

By: Simmons, Blackmon, Turner, Johnson  
(38th)

To: Education;  
Appropriations

SENATE BILL NO. 2330

1 AN ACT RELATING TO SCHOOL SAFETY AND VIOLENCE PREVENTION; TO  
2 AMEND SECTIONS 37-3-81 AND 37-3-83, MISSISSIPPI CODE OF 1972, TO  
3 DIRECT THE STATE DEPARTMENT OF EDUCATION TO ESTABLISH A SCHOOL  
4 SAFETY CENTER TO PROVIDE TECHNICAL AND CRISIS ASSISTANCE TO SCHOOL  
5 DISTRICTS, AND TO AUTHORIZE SCHOOL SAFETY GRANTS TO LOCAL SCHOOL  
6 DISTRICTS TO FINANCE CERTAIN PROGRAMS TO PROVIDE SCHOOL SAFETY; TO  
7 ESTABLISH A SCHOOL CRISIS MANAGEMENT PROGRAM WITHIN THE STATE  
8 DEPARTMENT OF EDUCATION, TO PROVIDE FOR A TEAM OF PROFESSIONAL  
9 INDIVIDUALS TO RESPOND TO TRAUMATIC OR VIOLENT SITUATIONS THAT  
10 IMPACT STUDENTS AND FACULTY IN THE PUBLIC SCHOOLS; TO PROVIDE  
11 PROCEDURES FOR THE OPERATION OF THE PROGRAM AND TO AUTHORIZE  
12 FUNDING FOR THE PROGRAM; TO AUTHORIZE THE STATE BOARD OF EDUCATION  
13 TO IMPLEMENT A PROGRAM TO ASSIST IN THE ESTABLISHMENT OF  
14 PARENT/FAMILY EDUCATION PROGRAMS; TO SPECIFY CERTAIN MODELS TO BE  
15 MADE AVAILABLE THROUGH THESE PROGRAMS; TO DIRECT THE STATE BOARD  
16 OF EDUCATION TO ESTABLISH AN APPLICATION PROCESS FOR PARTICIPATION  
17 IN THE PROGRAM; TO REQUIRE APPLICANTS TO HAVE IN PLACE AN ADVISORY  
18 BOARD FOR THE PROGRAMS; TO AUTHORIZE THE DEPARTMENT TO USE  
19 AVAILABLE FUNDING FOR GRANTS TO PARTICIPATING PROGRAMS; TO REQUIRE  
20 A REPORTING PROCESS ON EXISTING EARLY CHILDHOOD PROGRAMS IN THE  
21 STATE; TO ESTABLISH AN IN-HOME PARENT AND FAMILY EDUCATION FUND;  
22 TO AUTHORIZE THE STATE BOARD OF EDUCATION TO IMPLEMENT A PROGRAM  
23 TO MAKE AVAILABLE A FULL DAY PRE-KINDERGARTEN EDUCATION PROGRAM  
24 FOR FOUR-YEAR OLD CHILDREN IN THE STATE OF MISSISSIPPI WITH  
25 SERVICES PROVIDED THROUGH THE STATE DEPARTMENT OF EDUCATION, THE  
26 DEPARTMENT OF HUMAN SERVICES, HEAD START OR OTHER CHILD DAYCARE  
27 PROGRAMS; TO ESTABLISH CERTAIN CRITERIA FOR THE PROGRAM; TO DIRECT  
28 THE STATE BOARD OF EDUCATION TO ESTABLISH AN APPLICATION PROCESS  
29 FOR PARTICIPATION IN THE PROGRAM; TO AUTHORIZE THE STATE  
30 DEPARTMENT OF EDUCATION TO USE AVAILABLE FUNDING FOR GRANTS TO  
31 PARTICIPATING PROGRAMS; TO ESTABLISH A PRE-KINDERGARTEN EDUCATION  
32 PROGRAM FUND; TO REQUIRE THE STATE BOARD OF EDUCATION TO RECOMMEND  
33 TO THE LEGISLATURE WHETHER OR NOT THE PROGRAM SHOULD BE  
34 PERMANENTLY ESTABLISHED; TO PROVIDE AN ALLOTMENT OF FUNDS UNDER  
35 THE MINIMUM EDUCATION PROGRAM FOR THE PURPOSE OF EMPLOYING  
36 ELEMENTARY SCHOOL GUIDANCE COUNSELORS BASED UPON STUDENT  
37 ENROLLMENT; TO PROVIDE AN ADDITIONAL ALLOTMENT OF FUNDS IN EACH  
38 SUBSEQUENT FISCAL YEAR UNTIL EACH ELEMENTARY SCHOOL HAS EMPLOYED  
39 AT LEAST ONE COUNSELOR; TO AUTHORIZE SCHOOL DISTRICTS TO USE SUCH

40 ALLOTMENTS TO EMPLOY SCHOOL SOCIAL WORKERS OR PUBLIC SCHOOL NURSES  
41 WITH APPROPRIATE CERTIFICATION; TO PROVIDE CERTAIN CONDITIONS ON  
42 THE EMPLOYMENT OF STATE-FUNDED SCHOOL GUIDANCE COUNSELORS AND TO  
43 PRESCRIBE THE COMPREHENSIVE COUNSELING SERVICES TO BE PROVIDED; TO  
44 ESTABLISH A MOTIVATING PARENTS AND CHILDREN (M.P.A.C.) PILOT  
45 PROGRAM WITHIN THE STATE DEPARTMENT OF EDUCATION FOR THE PURPOSE  
46 OF MAKING GRANTS TO SCHOOL DISTRICTS THAT PROVIDE PARENTAL  
47 INVOLVEMENT SERVICES TO FAMILIES OF COMPULSORY-SCHOOL-AGE CHILDREN  
48 RESIDING IN SUCH SCHOOL DISTRICT; TO SET FORTH THE PURPOSES OF THE  
49 M.P.A.C. PILOT PROGRAM; TO AUTHORIZE THE STATE DEPARTMENT OF  
50 EDUCATION TO DEVELOP AND IMPLEMENT THE M.P.A.C. PILOT PROGRAM; TO  
51 PRESCRIBE THE BASIC COMPONENTS OF SERVICES TO BE OFFERED BY SCHOOL  
52 DISTRICTS UNDER THE M.P.A.C. PILOT PROGRAM; TO PROVIDE AN  
53 APPLICATION AND SELECTION PROCEDURE FOR SCHOOL DISTRICTS  
54 PARTICIPATING IN THE M.P.A.C. PILOT PROGRAM; TO AMEND SECTION  
55 37-11-53, MISSISSIPPI CODE OF 1972, TO REQUIRE PARENTS TO ATTEND  
56 CONFERENCES AND OTHER FUNCTIONS OF SCHOOL DISTRICTS PARTICIPATING  
57 IN THE M.P.A.C. PILOT PROGRAM; TO AMEND SECTION 63-1-10,  
58 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT CHILDREN UNDER 18  
59 RESIDING IN SCHOOL DISTRICTS PARTICIPATING IN THE M.P.A.C. PILOT  
60 PROGRAM WHO WITHDRAW FROM SCHOOL MAY HAVE THEIR DRIVER'S LICENSE  
61 SUSPENDED; TO AMEND SECTION 63-1-46, MISSISSIPPI CODE OF 1972, TO  
62 EXEMPT SUCH MINORS FROM LICENSE REINSTATEMENT FEES; TO AMEND  
63 SECTION 63-1-53, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO;  
64 TO AMEND SECTION 37-13-91, MISSISSIPPI CODE OF 1972, TO PROVIDE  
65 THAT CERTAIN LAW ENFORCEMENT OFFICERS SHALL BE AUTHORIZED TO  
66 INVESTIGATE AND FILE PETITIONS IN THE PROPER COURT AGAINST PARENT  
67 OR CHILD UNDER THE PROVISIONS OF THE MISSISSIPPI COMPULSORY SCHOOL  
68 ATTENDANCE LAW; TO AMEND SECTIONS 43-27-301 THROUGH 43-27-307,  
69 MISSISSIPPI CODE OF 1972, TO ESTABLISH THE JUVENILE HEALTH  
70 RECOVERY CENTERS OF MISSISSIPPI PILOT PROGRAM, TO CREATE FIVE  
71 RESIDENTIAL FACILITIES FOR THE TREATMENT AND TRAINING OF  
72 COMPULSORY-SCHOOL-AGE CHILDREN WHO HAVE BEEN EXPELLED OR SUSPENDED  
73 FROM SCHOOL FOR SERIOUS AND CHRONIC MISCONDUCT PURSUANT TO ORDER  
74 OF THE YOUTH COURT OR VOLUNTARY COMMITMENT, TO ESTABLISH AND  
75 EMPOWER THE JUVENILE HEALTH RECOVERY BOARD, TO PROVIDE FOR THE  
76 CONSTRUCTION, EQUIPPING, SUPPORT AND MAINTENANCE OF THE  
77 FACILITIES, TO PROVIDE FOR THE OPERATION OF THE CENTERS, TO DEFINE  
78 THOSE CHILDREN ELIGIBLE FOR SERVICE AT THE CENTERS AND TO DEFINE  
79 THOSE SERVICES TO BE PROVIDED AT THE CENTERS; TO CODIFY SECTION  
80 43-27-308, MISSISSIPPI CODE OF 1972, TO CREATE A SPECIAL FUND IN  
81 THE STATE TREASURY FOR SUPPORT OF THE PROGRAM TO BE ADMINISTERED  
82 BY THE JUVENILE HEALTH RECOVERY BOARD; TO AMEND SECTION 43-21-605,  
83 MISSISSIPPI CODE OF 1972, TO AUTHORIZE YOUTH COURT PLACEMENT  
84 ORDERS TO THE FACILITIES; TO AMEND SECTION 37-13-92, MISSISSIPPI  
85 CODE OF 1972, TO AUTHORIZE LOCAL SCHOOL BOARDS TO REFER SUCH  
86 CHILDREN TO THE YOUTH COURT FOR PLACEMENT IN THESE FACILITIES IF  
87 THE ALTERNATIVE SCHOOL PROGRAM IS NOT APPROPRIATE AND TO CLARIFY  
88 THE DISCRETION OF SCHOOL SUPERINTENDENTS IN ASSIGNING STUDENTS TO  
89 ALTERNATIVE SCHOOLS; TO AMEND SECTION 43-13-117, MISSISSIPPI CODE  
90 OF 1972, TO AUTHORIZE MEDICAID REIMBURSEMENT FOR SERVICES AT THESE  
91 FACILITIES ESTABLISHED UNDER THE PROGRAM; AND FOR RELATED  
92 PURPOSES.

93

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

95 SECTION 1. Section 37-3-81, Mississippi Code of 1972, is  
96 amended as follows:

97 37-3-81. The Department of Education shall establish and  
98 maintain a School Safety Center, which shall operate a statewide  
99 information clearinghouse that (a) provides assistance to school  
100 districts and communities during school crisis; and (b) provides  
101 technical assistance to public school officials and parents who  
102 need assistance in developing school safety plans and in  
103 maintaining a safe school environment.

104 SECTION 2. Section 37-3-83, Mississippi Code of 1972, is  
105 amended as follows:

106 37-3-83. (1) There is established within the State  
107 Department of Education a School Safety Grant Program, available  
108 to all eligible public school districts, to assist in financing  
109 programs to provide school safety.

110 (2) Subject to the extent of appropriations available, the  
111 School Safety Grant Program shall offer any of the following  
112 specific preventive services, and other additional services  
113 appropriate to school safety, to be provided through the School  
114 Safety Center:

115 (a) Metal detectors;

116 (b) Video surveillance cameras, communication equipment  
117 and monitoring equipment for classrooms, school buildings and  
118 school buses;

119 (c) Crisis management/action teams responding to school  
120 violence; and

121 (d) Violence prevention training, conflict resolution

122 training, and other appropriate training designated by the State  
123 Department of Education for faculty and staff.

124 (3) Each local school district of this state may annually  
125 apply for \* \* \* school safety grant funds subject to  
126 appropriations by the Legislature. In order to be eligible for  
127 such program, each local school board desiring to participate  
128 shall apply to the State Department of Education by May 31 before  
129 the beginning of the applicable fiscal year on forms provided by  
130 the department, and shall be required to establish a local School  
131 Safety Task Force to involve members of the community in the  
132 school safety effort. The State Department of Education shall  
133 determine by July 1 of each succeeding year which local school  
134 districts have submitted approved applications for school safety  
135 grants.

136 (4) As part of the School Safety Grant Program, the State  
137 Department of Education may conduct a pilot program to research  
138 the feasibility of using video camera equipment in the classroom  
139 to address the following:

140 (a) Determine if video cameras in the classroom reduce  
141 student disciplinary problems;

142 (b) Enable teachers to present clear and convincing  
143 evidence of a student's disruptive behavior to the student, the  
144 principal, the superintendent and the student's parents; and

145 (c) Enable teachers to review teaching performance and  
146 receive diagnostic feedback for developmental purposes.

147 The results of any such pilot program shall be reported to  
148 the Chairmen of the Education Committees in the House of  
149 Representatives and Senate by December 15 of the year following

150 implementation of the pilot program. Any funds appropriated by  
151 the Legislature for the support of the pilot program shall be used  
152 only for the purchase of equipment and supplies necessary for  
153 implementation of the pilot program.

154 (5) Any local school district may use video camera equipment  
155 in classrooms for the purpose of monitoring school disciplinary  
156 problems.

157 SECTION 3. (1) There is established a School Crisis  
158 Management Program which shall be attached to the State Department  
159 of Education. Under this program, the State Department of  
160 Education shall create an office to provide a quick response team  
161 of mental health professionals, law enforcement officers  
162 experienced in school crisis situations, attorneys and other  
163 individuals with appropriate training, to respond to traumatic or  
164 violent situations that impact students and faculty in the public  
165 schools in Mississippi. The State Department of Education may  
166 enter into a contractual agreement with the Mississippi Chapter of  
167 the National Association of Social Workers for the administration  
168 of the program. The School Crisis Management Program shall meet  
169 the following conditions:

170 (a) The basic response team shall consist of at least  
171 three (3) individuals, and may consist of a larger number  
172 depending on the size of the school and the nature of the event.  
173 Each team shall include a licensed counselor or licensed  
174 psychologist, a licensed social worker, a law enforcement officer  
175 experienced in school crisis situations, and may include an  
176 attorney and other individuals with appropriate training. The  
177 State Department of Education shall contract with the following

178 associations in order to train and commit individuals on a team:  
179 The Mississippi Counseling Association, the Mississippi  
180 Psychological Association, the Mississippi Chapter of the National  
181 Association of Social Workers, the Mississippi Sheriffs  
182 Association, The Mississippi Bar and other appropriate  
183 associations associated with individuals trained in school crisis  
184 management.

185           (b) In order to access the services of a response team,  
186 the request shall be made by the local school principal or the  
187 superintendent of schools who shall make the request to the State  
188 Department of Education, or its contact designee.

189           (c) The requesting school or school district shall  
190 commit student time to the response team during the school day  
191 either individually or in groups.

192           (d) A response team shall enter a school to work with  
193 students and faculty for no more than a three-day period.

194           (e) Response teams shall be organized on a regional  
195 basis in order to provide immediate access to these services.

196           (f) The State Department of Education, or its contact  
197 designee, shall operate a toll-free incoming wide area telephone  
198 service for the purpose of reporting suspected cases of school  
199 violence, and other traumatic situations impacting on students and  
200 faculty in the public schools.

201           (g) Subject to the availability of funds specifically  
202 appropriated therefor by the Legislature, the expenses of the  
203 quick response teams and their administrative support shall be  
204 provided from state funds, and the State Department of Education  
205 may apply for and expend funds for the support and maintenance of

206 this program from private and other funding sources.

207 (2) Local school districts, school superintendents and  
208 principals shall be fully authorized to request and utilize the  
209 services of quick response teams provided for under this section.

210 This section shall not be construed to require school officials  
211 to request the services of quick response teams provided for under  
212 this section.

213 SECTION 4. (1) The State Board of Education, in its  
214 discretion, may offer funds for replication of voluntary  
215 parent/family education programs that support and affirm the role  
216 of parents as the primary early childhood educator of their  
217 children for families with children aged pre-natal through four  
218 (4) years, or until entering kindergarten, using personal visits.

219 The parent/family education programs shall provide parents with  
220 opportunities to voluntarily obtain support and services that will  
221 enable them to provide optimum learning environments for their  
222 children, particularly from birth to the age of four (4) years,  
223 within the home or selected site. These programs shall use  
224 research-based, independently-evaluated, proven research models  
225 showing the following outcomes: (a) children with enhanced  
226 language, problem-solving and social development; (b) children  
227 entering school with increased readiness skills; (c) fewer  
228 children placed in special education or remedial classes; (d)  
229 lower incidence of child abuse and neglect; (e) higher scores on  
230 standardized reading and math tests in elementary grades; (f)  
231 parents are more confident in their parenting knowledge and  
232 skills; (g) parents who read more to their children; and (h) more  
233 parental involvement when children enter school. Program outcomes

234 shall be determined through a long-range evaluation that tracks  
235 participating children through the third grade.

236 (2) The State Board of Education shall (a) determine a  
237 process for interested school districts and other nonprofit  
238 entities in partnership with a school district to apply for grant  
239 funds in order to participate in the programs; (b) monitor program  
240 operations; (c) evaluate program effectiveness; and (d) develop  
241 rules for the administration of the program. In developing the  
242 process, the State Board of Education shall utilize, but not be  
243 limited to, representatives of the following categories: parents;  
244 local school districts' parent education programs staff; the  
245 Department of Human Services, Division of Family and Children's  
246 Services; head start; the cooperative extension services and USOE  
247 funded parental assistance programs. In the event an Interagency  
248 Coordinating Council for Early Childhood Services, or similar  
249 organization, is established by act of the Legislature, the State  
250 Board of Education may contract with such interagency council for  
251 the performance of its duties and responsibilities under this act.

252 (3) As part of the application process for participation in  
253 the program, applicants must demonstrate to the council that the  
254 program is a collaborative undertaking of various community  
255 organizations. School districts and other nonprofit entities in  
256 partnership with a school district applying for funds shall be  
257 required to develop a collaborative plan that includes, but is not  
258 limited to, participation of the local extension service, head  
259 start, health department, human services and other agencies as  
260 deemed by the advisory board in the local development plan.

261 Programs seeking funds under this act shall be required to provide



262 a twenty-five percent (25%) match. Programs shall be housed in  
263 parent/family resource centers developed around existing DHS  
264 Families First criteria and the State Department of Education  
265 Parent/Family Center guidelines. Parent education programs shall  
266 have a broad-based community advisory board including, but not  
267 limited to, representatives of the following categories: parents,  
268 local school districts' parent education programs staff,  
269 DHS-Division of Family and Children's Services, head start/private  
270 child care providers, cooperative extension services and State  
271 Department of Health.

272 (4) The State Department of Education may accept any funds,  
273 public or private, made available to the department for the  
274 program. The funds shall be used to award grants to the  
275 participating parent/family education services programs for the  
276 support of such programs. A parent/family education services  
277 program may use any available funding to support the  
278 administration of the program.

279 (5) The State Board of Education shall develop an annual  
280 reporting process to inform the Legislature, local school district  
281 personnel and the general public as to all programs funded under  
282 this section:

283 (a) Number of children and families served;

284 (b) Number of parent educators and other personnel,  
285 qualifications, training related to home visit programs and  
286 parent/family resource center establishment and experience levels;

287 (c) Annual program cost, with identification by name  
288 and amount of the source of funds for each program;

289 (d) Annual budget, administrative costs and other

290 pertinent fiscal information;

291 (e) Annual salary and fringe benefit information for  
292 each employee in the program;

293 (f) Annual cost of materials, training and other  
294 instructional costs related to the program;

295 (g) Annual cost of program on a per-family basis;

296 (h) Other information as directed by the State Board of  
297 Education;

298 (i) Advisory board members' names and titles; and

299 (j) Analysis of this program's impact on Grades K-3 as  
300 indicated in an independent evaluation.

301 (6) The In-home Parent and Family Education Program Fund is  
302 established. Funds made available by the Legislature for the  
303 support and maintenance of voluntary parent and family education  
304 program through personal visits authorized under this act shall be  
305 deposited into the fund. Beginning in fiscal year 2001, the State  
306 Board of Education shall award grants for not less than one (1)  
307 program in each Mississippi congressional district and not more  
308 than ten (10) programs with up to four (4) parent educators each  
309 in any Mississippi congressional district, and in subsequent  
310 fiscal years may award additional program grants subject to the  
311 availability of funds specifically appropriated therefor.

312 SECTION 5. (1) As used in this act, the term "four-year  
313 old" means any child age 4 on or before September 1.

314 (2) To ensure that all four-year olds have access to quality  
315 educational services, the Legislature hereby finds and declares  
316 that:

317 (a) Parents have the primary duty to educate their

318 young preschool children.

319           (b) The State of Mississippi can assist parents in  
320 their role as the primary caregivers and educators by providing  
321 services for a full day pre-kindergarten program that addresses  
322 instructional, social and emotional needs for four-year old  
323 children.

324           (3) The State Board of Education, in collaboration with the  
325 Department of Human Services, shall develop and implement a  
326 program to provide services for a full day pre-kindergarten  
327 program that addresses the cognitive, social and emotional needs  
328 of four-year old children, subject to the following conditions and  
329 provisions:

330           (a) The State Board of Education, the Department of  
331 Human Services, the State Board of Health, the Mississippi Head  
332 Start Association and the public and private daycare centers shall  
333 jointly develop criteria for (i) the enrollment of four-year old  
334 children who have predicted significant readiness deficiencies,  
335 (ii) the qualifications of personnel employed to serve the said  
336 children, (iii) pupil/teacher ratio, (iv) health and safety  
337 standards, (v) hours of operation of such programs, and (vi)  
338 provide for the transportation of said children.

339           (b) The core curriculum of all such four-year old  
340 programs will meet or exceed the State Department of Education's  
341 Pre-Kindergarten Curriculum benchmarks. The curriculum shall  
342 encompass language development, mathematics language development:  
343 math concepts, social/emotional development and physical  
344 development (fine, gross, sensory motor development).

345           (c) To ensure coordination, the school district shall

346 review available educational resources, programs and services in  
347 order to avoid duplication of public services.

348 (d) The State Board of Education shall determine a  
349 process for interested school districts to apply for grant funds  
350 in order to participate in such four-year old programs. Beginning  
351 in fiscal year 2001, the State Board of Education shall award  
352 grants for not less than one (1) program in each Mississippi  
353 congressional district and not more than twenty-five (25) programs  
354 in all, and in subsequent years may award additional program  
355 grants subject to the availability of funds specifically  
356 appropriated therefor by the Legislature. These programs shall be  
357 awarded to targeted school districts which are in need of an  
358 instructional program for four-year old children who have  
359 predicted significant readiness deficiencies. The State  
360 Department of Education will annually determine a cost-per-child  
361 rate which shall be used in funding a targeted program, and shall  
362 collaborate with the Department of Human Services in the  
363 determination of fair market rates for subsidized child care. The  
364 targeted districts will be responsible for blending services for  
365 children to avoid duplication in the areas of transportation,  
366 personnel, training of personnel, facilities and child nutrition.

367 (4) The Pre-Kindergarten Education Program Fund is  
368 established. Funds made available by the Legislature for the  
369 support and maintenance of full day pre-kindergarten education  
370 programs authorized under this act shall be deposited into the  
371 fund.

372 (5) The State Board of Education shall report to the  
373 Legislature on July 1, 2001, and annually thereafter, on the

374 desirability of expanding and permanently establishing the  
375 program.

376       SECTION 6. (1) Beginning with the 2000-2001 school year, in  
377 addition to other funds allotted under the minimum education  
378 program, each school district shall be allotted sufficient funding  
379 to employ one (1) elementary school guidance counselor, with  
380 funding for an additional elementary school guidance counselor to  
381 be allotted per fiscal year until each elementary school in the  
382 school district has one (1) state-funded school guidance  
383 counselor. However, until the time that there is a counselor in  
384 every elementary school at a counselor/student ratio of 1:500 or  
385 greater, the annual appropriation for elementary school guidance  
386 counselors shall not be reduced.

387       (2) The State Department of Education may, however, increase  
388 the number of positions funded each year beyond the above  
389 requirements as money is made available.

390       (3) Local school boards shall be authorized, in their  
391 discretion, to utilize such minimum program allotments to employ  
392 licensed social workers who possess a master's degree in social  
393 work and have had specific classes in individual and group  
394 counseling as determined by the State Department of Education.  
395 Local school boards shall also be authorized, in their discretion,  
396 to utilize such minimum program allotments to employ public school  
397 nurses who possess a bachelor's degree in nursing as a minimum  
398 qualification.

399       (4) The assignment of state-funded school guidance  
400 counselors, social workers or public school nurses to the  
401 particular schools within the district shall be at the discretion

402 of the local school board with the following restrictions:

403           (a) The counselor/student ratio shall be no greater  
404 than 1:500, or one (1) counselor per school building, whichever is  
405 greater;

406           (b) No individual shall be employed as a school  
407 guidance counselor, social worker or public school nurse without  
408 appropriate training and certification as determined by the State  
409 Department of Education; and

410           (c) State-funded school guidance counselors, social  
411 workers or public school nurses shall be full-time professional  
412 personnel, shall spend at least seventy-five percent (75%) of work  
413 time in a direct counseling relationship with pupils and shall  
414 devote no more than one-fourth (1/4) of the workday to  
415 administrative activities.

416           (5) State-funded school guidance counselors shall provide  
417 the following comprehensive counseling services: (a) academic and  
418 personal advisement; (b) student assessment and assessment  
419 consultation; (c) career and educational planning; (d) individual  
420 and group counseling; (e) preventive classroom counseling  
421 activities and crisis intervention; (f) referrals to community  
422 agencies; (g) educational consultation with teachers,  
423 administrators, parents and community leaders; (h) educational and  
424 career placement services; and (i) follow-up counseling services.

425           (6) Nothing in this section shall prohibit any school  
426 district from employing with local funds more school guidance  
427 counselors, social workers or public school nurses than are  
428 provided for in this section.

429           (7) The State Department of Education may adopt regulations

430 regarding the activities of the school guidance counselor, school  
431 social worker or public school nurse as are not inconsistent with  
432 this section.

433 (8) This section shall stand repealed from and after July 1,  
434 2003.

435 SECTION 7. All new programs authorized in Section 6 of this  
436 act are subject to the availability of funds specifically  
437 appropriated therefor by the Legislature.

438 SECTION 8. (1) The Legislature finds that:

439 (a) Students who exhibit serious behavior problems in  
440 school become juvenile and adult offenders;

441 (b) A major contributing factor to this problem is a  
442 lack of positive parental involvement with both their children and  
443 school personnel;

444 (c) Growing numbers of children live in conditions that  
445 place them at risk of school failure;

446 (d) The provision of school and support services to  
447 these children and their families by public and nonprofit agencies  
448 is fragmented and does not prepare these children to learn  
449 effectively and have a successful school experience;

450 (e) The lack of collaboration among schools, families,  
451 local agencies and other groups involved in family support and  
452 youth development activities results in the inefficient and  
453 ineffective use of resources to meet the needs of these children;

454 (f) Schools are dedicating an increasing amount of  
455 their time and resources to responding to disruptive and violent  
456 behavior rather than fulfilling their mission to challenge with  
457 high expectations each child to learn, to achieve and to fulfill

458 his or her potential;

459 (g) The relationships between school failure,  
460 disruptive and violent behavior in schools, unemployment and  
461 criminal behavior are clear;

462 (h) Responding to the needs of students who are at risk  
463 of school failure and providing for a safe and secure learning  
464 environment are cost-effective because it enables the state to  
465 substitute preventive measures for expensive and reactionary  
466 crisis intervention through use of co-location of services and  
467 repositioning of staff; and

468 (i) Differing local needs and local resources  
469 necessitate the development of locally-generated, community-based  
470 plans that coordinate and leverage existing resources, not the  
471 imposition of uniform and inflexible state-mandated plans.

472 (2) There is hereby established within the State Department  
473 of Education the Motivating Parents and Children (M.P.A.C.) pilot  
474 program. The purpose of the program is (a) to provide grants to  
475 certain local school districts for innovative local programs that  
476 target juvenile crime by coordinating school and support services  
477 to children-at-risk and their families with required parental  
478 involvement; (b) enhance educational attainment through  
479 coordinated services to respond to the needs of students who are  
480 at risk of school failure and at risk of participation in juvenile  
481 crime; and (c) provide a safe and secure learning environment.

482 (3) The Motivating Parents and Children (M.P.A.C.) pilot  
483 program described in this section shall be conducted in six (6)  
484 school districts selected by the State Superintendent of Education  
485 with the approval of the State Board of Education, which school



486 districts shall represent the different geographical areas,  
487 population levels and economic levels of the state. Three (3)  
488 districts shall be selected from urban areas of the state and  
489 three (3) districts shall be selected from rural areas of the  
490 state. The department shall give preference to school districts  
491 that express a desire to participate in the pilot program. The  
492 program shall apply to all compulsory-school-age children residing  
493 in the pilot school districts and their custodial and noncustodial  
494 parents or legal guardians.

495 (4) The State Department of Education shall develop policies  
496 and procedures to administer the Motivating Parents and Children  
497 (M.P.A.C.) pilot programs.

498 (5) The selected pilot school districts shall implement the  
499 M.P.A.C. program, and in doing so shall:

500 (a) Employ a District M.P.A.C. Program Coordinator who  
501 will be responsible for planning and coordinating activities for  
502 parents of school children, and the delivery of integrated and  
503 comprehensive services to children and their families.

504 (b) Employ three (3) licensed social workers and three  
505 (3) certified guidance counselors, one (1) each to be assigned to  
506 the high schools, middle schools and elementary schools within the  
507 district who will work in conjunction to assist families in  
508 resolving social and other problems that may impact the child's  
509 school performance.

510 (c) Develop and implement a program of family support  
511 services that is school-based and/or school-linked designed  
512 according to the Communities In Schools (CIS) model. The CIS  
513 model is a well-known national dropout prevention model that has

514 developed effective and proven step-by-step guidelines that can be  
515 used to increase parent and community involvement. The M.P.A.C.  
516 program services provided shall include a community advisory  
517 board, private/public partnerships, an assessment of community  
518 needs, co-location of services, repositioned staff, parenting  
519 classes that would include parent-child activities, and a  
520 structured plan for referrals and evaluation. The M.P.A.C. pilot  
521 program may also provide after-school care, adult literacy  
522 programs, early childhood education for children in high-risk  
523 populations, alternate learning programs, peer mediation and  
524 conflict resolution activities.

525 (d) Train the M.P.A.C. program staff in the CIS model.  
526 Principles and practices evaluated and proven effective shall be  
527 incorporated into the program design. Upon determination of the  
528 pilot sites involved, an orientation must be provided to all  
529 district staff. In addition, staff must be trained and developed  
530 on an ongoing basis to ensure maximum coordination and cooperation  
531 with emphasis placed on learning how to effectively work with  
532 parents to enhance their participation level. The M.P.A.C.  
533 program services shall be designed to (i) prepare children to  
534 attain academic and social success; (ii) enhance the ability of  
535 families to become advocates for and supporters of education for  
536 the children in their families; (iii) provide parenting classes to  
537 the parents of children who are at risk of school failure; (iv)  
538 provide adult literacy and employability skills classes for  
539 parents; (v) serve as a referral source for children and their  
540 families to ensure that needed services are accessed by the  
541 family; and (vi) otherwise enhance the ability of families to

542 function as nurturing and effective family units.

543           (e) Require a parent or guardian to spend a day in  
544 school with his child after violation of a major rule. Such  
545 action would be taken when the rule violated is major but not  
546 serious enough to warrant expulsion in order to invite parental  
547 intervention before a child is suspended or expelled. The parent  
548 or guardian may be required either to attend class with his child  
549 for a full day or to attend parenting classes offered at alternate  
550 times to accommodate the parent's or guardian's work schedules and  
551 transportation issues. Failure to attend one (1) of the options  
552 will result in suspension of the child.

553           (f) Create an incentive program for children whose  
554 parent or guardian attends meetings of PTA/PTO's, parenting  
555 classes, and volunteers a minimum of ten (10) hours in the  
556 classroom. Examples of an incentive program are: (i) the  
557 issuance of an activity card that grants the child full admission  
558 to all school-sponsored activities such as football and basketball  
559 games; and (ii) exemption from certain classroom or laboratory  
560 fees as determined feasible by the local school board.

561           (g) Create a program using volunteers to provide child  
562 care services for parents who volunteer, attend parenting classes,  
563 and attend after-school or evening programs.

564           (h) Create a summer employability skills/on-the-job  
565 training (OJT) fund, utilizing TANF and other federal  
566 welfare-to-work program funds. These funds may be expended by  
567 local school boards to provide job opportunities for juniors and  
568 seniors in high school. Employers and nonprofit organizations who  
569 participate in "Adopt-a-School" programs may qualify to employ

570 such students during the summer. Wages up to Seven Dollars  
571 (\$7.00) per hour will be paid from the fund to eligible students  
572 who work for the employers or nonprofit organizations who are  
573 committed to participating in the "Adopt-a-School" program within  
574 the next school year.

575 (i) Require the pilot school districts to conduct a  
576 family needs assessment (FNA) using social workers and licensed  
577 counselors once every three (3) years. The assessment should be  
578 coordinated with other community organizations such as head start  
579 to encourage collaboration and lessen duplication.

580 (6) (a) A local school district may apply for a Motivating  
581 Parents and Children (M.P.A.C.) pilot program grant, and up to  
582 three (3) adjacent local school districts may apply jointly for a  
583 grant.

584 (b) The application shall include the following  
585 information:

586 (i) Data on the incidence of juvenile crime in the  
587 geographical area to be served by the grant. Sources of data may  
588 include the youth court in the county, the district attorney and  
589 local law enforcement officials.

590 (ii) An assessment of local resources from all  
591 sources for, and local deficiencies with regard to, responding to  
592 the needs of children who live in conditions that place them at  
593 risk of school failure.

594 (iii) A detailed plan for removing barriers to  
595 success in school that exist for these children and coordinating  
596 services for parents and children as authorized under this  
597 section.

598           (7) In reviewing grant applications, the State  
599 Superintendent of Education shall consider the prevalence of  
600 under-served students and families in low-income neighborhoods and  
601 in isolated rural areas in the area for which the grant is  
602 requested, the severity of the local problems with regard to  
603 children-at-risk of school failure and with regard to school  
604 discipline, whether the proposed program meets state standards,  
605 and the likelihood that the locally designed plan will deal with  
606 the problems successfully. During the review process, the  
607 superintendent may recommend modifications in grant applications  
608 to applicants. The superintendent shall submit recommendations to  
609 the State Board of Education as to which applicants should receive  
610 grants and the amount they should receive.

611           In selecting grant recipients, the State Board of Education  
612 shall consider (a) the recommendations of the superintendent, (b)  
613 the geographic location of the applicants, and (c) the demographic  
614 profile of the applicants. After considering these factors, the  
615 State Board of Education shall give priority to grant applications  
616 that will serve areas that have a high incidence of juvenile crime  
617 to serve as models for other communities. The State Board of  
618 Education shall select the grant recipients prior to July 1, 2000,  
619 for local programs that will be in operation at the beginning of  
620 the 2000-2001 school year, and prior to July 1 and thereafter for  
621 the appropriate school year.

622           A grant recipient may request a modification of a grant or  
623 additional funds to implement a grant through the grant  
624 application process. The request shall be reviewed and accepted  
625 or rejected in the same manner as a grant application.

626           (8) The State Department of Education shall administer the  
627 grant program under the direction of the State Board of Education.

628       The State Department of Education shall provide technical  
629 assistance to grant applicants and recipients.

630           (9) All agencies of the state and local government,  
631 including departments of human services, health departments, local  
632 mental health, mental retardation, court personnel, law  
633 enforcement agencies and municipalities and counties shall  
634 cooperate with the State Department of Education and local school  
635 boards that receive grants by co-locating services and  
636 repositioning staff.

637           (10) The Department of Education shall develop and implement  
638 an evaluation system, under the direction of the State Board of  
639 Education, that will assess the efficiency and effectiveness of  
640 the M.P.A.C. program.

641           (11) Any child in a pilot school district who is suspended  
642 from school shall have his driver's license suspended for one (1)  
643 calendar year by the Mississippi Department of Public Safety.

644       SECTION 9. Section 37-11-53, Mississippi Code of 1972, is  
645 amended as follows:

646       37-11-53. (1) A copy of the school district's discipline  
647 plan shall be distributed to each student enrolled in the district  
648 and the parents, guardian or custodian of such student shall sign  
649 a statement verifying that they have been given notice of the  
650 discipline policies of their respective school district. The  
651 school board shall have its official discipline plan legally  
652 audited on an annual basis to insure that its policies and  
653 procedures are currently in compliance with applicable statutes,

654 case law and state and federal constitutional provisions.

655 (2) All discipline plans of school districts shall include,  
656 but not be limited to, the following:

657 (a) A parent, guardian or custodian of a  
658 compulsory-school-age child enrolled in a public school district  
659 shall be responsible financially for his or her minor child's  
660 destructive acts against school property or persons;

661 (b) A parent, guardian or custodian of a  
662 compulsory-school-age child enrolled in a public school district  
663 may be requested to appear at school by an appropriate school  
664 official for a conference regarding acts of the child specified in  
665 paragraph (a) of this subsection, or for any other discipline  
666 conference regarding the acts of the child;

667 (c) Any parent, guardian or custodian of a  
668 compulsory-school-age child enrolled in a school district who  
669 refuses or willfully fails to attend such discipline conference  
670 specified in paragraph (b) of this section may be summoned by  
671 proper notification by the superintendent of schools and be  
672 required to attend such discipline conference or parenting classes  
673 scheduled to accommodate the working hours and transportation  
674 needs of the parent, guardian or custodian; \* \* \*

675 (d) A parent, guardian or custodian of a  
676 compulsory-school-age child enrolled in a public school district  
677 shall be responsible for any criminal fines brought against such  
678 student for unlawful activity as defined in Section 37-11-29  
679 occurring on school grounds; and

680 (e) A parent, guardian or custodian of a  
681 compulsory-school-age child enrolled in a public school in a

682 school district participating in a Motivating Parents and Children  
683 (M.P.A.C.) grant program as provided in Senate Bill No. \_\_\_\_\_, 2000  
684 Regular Session, who has been summoned by proper notification by  
685 an appropriate school official to attend a conference, school  
686 meeting, after-school meeting or class regarding the acts of such  
687 child or parent specified under said program shall be required  
688 under this provision to attend such conference, school meeting,  
689 after-school meeting or class, provided that scheduling is  
690 sensitive to the parent's work hours and transportation needs.

691 (3) Any parent, guardian or custodian of a  
692 compulsory-school-age child who (a) fails to attend a discipline  
693 conference to which such parent, guardian or custodian has been  
694 summoned under the provisions of this section, or (b) refuses or  
695 willfully fails to perform any other duties imposed upon him or  
696 her under the provisions of this section, shall first be given the  
697 opportunity to enroll in a series of parenting classes consisting  
698 of not less than twenty (20) hours of instruction as developed by  
699 the M.P.A.C. Program Coordinator and appropriate to the age of the  
700 parent's child. If the parent does not attend the series of  
701 classes, he shall be guilty of a misdemeanor and, upon conviction,  
702 shall be fined not to exceed Two Hundred Fifty Dollars (\$250.00).

703 (4) Any public school district shall be entitled to recover  
704 damages in an amount not to exceed Twenty Thousand Dollars  
705 (\$20,000.00), plus necessary court costs, from the parents of any  
706 minor under the age of eighteen (18) years and over the age of six  
707 (6) years, who maliciously and willfully damages or destroys  
708 property belonging to such school district. However, this section  
709 shall not apply to parents whose parental control of such child



710 has been removed by court order or decree. The action authorized  
711 in this section shall be in addition to all other actions which  
712 the school district is entitled to maintain and nothing in this  
713 section shall preclude recovery in a greater amount from the minor  
714 or from a person, including the parents, for damages to which such  
715 minor or other person would otherwise be liable.

716 SECTION 10. Section 63-1-10, Mississippi Code of 1972, is  
717 amended as follows:

718 63-1-10. (1) Any applicant for a license under eighteen  
719 (18) years of age must submit with the application documentation  
720 from the appropriate authority that the applicant is in compliance  
721 with Section 63-1-9(g). The appropriate authority shall be the  
722 school principal of a public or private school or his designee,  
723 or, in the case of a home study program, the parent, or the adult  
724 education supervisor of the General Education Development Program  
725 or his designee. Documentation of the applicant's enrollment  
726 status shall be on a form designed by the Department of Education  
727 as approved by the Department of Public Safety in a manner that  
728 insures the authenticity of the form and any information or  
729 signature contained thereon. Any student who is eligible to apply  
730 for a license and who is properly enrolled in a school under the  
731 jurisdiction of the authority is entitled to receive the  
732 documentation for presentation to the Department of Public Safety  
733 to accompany the application. The forms required under this  
734 section to provide documentation shall be made available to public  
735 schools, private schools approved by the State Board of Elementary  
736 and Secondary Education, and adult education supervisors at school  
737 board offices and shall be made available to others through the

738 Department of Public Safety.

739 (2) Whenever an applicant who is under eighteen (18) years  
740 of age is unable to attend any school program due to acceptable  
741 circumstances, the appropriate authority where the student last  
742 attended shall provide the student with documentation to present  
743 to the department to excuse such student from the provisions of  
744 Section 63-1-9(g). The appropriate authority shall be the sole  
745 judge of whether withdrawal of a student or failure of a student  
746 to attend is due to acceptable circumstances. Suspension or  
747 expulsion from school or incarceration in a correctional  
748 institution is not an acceptable circumstance for a person being  
749 unable to attend school.

750 (3) Any person denied a license for failure to satisfy the  
751 education requirements of Section 63-1-9(g) shall have the right  
752 to file a request within thirty (30) days thereafter for a hearing  
753 before the Department of Public Safety to determine whether the  
754 person is entitled to a license or is subject to the cancellation  
755 of his license under the provisions of this section. The hearing  
756 shall be held within ten (10) days of the receipt by the  
757 department of the request. Appeal from the decision of the  
758 department may be taken under Section 63-1-31.

759 (4) Whenever a licensee under the age of eighteen (18) who  
760 resides in a school district participating in the Motivating  
761 Parents and Children (M.P.A.C.) program provided under Senate Bill  
762 No. \_\_\_\_\_, 2000 Regular Session, and who has not attained a diploma  
763 or other certificate of graduation as prescribed in Section  
764 63-1-19(2) withdraws or is suspended from his educational  
765 instruction, the attendance counselor, social worker, parent,

766 guardian or school administrator designated by the State Board of  
767 Education to verify the applicant's educational status under the  
768 provisions of said program may, in his discretion, immediately  
769 notify the Department of Public Safety of such withdrawal or  
770 suspension. Within five (5) days of receipt of such notice, the  
771 Department of Public Safety shall send notice to the licensee that  
772 the license shall automatically be suspended for one (1) year  
773 under the provisions of Section 63-1-53 on the thirtieth day  
774 following the date the notice was sent unless documentation of  
775 compliance with the provisions of subsection (2) of this section  
776 is received by the department before such time. For the purposes  
777 of this subsection, withdrawal shall be defined as more than ten  
778 (10) consecutive unexcused and unlawful absences during a single  
779 semester for school-age applicants under the age of eighteen (18)  
780 attending school.

781 SECTION 11. Section 63-1-46, Mississippi Code of 1972, is  
782 amended as follows:

783 63-1-46. (1) A fee of Twenty-five Dollars (\$25.00) shall be  
784 charged for the reinstatement of a license issued pursuant to this  
785 article to every person whose license has been validly suspended,  
786 revoked or cancelled, except those persons whose licenses were  
787 suspended under Section 63-1-53(1)(k). This fee shall be in  
788 addition to the fee provided for in Section 63-1-43, Mississippi  
789 Code of 1972.

790 (2) The funds received under the provisions of subsection  
791 (1) of this section shall be deposited into the State General Fund  
792 in accordance with Section 45-1-23, Mississippi Code of 1972.

793 (3) In addition to the fee provided for in subsection (1) of

794 this section, an additional fee of Seventy-five Dollars (\$75.00)  
795 shall be charged for the reinstatement of a license issued  
796 pursuant to this article to every person whose license has been  
797 suspended or revoked under the provisions of the Mississippi  
798 Implied Consent Law or as a result of a conviction of a violation  
799 of the Uniform Controlled Substances Law under the provisions of  
800 Section 63-1-71.

801 (4) The funds received under the provisions of subsection  
802 (3) of this section shall be placed in a special fund hereby  
803 created in the State Treasury. Monies in such special fund may be  
804 expended solely to contribute to the Disability and Relief Fund  
805 for members of the Mississippi Highway Safety Patrol such amounts  
806 as are necessary to make sworn agents of the Mississippi Bureau of  
807 Narcotics who were employed by such bureau prior to December 1,  
808 1990, and who were subsequently employed as enforcement troopers  
809 by the Department of Public Safety, full members of the retirement  
810 system for the Mississippi Highway Safety Patrol with full credit  
811 for the time they were employed as sworn agents for the  
812 Mississippi Bureau of Narcotics. The Board of Trustees of the  
813 Public Employees' Retirement System shall certify to the State  
814 Treasurer the amounts necessary for the purposes described above.  
815 The State Treasurer shall monthly transfer from the special fund  
816 created pursuant to this subsection the amounts deposited in such  
817 special fund to the Disability and Relief Fund for members of the  
818 Mississippi Highway Safety Patrol until such time as the certified  
819 amount has been transferred. At such time as the certified amount  
820 has been transferred, the State Treasurer shall transfer any funds  
821 remaining in the special fund created pursuant to this subsection

822 to the State General Fund and shall then dissolve such special  
823 fund. This subsection (4) shall stand repealed at such time when  
824 the State Treasurer transfers funds and dissolves the special fund  
825 account in accordance with the provisions of this subsection.

826 (5) The procedure for the reinstatement of a license issued  
827 pursuant to this article that has been suspended for being out of  
828 compliance with an order for support, as defined in Section  
829 93-11-153, and the payment of any fees for the reinstatement of a  
830 license suspended for that purpose, shall be governed by Section  
831 93-11-157 or 93-11-163, as the case may be.

832 SECTION 12. Section 63-1-53, Mississippi Code of 1972, is  
833 amended as follows:

834 63-1-53. (1) Upon failure of any person to respond timely  
835 and properly to a summons or citation charging such person with  
836 any violation of this title, or upon failure of any person to pay  
837 timely any fine, fee or assessment levied as a result of any  
838 violation of this title, the clerk of the court shall give written  
839 notice to such person by United States first class mail at his  
840 last known address advising such person that if within ten (10)  
841 days after such notice is deposited in the mail the person has not  
842 properly responded to the summons or citation or has not paid the  
843 entire amount of all fines, fees and assessments levied, then the  
844 court will give notice thereof to the Commissioner of Public  
845 Safety and the commissioner may suspend the driver's license of  
846 such person. The actual cost incurred by the court in the giving  
847 of such notice may be added to any other court costs assessed in  
848 such case. If within ten (10) days after the notice is given in  
849 accordance with this subsection such person has not satisfactorily

850 disposed of the matter pending before the court, then the clerk of  
851 the court immediately shall mail a copy of the abstract of the  
852 court record, along with a certified copy of the notice given  
853 under this subsection, to the Commissioner of Public Safety, and  
854 the commissioner may suspend the driver's license of such person  
855 as authorized under subsections (2) and (3) of this section.

856 (2) The commissioner is hereby authorized to suspend the  
857 license of an operator without preliminary hearing upon a showing  
858 by his records or other sufficient evidence that the licensee:

859 (a) Has committed an offense for which mandatory  
860 revocation of license is required upon conviction except under the  
861 provisions of the Mississippi Implied Consent Law;

862 (b) Has been involved as a driver in any accident  
863 resulting in the death or personal injury of another or serious  
864 property damage;

865 (c) Is an habitually reckless or negligent driver of a  
866 motor vehicle;

867 (d) Has been convicted with such frequency of serious  
868 offenses against traffic regulations governing the movement of  
869 vehicles as to indicate a disrespect for traffic laws and a  
870 disregard for the safety of other persons on the highways;

871 (e) Is incompetent to drive a motor vehicle;

872 (f) Has permitted an unlawful or fraudulent use of such  
873 license;

874 (g) Has committed an offense in another state which if  
875 committed in this state would be grounds for suspension or  
876 revocation;

877 (h) Has failed to pay any fine, fee or other assessment

878 levied as a result of any violation of this title;

879 (i) Has failed to respond to a summons or citation  
880 which charged a violation of this title; \* \* \*

881 (j) Has committed a violation for which mandatory  
882 revocation of license is required upon conviction, entering a plea  
883 of nolo contendere to, or adjudication of delinquency, pursuant to  
884 the provisions of subsection (1) of Section 63-1-71; or

885 (k) Is under the age of eighteen (18) and has withdrawn  
886 or been suspended from his educational instruction program  
887 pursuant to the provisions of Section 63-1-10(4).

888 (3) Notice that a person's license is suspended or will be  
889 suspended under subsection (2) of this section shall be given by  
890 the commissioner in the manner and at the time provided for under  
891 Section 63-1-52, and upon such person's request, he shall be  
892 afforded an opportunity for a hearing as early as practical within  
893 not to exceed twenty (20) days after receipt of such request in  
894 the county wherein the licensee resides unless the department and  
895 the licensee agree that such hearing may be held in some other  
896 county. Upon such hearing the commissioner, or his duly  
897 authorized agent, may administer oaths and may issue subpoenas for  
898 the attendance of witnesses and the production of relevant books  
899 and papers and may require a reexamination of the licensee. Upon  
900 such hearing the commissioner shall either rescind any order of  
901 suspension or, good cause appearing therefor, may extend any  
902 suspension of such license or revoke such license.

903 SECTION 13. Section 37-13-91, Mississippi Code of 1972, is  
904 amended as follows:

905 37-13-91. (1) This section shall be referred to as the

906 "Mississippi Compulsory School Attendance Law."

907 (2) The following terms as used in this section are defined  
908 as follows:

909 (a) "Parent" means the father or mother to whom a child  
910 has been born, or the father or mother by whom a child has been  
911 legally adopted.

912 (b) "Guardian" means a guardian of the person of a  
913 child, other than a parent, who is legally appointed by a court of  
914 competent jurisdiction.

915 (c) "Custodian" means any person having the present  
916 care or custody of a child, other than a parent or guardian of the  
917 child.

918 (d) "School day" means not less than five (5) and not  
919 more than eight (8) hours of actual teaching in which both  
920 teachers and pupils are in regular attendance for scheduled  
921 schoolwork.

922 (e) "School" means any public school in this state or  
923 any nonpublic school in this state which is in session each school  
924 year for at least one hundred eighty (180) school days, except  
925 that the "nonpublic" school term shall be the number of days that  
926 each school shall require for promotion from grade to grade.

927 (f) "Compulsory-school-age child" means a child who has  
928 attained or will attain the age of six (6) years on or before  
929 September 1 of the calendar year and who has not attained the age  
930 of seventeen (17) years on or before September 1 of the calendar  
931 year.

932 (g) "School attendance officer" means a person employed  
933 by the State Department of Education pursuant to Section 37-13-89.



934           (h) "Appropriate school official" means the  
935 superintendent of the school district or his designee or, in the  
936 case of a nonpublic school, the principal or the headmaster.

937           (i) "Nonpublic school" means an institution for the  
938 teaching of children, consisting of a physical plant, whether  
939 owned or leased, including a home, instructional staff members and  
940 students, and which is in session each school year. This  
941 definition shall include, but not be limited to, private, church,  
942 parochial and home instruction programs.

943           (3) A parent, guardian or custodian of a  
944 compulsory-school-age child in this state shall cause the child to  
945 enroll in and attend a public school or legitimate nonpublic  
946 school for the period of time that the child is of compulsory  
947 school age, except under the following circumstances:

948           (a) When a compulsory-school-age child is physically,  
949 mentally or emotionally incapable of attending school as  
950 determined by the appropriate school official based upon  
951 sufficient medical documentation.

952           (b) When a compulsory-school-age child is enrolled in  
953 and pursuing a course of special education, remedial education or  
954 education for handicapped or physically or mentally disadvantaged  
955 children.

956           (c) When a compulsory-school-age child is being  
957 educated in a legitimate home instruction program.

958           The parent, guardian or custodian of a compulsory-school-age  
959 child described in this subsection, or the parent, guardian or  
960 custodian of a compulsory-school-age child attending any nonpublic  
961 school, or the appropriate school official for any or all children

962 attending a nonpublic school shall complete a "certificate of  
963 enrollment" in order to facilitate the administration of this  
964 section.

965 The form of the certificate of enrollment shall be prepared  
966 by the Office of Compulsory School Attendance Enforcement of the  
967 State Department of Education and shall be designed to obtain the  
968 following information only:

969 (i) The name, address, telephone number and date  
970 of birth of the compulsory-school-age child;

971 (ii) The name, address and telephone number of the  
972 parent, guardian or custodian of the compulsory-school-age child;

973 (iii) A simple description of the type of  
974 education the compulsory-school-age child is receiving and, if the  
975 child is enrolled in a nonpublic school, the name and address of  
976 the school; and

977 (iv) The signature of the parent, guardian or  
978 custodian of the compulsory-school-age child or, for any or all  
979 compulsory-school-age child or children attending a nonpublic  
980 school, the signature of the appropriate school official and the  
981 date signed.

982 The certificate of enrollment shall be returned to the school  
983 attendance officer where the child resides on or before September  
984 15 of each year. Any parent, guardian or custodian found by the  
985 school attendance officer to be in noncompliance with this section  
986 shall comply, after written notice of the noncompliance by the  
987 school attendance officer, with this subsection within ten (10)  
988 days after the notice or be in violation of this section.

989 However, in the event the child has been enrolled in a public

990 school within fifteen (15) calendar days after the first day of  
991 the school year as required in subsection (6), the parent or  
992 custodian may at a later date enroll the child in a legitimate  
993 nonpublic school or legitimate home instruction program and send  
994 the certificate of enrollment to the school attendance officer and  
995 be in compliance with this subsection.

996 For the purposes of this subsection, a legitimate nonpublic  
997 school or legitimate home instruction program shall be those not  
998 operated or instituted for the purpose of avoiding or  
999 circumventing the compulsory attendance law.

1000 (4) An "unlawful absence" is an absence during a school day  
1001 by a compulsory-school-age child, which absence is not due to a  
1002 valid excuse for temporary nonattendance. Days missed from school  
1003 due to disciplinary suspension shall not be considered an  
1004 "excused" absence under this section. This subsection shall not  
1005 apply to children enrolled in a nonpublic school.

1006 Each of the following shall constitute a valid excuse for  
1007 temporary nonattendance of a compulsory-school-age child enrolled  
1008 in a public school, provided satisfactory evidence of the excuse  
1009 is provided to the superintendent of the school district or his  
1010 designee:

1011 (a) An absence is excused when the absence results from  
1012 the compulsory-school-age child's attendance at an authorized  
1013 school activity with the prior approval of the superintendent of  
1014 the school district or his designee. These activities may include  
1015 field trips, athletic contests, student conventions, musical  
1016 festivals and any similar activity.

1017 (b) An absence is excused when the absence results from

1018 illness or injury which prevents the compulsory-school-age child  
1019 from being physically able to attend school.

1020 (c) An absence is excused when isolation of a  
1021 compulsory-school-age child is ordered by the county health  
1022 officer, by the State Board of Health or appropriate school  
1023 official.

1024 (d) An absence is excused when it results from the  
1025 death or serious illness of a member of the immediate family of a  
1026 compulsory-school-age child. The immediate family members of a  
1027 compulsory-school-age child shall include children, spouse,  
1028 grandparents, parents, brothers and sisters, including  
1029 stepbrothers and stepsisters.

1030 (e) An absence is excused when it results from a  
1031 medical or dental appointment of a compulsory-school-age child  
1032 where an approval of the superintendent of the school district or  
1033 his designee is gained before the absence, except in the case of  
1034 emergency.

1035 (f) An absence is excused when it results from the  
1036 attendance of a compulsory-school-age child at the proceedings of  
1037 a court or an administrative tribunal if the child is a party to  
1038 the action or under subpoena as a witness.

1039 (g) An absence may be excused if the religion to which  
1040 the compulsory-school-age child or the child's parents adheres,  
1041 requires or suggests the observance of a religious event. The  
1042 approval of the absence is within the discretion of the  
1043 superintendent of the school district or his designee, but  
1044 approval should be granted unless the religion's observance is of  
1045 such duration as to interfere with the education of the child.

1046           (h) An absence may be excused when it is demonstrated  
1047 to the satisfaction of the superintendent of the school district  
1048 or his designee that the purpose of the absence is to take  
1049 advantage of a valid educational opportunity such as travel  
1050 including vacations or other family travel. Approval of the  
1051 absence must be gained from the superintendent of the school  
1052 district or his designee before the absence, but the approval  
1053 shall not be unreasonably withheld.

1054           (i) An absence may be excused when it is demonstrated  
1055 to the satisfaction of the superintendent of the school district  
1056 or his designee that conditions are sufficient to warrant the  
1057 compulsory-school-age child's nonattendance. However, no absences  
1058 shall be excused by the school district superintendent or his  
1059 designee when any student suspensions or expulsions circumvent the  
1060 intent and spirit of the compulsory attendance law.

1061           (5) Any parent, guardian or custodian of a  
1062 compulsory-school-age child subject to this section who refuses or  
1063 willfully fails to perform any of the duties imposed upon him or  
1064 her under this section or who intentionally falsifies any  
1065 information required to be contained in a certificate of  
1066 enrollment, shall be guilty of contributing to the neglect of a  
1067 child and, upon conviction, shall be punished in accordance with  
1068 Section 97-5-39.

1069           Upon prosecution of a parent, guardian or custodian of a  
1070 compulsory-school-age child for violation of this section, the  
1071 presentation of evidence by the prosecutor that shows that the  
1072 child has not been enrolled in school within eighteen (18)  
1073 calendar days after the first day of the school year of the public

1074 school which the child is eligible to attend, or that the child  
1075 has accumulated twelve (12) unlawful absences during the school  
1076 year at the public school in which the child has been enrolled,  
1077 shall establish a prima facie case that the child's parent,  
1078 guardian or custodian is responsible for the absences and has  
1079 refused or willfully failed to perform the duties imposed upon him  
1080 or her under this section. However, no proceedings under this  
1081 section shall be brought against a parent, guardian or custodian  
1082 of a compulsory-school-age child unless the school attendance  
1083 officer has contacted promptly the home of the child and has  
1084 provided written notice to the parent, guardian or custodian of  
1085 the requirement for the child's enrollment or attendance.

1086 (6) If a compulsory-school-age child has not been enrolled  
1087 in a school within fifteen (15) calendar days after the first day  
1088 of the school year of the school which the child is eligible to  
1089 attend or the child has accumulated five (5) unlawful absences  
1090 during the school year of the public school in which the child is  
1091 enrolled, the school district superintendent shall report, within  
1092 two (2) school days or within five (5) calendar days, whichever is  
1093 less, the absences to the school attendance officer. The State  
1094 Department of Education shall prescribe a uniform method for  
1095 schools to utilize in reporting the unlawful absences to the  
1096 school attendance officer. The superintendent, or his designee,  
1097 also shall report any student suspensions or student expulsions to  
1098 the school attendance officer when they occur.

1099 (7) When a school attendance officer has made all attempts  
1100 to secure enrollment and/or attendance of a compulsory-school-age  
1101 child and is unable to effect the enrollment and/or attendance,

1102 the attendance officer shall file a petition with the youth court  
1103 under Section 43-21-451 or shall file a petition in a court of  
1104 competent jurisdiction as it pertains to parent or child.  
1105 Sheriffs, deputy sheriffs and municipal law enforcement officers  
1106 shall be fully authorized to investigate all cases of  
1107 nonattendance and unlawful absences by compulsory-school-age  
1108 children, and shall be authorized to file a petition with the  
1109 youth court under Section 43-21-451 or file a petition or  
1110 information in the court of competent jurisdiction as it pertains  
1111 to parent or child for violation of this section. The youth court  
1112 shall expedite a hearing to make an appropriate adjudication and a  
1113 disposition to ensure compliance with the Compulsory School  
1114 Attendance Law, and may order the child to enroll or reenroll in  
1115 school. The superintendent of the school district to which the  
1116 child is ordered may assign, in his discretion, the child to the  
1117 alternative school program of the school established pursuant to  
1118 Section 37-13-92.

1119 (8) The State Board of Education shall adopt rules and  
1120 regulations for the purpose of reprimanding any school  
1121 superintendents who fail to timely report unexcused absences under  
1122 the provisions of this section.

1123 (9) Notwithstanding any provision or implication herein to  
1124 the contrary, it is not the intention of this section to impair  
1125 the primary right and the obligation of the parent or parents, or  
1126 person or persons in loco parentis to a child, to choose the  
1127 proper education and training for such child, and nothing in this  
1128 section shall ever be construed to grant, by implication or  
1129 otherwise, to the State of Mississippi, any of its officers,

1130 agencies or subdivisions any right or authority to control,  
1131 manage, supervise or make any suggestion as to the control,  
1132 management or supervision of any private or parochial school or  
1133 institution for the education or training of children, of any kind  
1134 whatsoever that is not a public school according to the laws of  
1135 this state; and this section shall never be construed so as to  
1136 grant, by implication or otherwise, any right or authority to any  
1137 state agency or other entity to control, manage, supervise,  
1138 provide for or affect the operation, management, program,  
1139 curriculum, admissions policy or discipline of any such school or  
1140 home instruction program.

1141 SECTION 14. Section 43-27-301, Mississippi Code of 1972, is  
1142 amended as follows:

1143 43-27-301. The purpose of this chapter is to create, equip  
1144 and maintain a comprehensive system of a multidisciplinary  
1145 continuum of care and services for compulsory-school-age children,  
1146 including, but not limited to, in-home treatment, family-based  
1147 programs, therapeutic foster care, community-based programs,  
1148 residential therapeutic facilities or rescue centers for certain  
1149 categories of compulsory-school-age children. These facilities  
1150 shall be known as \* \* \* "Juvenile Health Recovery Centers of  
1151 Mississippi." These facilities shall offer a full range of  
1152 recommended treatment options for children in the following  
1153 categories:

1154 (a) Children suspended or expelled from a local school  
1155 district for serious and chronic misconduct;

1156 (b) Children diagnosed to have severe mental health  
1157 problems who have been voluntarily placed in a program or facility



1158 by the child's parent(s) or guardian(s); or

1159 (c) Neglected, abused or delinquent children with  
1160 serious emotional or behavioral problems that would be subject to  
1161 the jurisdiction of the Department of Human Services or the youth  
1162 court; \* \* \* or other categories of children not expressly  
1163 provided above \* \* \* as provided by law.

1164 SECTION 15. Section 43-27-303, Mississippi Code of 1972, is  
1165 amended as follows:

1166 43-27-303. The Juvenile Health Recovery Facilities of  
1167 Mississippi shall be established and operated on a phased-in pilot  
1168 program basis, and shall be under the administrative authority of  
1169 a Juvenile Health Recovery \* \* \* Board consisting of the following  
1170 members:

1171 (a) The Attorney General;

1172 (b) The Medical Director of the Division of Medicaid;

1173 (c) The Director of the Division of Family and  
1174 Children's Services, Department of Human Services;

1175 (d) A representative from the Department of Mental  
1176 Health;

1177 (e) The Associate State Superintendent of Education,  
1178 Office of Academic Education;

1179 (f) The Public Policy Chair, Mississippi Early  
1180 Childhood Association;

1181 (g) The Executive Director of the Mississippi  
1182 Association of School Superintendents;

1183 (h) The Executive Director of the Public Education  
1184 Forum of Mississippi;

1185 (i) A pediatric specialist representative from the

1186 University Medical Center Children's Hospital;

1187           (j) A representative from the Mississippi Economic  
1188 Council; and

1189           (k) Up to six (6) persons appointed by the chairman, of  
1190 whom not less than three (3) shall have special expertise in  
1191 working with children and youth special needs.

1192           The Chairmen of the House Juvenile Justice Committee and the  
1193 Senate Juvenile Justice Committee shall serve as ex-officio  
1194 nonvoting members of the board. The board may accept grants,  
1195 contributions or other funds from any other sources, either public  
1196 or private, to employ consultants or other professionals as may be  
1197 necessary to carry out the duties and responsibilities of the  
1198 board.

1199           No later than September 30, 1999, the Juvenile Health  
1200 Recovery Advisory Board shall have an organizational meeting upon  
1201 the call of the Attorney General, who shall serve as chairman of  
1202 the board. A vice chairman shall also be selected by the  
1203 membership of the advisory board. Board members may designate  
1204 other appropriate representatives of their offices to attend and  
1205 fully act for and on behalf of the board member. The chairman of  
1206 the advisory board shall be responsible for establishing a  
1207 calendar and notices of meetings.

1208           SECTION 16. Section 43-27-305, Mississippi Code of 1972, is  
1209 amended as follows:

1210           43-27-305. The Juvenile Health Recovery \* \* \* Board shall  
1211 have the following powers and responsibilities:

1212           (a) The board shall promulgate rules and regulations as  
1213 necessary to implement and administer a Juvenile Health Recovery

1214 Program;

1215           (b) The board shall develop a long-term comprehensive  
1216 plan for implementation of a coordinated array of Juvenile Health  
1217 Recovery Programs which may include in-home treatment,  
1218 family-based programs, therapeutic foster care, community-based  
1219 programs, regional family resource and youth services centers,  
1220 rescue centers and residential therapeutic facilities;

1221           (c) The board shall select the location for five (5)  
1222 pilot Juvenile Health Recovery Programs, one (1) to be in each of  
1223 the five (5) Mississippi congressional districts;

1224           (d) The board shall coordinate the delivery and funding  
1225 of services at such facilities, utilizing whatever funding form  
1226 state, local, federal and private sources may be made available to  
1227 the board;

1228           (e) The board shall \* \* \* establish or utilize local  
1229 interagency coordinating entities and multidisciplinary assessment  
1230 and planning (MAP) teams as local advisory councils for each  
1231 Juvenile Health Recovery Program. Such local advisory councils  
1232 may assist in the coordination and provision of services to the  
1233 children, and shall consist of the local school superintendent,  
1234 local law enforcement officers, the director of the regional  
1235 mental health/retardation center, school guidance counselors and  
1236 other members as deemed appropriate by the board;

1237           (f) The board shall conduct empirical and theoretical  
1238 research to develop an appropriate cost/benefit analysis of the  
1239 recommended programs upon full implementation, including a  
1240 comparison of alternative societal costs which may be incurred  
1241 without the recommended programs. Such costs may include

1242 estimates of incarceration in correctional institutions, law  
1243 enforcement efforts, social services, legal services, judicial  
1244 services and human suffering.

1245           (g) \* \* \* The Juvenile Health Recovery \* \* \*  
1246 Board \* \* \* may contract with providers of health, education and  
1247 other residential services to the children to be served by such  
1248 programs, provided \* \* \* that such programs are consistent with  
1249 the recommendations of the Juvenile Health Recovery \* \* \* Board.

1250           SECTION 17. Section 43-27-307, Mississippi Code of 1972, is  
1251 amended as follows:

1252           43-27-307. (1) The Juvenile Health Recovery \* \* \* Board  
1253 shall submit to the Governor and the Legislature, on or before  
1254 February 1, 2000, a recommendation for a comprehensive,  
1255 multidisciplinary plan for the care, treatment and placement of  
1256 children identified in Section 43-27-303.

1257           (2) The Juvenile Health Record Board shall submit to the  
1258 Governor and the Legislature, on or before September 15, 2000,  
1259 recommended rules and regulations for the operation of the  
1260 Juvenile Health Recovery Pilot Program, and shall submit a report  
1261 with recommendations for full implementation of the program on or  
1262 before July 1, 2002.

1263           SECTION 18. The following provision shall be codified as  
1264 Section 43-27-308, Mississippi Code of 1972.

1265           43-27-308. There is created in the State Treasury a special  
1266 fund into which shall be deposited all funds contributed by the  
1267 Department of Human Services, Department of Mental Health, State  
1268 Department of Education, Division of Medicaid, or from any other  
1269 source of state, local, federal or private funds which may be

1270 available for the operation of the Juvenile Health Recovery  
1271 Centers of Mississippi pilot program. By the first quarter of the  
1272 2001 fiscal year, and the three (3) fiscal years thereafter, each  
1273 agency named in this section shall pay into the special fund out  
1274 of its annual appropriation a sum equal to the amount determined  
1275 by the Juvenile Health Recovery Board to be necessary for the  
1276 operation of the pilot Juvenile Health Recovery Centers, and  
1277 subject to such funds as may have been otherwise made available to  
1278 such agencies by legislative appropriation or otherwise. The  
1279 Division of Medicaid shall use all unmatched funds not committed  
1280 for another purpose to match federal Medicaid funds for any  
1281 Medicaid approved services that will be used in the Juvenile  
1282 Health Recovery pilot program for Medicaid eligible children  
1283 served at the centers, or through any other of the continuum of  
1284 services provided, including therapeutic foster care, in-home  
1285 treatment and community-based programs.

1286 SECTION 19. Section 43-21-605, Mississippi Code of 1972, is  
1287 amended as follows:

1288 43-21-605. (1) In delinquency cases, the disposition order  
1289 may include any of the following alternatives:

1290 (a) Release the child without further action;

1291 (b) Place the child in the custody of the parents, a  
1292 relative or other persons subject to any conditions and  
1293 limitations, including restitution, as the youth court may  
1294 prescribe;

1295 (c) Place the child on probation subject to any  
1296 reasonable and appropriate conditions and limitations, including  
1297 restitution, as the youth court may prescribe;

1298           (d) Order terms of treatment calculated to assist the  
1299 child and the child's parents or guardian which are within the  
1300 ability of the parent or guardian to perform;

1301           (e) Order terms of supervision which may include  
1302 participation in a constructive program of service or education or  
1303 civil fines not in excess of Five Hundred Dollars (\$500.00), or  
1304 restitution not in excess of actual damages caused by the child to  
1305 be paid out of his own assets or by performance of services  
1306 acceptable to the victims and approved by the youth court and  
1307 reasonably capable of performance within one (1) year;

1308           (f) Suspend the child's driver's license by taking and  
1309 keeping it in custody of the court for not more than one (1) year;

1310           (g) Give legal custody of the child to any of the  
1311 following:

1312                 (i) The Department of Human Services for  
1313 appropriate placement; or

1314                 (ii) Any public or private organization,  
1315 preferably community-based, able to assume the education, care and  
1316 maintenance of the child, which has been found suitable by the  
1317 court; or

1318                 (iii) The Department of Human Services for  
1319 placement in a wilderness training program or a state-supported  
1320 training school, except that no child under the age of ten (10)  
1321 years shall be committed to a state training school. The training  
1322 school may retain custody of the child until the child's twentieth  
1323 birthday but for no longer. The superintendent of a state  
1324 training school may parole a child at any time he may deem it in  
1325 the best interest and welfare of such child. Twenty (20) days

1326 prior to such parole, the training school shall notify the  
1327 committing court of the pending release. The youth court may then  
1328 arrange subsequent placement after a reconvened disposition  
1329 hearing except that the youth court may not recommit the child to  
1330 the training school or any other secure facility without an  
1331 adjudication of a new offense or probation or parole violation.  
1332 Prior to assigning the custody of any child to any private  
1333 institution or agency, the youth court through its designee shall  
1334 first inspect the physical facilities to determine that they  
1335 provide a reasonable standard of health and safety for the child.  
1336 The youth court shall not place a child in the custody of a state  
1337 training school for truancy, unless such child has been  
1338 adjudicated to have committed an act of delinquency in addition to  
1339 truancy;

1340           (h) Recommend to the child and the child's parents or  
1341 guardian that the child attend and participate in the Youth  
1342 Challenge Program under the Mississippi National Guard, as created  
1343 in Section 43-27-203, subject to the selection of the child for  
1344 the program by the National Guard; however, the child must  
1345 volunteer to participate in the program. The youth court may not  
1346 order any child to apply or attend the program;

1347           (i) (i) Adjudicate the juvenile to the Statewide  
1348 Juvenile Work Program if the program is established in the court's  
1349 jurisdiction. The juvenile and his parents or guardians must sign  
1350 a waiver of liability in order to participate in the work program.  
1351 The judge will coordinate with the youth services counselors as to  
1352 placing participants in the work program;

1353           (ii) The severity of the crime, whether or not the

1354 juvenile is a repeat offender or is a felony offender will be  
1355 taken into consideration by the judge when adjudicating a juvenile  
1356 to the work program. The juveniles adjudicated to the work  
1357 program will be supervised by police officers or reserve officers.  
1358 The term of service will be from twenty-four (24) to one hundred  
1359 twenty (120) hours of community service. A juvenile will work the  
1360 hours to which he was adjudicated on the weekends during school  
1361 and week days during the summer. Parents are responsible for a  
1362 juvenile reporting for work. Noncompliance with an order to  
1363 perform community service will result in a heavier adjudication.  
1364 A juvenile may be adjudicated to the community service program  
1365 only two (2) times;

1366 (iii) The judge shall assess an additional fine on  
1367 the juvenile which will be used to pay the costs of implementation  
1368 of the program and to pay for supervision by police officers and  
1369 reserve officers. The amount of the fine will be based on the  
1370 number of hours to which the juvenile has been adjudicated;

1371 (j) Order the child to participate in a youth court  
1372 work program as provided in Section 43-21-627; \* \* \*

1373 (k) Order the child into a juvenile detention center  
1374 operated by the county or into a juvenile detention center  
1375 operated by any county with which the county in which the court is  
1376 located has entered into a contract for the purpose of housing  
1377 delinquents. The time period for such detention cannot exceed  
1378 ninety (90) days. The youth court judge may order that the number  
1379 of days specified in the detention order be served either  
1380 throughout the week or on weekends only; or

1381 (l) Upon recommendation of the local school



1382 superintendent or local law enforcement officers, adjudicate the  
1383 child to a Mississippi Juvenile Health Recovery Program facility  
1384 if such facility or facilities are established under Senate Bill  
1385 NO. \_\_\_\_\_, 2000 Regular Session.

1386 (2) In addition to any of the disposition alternatives  
1387 authorized under subsection (1) of this section, the disposition  
1388 order in any case in which the child is adjudicated delinquent for  
1389 an offense under Section 63-11-30 shall include an order denying  
1390 the driver's license and driving privileges of the child as  
1391 required under subsection (8) of Section 63-11-30.

1392 (3) Fines levied under this chapter shall be paid into the  
1393 general fund of the county but, in those counties wherein the  
1394 youth court is a branch of the municipal government, it shall be  
1395 paid into the municipal treasury.

1396 (4) Any institution or agency to which a child has been  
1397 committed shall give to the youth court any information concerning  
1398 the child as the youth court may at any time require.

1399 (5) The youth court shall not place a child in another  
1400 school district who has been expelled from a school district for  
1401 the commission of a violent act. For the purpose of this  
1402 subsection, "violent act" means any action which results in death  
1403 or physical harm to another or an attempt to cause death or  
1404 physical harm to another.

1405 SECTION 20. Section 37-13-92, Mississippi Code of 1972, is  
1406 amended as follows:

1407 37-13-92. (1) Beginning with the school year 1993-1994, the  
1408 school boards of all school districts shall establish, maintain  
1409 and operate, in connection with the regular programs of the school

1410 district, an alternative school program for, but not limited to,  
1411 the following categories of compulsory-school-age students:

1412 (a) Any compulsory-school-age child who has been  
1413 suspended for more than ten (10) days or expelled from school,  
1414 except as provided in subsection (2);

1415 (b) Any compulsory-school-age child referred to such  
1416 alternative school based upon a documented need for placement in  
1417 the alternative school program by the parent, legal guardian or  
1418 custodian of such child due to disciplinary problems; and

1419 (c) Any compulsory-school-age child referred to such  
1420 alternative school program by the dispositive order of a  
1421 chancellor or youth court judge, with the consent of the  
1422 superintendent of the child's school district.

1423 (2) Notwithstanding any other provisions to the contrary, no  
1424 school district shall be required to enroll any  
1425 compulsory-school-age child in an alternative school program if  
1426 such student (a) is suspended or expelled for possession of a  
1427 weapon or other felonious conduct or any other violation set forth  
1428 in Section 37-11-18, Mississippi Code of 1972; (b) poses a threat  
1429 to the safety of himself or to others; or (c) is disruptive to the  
1430 educational process being provided to other students, subject to  
1431 review by and the approval of the school board taking under  
1432 consideration recommendations by the administrator of the  
1433 alternative school and the appropriate guidance counselor. In  
1434 such cases the local school superintendent may recommend to the  
1435 youth court of the residence of the child that the child should be  
1436 placed in a Mississippi Juvenile Health Recovery Facility Program  
1437 pursuant to Senate Bill No. \_\_\_\_\_, 2000 Regular Session.

1438       (3) The principal or program administrator of any such  
1439 alternative school program shall require verification from the  
1440 appropriate guidance counselor of any such child referred to the  
1441 alternative school program regarding the suitability of such child  
1442 for attendance at the alternative school program. Before a  
1443 student may be removed to an alternative school education program,  
1444 the superintendent of the student's school district must determine  
1445 that the written and distributed disciplinary policy of the local  
1446 district is being followed. The policy shall include standards  
1447 for:

1448               (a) The removal of a student to an alternative  
1449 education program that will include a process of educational  
1450 review to develop the student's individual instruction plan and  
1451 the evaluation at regular intervals of the student's educational  
1452 progress; the process shall include classroom teachers and/or  
1453 other appropriate professional personnel, as defined in the  
1454 district policy, to ensure a continuing educational program for  
1455 the removed student;

1456               (b) The duration of alternative placement; and

1457               (c) The notification of parents or guardians, and their  
1458 appropriate inclusion in the removal and evaluation process, as  
1459 defined in the district policy. Nothing in this paragraph should  
1460 be defined in a manner to circumvent the principal's or the  
1461 superintendent's authority to remove a student to alternative  
1462 education.

1463       (4) The local school board or the superintendent shall  
1464 provide for the continuing education of a student who has been  
1465 removed to an alternative school program.

1466       (5) A school district, in its discretion, may provide a  
1467 program of general educational development (GED) preparatory  
1468 instruction in the alternative school program. However, any GED  
1469 preparation program offered in an alternative school program must  
1470 be administered in compliance with the rules and regulations  
1471 established for such programs under Sections 37-35-1 through  
1472 37-35-11 and by the State Board for Community and Junior Colleges.  
1473 The school district may administer the General Educational  
1474 Development (GED) Testing Program under the policies and  
1475 guidelines of the GED Testing Service of the American Council on  
1476 Education in the alternative school program or may authorize the  
1477 test to be administered through the community/junior college  
1478 district in which the alternative school is situated.

1479       (6) Any such alternative school program operated under the  
1480 authority of this section shall meet all appropriate accreditation  
1481 requirements of the State Department of Education.

1482       (7) The alternative school program may be held within such  
1483 school district or may be operated by two (2) or more adjacent  
1484 school districts, pursuant to a contract approved by the State  
1485 Board of Education. When two (2) or more school districts  
1486 contract to operate an alternative school program, the school  
1487 board of a district designated to be the lead district shall serve  
1488 as the governing board of the alternative school program.

1489 Transportation for students attending the alternative school  
1490 program shall be the responsibility of the local school district.

1491 The expense of establishing, maintaining and operating such  
1492 alternative school program may be paid from funds contributed or  
1493 otherwise made available to the school district for such purpose

1494 or from local district maintenance funds.

1495       (8) The State Board of Education shall promulgate minimum  
1496 guidelines for alternative school programs. The guidelines shall  
1497 require, at a minimum, the formulation of an individual  
1498 instruction plan for each student referred to the alternative  
1499 school program and, upon a determination that it is in a student's  
1500 best interest for that student to receive general educational  
1501 development (GED) preparatory instruction, that the local school  
1502 board assign the student to a GED preparatory program established  
1503 under subsection (4) of this section. The minimum guidelines for  
1504 alternative school programs shall also require the following  
1505 components:

1506           (a) Clear guidelines and procedures for placement of  
1507 students into alternative education programs which at a minimum  
1508 shall prescribe due process procedures for disciplinary and  
1509 general educational development (GED) placement;

1510           (b) Clear and consistent goals for students and  
1511 parents;

1512           (c) Curricula addressing cultural and learning style  
1513 differences;

1514           (d) Direct supervision of all activities on a closed  
1515 campus;

1516           (e) Full-day attendance with a rigorous workload and  
1517 minimal time off;

1518           (f) Selection of program from options provided by the  
1519 local school district, Division of Youth Services or the youth  
1520 court, including transfer to a community-based alternative school;

1521           (g) Continual monitoring and evaluation and formalized

1522 passage from one step or program to another;

1523 (h) A motivated and culturally diverse staff;

1524 (i) Counseling for parents and students;

1525 (j) Administrative and community support for the  
1526 program; and

1527 (k) Clear procedures for annual alternative school  
1528 program review and evaluation.

1529 (9) On request of a school district, the State Department of  
1530 Education shall provide the district informational material on  
1531 developing an alternative school program that takes into  
1532 consideration size, wealth and existing facilities in determining  
1533 a program best suited to a district.

1534 (10) Any compulsory-school-age child who becomes involved in  
1535 any criminal or violent behavior shall be removed from such  
1536 alternative school program and, if probable cause exists, a case  
1537 shall be referred to the youth court.

1538 (11) The State Board of Education, in its discretion, may  
1539 exempt not more than four (4) school district alternative school  
1540 programs in the state from any compulsory standard of  
1541 accreditation for a period of three (3) years. During this  
1542 period, the State Department of Education shall conduct a study of  
1543 all alternative school programs in the state, and on or before  
1544 January 1, 2000, shall develop and promulgate accreditation  
1545 standards for all alternative school programs, including any  
1546 recommendations for necessary legislation relating to such  
1547 alternative school programs.

1548 SECTION 21. Section 43-13-117, Mississippi Code of 1972, is  
1549 amended as follows:

1550           43-13-117. Medical assistance as authorized by this article  
1551 shall include payment of part or all of the costs, at the  
1552 discretion of the division or its successor, with approval of the  
1553 Governor, of the following types of care and services rendered to  
1554 eligible applicants who shall have been determined to be eligible  
1555 for such care and services, within the limits of state  
1556 appropriations and federal matching funds:

1557           (1) Inpatient hospital services.

1558                 (a) The division shall allow thirty (30) days of  
1559 inpatient hospital care annually for all Medicaid recipients;  
1560 however, before any recipient will be allowed more than fifteen  
1561 (15) days of inpatient hospital care in any one (1) year, he must  
1562 obtain prior approval therefor from the division. The division  
1563 shall be authorized to allow unlimited days in disproportionate  
1564 hospitals as defined by the division for eligible infants under  
1565 the age of six (6) years.

1566                 (b) From and after July 1, 1994, the Executive Director  
1567 of the Division of Medicaid shall amend the Mississippi Title XIX  
1568 Inpatient Hospital Reimbursement Plan to remove the occupancy rate  
1569 penalty from the calculation of the Medicaid Capital Cost  
1570 Component utilized to determine total hospital costs allocated to  
1571 the Medicaid program.

1572           (2) Outpatient hospital services. Provided that where the  
1573 same services are reimbursed as clinic services, the division may  
1574 revise the rate or methodology of outpatient reimbursement to  
1575 maintain consistency, efficiency, economy and quality of care.

1576           (3) Laboratory and x-ray services.

1577           (4) Nursing facility services.

1578           (a) The division shall make full payment to nursing  
1579 facilities for each day, not exceeding fifty-two (52) days per  
1580 year, that a patient is absent from the facility on home leave.  
1581 Payment may be made for the following home leave days in addition  
1582 to the 52-day limitation: Christmas, the day before Christmas,  
1583 the day after Christmas, Thanksgiving, the day before Thanksgiving  
1584 and the day after Thanksgiving. However, before payment may be  
1585 made for more than eighteen (18) home leave days in a year for a  
1586 patient, the patient must have written authorization from a  
1587 physician stating that the patient is physically and mentally able  
1588 to be away from the facility on home leave. Such authorization  
1589 must be filed with the division before it will be effective and  
1590 the authorization shall be effective for three (3) months from the  
1591 date it is received by the division, unless it is revoked earlier  
1592 by the physician because of a change in the condition of the  
1593 patient.

1594           (b) From and after July 1, 1993, the division shall  
1595 implement the integrated case-mix payment and quality monitoring  
1596 system developed pursuant to Section 43-13-122, which includes the  
1597 fair rental system for property costs and in which recapture of  
1598 depreciation is eliminated. The division may revise the  
1599 reimbursement methodology for the case-mix payment system by  
1600 reducing payment for hospital leave and therapeutic home leave  
1601 days to the lowest case-mix category for nursing facilities,  
1602 modifying the current method of scoring residents so that only  
1603 services provided at the nursing facility are considered in  
1604 calculating a facility's per diem, and the division may limit  
1605 administrative and operating costs, but in no case shall these



1606 costs be less than one hundred nine percent (109%) of the median  
1607 administrative and operating costs for each class of facility, not  
1608 to exceed the median used to calculate the nursing facility  
1609 reimbursement for fiscal year 1996, to be applied uniformly to all  
1610 long-term care facilities.

1611 (c) From and after July 1, 1997, all state-owned  
1612 nursing facilities shall be reimbursed on a full reasonable costs  
1613 basis. From and after July 1, 1997, payments by the division to  
1614 nursing facilities for return on equity capital shall be made at  
1615 the rate paid under Medicare (Title XVIII of the Social Security  
1616 Act), but shall be no less than seven and one-half percent (7.5%)  
1617 nor greater than ten percent (10%).

1618 (d) A Review Board for nursing facilities is  
1619 established to conduct reviews of the Division of Medicaid's  
1620 decision in the areas set forth below:

1621 (i) Review shall be heard in the following areas:

1622 (A) Matters relating to cost reports  
1623 including, but not limited to, allowable costs and cost  
1624 adjustments resulting from desk reviews and audits.

1625 (B) Matters relating to the Minimum Data Set  
1626 Plus (MDS +) or successor assessment formats including but not  
1627 limited to audits, classifications and submissions.

1628 (ii) The Review Board shall be composed of six (6)  
1629 members, three (3) having expertise in one (1) of the two (2)  
1630 areas set forth above and three (3) having expertise in the other  
1631 area set forth above. Each panel of three (3) shall only review  
1632 appeals arising in its area of expertise. The members shall be  
1633 appointed as follows:

1634                   (A) In each of the areas of expertise defined  
1635 under subparagraphs (i)(A) and (i)(B), the Executive Director of  
1636 the Division of Medicaid shall appoint one (1) person chosen from  
1637 the private sector nursing home industry in the state, which may  
1638 include independent accountants and consultants serving the  
1639 industry;

1640                   (B) In each of the areas of expertise defined  
1641 under subparagraphs (i)(A) and (i)(B), the Executive Director of  
1642 the Division of Medicaid shall appoint one (1) person who is  
1643 employed by the state who does not participate directly in desk  
1644 reviews or audits of nursing facilities in the two (2) areas of  
1645 review;

1646                   (C) The two (2) members appointed by the  
1647 Executive Director of the Division of Medicaid in each area of  
1648 expertise shall appoint a third member in the same area of  
1649 expertise.

1650           In the event of a conflict of interest on the part of any  
1651 Review Board members, the Executive Director of the Division of  
1652 Medicaid or the other two (2) panel members, as applicable, shall  
1653 appoint a substitute member for conducting a specific review.

1654                   (iii) The Review Board panels shall have the power  
1655 to preserve and enforce order during hearings; to issue subpoenas;  
1656 to administer oaths; to compel attendance and testimony of  
1657 witnesses; or to compel the production of books, papers, documents  
1658 and other evidence; or the taking of depositions before any  
1659 designated individual competent to administer oaths; to examine  
1660 witnesses; and to do all things conformable to law that may be  
1661 necessary to enable it effectively to discharge its duties. The

1662 Review Board panels may appoint such person or persons as they  
1663 shall deem proper to execute and return process in connection  
1664 therewith.

1665                   (iv) The Review Board shall promulgate, publish  
1666 and disseminate to nursing facility providers rules of procedure  
1667 for the efficient conduct of proceedings, subject to the approval  
1668 of the Executive Director of the Division of Medicaid and in  
1669 accordance with federal and state administrative hearing laws and  
1670 regulations.

1671                   (v) Proceedings of the Review Board shall be of  
1672 record.

1673                   (vi) Appeals to the Review Board shall be in  
1674 writing and shall set out the issues, a statement of alleged facts  
1675 and reasons supporting the provider's position. Relevant  
1676 documents may also be attached. The appeal shall be filed within  
1677 thirty (30) days from the date the provider is notified of the  
1678 action being appealed or, if informal review procedures are taken,  
1679 as provided by administrative regulations of the Division of  
1680 Medicaid, within thirty (30) days after a decision has been  
1681 rendered through informal hearing procedures.

1682                   (vii) The provider shall be notified of the  
1683 hearing date by certified mail within thirty (30) days from the  
1684 date the Division of Medicaid receives the request for appeal.  
1685 Notification of the hearing date shall in no event be less than  
1686 thirty (30) days before the scheduled hearing date. The appeal  
1687 may be heard on shorter notice by written agreement between the  
1688 provider and the Division of Medicaid.

1689                   (viii) Within thirty (30) days from the date of

1690 the hearing, the Review Board panel shall render a written  
1691 recommendation to the Executive Director of the Division of  
1692 Medicaid setting forth the issues, findings of fact and applicable  
1693 law, regulations or provisions.

1694 (ix) The Executive Director of the Division of  
1695 Medicaid shall, upon review of the recommendation, the proceedings  
1696 and the record, prepare a written decision which shall be mailed  
1697 to the nursing facility provider no later than twenty (20) days  
1698 after the submission of the recommendation by the panel. The  
1699 decision of the executive director is final, subject only to  
1700 judicial review.

1701 (x) Appeals from a final decision shall be made to  
1702 the Chancery Court of Hinds County. The appeal shall be filed  
1703 with the court within thirty (30) days from the date the decision  
1704 of the Executive Director of the Division of Medicaid becomes  
1705 final.

1706 (xi) The action of the Division of Medicaid under  
1707 review shall be stayed until all administrative proceedings have  
1708 been exhausted.

1709 (xii) Appeals by nursing facility providers  
1710 involving any issues other than those two (2) specified in  
1711 subparagraphs (i)(A) and (ii)(B) shall be taken in accordance with  
1712 the administrative hearing procedures established by the Division  
1713 of Medicaid.

1714 (e) When a facility of a category that does not require  
1715 a certificate of need for construction and that could not be  
1716 eligible for Medicaid reimbursement is constructed to nursing  
1717 facility specifications for licensure and certification, and the

1718 facility is subsequently converted to a nursing facility pursuant  
1719 to a certificate of need that authorizes conversion only and the  
1720 applicant for the certificate of need was assessed an application  
1721 review fee based on capital expenditures incurred in constructing  
1722 the facility, the division shall allow reimbursement for capital  
1723 expenditures necessary for construction of the facility that were  
1724 incurred within the twenty-four (24) consecutive calendar months  
1725 immediately preceding the date that the certificate of need  
1726 authorizing such conversion was issued, to the same extent that  
1727 reimbursement would be allowed for construction of a new nursing  
1728 facility pursuant to a certificate of need that authorizes such  
1729 construction. The reimbursement authorized in this subparagraph  
1730 (e) may be made only to facilities the construction of which was  
1731 completed after June 30, 1989. Before the division shall be  
1732 authorized to make the reimbursement authorized in this  
1733 subparagraph (e), the division first must have received approval  
1734 from the Health Care Financing Administration of the United States  
1735 Department of Health and Human Services of the change in the state  
1736 Medicaid plan providing for such reimbursement.

1737 (f) The division shall develop and implement a case-mix  
1738 payment add-on determined by time studies and other valid  
1739 statistical data which will reimburse a nursing facility for the  
1740 additional cost of caring for a resident who has a diagnosis of  
1741 Alzheimer's or other related dementia and exhibits symptoms that  
1742 require special care. Any such case-mix add-on payment shall be  
1743 supported by a determination of additional cost. The division  
1744 shall also develop and implement as part of the fair rental  
1745 reimbursement system for nursing facility beds, an Alzheimer's

1746 resident bed depreciation enhanced reimbursement system which will  
1747 provide an incentive to encourage nursing facilities to convert or  
1748 construct beds for residents with Alzheimer's or other related  
1749 dementia.

1750           (g) The Division of Medicaid shall develop and  
1751 implement a referral process for long-term care alternatives for  
1752 Medicaid beneficiaries and applicants. No Medicaid beneficiary  
1753 shall be admitted to a Medicaid-certified nursing facility unless  
1754 a licensed physician certifies that nursing facility care is  
1755 appropriate for that person on a standardized form to be prepared  
1756 and provided to nursing facilities by the Division of Medicaid.  
1757 The physician shall forward a copy of that certification to the  
1758 Division of Medicaid within twenty-four (24) hours after it is  
1759 signed by the physician. Any physician who fails to forward the  
1760 certification to the Division of Medicaid within the time period  
1761 specified in this paragraph shall be ineligible for Medicaid  
1762 reimbursement for any physician's services performed for the  
1763 applicant. The Division of Medicaid shall determine, through an  
1764 assessment of the applicant conducted within two (2) business days  
1765 after receipt of the physician's certification, whether the  
1766 applicant also could live appropriately and cost-effectively at  
1767 home or in some other community-based setting if home- or  
1768 community-based services were available to the applicant. The  
1769 time limitation prescribed in this paragraph shall be waived in  
1770 cases of emergency. If the Division of Medicaid determines that a  
1771 home- or other community-based setting is appropriate and  
1772 cost-effective, the division shall:

1773           (i) Advise the applicant or the applicant's legal

1774 representative that a home- or other community-based setting is  
1775 appropriate;

1776                   (ii) Provide a proposed care plan and inform the  
1777 applicant or the applicant's legal representative regarding the  
1778 degree to which the services in the care plan are available in a  
1779 home- or in other community-based setting rather than nursing  
1780 facility care; and

1781                   (iii) Explain that such plan and services are  
1782 available only if the applicant or the applicant's legal  
1783 representative chooses a home- or community-based alternative to  
1784 nursing facility care, and that the applicant is free to choose  
1785 nursing facility care.

1786           The Division of Medicaid may provide the services described  
1787 in this paragraph (g) directly or through contract with case  
1788 managers from the local Area Agencies on Aging, and shall  
1789 coordinate long-term care alternatives to avoid duplication with  
1790 hospital discharge planning procedures.

1791           Placement in a nursing facility may not be denied by the  
1792 division if home- or community-based services that would be more  
1793 appropriate than nursing facility care are not actually available,  
1794 or if the applicant chooses not to receive the appropriate home-  
1795 or community-based services.

1796           The division shall provide an opportunity for a fair hearing  
1797 under federal regulations to any applicant who is not given the  
1798 choice of home- or community-based services as an alternative to  
1799 institutional care.

1800           The division shall make full payment for long-term care  
1801 alternative services.

1802           The division shall apply for necessary federal waivers to  
1803 assure that additional services providing alternatives to nursing  
1804 facility care are made available to applicants for nursing  
1805 facility care.

1806           (5) Periodic screening and diagnostic services for  
1807 individuals under age twenty-one (21) years as are needed to  
1808 identify physical and mental defects and to provide health care  
1809 treatment and other measures designed to correct or ameliorate  
1810 defects and physical and mental illness and conditions discovered  
1811 by the screening services regardless of whether these services are  
1812 included in the state plan. The division may include in its  
1813 periodic screening and diagnostic program those discretionary  
1814 services authorized under the federal regulations adopted to  
1815 implement Title XIX of the federal Social Security Act, as  
1816 amended. The division, in obtaining physical therapy services,  
1817 occupational therapy services, and services for individuals with  
1818 speech, hearing and language disorders, may enter into a  
1819 cooperative agreement with the State Department of Education for  
1820 the provision of such services to handicapped students by public  
1821 school districts using state funds which are provided from the  
1822 appropriation to the Department of Education to obtain federal  
1823 matching funds through the division. The division, in obtaining  
1824 medical and psychological evaluations for children in the custody  
1825 of the State Department of Human Services may enter into a  
1826 cooperative agreement with the State Department of Human Services  
1827 for the provision of such services using state funds which are  
1828 provided from the appropriation to the Department of Human  
1829 Services to obtain federal matching funds through the division.



1830           On July 1, 1993, all fees for periodic screening and  
1831 diagnostic services under this paragraph (5) shall be increased by  
1832 twenty-five percent (25%) of the reimbursement rate in effect on  
1833 June 30, 1993.

1834           (6) Physician's services. All fees for physicians' services  
1835 that are covered only by Medicaid shall be reimbursed at ninety  
1836 percent (90%) of the rate established on January 1, 1999, and as  
1837 adjusted each January thereafter, under Medicare (Title XVIII of  
1838 the Social Security Act), as amended, and which shall in no event  
1839 be less than seventy percent (70%) of the rate established on  
1840 January 1, 1994. All fees for physicians' services that are  
1841 covered by both Medicare and Medicaid shall be reimbursed at ten  
1842 percent (10%) of the adjusted Medicare payment established on  
1843 January 1, 1999, and as adjusted each January thereafter, under  
1844 Medicare (Title XVIII of the Social Security Act), as amended, and  
1845 which shall in no event be less than seven percent (7%) of the  
1846 adjusted Medicare payment established on January 1, 1994.

1847           (7) (a) Home health services for eligible persons, not to  
1848 exceed in cost the prevailing cost of nursing facility services,  
1849 not to exceed sixty (60) visits per year.

1850           (b) Repealed.

1851           (8) Emergency medical transportation services. On January  
1852 1, 1994, emergency medical transportation services shall be  
1853 reimbursed at seventy percent (70%) of the rate established under  
1854 Medicare (Title XVIII of the Social Security Act), as amended.  
1855 "Emergency medical transportation services" shall mean, but shall  
1856 not be limited to, the following services by a properly permitted  
1857 ambulance operated by a properly licensed provider in accordance

1858 with the Emergency Medical Services Act of 1974 (Section 41-59-1  
1859 et seq.): (i) basic life support, (ii) advanced life support,  
1860 (iii) mileage, (iv) oxygen, (v) intravenous fluids, (vi)  
1861 disposable supplies, (vii) similar services.

1862 (9) Legend and other drugs as may be determined by the  
1863 division. The division may implement a program of prior approval  
1864 for drugs to the extent permitted by law. Payment by the division  
1865 for covered multiple source drugs shall be limited to the lower of  
1866 the upper limits established and published by the Health Care  
1867 Financing Administration (HCFA) plus a dispensing fee of Four  
1868 Dollars and Ninety-one Cents (\$4.91), or the estimated acquisition  
1869 cost (EAC) as determined by the division plus a dispensing fee of  
1870 Four Dollars and Ninety-one Cents (\$4.91), or the providers' usual  
1871 and customary charge to the general public. The division shall  
1872 allow five (5) prescriptions per month for noninstitutionalized  
1873 Medicaid recipients; however, exceptions for up to ten (10)  
1874 prescriptions per month shall be allowed, with the approval of the  
1875 director.

1876 Payment for other covered drugs, other than multiple source  
1877 drugs with HCFA upper limits, shall not exceed the lower of the  
1878 estimated acquisition cost as determined by the division plus a  
1879 dispensing fee of Four Dollars and Ninety-one Cents (\$4.91) or the  
1880 providers' usual and customary charge to the general public.

1881 Payment for nonlegend or over-the-counter drugs covered on  
1882 the division's formulary shall be reimbursed at the lower of the  
1883 division's estimated shelf price or the providers' usual and  
1884 customary charge to the general public. No dispensing fee shall  
1885 be paid.

1886           The division shall develop and implement a program of payment  
1887 for additional pharmacist services, with payment to be based on  
1888 demonstrated savings, but in no case shall the total payment  
1889 exceed twice the amount of the dispensing fee.

1890           As used in this paragraph (9), "estimated acquisition cost"  
1891 means the division's best estimate of what price providers  
1892 generally are paying for a drug in the package size that providers  
1893 buy most frequently. Product selection shall be made in  
1894 compliance with existing state law; however, the division may  
1895 reimburse as if the prescription had been filled under the generic  
1896 name. The division may provide otherwise in the case of specified  
1897 drugs when the consensus of competent medical advice is that  
1898 trademarked drugs are substantially more effective.

1899           (10) Dental care that is an adjunct to treatment of an acute  
1900 medical or surgical condition; services of oral surgeons and  
1901 dentists in connection with surgery related to the jaw or any  
1902 structure contiguous to the jaw or the reduction of any fracture  
1903 of the jaw or any facial bone; and emergency dental extractions  
1904 and treatment related thereto. On July 1, 1999, all fees for  
1905 dental care and surgery under authority of this paragraph (10)  
1906 shall be increased to one hundred sixty percent (160%) of the  
1907 amount of the reimbursement rate that was in effect on June 30,  
1908 1999. It is the intent of the Legislature to encourage more  
1909 dentists to participate in the Medicaid program.

1910           (11) Eyeglasses necessitated by reason of eye surgery, and  
1911 as prescribed by a physician skilled in diseases of the eye or an  
1912 optometrist, whichever the patient may select.

1913           (12) Intermediate care facility services.

1914           (a) The division shall make full payment to all  
1915 intermediate care facilities for the mentally retarded for each  
1916 day, not exceeding eighty-four (84) days per year, that a patient  
1917 is absent from the facility on home leave. Payment may be made  
1918 for the following home leave days in addition to the 84-day  
1919 limitation: Christmas, the day before Christmas, the day after  
1920 Christmas, Thanksgiving, the day before Thanksgiving and the day  
1921 after Thanksgiving. However, before payment may be made for more  
1922 than eighteen (18) home leave days in a year for a patient, the  
1923 patient must have written authorization from a physician stating  
1924 that the patient is physically and mentally able to be away from  
1925 the facility on home leave. Such authorization must be filed with  
1926 the division before it will be effective, and the authorization  
1927 shall be effective for three (3) months from the date it is  
1928 received by the division, unless it is revoked earlier by the  
1929 physician because of a change in the condition of the patient.

1930           (b) All state-owned intermediate care facilities for  
1931 the mentally retarded shall be reimbursed on a full reasonable  
1932 cost basis.

1933           (13) Family planning services, including drugs, supplies and  
1934 devices, when such services are under the supervision of a  
1935 physician.

1936           (14) Clinic services. Such diagnostic, preventive,  
1937 therapeutic, rehabilitative or palliative services furnished to an  
1938 outpatient by or under the supervision of a physician or dentist  
1939 in a facility which is not a part of a hospital but which is  
1940 organized and operated to provide medical care to outpatients.  
1941 Clinic services shall include any services reimbursed as

1942 outpatient hospital services which may be rendered in such a  
1943 facility, including those that become so after July 1, 1991. On  
1944 July 1, 1999, all fees for physicians' services reimbursed under  
1945 authority of this paragraph (14) shall be reimbursed at ninety  
1946 percent (90%) of the rate established on January 1, 1999, and as  
1947 adjusted each January thereafter, under Medicare (Title XVIII of  
1948 the Social Security Act), as amended, and which shall in no event  
1949 be less than seventy percent (70%) of the rate established on  
1950 January 1, 1994. All fees for physicians' services that are  
1951 covered by both Medicare and Medicaid shall be reimbursed at ten  
1952 percent (10%) of the adjusted Medicare payment established on  
1953 January 1, 1999, and as adjusted each January thereafter, under  
1954 Medicare (Title XVIII of the Social Security Act), as amended, and  
1955 which shall in no event be less than seven percent (7%) of the  
1956 adjusted Medicare payment established on January 1, 1994. On July  
1957 1, 1999, all fees for dentists' services reimbursed under  
1958 authority of this paragraph (14) shall be increased to one hundred  
1959 sixty percent (160%) of the amount of the reimbursement rate that  
1960 was in effect on June 30, 1999.

1961 (15) Home- and community-based services, as provided under  
1962 Title XIX of the federal Social Security Act, as amended, under  
1963 waivers, subject to the availability of funds specifically  
1964 appropriated therefor by the Legislature. Payment for such  
1965 services shall be limited to individuals who would be eligible for  
1966 and would otherwise require the level of care provided in a  
1967 nursing facility. The home- and community-based services  
1968 authorized under this paragraph shall be expanded over a five-year  
1969 period beginning July 1, 1999. The division shall certify case

1970 management agencies to provide case management services and  
1971 provide for home- and community-based services for eligible  
1972 individuals under this paragraph. The home- and community-based  
1973 services under this paragraph and the activities performed by  
1974 certified case management agencies under this paragraph shall be  
1975 funded using state funds that are provided from the appropriation  
1976 to the Division of Medicaid and used to match federal funds.

1977 (16) Mental health services. Approved therapeutic and case  
1978 management services provided by (a) an approved regional mental  
1979 health/retardation center established under Sections 41-19-31  
1980 through 41-19-39, or by another community mental health service  
1981 provider meeting the requirements of the Department of Mental  
1982 Health to be an approved mental health/retardation center if  
1983 determined necessary by the Department of Mental Health, using  
1984 state funds which are provided from the appropriation to the State  
1985 Department of Mental Health and used to match federal funds under  
1986 a cooperative agreement between the division and the department,  
1987 or (b) a facility which is certified by the State Department of  
1988 Mental Health to provide therapeutic and case management services,  
1989 to be reimbursed on a fee for service basis. Any such services  
1990 provided by a facility described in paragraph (b) must have the  
1991 prior approval of the division to be reimbursable under this  
1992 section. After June 30, 1997, mental health services provided by  
1993 regional mental health/retardation centers established under  
1994 Sections 41-19-31 through 41-19-39, or by hospitals as defined in  
1995 Section 41-9-3(a) and/or their subsidiaries and divisions, or by  
1996 psychiatric residential treatment facilities as defined in Section  
1997 43-11-1, or by another community mental health service provider

1998 meeting the requirements of the Department of Mental Health to be  
1999 an approved mental health/retardation center if determined  
2000 necessary by the Department of Mental Health, shall not be  
2001 included in or provided under any capitated managed care pilot  
2002 program provided for under paragraph (24) of this section.

2003 (17) Durable medical equipment services and medical supplies  
2004 restricted to patients receiving home health services unless  
2005 waived on an individual basis by the division. The division shall  
2006 not expend more than Three Hundred Thousand Dollars (\$300,000.00)  
2007 of state funds annually to pay for medical supplies authorized  
2008 under this paragraph.

2009 (18) Notwithstanding any other provision of this section to  
2010 the contrary, the division shall make additional reimbursement to  
2011 hospitals which serve a disproportionate share of low-income  
2012 patients and which meet the federal requirements for such payments  
2013 as provided in Section 1923 of the federal Social Security Act and  
2014 any applicable regulations.

2015 (19) (a) Perinatal risk management services. The division  
2016 shall promulgate regulations to be effective from and after  
2017 October 1, 1988, to establish a comprehensive perinatal system for  
2018 risk assessment of all pregnant and infant Medicaid recipients and  
2019 for management, education and follow-up for those who are  
2020 determined to be at risk. Services to be performed include case  
2021 management, nutrition assessment/counseling, psychosocial  
2022 assessment/counseling and health education. The division shall  
2023 set reimbursement rates for providers in conjunction with the  
2024 State Department of Health.

2025 (b) Early intervention system services. The division

2026 shall cooperate with the State Department of Health, acting as  
2027 lead agency, in the development and implementation of a statewide  
2028 system of delivery of early intervention services, pursuant to  
2029 Part H of the Individuals with Disabilities Education Act (IDEA).

2030 The State Department of Health shall certify annually in writing  
2031 to the director of the division the dollar amount of state early  
2032 intervention funds available which shall be utilized as a  
2033 certified match for Medicaid matching funds. Those funds then  
2034 shall be used to provide expanded targeted case management  
2035 services for Medicaid eligible children with special needs who are  
2036 eligible for the state's early intervention system.

2037 Qualifications for persons providing service coordination shall be  
2038 determined by the State Department of Health and the Division of  
2039 Medicaid.

2040 (20) Home- and community-based services for physically  
2041 disabled approved services as allowed by a waiver from the U.S.  
2042 Department of Health and Human Services for home- and  
2043 community-based services for physically disabled people using  
2044 state funds which are provided from the appropriation to the State  
2045 Department of Rehabilitation Services and used to match federal  
2046 funds under a cooperative agreement between the division and the  
2047 department, provided that funds for these services are  
2048 specifically appropriated to the Department of Rehabilitation  
2049 Services.

2050 (21) Nurse practitioner services. Services furnished by a  
2051 registered nurse who is licensed and certified by the Mississippi  
2052 Board of Nursing as a nurse practitioner including, but not  
2053 limited to, nurse anesthetists, nurse midwives, family nurse



2054 practitioners, family planning nurse practitioners, pediatric  
2055 nurse practitioners, obstetrics-gynecology nurse practitioners and  
2056 neonatal nurse practitioners, under regulations adopted by the  
2057 division. Reimbursement for such services shall not exceed ninety  
2058 percent (90%) of the reimbursement rate for comparable services  
2059 rendered by a physician.

2060 (22) Ambulatory services delivered in federally qualified  
2061 health centers and in clinics of the local health departments of  
2062 the State Department of Health for individuals eligible for  
2063 medical assistance under this article based on reasonable costs as  
2064 determined by the division.

2065 (23) Inpatient psychiatric services. Inpatient psychiatric  
2066 services to be determined by the division for recipients under age  
2067 twenty-one (21) which are provided under the direction of a  
2068 physician in an inpatient program in a licensed acute care  
2069 psychiatric facility or in a licensed psychiatric residential  
2070 treatment facility, before the recipient reaches age twenty-one  
2071 (21) or, if the recipient was receiving the services immediately  
2072 before he reached age twenty-one (21), before the earlier of the  
2073 date he no longer requires the services or the date he reaches age  
2074 twenty-two (22), as provided by federal regulations. Recipients  
2075 shall be allowed forty-five (45) days per year of psychiatric  
2076 services provided in acute care psychiatric facilities, and shall  
2077 be allowed unlimited days of psychiatric services provided in  
2078 licensed psychiatric residential treatment facilities.

2079 (24) Managed care services in a program to be developed by  
2080 the division by a public or private provider. Notwithstanding any  
2081 other provision in this article to the contrary, the division

2082 shall establish rates of reimbursement to providers rendering care  
2083 and services authorized under this section, and may revise such  
2084 rates of reimbursement without amendment to this section by the  
2085 Legislature for the purpose of achieving effective and accessible  
2086 health services, and for responsible containment of costs. This  
2087 shall include, but not be limited to, one (1) module of capitated  
2088 managed care in a rural area, and one (1) module of capitated  
2089 managed care in an urban area.

2090 (25) Birthing center services.

2091 (26) Hospice care. As used in this paragraph, the term  
2092 "hospice care" means a coordinated program of active professional  
2093 medical attention within the home and outpatient and inpatient  
2094 care which treats the terminally ill patient and family as a unit,  
2095 employing a medically directed interdisciplinary team. The  
2096 program provides relief of severe pain or other physical symptoms  
2097 and supportive care to meet the special needs arising out of  
2098 physical, psychological, spiritual, social and economic stresses  
2099 which are experienced during the final stages of illness and  
2100 during dying and bereavement and meets the Medicare requirements  
2101 for participation as a hospice as provided in 42 CFR Part 418.

2102 (27) Group health plan premiums and cost sharing if it is  
2103 cost effective as defined by the Secretary of Health and Human  
2104 Services.

2105 (28) Other health insurance premiums which are cost  
2106 effective as defined by the Secretary of Health and Human  
2107 Services. Medicare eligible must have Medicare Part B before  
2108 other insurance premiums can be paid.

2109 (29) The Division of Medicaid may apply for a waiver from

2110 the Department of Health and Human Services for home- and  
2111 community-based services for developmentally disabled people using  
2112 state funds which are provided from the appropriation to the State  
2113 Department of Mental Health and used to match federal funds under  
2114 a cooperative agreement between the division and the department,  
2115 provided that funds for these services are specifically  
2116 appropriated to the Department of Mental Health.

2117 (30) Pediatric skilled nursing services for eligible persons  
2118 under twenty-one (21) years of age.

2119 (31) Targeted case management services for children with  
2120 special needs, under waivers from the U.S. Department of Health  
2121 and Human Services, using state funds that are provided from the  
2122 appropriation to the Mississippi Department of Human Services and  
2123 used to match federal funds under a cooperative agreement between  
2124 the division and the department.

2125 (32) Care and services provided in Christian Science  
2126 Sanatoria operated by or listed and certified by The First Church  
2127 of Christ Scientist, Boston, Massachusetts, rendered in connection  
2128 with treatment by prayer or spiritual means to the extent that  
2129 such services are subject to reimbursement under Section 1903 of  
2130 the Social Security Act.

2131 (33) Podiatrist services.

2132 (34) Personal care services provided in a pilot program to  
2133 not more than forty (40) residents at a location or locations to  
2134 be determined by the division and delivered by individuals  
2135 qualified to provide such services, as allowed by waivers under  
2136 Title XIX of the Social Security Act, as amended. The division  
2137 shall not expend more than Three Hundred Thousand Dollars

2138 (\$300,000.00) annually to provide such personal care services.  
2139 The division shall develop recommendations for the effective  
2140 regulation of any facilities that would provide personal care  
2141 services which may become eligible for Medicaid reimbursement  
2142 under this section, and shall present such recommendations with  
2143 any proposed legislation to the 1996 Regular Session of the  
2144 Legislature on or before January 1, 1996.

2145 (35) Services and activities authorized in Sections  
2146 43-27-101 and 43-27-103, using state funds that are provided from  
2147 the appropriation to the State Department of Human Services and  
2148 used to match federal funds under a cooperative agreement between  
2149 the division and the department.

2150 (36) Nonemergency transportation services for  
2151 Medicaid-eligible persons, to be provided by the Department of  
2152 Human Services. The division may contract with additional  
2153 entities to administer nonemergency transportation services as it  
2154 deems necessary. All providers shall have a valid driver's  
2155 license, vehicle inspection sticker and a standard liability  
2156 insurance policy covering the vehicle.

2157 (37) Targeted case management services for individuals with  
2158 chronic diseases, with expanded eligibility to cover services to  
2159 uninsured recipients, on a pilot program basis. This paragraph  
2160 (37) shall be contingent upon continued receipt of special funds  
2161 from the Health Care Financing Authority and private foundations  
2162 who have granted funds for planning these services. No funding  
2163 for these services shall be provided from State General Funds.

2164 (38) Chiropractic services: a chiropractor's manual  
2165 manipulation of the spine to correct a subluxation, if x-ray

2166 demonstrates that a subluxation exists and if the subluxation has  
2167 resulted in a neuromusculoskeletal condition for which  
2168 manipulation is appropriate treatment. Reimbursement for  
2169 chiropractic services shall not exceed Seven Hundred Dollars  
2170 (\$700.00) per year per recipient.

2171 Services for children placed in a Mississippi Juvenile Health  
2172 Recovery Facility by the youth court, using state funds that are  
2173 provided from appropriations to the Department of Human Services,  
2174 the Department of Mental Health, the State Department of Education  
2175 and the Division of Medicaid and used to match federal funds under  
2176 a cooperative agreement with the Juvenile Health Recovery Board  
2177 pursuant to Senate Bill No. \_\_\_\_\_, 2000 Regular Session.

2178 Notwithstanding any provision of this article, except as  
2179 authorized in the following paragraph and in Section 43-13-139,  
2180 neither (a) the limitations on quantity or frequency of use of or  
2181 the fees or charges for any of the care or services available to  
2182 recipients under this section, nor (b) the payments or rates of  
2183 reimbursement to providers rendering care or services authorized  
2184 under this section to recipients, may be increased, decreased or  
2185 otherwise changed from the levels in effect on July 1, 1986,  
2186 unless such is authorized by an amendment to this section by the  
2187 Legislature. However, the restriction in this paragraph shall not  
2188 prevent the division from changing the payments or rates of  
2189 reimbursement to providers without an amendment to this section  
2190 whenever such changes are required by federal law or regulation,  
2191 or whenever such changes are necessary to correct administrative  
2192 errors or omissions in calculating such payments or rates of  
2193 reimbursement.

2194           Notwithstanding any provision of this article, no new groups  
2195 or categories of recipients and new types of care and services may  
2196 be added without enabling legislation from the Mississippi  
2197 Legislature, except that the division may authorize such changes  
2198 without enabling legislation when such addition of recipients or  
2199 services is ordered by a court of proper authority. The director  
2200 shall keep the Governor advised on a timely basis of the funds  
2201 available for expenditure and the projected expenditures. In the  
2202 event current or projected expenditures can be reasonably  
2203 anticipated to exceed the amounts appropriated for any fiscal  
2204 year, the Governor, after consultation with the director, shall  
2205 discontinue any or all of the payment of the types of care and  
2206 services as provided herein which are deemed to be optional  
2207 services under Title XIX of the federal Social Security Act, as  
2208 amended, for any period necessary to not exceed appropriated  
2209 funds, and when necessary shall institute any other cost  
2210 containment measures on any program or programs authorized under  
2211 the article to the extent allowed under the federal law governing  
2212 such program or programs, it being the intent of the Legislature  
2213 that expenditures during any fiscal year shall not exceed the  
2214 amounts appropriated for such fiscal year.

2215           SECTION 22. Section 43-27-309, which repeals the chapter  
2216 establishing a Juvenile Health Recovery Review and Advisory Board,  
2217 is hereby repealed.

2218           SECTION 23. This act shall take effect and be in force from  
2219 and after July 1, 2000.