HOUSE BILL NO. 1247

AN ACT TO ESTABLISH A MOTIVATING PARENTS AND CHILDREN (M.P.A.C.) PILOT PROGRAM WITHIN THE STATE DEPARTMENT OF EDUCATION FOR THE PURPOSE OF MAKING GRANTS TO SCHOOL DISTRICTS THAT PROVIDE PARENTAL INVOLVEMENT SERVICES TO FAMILIES OF COMPULSORY-SCHOOL-AGE CHILDREN RESIDING IN SUCH SCHOOL DISTRICT; TO SET FORTH THE PURPOSES OF THE M.P.A.C. PILOT PROGRAM; TO AUTHORIZE THE STATE DEPARTMENT OF EDUCATION TO DEVELOP AND IMPLEMENT THE M.P.A.C. PILOT PROGRAM; TO PRESCRIBE THE BASIC COMPONENTS OF SERVICES TO BE OFFERED BY SCHOOL DISTRICTS UNDER THE M.P.A.C. PILOT PROGRAM; TO PROVIDE AN APPLICATION AND SELECTION PROCEDURE FOR SCHOOL DISTRICTS PARTICIPATING IN THE M.P.A.C. PILOT PROGRAM; TO AMEND SECTION 37-11-53, MISSISSIPPI CODE OF 1972, TO REQUIRE PARENTS TO ATTEND CONFERENCES AND OTHER FUNCTIONS OF SCHOOL DISTRICTS PARTICIPATING IN THE M.P.A.C. PILOT PROGRAM; TO AMEND SECTION 63-1-10, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT CHILDREN UNDER 18 RESIDING IN SCHOOL DISTRICTS PARTICIPATING IN THE M.P.A.C. PILOT PROGRAM WHO WITHDRAW FROM SCHOOL MAY HAVE THEIR DRIVER'S LICENSE SUSPENDED; TO AMEND SECTION 63-1-46, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT CHILDREN UNDER 18 RESIDING IN SCHOOL DISTRICTS PARTICIPATING IN THE M.P.A.C. PILOT PROGRAM WHO WITHDRAW FROM SCHOOL MAY HAVE THEIR DRIVER'S LICENSE SUSPENDED; TO AMEND SECTION 63-1-53, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

SECTION 1. (1) The Legislature finds that:

(a) Students who exhibit serious behavior problems in school become juvenile and adult offenders;
(b) A major contributing factor to this problem is a lack of positive parental involvement with both their children and school personnel;
(c) Growing numbers of children live in conditions that place them at risk of school failure;
(d) The provision of school and support services to these children and their families by public and nonprofit agencies is fragmented and does not prepare these children to learn effectively and have a successful school experience;
(e) The lack of collaboration among schools, families, local agencies and other groups involved in family support and
youth development activities results in the inefficient and ineffective use of resources to meet the needs of these children;

(f) Schools are dedicating an increasing amount of their time and resources to responding to disruptive and violent behavior rather than fulfilling their mission to challenge with high expectations each child to learn, to achieve and to fulfill his or her potential;

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

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

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

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

(3) The Motivating Parents and Children (M.P.A.C.) pilot program described in this section shall be conducted in six (6) school districts selected by the State Superintendent of Public
Education with the approval of the State Board of Education, which school districts shall represent the different geographical areas, population levels and economic levels of the state. Three (3) districts shall be selected from urban areas of the state and three (3) districts shall be selected from rural areas of the state. The department shall give preference to school districts that express a desire to participate in the pilot program. The program shall apply to all compulsory-school-age children residing in the pilot school districts and their custodial and noncustodial parents or legal guardians.

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

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

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

(b) Employ three (3) home-school coordinators, one (1) each to be assigned to the high schools, middle schools and elementary schools within the district;

(c) Develop and implement a program of family support services that is school-based and/or school-linked designed according to the Communities In Schools (CIS) model. The CIS model is a well-known national dropout prevention model that has developed effective and proven step-by-step guidelines that can be used to increase parent and community involvement. The M.P.A.C. program services provided shall include a community advisory board, private/public partnerships, an assessment of community needs, co-location of services, repositioned staff, parenting classes that would include parent-child activities, and a structured plan for referrals and evaluation. The M.P.A.C. pilot
program also may provide after-school care, adult literacy programs, early childhood education for children in high risk populations, alternate learning programs, peer mediation and conflict resolution activities;

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

(e) Require a parent or guardian to spend a day in school with his child after violation of a major rule. Such action would be taken when the rule violated is major but not serious enough to warrant expulsion in order to invite parental intervention before a child is suspended or expelled. The parent or guardian may be required either to attend class with his child for a full day or to attend parenting classes offered at alternate times to accommodate the parent's or guardian's work schedules and transportation issues. Failure to attend one (1) of the options will result in suspension of the child;
(f) Create an incentive program for children whose parent or guardian attends meetings of PTA/PTOs, parenting classes, and volunteers a minimum of ten (10) hours in the classroom. Examples of an incentive program are: (i) the issuance of an activity card that grants the child full admission to all school-sponsored activities such as football and basketball games; and (ii) exemption from certain classroom or laboratory fees as determined feasible by the local school board;

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

(h) Create a summer employability skills/on-the-job training (OJT) fund. These funds may be expended by local school boards to provide job opportunities for juniors and seniors in high school. Employers and nonprofit organizations who participate in "Adopt-a-School" programs may qualify to employ such students during the summer. Wages up to Seven Dollars ($7.00) per hour will be paid from the fund to eligible students who work for the employers or nonprofit organizations who are committed to participating in the "Adopt-a-School" program within the next school year; and

(i) Require the pilot school districts to conduct a family needs assessment (FNA) once every three (3) years. The assessment should be coordinated with other community organizations such as Head Start to encourage collaboration and lessen duplication.

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

(b) The application shall include the following information:
(i) Data on the incidence of juvenile crime in the geographical area to be served by the grant. Sources of data may include the youth court in the county, the district attorney and local law enforcement officials;

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

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

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

In selecting grant recipients, the State Board of Education shall consider: (a) the recommendations of the superintendent; (b) the geographic location of the applicants; and (c) the demographic profile of the applicants. After considering these factors, the State Board of Education shall give priority to grant applications that will serve areas that have a high incidence of juvenile crime to serve as models for other communities. The State Board of Education shall select the grant recipients before
July 1, 2004, for local programs that will be in operation at the beginning of the 2004-2005 school year, and thereafter, before July 1 for the appropriate school year.

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

(8) The State Department of Education shall administer the grant program under the direction of the State Board of Education. The State Department of Education shall provide technical assistance to grant applicants and recipients.

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

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

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

SECTION 2. Section 37-11-53, Mississippi Code of 1972, is amended as follows:

37-11-53. (1) A copy of the school district's discipline plan shall be distributed to each student enrolled in the district, and the parents, guardian or custodian of such student shall sign a statement verifying that they have been given notice of the discipline policies of their respective school district.

The school board shall have its official discipline plan and code...
of student conduct legally audited on an annual basis to insure
that its policies and procedures are currently in compliance with
applicable statutes, case law and state and federal constitutional
provisions. As part of the first legal audit occurring after July
1, 2001, the provisions of this section, Section 37-11-55 and
Section 37-11-18.1 shall be fully incorporated into the school
district's discipline plan and code of student conduct.

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

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

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

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

(d) A parent, guardian or custodian of a
compulsory-school-age child enrolled in a public school district
shall be responsible for any criminal fines brought against such
student for unlawful activity occurring on school grounds or
buses; and

(e) A parent, guardian or custodian of a compulsory-school-age child enrolled in a public school in a school district participating in a Motivating Parents and Children (M.P.A.C.) grant program, as provided in House Bill No. , 2003 Regular Session, who has been summoned by proper notification by an appropriate school official to attend a conference, school meeting, after-school meeting or class regarding the acts of such child or parent specified under the program shall be required to attend such conference, school meeting, after-school meeting or class, provided that scheduling is sensitive to the parent's work hours and transportation needs.

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

(4) Any public school district shall be entitled to recover damages in an amount not to exceed Twenty Thousand Dollars ($20,000.00), plus necessary court costs, from the parents of any minor under the age of eighteen (18) years and over the age of six (6) years, who maliciously and willfully damages or destroys property belonging to such school district. However, this section shall not apply to parents whose parental control of such child
has been removed by court order or decree. The action authorized in this section shall be in addition to all other actions which the school district is entitled to maintain and nothing in this section shall preclude recovery in a greater amount from the minor or from a person, including the parents, for damages to which such minor or other person would otherwise be liable.

(5) A school district's discipline plan may provide that as an alternative to suspension, a student may remain in school by having the parent, guardian or custodian, with the consent of the student's teacher or teachers, attend class with the student for a period of time specifically agreed upon by the reporting teacher and school principal. If the parent, guardian or custodian does not agree to attend class with the student or fails to attend class with the student, the student shall be suspended in accordance with the code of student conduct and discipline policies of the school district.

SECTION 3. Section 63-1-10, Mississippi Code of 1972, is amended as follows:

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

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

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

(4) Whenever a licensee under the age of eighteen (18) who
resides in a school district participating in the Motivating
Parents and Children (M.P.A.C.) program provided under House Bill
No. , 2003 Regular Session, and who has not attained a diploma
or other certificate of graduation withdraws or is suspended from
his educational instruction, the attendance counselor, parent,
guardian or school administrator designated by the State Board of
Education to verify the applicant's educational status under the provisions of the program, in his discretion, may notify immediately the Department of Public Safety of such withdrawal or suspension. Within five (5) days of receipt of such notice, the Department of Public Safety shall send notice to the licensee that the license shall automatically be suspended for one (1) year under Section 63-1-53 on the thirtieth day following the date the notice was sent unless documentation of compliance with subsection (2) of this section is received by the department before such time. For the purposes of this subsection, withdrawal shall be defined as more than ten (10) consecutive unexcused and unlawful absences during a single semester for school-age applicants under the age of eighteen (18) attending school.

SECTION 4. Section 63-1-46, Mississippi Code of 1972, is amended as follows:

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

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

(3) In addition to the fee provided for in subsection (1) of this section, an additional fee of Seventy-five Dollars ($75.00) shall be charged for the reinstatement of a license issued pursuant to this article to every person whose license has been suspended or revoked under the provisions of the Mississippi Implied Consent Law or as a result of a conviction of a violation of the Uniform Controlled Substances Law under the provisions of Section 63-1-71.
(4) The funds received under the provisions of subsection (3) of this section shall be placed in a special fund hereby created in the State Treasury. Monies in such special fund may be expended solely to contribute to the Disability and Relief Fund for members of the Mississippi Highway Safety Patrol such amounts as are necessary to make sworn agents of the Mississippi Bureau of Narcotics who were employed by such bureau prior to December 1, 1990, and who were subsequently employed as enforcement troopers by the Department of Public Safety, full members of the retirement system for the Mississippi Highway Safety Patrol with full credit for the time they were employed as sworn agents for the Mississippi Bureau of Narcotics. The Board of Trustees of the Public Employees' Retirement System shall certify to the State Treasurer the amounts necessary for the purposes described above. The State Treasurer shall monthly transfer from the special fund created pursuant to this subsection the amounts deposited in such special fund to the Disability and Relief Fund for members of the Mississippi Highway Safety Patrol until such time as the certified amount has been transferred. At such time as the certified amount has been transferred, the State Treasurer shall transfer any funds remaining in the special fund created pursuant to this subsection to the State General Fund and shall then dissolve such special fund. This subsection (4) of Section 63-1-46 shall stand repealed at such time when the State Treasurer transfers funds and dissolves the special fund account in accordance with the provisions of this subsection.

(5) The procedure for the reinstatement of a license issued pursuant to this article that has been suspended for being out of compliance with an order for support, as defined in Section 93-11-153, and the payment of any fees for the reinstatement of a license suspended for that purpose, shall be governed by Section 93-11-157 or 93-11-163, as the case may be.
SECTION 5. Section 63-1-53, Mississippi Code of 1972, is amended as follows:

63-1-53. (1) Upon failure of any person to respond timely and properly to a summons or citation charging such person with any violation of this title, or upon failure of any person to pay timely any fine, fee or assessment levied as a result of any violation of this title, the clerk of the court shall give written notice to such person by United States first class mail at his last known address advising such person that if within ten (10) days after such notice is deposited in the mail the person has not properly responded to the summons or citation or has not paid the entire amount of all fines, fees and assessments levied, then the court will give notice thereof to the Commissioner of Public Safety and the commissioner may suspend the driver's license of such person. The actual cost incurred by the court in the giving of such notice may be added to any other court costs assessed in such case. If within ten (10) days after the notice is given in accordance with this subsection such person has not satisfactorily disposed of the matter pending before the court, then the clerk of the court immediately shall mail a copy of the abstract of the court record, along with a certified copy of the notice given under this subsection, to the Commissioner of Public Safety, and the commissioner may suspend the driver's license of such person as authorized under subsections (2) and (3) of this section.

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

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

(b) Has been involved as a driver in any accident resulting in the death or personal injury of another or serious property damage;
(c) Is an habitually reckless or negligent driver of a motor vehicle;
(d) Has been convicted with such frequency of serious offenses against traffic regulations governing the movement of vehicles as to indicate a disrespect for traffic laws and a disregard for the safety of other persons on the highways;
(e) Is incompetent to drive a motor vehicle;
(f) Has permitted an unlawful or fraudulent use of such license;
(g) Has committed an offense in another state which if committed in this state would be grounds for suspension or revocation;
(h) Has failed to pay any fine, fee or other assessment levied as a result of any violation of this title;
(i) Has failed to respond to a summons or citation which charged a violation of this title;***
(j) Has committed a violation for which mandatory revocation of license is required upon conviction, entering a plea of nolo contendere to, or adjudication of delinquency, pursuant to the provisions of subsection (1) of Section 63-1-71; or
(k) Is under the age of eighteen (18) and has withdrawn or been suspended from his educational instruction program pursuant to Section 63-1-10(4).
(3) Notice that a person's license is suspended or will be suspended under subsection (2) of this section shall be given by the commissioner in the manner and at the time provided for under Section 63-1-52, and upon such person's request, he shall be afforded an opportunity for a hearing as early as practical within not to exceed twenty (20) days after receipt of such request in the county wherein the licensee resides unless the department and the licensee agree that such hearing may be held in some other county. Upon such hearing the commissioner, or his duly authorized agent, may administer oaths and may issue subpoenas for
the attendance of witnesses and the production of relevant books and papers and may require a reexamination of the licensee. Upon such hearing the commissioner shall either rescind any order of suspension or, good cause appearing therefor, may extend any suspension of such license or revoke such license.

SECTION 6. This act shall take effect and be in force from and after July 1, 2003.