

By: Senator(s) Harden

To: Education;  
Appropriations

SENATE BILL NO. 2229

1 AN ACT TO AMEND SECTION 37-9-77, MISSISSIPPI CODE OF 1972, TO  
2 DELETE THE AUTOMATIC REPEALER ON THE SCHOOL ADMINISTRATOR  
3 SABBATICAL LEAVE PROGRAM; AND FOR RELATED PURPOSES.

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

5 SECTION 1. Section 37-9-77, Mississippi Code of 1972, is  
6 amended as follows:

7 37-9-77. (1) There is established the Mississippi School  
8 Administrator Sabbatical Program which shall be available to  
9 licensed teachers employed in Mississippi school districts for not  
10 less than three (3) years, for the purpose of allowing such  
11 teachers to become local school district administrators under the  
12 conditions set forth in this section. The State Board of  
13 Education, in coordination with the Board of Trustees of State  
14 Institutions of Higher Learning, shall develop guidelines for the  
15 program. Application shall be made to the State Department of  
16 Education for the Mississippi School Administrator Sabbatical  
17 Program by qualified teachers meeting the criteria for a  
18 department-approved administration program and who have been  
19 recommended by the local school board. Administration programs  
20 that are eligible for the administrator sabbatical program shall  
21 be limited to those that have been approved by the department by  
22 the January 1 preceding the date of admission to the program.  
23 Admission into the program shall authorize the applicant to take  
24 university course work and training leading to an administrator's  
25 license.

26 (2) The salaries of the teachers approved for participation  
27 in the administrator sabbatical program shall be paid by the

28 employing school district from nonminimum education program funds.  
29 However, the State Department of Education shall reimburse the  
30 employing school districts for the cost of the salaries and paid  
31 fringe benefits of teachers participating in the administrator  
32 sabbatical program for one (1) contract year. Reimbursement shall  
33 be made in accordance with the then current minimum education  
34 program salary schedule under Section 37-19-7, except that the  
35 maximum amount of the reimbursement from state funds shall not  
36 exceed the minimum education program salary for a teacher holding  
37 a Class A license and having five (5) years' experience. The  
38 local school district shall be responsible for that portion of a  
39 participating teacher's salary attributable to the local  
40 supplement and for any portion of the teacher's salary that  
41 exceeds the maximum amount allowed for reimbursement from state  
42 funds as provided in this subsection, and the school board may not  
43 reduce the local supplement payable to that teacher. Any  
44 reimbursements made by the State Department of Education to local  
45 school districts under this section shall be subject to available  
46 appropriations and may be made only to school districts determined  
47 by the State Board of Education as being in need of  
48 administrators.

49 (3) Such teachers participating in the program on a  
50 full-time basis shall continue to receive teaching experience and  
51 shall receive the salary prescribed in Section 37-19-7, including  
52 the annual experience increments. Such participants shall be  
53 fully eligible to continue participation in the Public Employees  
54 Retirement System and the Public School Employees Health Insurance  
55 Plan during the time they are in the program on a full-time basis.

56 (4) As a condition for participation in the School  
57 Administrator Sabbatical Program, such teachers shall agree to  
58 employment as administrators in the sponsoring school district for  
59 not less than five (5) years following completion of administrator  
60 licensure requirements. Any person failing to comply with this

61 employment commitment in any required school year, unless the  
62 commitment is deferred as provided in subsection (5) of this  
63 section, shall immediately be in breach of contract and become  
64 liable to the State Department of Education for that amount of his  
65 salary and paid fringe benefits paid by the state while the  
66 teacher was on sabbatical, less twenty percent (20%) of the amount  
67 of his salary and paid fringe benefits paid by the state for each  
68 year that the person was employed as an administrator following  
69 completion of the administrator licensure requirements. In  
70 addition, the person shall become liable to the local school  
71 district for any portion of his salary and paid fringe benefits  
72 paid by the local school district while the teacher was on  
73 sabbatical that is attributable to the local salary supplement or  
74 is attributable to the amount that exceeds the maximum amount  
75 allowed for reimbursement from state funds as provided in  
76 subsection (2) of this section, less twenty percent (20%) of the  
77 amount of his salary and paid fringe benefits paid by the school  
78 district for each year that the person was employed as an  
79 administrator following completion of the administrator licensure  
80 requirements. Interest on the amount due shall accrue at the  
81 current Stafford Loan rate at the time the breach occurs. If the  
82 claim for repayment of such salary and fringe benefits is placed  
83 in the hands of an attorney for collection after default, then the  
84 obligor shall be liable for an additional amount equal to a  
85 reasonable attorney's fee.

86 (5) If there is not an administrator position immediately  
87 available in the sponsoring school district after a person has  
88 completed the administrator licensure requirements, or if the  
89 administrator position in the sponsoring school district in which  
90 the person is employed is no longer needed before the completion  
91 of the five-year employment commitment, the local school board  
92 shall defer any part of the employment commitment that has not  
93 been met until such time as an administrator position becomes

94 available in the sponsoring school district. If such a deferral  
95 is made, the sponsoring school district shall employ the person as  
96 a teacher in the school district during the period of deferral,  
97 unless the person desires to be released from employment by the  
98 sponsoring school district and the district agrees to release the  
99 person from employment. If the sponsoring school district  
100 releases a person from employment, that person may be employed as  
101 an administrator in another school district in the state that is  
102 in need of administrators as determined by the State Board of  
103 Education, and that employment for the other school district shall  
104 be applied to any remaining portion of the five-year employment  
105 commitment required under this section. Nothing in this  
106 subsection shall prevent a school district from not renewing the  
107 person's contract before the end of the five-year employment  
108 commitment in accordance with the School Employment Procedures Law  
109 (Section 37-9-101 et seq.). However, if the person is not  
110 employed as an administrator by another school district after  
111 being released by the sponsoring school district, or after his  
112 contract was not renewed by the sponsoring school district, he  
113 shall be liable for repayment of the amount of his salary and  
114 fringe benefits as provided in subsection (4) of this section.

115 (6) All funds received by the State Department of Education  
116 from the repayment of salary and fringe benefits paid by the state  
117 from program participants shall be deposited in the Mississippi  
118 Critical Teacher Shortage Fund.

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120 SECTION 2. This act shall take effect and be in force from  
121 and after June 30, 2001.