

By: Representative Warren

To: Education

HOUSE BILL NO. 552

1 AN ACT TO AMEND SECTION 37-9-77, MISSISSIPPI CODE OF 1972, TO
2 EXTEND THE REPEALER ON THE MISSISSIPPI SCHOOL ADMINISTRATOR
3 SABBATICAL PROGRAM TO JULY 1, 2009, AND TO REPLACE REFERENCES TO
4 THE "MINIMUM EDUCATION PROGRAM; WITH CURRENT "ADEQUATE EDUCATION
5 PROGRAM" TERMINOLOGY; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 37-9-77, Mississippi Code of 1972, is
8 amended as follows:

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

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

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

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

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

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

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

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

120 (7) This section shall stand repealed on July 1, 2009.

121 **SECTION 2.** This act shall take effect and be in force from
122 and after July 1, 2007.