HOUSE BILL NO. 1433

AN ACT TO AMEND SECTIONS 37-159-3, 37-159-5, 37-159-9,
37-159-11 AND 37-159-15, MISSISSIPPI CODE OF 1972, TO AUTHORIZE
PERSONS PARTICIPATING IN THE CRITICAL NEEDS TEACHER SCHOLARSHIP
PROGRAM, THE UNIVERSITY ASSISTED TEACHER RECRUITMENT AND RETENTION
GRANT PROGRAM, THE MISSISSIPPI EMPLOYER-ASSISTED HOUSING TEACHER
PROGRAM AND THE PROGRAM PROVIDING REIMBURSEMENT OF RELOCATION
EXPENSES TO TEACHERS MOVING TO CRITICAL TEACHER SHORTAGE DISTRICTS
TO RENDER THEIR TEACHING SERVICE IN NONPUBLIC SCHOOLS APPROVED BY
THE STATE DEPARTMENT OF EDUCATION WHICH ARE LOCATED IN
GEOGRAPHICAL AREAS OF THE STATE HAVING A CRITICAL TEACHER
SHORTAGE; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 37-159-3, Mississippi Code of 1972, is
amended as follows:

37-159-3. (1) There is established the "Critical Needs
Teacher Scholarship Program," the purpose of which is to attract
qualified teachers to those geographical areas of the state where
there exists a critical shortage of teachers by awarding full
scholarships to persons declaring an intention to serve in the
teaching field who actually render service while possessing
an appropriate teaching license.

(2) Any individual who is enrolled in or accepted for
enrollment at a baccalaureate degree-granting institution of
higher learning whose teacher education program is approved by the
State Board of Education or at an accredited, nonprofit community
or junior college in the State of Mississippi who expresses in
writing an intention to teach in a geographical area of the state
in which there exists a critical shortage of teachers, as
designated by the State Board of Education, shall be eligible for
a financial scholarship to be applied toward the costs of the
individual's college education. The annual amount of the award shall be equal to the total cost for tuition, room and meals, books, materials and fees at the college or university in which the student is enrolled, not to exceed an amount equal to the highest total cost of tuition, room and meals, books, materials and fees assessed by a state institution of higher learning during that school year. Awards made to nonresidents of the state shall not include any amount assessed by the college or university for out-of-state tuition.

(3) Awards granted under the Critical Needs Teacher Scholarship Program shall be available to both full-time and part-time students. Students enrolling on a full-time basis may receive a maximum of four (4) annual awards. The maximum number of awards that may be made to students attending school on a part-time basis, and the maximum time period for part-time students to complete the number of academic hours necessary to obtain a baccalaureate degree in education, shall be established by rules and regulations jointly promulgated by the Board of Trustees of State Institutions of Higher Learning and the State Board of Education. Critical Needs Teacher Scholarships shall not be based upon an applicant's eligibility for financial aid.

(4) Except in those cases where employment positions may not be available upon completion of licensure requirements, at the beginning of the first school year in which a recipient of a Critical Needs Teacher Scholarship is eligible for employment as a licensed teacher, that person shall begin to render service as a licensed teacher in a public school district or in a nonpublic school that maintains educational standards equivalent to the standards established by the State Department of Education for the state schools, as outlined in the Approval Requirements of the State Board of Education for Nonpublic Schools, in a geographical area of the state where there is a critical shortage of teachers, as approved by the State Board of Education. Any person who
received four (4) annual awards, or the equivalent of four (4) annual awards, shall render three (3) years' service as a licensed teacher. Any person who received fewer than four (4) annual awards, or the equivalent of four (4) annual awards, shall render one (1) year's service as a licensed teacher for each year that the person received a full-time student scholarship, or for the number of academic hours equivalent to one (1) school year, as determined by the Board of Trustees of State Institutions of Higher Learning, which a part-time student received a scholarship.

(5) Any person failing to complete a program of study which will enable that person to become a licensed teacher shall become liable immediately to the Board of Trustees of State Institutions of Higher Learning for the sum of all Critical Needs Teacher Scholarship awards made to that person, plus interest accruing at the current Stafford Loan rate at the time the person abrogates his participation in the program. Any person failing to complete his teaching obligation, as required under subsection (4) of this section, shall become liable immediately to the board for the sum of all scholarship awards made to that person less the corresponding amount of any awards for which service has been rendered, plus interest accruing at the current Stafford Loan rate at the time the person discontinues his service, except in the case of a deferral of debt for cause by the State Board of Education when there is no employment position immediately available upon a teacher's completion of licensure requirements. After the period of such deferral, such person shall begin or resume teaching duties as required under subsection (4) or shall become liable to the board under this subsection. If a claim for payment under this subsection is placed in the hands of an attorney for collection, the obligor shall be liable for an additional amount equal to a reasonable attorney's fee.
(6) The obligations made by the recipient of a Critical Needs Teacher Scholarship award shall not be voidable by reason of the age of the student at the time of receiving the scholarship.

(7) The Board of Trustees of State Institutions of Higher Learning and the State Board of Education shall jointly promulgate rules and regulations necessary for the proper administration of the Critical Needs Teacher Scholarship Program. The Board of Trustees of State Institutions of Higher Learning shall be the administering agency of the program.

(8) If insufficient funds are available to fully fund scholarship awards to all eligible students, the Board of Trustees of State Institutions of Higher Learning shall make the awards to first-time students on a first-come, first-served basis; however, priority consideration shall be given to persons previously receiving awards under the Critical Needs Teacher Scholarship Program.

(9) All funds received by the Board of Trustees of State Institutions of Higher Learning from the repayment of scholarship awards by program participants shall be deposited in the Mississippi Critical Teacher Shortage Fund.

SECTION 2. Section 37-159-5, Mississippi Code of 1972, is amended as follows:

37-159-5. The State Board of Education shall prescribe rules and regulations which, subject to available appropriations, allow for reimbursement to the state licensed teachers, from both in-state and out-of-state, who enter into a contract for employment in a school district or in a nonpublic school that maintains educational standards equivalent to the standards established by the State department of Education for the state schools, as outlined in the Approval Requirements of the State Board of Education for Nonpublic Schools, situated within a geographical area of the state where there exists a critical shortage of teachers, as designated by the State Board of

H. B. No. 1433  
01/HR07/R1333  
PAGE 4 (RM\RS)
Education, for the expense of moving when the employment
necessitates the relocation of the teacher to a different
geographical area than that in which the teacher resides before
entering into such contract. In order to be eligible for the
reimbursement, the teacher must apply to the local district or
approved nonpublic school, and the district or approved nonpublic
school must obtain the prior approval from the department for
reimbursement before the relocation occurs. If the reimbursement
is approved, the department shall provide funds to the school
district or approved nonpublic school to reimburse the teacher an
amount not to exceed One Thousand Dollars ($1,000.00) for the
documented actual expenses incurred in the course of relocating,
including the expense of any professional moving company or
persons employed to assist with the move, rented moving vehicles
or equipment, mileage in the amount authorized for state employees
under Section 25-3-41, if the teacher used his personal vehicle or
vehicles for the move, meals and such other expenses associated
with the relocation in accordance with the department's
established rules and regulations. No teacher may be reimbursed
for moving expenses under this section on more than one (1)
occasion.

Nothing in this section shall be construed to require the
actual residence to which the teacher relocates to be within the
boundaries of the school district which has executed a contract
for employment with the teacher or within the boundaries of the
area designated by the State Board of Education as the critical
teacher shortage area in order for the teacher to be eligible for
reimbursement for his moving expenses. However, teachers must
relocate within the boundaries of the State of Mississippi.

SECTION 3. Section 37-159-9, Mississippi Code of 1972, is
amended as follows:

37-159-9. (1) There is established the University Assisted
Teacher Recruitment and Retention Grant Program within the State
Department of Education. The purposes of the program shall be to attract additional qualified teachers to those geographical areas of the state where there exists a critical shortage of teachers and to retain the qualified teachers already serving as licensed teachers in geographical critical teacher shortage areas by making available scholarships to persons working towards a Master of Education degree or an Educational Specialist degree at an institution of higher learning whose teacher education program is approved by the State Board of Education.

(2) Any institution of higher learning in the State of Mississippi which offers a Master of Education degree or an Educational Specialist degree may apply to the department for participation in the program. As part of the program, participating institutions shall collaborate with the Mississippi Teacher Center to identify, recruit and place teacher education graduates, from both within the state and out-of-state, in school districts or in nonpublic schools that maintain educational standards equivalent to the standards established by the State Department of Education for the state schools, as outlined in the Approval Requirements of the State Board of Education for Nonpublic Schools, situated within those areas of the state where there exists a critical shortage of teachers, as designated by the State Board of Education.

(3) The State Department of Education shall provide funds to participating institutions of higher learning for the purpose of awarding scholarships to qualified persons pursuing a Master of Education degree or an Educational Specialist degree at such institutions while rendering service as a licensed teacher in a school district or an approved nonpublic school in a geographical area of the state where there exists a critical shortage of teachers, as approved by the State Board of Education. The financial scholarship shall be applied to the total cost for tuition, books, materials and fees at the institution in which the
student is enrolled, not to exceed an amount equal to the highest
total cost of tuition, books, materials and fees assessed by a
state institution of higher learning during that school year.
Teachers who relocate within Mississippi from out-of-state in
order to participate in the program shall be classified as
residents of the state for tuition purposes.

(4) Students awarded financial scholarships under the
University Assisted Teacher Recruitment and Retention Grant
Program may receive such awards for a maximum of four (4) school
years; however, the maximum number of awards which may be made
shall not exceed the length of time required to complete the
number of academic hours necessary to obtain a Master of Education
degree or an Educational Specialist degree. Financial
scholarships under the program shall not be based upon an
applicant's eligibility for financial aid.

(5) Persons relocating to a geographical area of the state
where there exists a critical shortage of teachers, as approved by
the State Board of Education, to participate in the University
Assisted Teacher Recruitment and Retention Grant Program shall be
eligible for reimbursement for their moving expenses to the
critical teacher shortage area from the State Board of Education.
The State Board of Education shall promulgate rules and
regulations necessary for the administration of the relocation
expense reimbursement component of the University Assisted Teacher
Recruitment and Retention Grant Program.

(6) Subject to the availability of funds, the State Board of
Education may provide for professional development and support
services as may be necessary for the retention of teachers
participating in the program in those geographical areas of the
state where there exists a critical shortage of teachers.

(7) Any person participating in the program who fails to
complete a program of study that will enable that person to obtain
a Master of Education degree or Educational Specialist degree
shall become liable immediately to the State Board of Education
for the sum of all awards made to that person under the program,
plus interest accruing at the current Stafford Loan rate at the
time the person abrogates his participation in the program.

(8) As a condition for participation in the program, a
teacher shall agree to employment as a licensed teacher in a
school district or an approved nonpublic school located in a
geographical area of the state where there exists a critical
shortage of teachers, as designated by the State Board of
Education, for a period of not less than three (3) years, which
shall include those years of service rendered while obtaining the
Master of Education degree or Educational Specialist degree.
However, for any person who obtained a baccalaureate degree in
education with a financial scholarship under the Critical Needs
Teacher Scholarship Program and who entered the University
Assisted Teacher Recruitment and Retention Grant Program before
rendering service as a teacher, the period of employment for the
purposes of this subsection shall be two (2) years, in addition to
the employment commitment required under the Critical Needs
Teacher Scholarship Program. Service rendered by a participant as
a licensed teacher in a school district in a geographical critical
teacher shortage area before that teacher becomes a participant in
the program may not be considered to fulfill the employment
commitment required under this subsection. Any person failing to
comply with this employment commitment in any required school year
shall immediately be in breach of contract and become liable
immediately to the State Department of Education for the sum of
all scholarships awarded and relocation expenses granted to that
person, less one-third (1/3) of the amount of that sum for each
year that service was rendered, or for those persons whose
required period of employment is two (2) years, less one-half
(1/2) of the amount of that sum for each year that service was
rendered, plus interest accruing at the current Stafford Loan rate
at the time the breach occurs, except in the case of a deferral for cause by the State Board of Education when there is no employment position immediately available upon the teacher's obtaining of the Master of Education degree or Educational Specialist degree. After the period of such deferral, the person shall begin or resume the required teaching duties or shall become liable to the board under this subsection. If a claim for repayment under this subsection is placed in the hands of an attorney for collection after default, then the obligor shall be liable for an additional amount equal to a reasonable attorney's fee.

(9) All funds received by the State Department of Education from the repayment of scholarship awards and relocation expenses by program participants shall be deposited in the Mississippi Critical Teacher Shortage Fund.

(10) The State Board of Education shall promulgate rules and regulations necessary for the proper administration of the University Assisted Teacher Recruitment and Retention Grant Program.

SECTION 4. Section 37-159-11, Mississippi Code of 1972, is reenacted and amended as follows:

37-159-11. (1) There is established the Mississippi Employer-Assisted Housing Teacher Program, which shall be a special home loan program for eligible licensed teachers who render service * * * in a geographical area of the state where there exists a critical shortage of teachers, as designated by the State Board of Education. The home loan program shall be administered by the State Department of Education in conjunction with the Federal National Mortgage Association (Fannie Mae). The department may contract with one or more public or private entities to provide assistance in implementing and administering the program. The State Board of Education shall adopt rules and
regulations regarding the implementation and administration of the program.

(2) Participation in the loan program shall be available to any licensed teacher who renders service in a school district or in a nonpublic school that maintains educational standards equivalent to the standards established by the State Department of Education for the state schools, as outlined in the approval Requirements of the State Board of Education for Nonpublic Schools, in a geographical area of the state where there exists a critical shortage of teachers, as designated by the State Board of Education. Any person who receives a loan under the program shall be required to purchase a house and reside in a county in which the approved nonpublic school or school district for which the teacher is rendering service, or any portion of the school district, is located. The maximum amount of a loan that may be made under the program to any person shall be Six Thousand Dollars ($6,000.00).

(3) Any loan made under the program to a person who actually renders service as a teacher in a geographical area of the state where there exists a critical shortage of teachers, as designated by the State Board of Education, shall be converted to an interest-free grant on the basis of one (1) year's service for one-third (1/3) of the amount of the loan. Any person who does not render three (3) years' service as a teacher in a geographical area of the state where there exists a critical shortage of teachers, as designated by the State Board of Education, shall be liable to the State Department of Education for one-third (1/3) of the amount of the loan for each year that he does not render such service, plus interest accruing at the current Stafford Loan rate at the time the person discontinues his service. If a claim for repayment under this subsection is placed in the hands of an attorney for collection, the obligor shall be liable for an additional amount equal to a reasonable attorney's fee.
(4) All funds received by the State Department of Education as repayment of loans by program participants shall be deposited in the Mississippi Critical Teacher Shortage Fund.

(5) This section shall stand repealed on July 1, 2002.

SECTION 5. Section 37-159-15, Mississippi Code of 1972, is amended as follows:

37-159-15. The State Department of Education and the Board of Trustees of State Institutions of Higher Learning shall jointly prepare an annual report for the Legislature, to be submitted by December 1 of each year beginning in 1998, which shall assess the impact of the teacher recruitment incentive programs authorized under House Bill No. 609, 1998 Regular Session [Laws, 1998, Chapter 544], on the employment of licensed teachers in critical teacher shortage areas. The report shall include, at a minimum, the numbers of persons who have participated in each of the programs each year, and the numbers of persons who have participated in the programs who have rendered service as teachers in critical teacher shortage areas each year by school district or nonpublic school.

SECTION 6. This act shall take effect and be in force from and after July 1, 2001.