (b) Channel funds to secondary schools * * * according
211 to priorities set by the board;

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

213 (d) Set standards for and approve all primary and
214 secondary vocational and technical education programs in the
215 public school system * * * or other agencies or institutions which
216 receive state funds and federal funds for such purposes,
217 including, but not limited to, the following primary and secondary
218 vocational and technical education programs: agriculture, trade
219 and industry, occupational home economics, consumer and homemaking
220 education, distributive education, business and office, health,
221 industrial arts, guidance services, secondary technical education,
222 cooperative education, * * * all other specialized primary and
223 secondary training * * *. The State Board of Education shall
224 authorize local school boards, within such school board's
225 discretion, to offer distributive education as a one-hour or
226 two-hour block course. There shall be no reduction of
227 reimbursements from state funding for distributive education due
228 to the selection of either the one-hour or two-hour course
229 offering;

230 (e) Set and publish certification standards for primary
231 and secondary vocational and technical education personnel;

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

234 (g) Expend funds to expand career information;

235 (h) Supervise and maintain the division of vocational
236 and technical education and to utilize to the greatest extent
237 possible said division as the administrative unit of the board
238 responsible for coordinating programs and services with local
239 institutions;

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

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

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

250 (l) Encourage the establishment of new linkages with
251 business and industry which will provide for a better
252 understanding of essential labor market concepts; and

253 (m) Periodically review the funding and reporting
254 processes required of local school districts by the board or
255 division with the aim of simplifying or eliminating inefficient
256 practices and procedures.

257 * * *

258 (2) The State Board for Community and Junior Colleges shall
259 set standards for, approve and expend funds for all postsecondary
260 vocational and technical education programs and those secondary
261 vocational programs operated by community and junior
262 colleges. * * *

263 (3) The State Board of Education and the State Board for
264 Community and Junior Colleges may provide that beginning with the
265 1995-1996 school year, every vocational and technical education
266 course or program in Mississippi may integrate academic and
267 vocational-technical education through coherent sequences of

268 courses, so that students in such programs achieve both academic
269 and occupational competencies. The boards may expend federal
270 funds available from the 1990 Perkins Act, or other available
271 federal funds, for the alignment of vocational-technical programs
272 with academic programs through the accreditation process and the
273 teacher certification process. The State Board of Education and
274 the State Board for Community and Junior Colleges shall make a
275 joint report to the 1995 Regular Session of the Legislature to the
276 Senate and House Committees on Education regarding the various
277 methods or models of integrating academic and vocational-technical
278 courses and setting forth a specific state plan for the
279 integration or realignment of these programs in the secondary and
280 postsecondary schools for implementation in the 1996-1997 school
281 year.

282 SECTION 7. Section 37-31-207, Mississippi Code of 1972, is
283 amended as follows:

284 37-31-207. The State Board of Education shall have the
285 following duties:

286 (a) To seek the best available projections of
287 employment and occupations for Mississippians;

288 (b) To utilize these projections and other
289 considerations to set primary and secondary vocational and
290 technical education priorities;

291 (c) To utilize the services of all state agencies
292 having information regarding the purposes of this chapter;

293 (d) To cooperate with the State Board for Community and
294 Junior Colleges to prevent duplication and provide continuity of
295 employment and training services;

296 (e) To conduct evaluations of the success or failure of
297 primary and secondary vocational-technical programs, including the
298 extent to which training actually leads to jobs in the field in
299 which the student was trained;

300 (f) Obtain and publish data and information on program

301 performance from those primary and secondary vocational-technical
302 programs receiving state funds; and

303 (g) To notify local school districts * * * prior to
304 March 1 annually of any discontinuation of ongoing vocational
305 programs which would affect the renewing of contracts with
306 vocational personnel.

307 SECTION 8. Section 37-31-209, Mississippi Code of 1972, is
308 amended as follows:

309 37-31-209. (1) Any advisory council, other than the special
310 management advisory board, serving the board shall include five
311 (5) members who are presidents of public community/junior colleges
312 located in the State of Mississippi, and three (3) members who are
313 superintendents of education of a countywide, municipal separate
314 or consolidated school district.

315 (2) In addition to any other requirements of law, it is made
316 the duty of the advisory council and it is hereby granted the
317 authority to:

318 (a) Advise the State Board of Education in the
319 development of comprehensive policies and programs for the
320 improvement of primary and secondary vocational-technical
321 education in the state;

322 (b) Assist in the formulation of rules, regulations and
323 standards relating to primary and secondary vocational-technical
324 education programs by submitting written recommendations prior to
325 their adoption and promulgation by the board; and

326 (c) Assist in the promotion of public understanding of
327 the purposes, policies and practices regarding primary and
328 secondary vocational-technical education in this state.

329 (3) The additional members of the advisory council may meet
330 with the board in a nonvoting capacity at regular meetings of the
331 board when the board is not in executive session.

332 (4) The additional members required by this section shall be
333 reimbursed for their expenses in the same manner and from the same

334 source as other members.

335 SECTION 9. Section 37-31-211, Mississippi Code of 1972, is
336 amended as follows:

337 37-31-211. (1) The Legislature shall appropriate to the
338 State Board of Education those state funds to be expended by the
339 board through the Division of Vocational and Technical Education
340 of the State Department of Education for primary and secondary
341 vocational-technical education.

342 (2) The Legislature shall appropriate to the State Board for
343 Community and Junior Colleges those state funds to be expended for
344 postsecondary vocational-technical education and those secondary
345 centers operated by community and junior colleges.

346 (3) That portion of the funds expended for workforce
347 education and postsecondary vocational-technical education at
348 Mississippi State University's Research and Curriculum unit shall
349 be specifically appropriated to the State Board for Community and
350 Junior Colleges to provide this service to the community and
351 junior colleges for workforce education and postsecondary
352 vocational-technical education.

353 (4) The State Board for Community and Junior Colleges shall
354 develop accountability standards that will include, in part, the
355 following items:

356 (a) The State Board for Community and Junior Colleges
357 shall develop a formula for the distribution of
358 vocational-technical funds for equipment to the local community
359 and junior colleges;

360 (b) The State Board for Community and Junior Colleges
361 shall develop guidelines for vocational-technical instructors,
362 professional staff and administrator qualifications. These
363 guidelines shall be in accordance with Southern Association of
364 Colleges and Schools criteria;

365 (c) The State Board for Community and Junior Colleges,
366 in conjunction with the State Department of Education, shall

367 develop an articulation agreement for secondary vocational
368 students matriculating into postsecondary vocational-technical
369 programs.

370 (d) Each of the fifteen (15) Mississippi community
371 colleges are governed by local boards and these boards have
372 legislative authority to govern vocational-technical programs. In
373 addition, each of the community/junior colleges are accredited by
374 the Southern Association of Colleges and Schools, an accrediting
375 agency that has rigorous accountability standards.

376 (5) The Mississippi State Board for Community and Junior
377 Colleges, with the Mississippi Association of Community/Junior
378 Colleges, shall include, but not be limited to, developing
379 accountability standards for implementation of on-going operations
380 of vocational-technical education programs. Measures of
381 accountability with program outcome intent are:

382 (a) Where applicable, national or state-developed
383 assessment instruments will measure student achievement and
384 program outcome;

385 (b) Program advisory committees composed of labor,
386 management and current/perspective employers will be a vital part
387 of the curriculum development and on-going modification;

388 (c) Employer satisfaction with education in
389 postsecondary vocational-technical programs will be evaluated and
390 recorded for public review;

391 (d) Support from alumni will be solicited, encouraged
392 and sought to promote quality and public awareness of programs;

393 (e) Positive placement rate of students who complete
394 postsecondary vocational-technical programs will be a necessary
395 element for program continuation;

396 (f) Student retention in postsecondary
397 vocational-technical programs shall be measured by a sufficient
398 number of students completing and passing all levels of
399 instruction in any individual program;

400 (g) Related studies in education for postsecondary
401 vocational-technical students will support students needing
402 developmental help for successful completion of their career
403 objective;

404 (h) Each individual institution will be accountable for
405 providing administrative support to effectively operate programs;

406 (i) Counselors will be available to help in student
407 placement and appropriate career choices;

408 (j) Average enrollment per full-time equivalent (FTE)
409 teacher unit for postsecondary occupational programs should be
410 evaluated to address labor demand for the service area of each
411 individual community college;

412 (k) A comprehensive safety and health plan is
413 implemented to ensure safe working conditions and practice in the
414 postsecondary vocational-technical labs; included shall be
415 adequate facilities and equipment to house and provide quality
416 instruction for the number of students enrolled in such programs;

417 (l) Program completers are placed in a field related to
418 their training. In addition, continuing education is to be
419 provided in a related field;

420 (m) Adequate numbers of individuals are educated in
421 postsecondary vocational-technical education and workforce
422 education;

423 (n) Each community/junior college will be responsible
424 for submitting an annual report card to the Mississippi State
425 Board for Community and Junior Colleges.

426 SECTION 10. This act shall take effect and be in force from
427 and after July 1, 2000.