

By: Representative Hines

To: Juvenile Justice;
Appropriations

HOUSE BILL NO. 973

1 AN ACT TO REQUIRE THAT EACH JUVENILE DETENTION CENTER IN THE
 2 STATE SHALL HAVE AT LEAST ONE CERTIFIED TEACHER WHO SHALL SERVE
 3 UNDER THE SUPERVISION OF THE LOCAL SCHOOL SYSTEM; TO AMEND SECTION
 4 19-5-101, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE BOARD OF
 5 SUPERVISORS OF EACH COUNTY MAY EXPEND FUNDS FROM THE COUNTY
 6 GENERAL FUND TO MATCH FUNDS SPENT BY THE PUBLIC SCHOOL SYSTEM TO
 7 PAY THE SALARIES OF THE TEACHERS AT THE JUVENILE DETENTION CENTERS
 8 LOCATED IN THE COUNTY; TO AMEND SECTION 37-9-14, MISSISSIPPI CODE
 9 OF 1972, TO PROVIDE THAT THE SUPERINTENDENT OF SCHOOLS MAY EXPEND
 10 THE DISTRICT SCHOOL FUNDS FOR HIS SCHOOL DISTRICT TO MATCH THE
 11 COUNTY'S PORTION OF THE SALARIES PAID TO TEACHERS IN THE JUVENILE
 12 DETENTION CENTERS IN THE SCHOOL DISTRICT; AND FOR RELATED
 13 PURPOSES.

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

15 **SECTION 1.** Each juvenile detention center in the state shall
 16 have at least one (1) teacher who holds a professional teaching
 17 certificate issued by the State Board of Education in accordance
 18 with Section 37-9-1 et seq. Such teacher or teachers shall serve
 19 under the supervision of the local school system and may be
 20 employees of the school system. The salaries of such teachers
 21 shall be shared by the public school system and the county in
 22 which the juvenile detention center is located.

23 **SECTION 2.** Section 19-5-101, Mississippi Code of 1972, is
 24 amended as follows:

25 19-5-101. The board of supervisors of each county shall have
 26 the power to expend monies from the county general fund to match
 27 any other funds for the purpose of establishing juvenile
 28 residential treatment centers including, but not limited to,
 29 treatment centers and halfway houses. The board of supervisors of
 30 each county may expend monies from the county general fund to
 31 match funds spent by the public school system to pay the salaries
 32 of the teachers at the juvenile detention centers located in the



33 county in accordance with Section 1 of House Bill No. _____, 2002
34 Regular Session.

35 **SECTION 3.** Section 37-9-14, Mississippi Code of 1972, is
36 amended as follows:

37 37-9-14. (1) It shall be the duty of the superintendent of
38 schools to administer the schools within his district and to
39 implement the decisions of the school board.

40 (2) In addition to all other powers, authority and duties
41 imposed or granted by law, the superintendent of schools shall
42 have the following powers, authority and duties:

43 (a) To enter into contracts in the manner provided by
44 law with each assistant superintendent, principal and teacher of
45 the public schools, or teachers in juvenile detention centers as
46 provided in Section 1 of House Bill No. _____, 2002 Regular Session,
47 under his supervision, after such assistant superintendent,
48 principal and teachers have been selected and approved in the
49 manner provided by law.

50 (b) To enforce in the public schools of the school
51 district the courses of study provided by law or the rules and
52 regulations of the State Board of Education, and to comply with
53 the law with reference to the use and distribution of free
54 textbooks.

55 (c) To administer oaths in all cases to persons
56 testifying before him relative to disputes relating to the schools
57 submitted to him for determination, and to take testimony in such
58 cases as provided by law.

59 (d) To examine the monthly and annual reports submitted
60 to him by principals and teachers for the purpose of determining
61 and verifying the accuracy thereof.

62 (e) To preserve all reports of superintendents,
63 principals, teachers and other school officers, and to deliver to
64 his successor or clerk of the board of supervisors all money,
65 property, books, effects and papers.



66 (f) To prepare and keep in his office a map or maps
67 showing the territory embraced in his school district, to furnish
68 the county assessor with a copy of such map or maps, and to revise
69 and correct same from time to time as changes in or alterations of
70 school districts may necessitate.

71 (g) To keep an accurate record of the names of all of
72 the members of the school board showing the districts for which
73 each was elected or appointed, the post office address of each,
74 and the date of the expiration of his term of office. All
75 official correspondence shall be addressed to the school board,
76 and notice to such members shall be regarded as notice to the
77 residents of the district, and it shall be the duty of the members
78 to notify such residents.

79 (h) To deliver in proper time to the assistant
80 superintendents, principals, teachers and board members such
81 forms, records and other supplies which will be needed during the
82 school year as provided by law or any applicable rules and
83 regulations, and to give to such individuals such information with
84 regard to their duties as may be required.

85 (i) To make to the school board reports for each
86 scholastic month in such form as the school board may require.

87 (j) To distribute promptly all reports, letters, forms,
88 circulars and instructions which he may receive for the use of
89 school officials.

90 (k) To keep on file and preserve in his office all
91 appropriate information concerning the affairs of the school
92 district.

93 (l) To visit the schools of his school district in his
94 discretion, and to require the assistant superintendents,
95 principals and teachers thereof to perform their duties as
96 prescribed by law.



97 (m) To observe such instructions and regulations as the
98 school board and other public officials may prescribe, and to make
99 special reports to these officers whenever required.

100 (n) To keep his office open for the transaction of
101 business upon the days and during the hours to be designated by
102 the school board.

103 (o) To make such reports as are required by the State
104 Board of Education.

105 (p) To make an enumeration of educable children in his
106 school district as prescribed by law.

107 (q) To keep in his office and carefully preserve the
108 public school record provided, to enter therein the proceedings of
109 the school board and his decision upon cases and his other
110 official acts, to record therein the data required from the
111 monthly and term reports of principals and teachers, and from the
112 summaries of records thus kept.

113 (r) To delegate student disciplinary matters to
114 appropriate school personnel.

115 (s) To make assignments to the various schools in the
116 district of all noninstructional and nonlicensed employees and all
117 licensed employees, as provided in Sections 37-9-15 and 37-9-17,
118 and to make reassignments of such employees from time to time;
119 however, a reassignment of a licensed employee may only be to an
120 area in which the employee has a valid license issued by the State
121 Department of Education. Upon request from any employee
122 transferred, such assignment shall be subject to review by the
123 school board.

124 (t) To employ substitutes for licensed employees,
125 regardless of whether or not such substitute holds the proper
126 license, subject to such reasonable rules and regulations as may
127 be adopted by the State Board of Education.



128 (u) To comply in a timely manner with the compulsory
129 education reporting requirements prescribed in Section
130 37-13-91(6).

131 (v) To perform such other duties as may be required of
132 him by law.

133 (w) To notify, in writing, the parent, guardian or
134 custodian, the youth court and local law enforcement of any
135 expulsion of a student for criminal activity as defined in Section
136 37-11-92.

137 (x) To notify the youth court and local law enforcement
138 agencies, by affidavit, of the occurrence of any crime committed
139 by a student or students upon school property or during any
140 school-related activity, regardless of location and the identity
141 of the student or students committing the crime.

142 (y) To employ and dismiss noninstructional and
143 nonlicensed employees as provided by law.

144 (3) All funds to the credit of a school district shall be
145 paid out on pay certificates issued by the superintendent upon
146 order of the school board of the school district properly entered
147 upon the minutes thereof, and all such orders shall be supported
148 by properly itemized invoices from the vendors covering the
149 materials and supplies purchased. All such orders and the
150 itemized invoices supporting same shall be filed as a public
151 record in the office of the superintendent for a period of five
152 (5) years. The superintendent shall be liable upon his official
153 bond for the amount of any pay certificate issued in violation of
154 the provisions of this section. The school board shall have the
155 power and authority to direct and cause warrants to be issued
156 against such district funds for the purpose of refunding any
157 amount of taxes erroneously or illegally paid into such fund when
158 such refund has been approved in the manner provided by law.

159 (4) The superintendent of schools shall be special
160 accounting officer and treasurer with respect to any and all



161 district school funds for his school district. He or his designee
162 shall issue all warrants without the necessity of registration
163 thereof by the chancery clerk. Transactions with the depositories
164 and with the various tax collecting agencies which involve school
165 funds for such school district shall be with the superintendent of
166 schools, or his designee. He may expend the district school funds
167 to match the county's portion of the salaries paid to teachers in
168 juvenile detention centers in the school district in accordance
169 with Section 19-5-101.

170 (5) The superintendent of schools will have no
171 responsibility with regard to agricultural high school and junior
172 college funds.

173 All agricultural high school and junior college funds shall
174 be handled and expended in the manner provided for in Sections
175 37-29-31 through 37-29-39.

176 (6) It shall be the duty of the superintendent of schools to
177 keep and preserve the minutes of the proceedings of the school
178 board.

179 (7) The superintendent of schools shall maintain as a record
180 in his office a book or a computer printout in which he shall
181 enter all demands, claims and accounts paid from any funds of the
182 school district. The record shall be in a form to be prescribed
183 by the State Auditor. All demands, claims and accounts filed
184 shall be preserved by the superintendent of schools as a public
185 record for a period of five (5) years. All claims found by the
186 school board to be illegal shall be rejected or disallowed. All
187 claims which are found to be legal and proper shall be allowed and
188 ratified as paid by the superintendent of schools. All claims as
189 to which a continuance is requested by the claimant and those
190 found to be defective but which may be perfected by amendment
191 shall be continued. The superintendent of schools shall issue a
192 pay certificate against any legal and proper fund of the school
193 district in favor of the claimant in payment of claims. The



194 provisions of this section, however, shall not be applicable to
195 the payment of teachers' salaries, salaries of drivers of publicly
196 owned school buses, travel advances, amounts due private
197 contractors or other obligations where the amount thereof has been
198 previously approved by a contract or by an order of the school
199 board entered upon its minutes, or by inclusion in the current
200 fiscal year budget, and all such amounts may be paid by the
201 superintendent of schools by pay certificates issued by him
202 against the legal and proper fund without allowance of a specific
203 claim therefor as provided in this section, provided that the
204 payment thereof is otherwise in conformity with law.

205 **SECTION 4.** This act shall take effect and be in force from
206 and after July 1, 2002.

