

By: Representative Warren

To: Education;  
Appropriations

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 744

1 AN ACT TO AMEND SECTIONS 37-3-93, 37-4-11, 37-9-77,  
2 37-11-18.1, 37-11-54 AND 37-15-1, MISSISSIPPI CODE OF 1972, TO  
3 EXTEND THE AUTOMATIC REPEALERS ON THOSE STATUTES PROVIDING FOR THE  
4 SCHOOL CRISIS MANAGEMENT PROGRAM, THE TRANSFER OF INDUSTRIAL  
5 TRAINING AND ADULT SHORT-TERM TRAINING PROGRAMS TO THE STATE BOARD  
6 FOR COMMUNITY AND JUNIOR COLLEGES, THE SCHOOL ADMINISTRATOR  
7 SABBATICAL LEAVE PROGRAM, THE EXPULSION AUTHORITY FOR HABITUALLY  
8 DISRUPTIVE STUDENTS, THE CONFLICT RESOLUTION-PEER MEDIATION  
9 CURRICULA REQUIREMENT AND THE EVIDENCE OF DATE OF BIRTH FOR  
10 ENROLLMENT IN KINDERGARTEN OR GRADE 1; AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** Section 37-3-93, Mississippi Code of 1972, is  
13 amended as follows:

14 37-3-93. (1) Subject to the availability of funding  
15 specifically appropriated for such purpose, there is established a  
16 School Crisis Management Program under the State Department of  
17 Education. This program is to be initiated and executed by the  
18 department using only existing staff and resources. Under this  
19 program, the State Department of Education shall create an office  
20 making available a quick response team of personnel trained in  
21 school safety and crisis management to respond to traumatic or  
22 violent situations that impact students and faculty in the public  
23 schools in Mississippi. The School Crisis Management Program  
24 shall operate in accordance with the following:

25 (a) The basic response team shall consist of those  
26 personnel designated by the State Superintendent of Public  
27 Education, or their designees, depending on the size of the school  
28 and the nature of the event.

29 (b) In order to access the services of a response team,  
30 the request must be made by the local school principal or the



31 superintendent of schools, who shall make the request to the State  
32 Department of Education or its contact designee.

33 (c) A response team shall enter a school to work with  
34 students and faculty for a period of no more than three (3) days,  
35 unless otherwise requested by the school district.

36 (d) The State Department of Education, or its designee,  
37 shall operate a toll-free incoming wide area telephone service for  
38 the purpose of receiving reports of suspected cases of school  
39 violence and other traumatic situations impacting on students and  
40 faculty in the public schools.

41 (e) The request made by a school district to access the  
42 services of a response team following a school safety incident may  
43 seek a review of the local school district's safety plan, and the  
44 results of this evaluation may be published by the local school  
45 board in a newspaper with wide circulation in the district.

46 (f) Subject to the availability of funds specifically  
47 appropriated therefor by the Legislature, the expenses of the  
48 quick response teams and their administrative support shall be  
49 provided from state funds. The State Department of Education may  
50 apply for and expend funds for the support and maintenance of this  
51 program from private and other funding sources.

52 (2) Local school districts, school superintendents and  
53 principals may request and utilize the services of quick response  
54 teams provided for under this section; however, this section does  
55 not require school officials to request the services of quick  
56 response teams.

57 (3) This section shall be repealed on July 1, 2007.

58 **SECTION 2.** Section 37-4-11, Mississippi Code of 1972, is  
59 amended as follows:

60 37-4-11. (1) The purpose of this section is to insure the  
61 uniform management, oversight and accountability of the  
62 state-funded Industrial Training Programs, and postsecondary Adult  
63 Short-Term Training Programs and Workforce Education Programs



64 administered by the State Board for Community and Junior Colleges  
65 for adults provided to the citizens of Mississippi.

66 (2) Effective July 1, 1999, all state-funded Industrial  
67 Training Programs and postsecondary Adult Short-term Training  
68 Programs administered by and through the State Department of  
69 Education on June 30, 1999, shall be transferred to the Workforce  
70 Education Program of the State Board for Community and Junior  
71 Colleges. The Legislature shall appropriate annually to the State  
72 Board for Community and Junior Colleges funds necessary to  
73 administer these programs.

74 (3) Effective July 1, 1999, all funds, unexpended balances,  
75 assets, liabilities and property of the State Department of  
76 Education which are used in the delivery of postsecondary Adult  
77 Short-term Training Programs and Industrial Training Programs,  
78 excluding funds, unexpended balances, assets, liabilities and  
79 property associated with the Research and Curriculum Unit at  
80 Mississippi State University, shall be transferred to the  
81 Workforce Education Program funds of the State Board for Community  
82 and Junior Colleges. The State Department of Education also shall  
83 transfer to the State Board for Community and Junior Colleges all  
84 positions and funds employed by the State Department of Education  
85 and community colleges which render industrial training,  
86 postsecondary adult short-term training or workforce education  
87 services, including the seven (7) administrative and support  
88 positions providing support to these programs. Sufficient staff  
89 positions shall be transferred from the State Department of  
90 Education, which will have a reduction in training and educational  
91 responsibilities by virtue of this act, to the State Board for  
92 Community and Junior Colleges to assure that the transferred  
93 responsibilities will be properly managed and administered. Any  
94 funds available to the State Department of Education for  
95 Industrial Training Programs and state-funded postsecondary Adult  
96 Short-term Training Programs which are subject to carryover shall



97 be transferred to the Work Force Carryover Fund established by  
98 Chapter 498, Laws of 1995, for use by the State Board for  
99 Community and Junior Colleges, on or before August 15, 1999.

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

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

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

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

112 (d) Trainee success in passing proficiency tests, where  
113 applicable.

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

117 (5) This section shall be repealed on July 1, 2007.

118 **SECTION 3.** Section 37-9-77, Mississippi Code of 1972, is  
119 amended as follows:

120 37-9-77. (1) There is established the Mississippi School  
121 Administrator Sabbatical Program which shall be available to  
122 licensed teachers employed in Mississippi school districts for not  
123 less than three (3) years, for the purpose of allowing such  
124 teachers to become local school district administrators under the  
125 conditions set forth in this section. The State Board of  
126 Education, in coordination with the Board of Trustees of State  
127 Institutions of Higher Learning, shall develop guidelines for the  
128 program. Application shall be made to the State Department of  
129 Education for the Mississippi School Administrator Sabbatical



130 Program by qualified teachers meeting the criteria for a  
131 department-approved administration program and who have been  
132 recommended by the local school board. Administration programs  
133 that are eligible for the administrator sabbatical program shall  
134 be limited to those that have been approved by the department by  
135 the January 1 preceding the date of admission to the program.  
136 Admission into the program shall authorize the applicant to take  
137 university course work and training leading to an administrator's  
138 license.

139 (2) The salaries of the teachers approved for participation  
140 in the administrator sabbatical program shall be paid by the  
141 employing school district from nonminimum education program funds.  
142 However, the State Department of Education shall reimburse the  
143 employing school districts for the cost of the salaries and paid  
144 fringe benefits of teachers participating in the administrator  
145 sabbatical program for one (1) contract year. Reimbursement shall  
146 be made in accordance with the then current minimum education  
147 program salary schedule under Section 37-19-7, except that the  
148 maximum amount of the reimbursement from state funds shall not  
149 exceed the minimum education program salary for a teacher holding  
150 a Class A license and having five (5) years' experience. The  
151 local school district shall be responsible for that portion of a  
152 participating teacher's salary attributable to the local  
153 supplement and for any portion of the teacher's salary that  
154 exceeds the maximum amount allowed for reimbursement from state  
155 funds as provided in this subsection, and the school board may not  
156 reduce the local supplement payable to that teacher. Any  
157 reimbursements made by the State Department of Education to local  
158 school districts under this section shall be subject to available  
159 appropriations and may be made only to school districts determined  
160 by the State Board of Education as being in need of  
161 administrators.



162           (3) Such teachers participating in the program on a  
163 full-time basis shall continue to receive teaching experience and  
164 shall receive the salary prescribed in Section 37-19-7, including  
165 the annual experience increments. Such participants shall be  
166 fully eligible to continue participation in the Public Employees'  
167 Retirement System and the Public School Employees Health Insurance  
168 Plan during the time they are in the program on a full-time basis.

169           (4) As a condition for participation in the School  
170 Administrator Sabbatical Program, such teachers shall agree to  
171 employment as administrators in the sponsoring school district for  
172 not less than five (5) years following completion of administrator  
173 licensure requirements. Any person failing to comply with this  
174 employment commitment in any required school year, unless the  
175 commitment is deferred as provided in subsection (5) of this  
176 section, shall immediately be in breach of contract and become  
177 liable to the State Department of Education for that amount of his  
178 salary and paid fringe benefits paid by the state while the  
179 teacher was on sabbatical, less twenty percent (20%) of the amount  
180 of his salary and paid fringe benefits paid by the state for each  
181 year that the person was employed as an administrator following  
182 completion of the administrator licensure requirements. In  
183 addition, the person shall become liable to the local school  
184 district for any portion of his salary and paid fringe benefits  
185 paid by the local school district while the teacher was on  
186 sabbatical that is attributable to the local salary supplement or  
187 is attributable to the amount that exceeds the maximum amount  
188 allowed for reimbursement from state funds as provided in  
189 subsection (2) of this section, less twenty percent (20%) of the  
190 amount of his salary and paid fringe benefits paid by the school  
191 district for each year that the person was employed as an  
192 administrator following completion of the administrator licensure  
193 requirements. Interest on the amount due shall accrue at the  
194 current Stafford Loan rate at the time the breach occurs. If the



195 claim for repayment of such salary and fringe benefits is placed  
196 in the hands of an attorney for collection after default, then the  
197 obligor shall be liable for an additional amount equal to a  
198 reasonable attorney's fee.

199 (5) If there is not an administrator position immediately  
200 available in the sponsoring school district after a person has  
201 completed the administrator licensure requirements, or if the  
202 administrator position in the sponsoring school district in which  
203 the person is employed is no longer needed before the completion  
204 of the five-year employment commitment, the local school board  
205 shall defer any part of the employment commitment that has not  
206 been met until such time as an administrator position becomes  
207 available in the sponsoring school district. If such a deferral  
208 is made, the sponsoring school district shall employ the person as  
209 a teacher in the school district during the period of deferral,  
210 unless the person desires to be released from employment by the  
211 sponsoring school district and the district agrees to release the  
212 person from employment. If the sponsoring school district  
213 releases a person from employment, that person may be employed as  
214 an administrator in another school district in the state that is  
215 in need of administrators as determined by the State Board of  
216 Education, and that employment for the other school district shall  
217 be applied to any remaining portion of the five-year employment  
218 commitment required under this section. Nothing in this  
219 subsection shall prevent a school district from not renewing the  
220 person's contract before the end of the five-year employment  
221 commitment in accordance with the School Employment Procedures Law  
222 (Section 37-9-101 et seq.). However, if the person is not  
223 employed as an administrator by another school district after  
224 being released by the sponsoring school district, or after his  
225 contract was not renewed by the sponsoring school district, he  
226 shall be liable for repayment of the amount of his salary and  
227 fringe benefits as provided in subsection (4) of this section.



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

232           (7) This section shall stand repealed on July 1, 2007.

233           **SECTION 4.** Section 37-11-18.1, Mississippi Code of 1972, is  
234 amended as follows:

235           37-11-18.1. (1) For the purposes of this section:

236           (a) The term "disruptive behavior" means conduct of a  
237 student that is so unruly, disruptive or abusive that it seriously  
238 interferes with a school teacher's or school administrator's  
239 ability to communicate with the students in a classroom, with a  
240 student's ability to learn, or with the operation of a school or  
241 school-related activity, and which is not covered by other laws  
242 related to violence or possession of weapons or controlled  
243 substances on school property, school vehicles or at  
244 school-related activities. Such behaviors include, but are not  
245 limited to: foul, profane, obscene, threatening, defiant or  
246 abusive language or action toward teachers or other school  
247 employees; defiance, ridicule or verbal attack of a teacher; and  
248 willful, deliberate and overt acts of disobedience of the  
249 directions of a teacher; and

250           (b) The term "habitually disruptive" refers to such  
251 actions of a student which cause disruption in a classroom, on  
252 school property or vehicles or at a school-related activity on  
253 more than two (2) occasions during a school year, and to  
254 disruptive behavior that was initiated, willful and overt on the  
255 part of the student and which required the attention of school  
256 personnel to deal with the disruption. However, no student shall  
257 be considered to be habitually disruptive before the development  
258 of a behavior modification plan for the student in accordance with  
259 the code of student conduct and discipline plans of the school  
260 district.





261 (2) Any student who is thirteen (13) years of age or older  
262 for whom a behavior modification plan is developed by the school  
263 principal, reporting teacher and student's parent and which  
264 student does not comply with the plan shall be deemed habitually  
265 disruptive and subject to automatic expulsion on the occurrence of  
266 the third act of disruptive behavior during a school year. After  
267 the second act of disruptive behavior during a school year by a  
268 student who is younger than thirteen (13) years of age, a  
269 psychological evaluation shall be performed upon the child.

270 (3) This section shall be repealed on July 1, 2007.

271 **SECTION 5.** Section 37-11-54, Mississippi Code of 1972, is  
272 amended as follows:

273 37-11-54. The State Board of Education, using only existing  
274 staff and resources, shall develop a list of recommended conflict  
275 resolution and mediation materials, models and curricula that  
276 address responsible decision making, the causes and effects of  
277 school violence and harassment, cultural diversity, and nonviolent  
278 methods for resolving conflict, including peer mediation, and  
279 shall make the list available to local school administrative units  
280 and school buildings before the beginning of the 2002-2003 school  
281 year. However, no monies from the Temporary Assistance for Needy  
282 Families grant may be used for developing this list. In  
283 developing this list, the board shall emphasize materials, models  
284 and curricula that currently are being used in Mississippi and  
285 which the board determines to be effective. The board shall  
286 include at least one (1) model that includes instruction and  
287 guidance for the voluntary implementation of peer mediation  
288 programs and one (1) model that provides instruction and guidance  
289 for teachers concerning the integration of conflict resolution and  
290 mediation lessons into the existing classroom curriculum.

291 This section shall be repealed on July 1, 2007.

292 **SECTION 6.** Section 37-15-1, Mississippi Code of 1972, is  
293 amended as follows:



294           37-15-1. The State Board of Education shall prepare and  
295 provide necessary forms for keeping permanent records and  
296 cumulative folders for each pupil in the public schools of the  
297 state. In the permanent record and cumulative folders, the  
298 teachers and principals shall keep information concerning the  
299 pupil's date of birth, as verified by the documentation authorized  
300 in this section, record of attendance, grades and withdrawal from  
301 the school, including the date of any expulsion from the school  
302 system and a description of the student's act or behavior  
303 resulting in the expulsion. The records also shall contain  
304 information pertaining to immunization and such other information  
305 as the State Board of Education may prescribe. The cumulative  
306 folder, in addition to that information maintained in the  
307 permanent records, also shall contain such other information as  
308 the State Board of Education shall prescribe. It shall be the  
309 responsibility of the person in charge of each school to enforce  
310 the requirement for evidence of the age of each pupil before  
311 enrollment. If the first prescribed evidence is not available,  
312 the next evidence obtainable in the order set forth below shall be  
313 accepted:

314           (a) A certified birth certificate;

315           (b) A duly attested transcript of a certificate of  
316 baptism showing the date of birth and place of baptism of the  
317 child, accompanied by an affidavit sworn to by a parent,  
318 grandparent or custodian;

319           (c) An insurance policy on the child's life which has  
320 been in force for at least two (2) years;

321           (d) A bona fide contemporary Bible record of the  
322 child's birth accompanied by an affidavit sworn to by the parent,  
323 grandparent or custodian;

324           (e) A passport or certificate of arrival in the United  
325 States showing the age of the child;



326 (f) A transcript of record of age shown in the child's  
327 school record of at least four (4) years prior to application,  
328 stating date of birth; or

329 (g) If none of these evidences can be produced, an  
330 affidavit of age sworn to by a parent, grandparent or custodian.  
331 Any child enrolling in Kindergarten or Grade 1 shall present the  
332 required evidence of age upon enrollment. Any child in Grades 2  
333 through 12 not in compliance at the end of sixty (60) days from  
334 enrollment shall be suspended until in compliance.

335 This section shall stand repealed on July 1, 2007.

336 **SECTION 7.** This act shall take effect and be in force from  
337 and after June 30, 2003.

