

By: Representative Gunn

To: Education;  
Appropriations

## HOUSE BILL NO. 1415

1 AN ACT TO EXEMPT HIGH PERFORMING SCHOOL DISTRICTS AS DEFINED  
2 BY THE STATE BOARD OF EDUCATION FROM PERFORMING CERTAIN DUTIES  
3 IMPOSED ON SCHOOL DISTRICTS; TO AMEND SECTION 37-1-3, MISSISSIPPI  
4 CODE OF 1972, TO REQUIRE THE STATE BOARD OF EDUCATION TO DEVELOP A  
5 GRANT PROGRAM EXCLUSIVELY FOR HIGH PERFORMING SCHOOL DISTRICTS TO  
6 RECEIVE FUNDS FOR THE IMPLEMENTATION OF INNOVATIVE EDUCATIONAL  
7 PROGRAMS; TO AMEND SECTIONS 37-3-2, 37-11-53, 37-13-10, 37-13-41,  
8 37-13-89, 37-43-31 AND 37-151-23, MISSISSIPPI CODE OF 1972, IN  
9 CONFORMITY TO THE PROVISIONS OF THIS ACT; AND FOR RELATED  
10 PURPOSES.

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

12 **SECTION 1.** (1) For purposes of this section, the following  
13 words shall have the following meaning:

14 "High performing school district" shall mean a school  
15 district that has a Level 4 or higher accreditation rating by the  
16 State Board of Education.

17 (2) Except as otherwise provided by law, a high performing  
18 school district is exempt from certain statutes applicable to  
19 public schools and the rules, regulations, policies and procedures  
20 of the State Board of Education and local school district. A high  
21 performing school district is exempt from the following  
22 requirements:

23 (a) Reporting student grades to the State Department of  
24 Education;

25 (b) Submitting an official discipline plan and code of  
26 student conduct to the State Department of Education as required  
27 in Section 37-11-53;

28 (c) Submitting reports regarding the type and amount of  
29 work done in each grade of their respective school to the county  
30 superintendent of education as required in Section 37-13-41;

31 (d) Participating in the process of selecting textbooks  
32 by the State Board of Education as required in Section 37-43-31;

33 (e) Completing surveys from the State Department of  
34 Education;

35 (f) Fulfilling continuing education unit requirements  
36 for teacher license renewal as authorized in Section 37-3-2;

37 (g) Fulfilling School Executive Management Institute  
38 credit requirements for administrator license renewal as  
39 authorized in Section 37-3-2; and

40 (h) Submitting the report to the State Board of  
41 Education regarding the Reading Sufficiency Program of Instruction  
42 as required in Section 37-13-10.

43 (3) Except as otherwise provided by law, a high performing  
44 school district may provide for the following:

45 (a) The option of whether or not to have a school  
46 attendance officer as required in Section 37-13-89; and

47 (b) Teachers may be eligible for certain incentives  
48 such as forgiveness of state student educational loans, housing  
49 assistance and moving expenses in the same manner as provided for  
50 in the Critical Needs Teacher Shortage Act.

51 (4) A high performing school district may qualify for any  
52 state or federal grant program regardless of student demographics.

53 **SECTION 2.** Section 37-1-3, Mississippi Code of 1972, is  
54 amended as follows:

55 37-1-3. (1) The State Board of Education shall adopt rules  
56 and regulations and set standards and policies for the  
57 organization, operation, management, planning, budgeting and  
58 programs of the State Department of Education.

59 (a) The board is directed to identify all functions of  
60 the department that contribute to or comprise a part of the state  
61 system of educational accountability and to establish and maintain  
62 within the department the necessary organizational structure,  
63 policies and procedures for effectively coordinating such

64 functions. Such policies and procedures shall clearly fix and  
65 delineate responsibilities for various aspects of the system and  
66 for overall coordination of the total system and its effective  
67 management.

68 (b) The board shall establish and maintain a  
69 system-wide plan of performance, policy and directions of public  
70 education not otherwise provided for.

71 (c) The board shall effectively use the personnel and  
72 resources of the department to enhance technical assistance to  
73 school districts in instruction and management therein.

74 (d) The board shall establish and maintain a central  
75 budget policy.

76 (e) The board shall establish and maintain within the  
77 State Department of Education a central management capacity under  
78 the direction of the State Superintendent of Public Education.

79 (f) The board, with recommendations from the  
80 superintendent, shall design and maintain a five-year plan and  
81 program for educational improvement that shall set forth  
82 objectives for system performance and development and be the basis  
83 for budget requests and legislative initiatives.

84 (g) The board shall develop a grant program exclusively  
85 for high performing school districts, as defined under Section 1  
86 of this act, to receive funds for the implementation of innovative  
87 educational programs.

88 (2) (a) The State Board of Education shall adopt and  
89 maintain a curriculum and a course of study to be used in the  
90 public schools that is designed to prepare the state's children  
91 and youth to be productive, informed, creative citizens, workers  
92 and leaders, and it shall regulate all matters arising in the  
93 practical administration of the school system not otherwise  
94 provided for.

95 (b) Before the 1999-2000 school year, the State Board  
96 of Education shall develop personal living and finances objectives

97 that focus on money management skills for individuals and families  
98 for appropriate, existing courses at the secondary level. The  
99 objectives must require the teaching of those skills necessary to  
100 handle personal business and finances and must include instruction  
101 in the following:

- 102 (i) Opening a bank account and assessing the  
103 quality of a bank's services;
- 104 (ii) Balancing a checkbook;
- 105 (iii) Managing debt, including retail and credit  
106 card debt;
- 107 (iv) Completing a loan application;
- 108 (v) The implications of an inheritance;
- 109 (vi) The basics of personal insurance policies;
- 110 (vii) Consumer rights and responsibilities;
- 111 (viii) Dealing with salesmen and merchants;
- 112 (ix) Computing state and federal income taxes;
- 113 (x) Local tax assessments;
- 114 (xi) Computing interest rates by various  
115 mechanisms;
- 116 (xii) Understanding simple contracts; and  
117 (xiii) Contesting an incorrect billing statement.

118 (3) The State Board of Education shall through its actions  
119 seek to implement the policies set forth in Section 37-1-2.

120 **SECTION 3.** Section 37-3-2, Mississippi Code of 1972, is  
121 amended as follows:

122 37-3-2. (1) There is established within the State  
123 Department of Education the Commission on Teacher and  
124 Administrator Education, Certification and Licensure and  
125 Development. It shall be the purpose and duty of the commission  
126 to make recommendations to the State Board of Education regarding  
127 standards for the certification and licensure and continuing  
128 professional development of those who teach or perform tasks of an  
129 educational nature in the public schools of Mississippi.

130           (2) The commission shall be composed of fifteen (15)  
131 qualified members. The membership of the commission shall be  
132 composed of the following members to be appointed, three (3) from  
133 each congressional district: four (4) classroom teachers; three  
134 (3) school administrators; one (1) representative of schools of  
135 education of institutions of higher learning located within the  
136 state to be recommended by the Board of Trustees of State  
137 Institutions of Higher Learning; one (1) representative from the  
138 schools of education of independent institutions of higher  
139 learning to be recommended by the Board of the Mississippi  
140 Association of Independent Colleges; one (1) representative from  
141 public community and junior colleges located within the state to  
142 be recommended by the State Board for Community and Junior  
143 Colleges; one (1) local school board member; and four (4) lay  
144 persons. All appointments shall be made by the State Board of  
145 Education after consultation with the State Superintendent of  
146 Public Education. The first appointments by the State Board of  
147 Education shall be made as follows: five (5) members shall be  
148 appointed for a term of one (1) year; five (5) members shall be  
149 appointed for a term of two (2) years; and five (5) members shall  
150 be appointed for a term of three (3) years. Thereafter, all  
151 members shall be appointed for a term of four (4) years.

152           (3) The State Board of Education when making appointments  
153 shall designate a chairman. The commission shall meet at least  
154 once every two (2) months or more often if needed. Members of the  
155 commission shall be compensated at a rate of per diem as  
156 authorized by Section 25-3-69 and be reimbursed for actual and  
157 necessary expenses as authorized by Section 25-3-41.

158           (4) An appropriate staff member of the State Department of  
159 Education shall be designated and assigned by the State  
160 Superintendent of Public Education to serve as executive secretary  
161 and coordinator for the commission. No less than two (2) other  
162 appropriate staff members of the State Department of Education

163 shall be designated and assigned by the State Superintendent of  
164 Public Education to serve on the staff of the commission.

165 (5) It shall be the duty of the commission to:

166 (a) Set standards and criteria, subject to the approval  
167 of the State Board of Education, for all educator preparation  
168 programs in the state;

169 (b) Recommend to the State Board of Education each year  
170 approval or disapproval of each educator preparation program in  
171 the state;

172 (c) Establish, subject to the approval of the State  
173 Board of Education, standards for initial teacher certification  
174 and licensure in all fields;

175 (d) Establish, subject to the approval of the State  
176 Board of Education, standards for the renewal of teacher licenses  
177 in all fields;

178 (e) Review and evaluate objective measures of teacher  
179 performance, such as test scores, which may form part of the  
180 licensure process, and to make recommendations for their use;

181 (f) Review all existing requirements for certification  
182 and licensure;

183 (g) Consult with groups whose work may be affected by  
184 the commission's decisions;

185 (h) Prepare reports from time to time on current  
186 practices and issues in the general area of teacher education and  
187 certification and licensure;

188 (i) Hold hearings concerning standards for teachers'  
189 and administrators' education and certification and licensure with  
190 approval of the State Board of Education;

191 (j) Hire expert consultants with approval of the State  
192 Board of Education;

193 (k) Set up ad hoc committees to advise on specific  
194 areas; and

195           (1) Perform such other functions as may fall within  
196 their general charge and which may be delegated to them by the  
197 State Board of Education.

198           (6) (a) **Standard License - Approved Program Route.** An  
199 educator entering the school system of Mississippi for the first  
200 time and meeting all requirements as established by the State  
201 Board of Education shall be granted a standard five-year license.  
202 Persons who possess two (2) years of classroom experience as an  
203 assistant teacher or who have taught for one (1) year in an  
204 accredited public or private school shall be allowed to fulfill  
205 student teaching requirements under the supervision of a qualified  
206 participating teacher approved by an accredited college of  
207 education. The local school district in which the assistant  
208 teacher is employed shall compensate such assistant teachers at  
209 the required salary level during the period of time such  
210 individual is completing student teaching requirements.

211 Applicants for a standard license shall submit to the department:

212                   (i) An application on a department form;

213                   (ii) An official transcript of completion of a  
214 teacher education program approved by the department or a  
215 nationally accredited program, subject to the following:

216 Licensure to teach in Mississippi prekindergarten through  
217 kindergarten classrooms shall require completion of a teacher  
218 education program or a bachelor of science degree with child  
219 development emphasis from a program accredited by the American  
220 Association of Family and Consumer Sciences (AAFCS) or by the  
221 National Association for Education of Young Children (NAEYC) or by  
222 the National Council for Accreditation of Teacher Education  
223 (NCATE). Licensure to teach in Mississippi kindergarten, for  
224 those applicants who have completed a teacher education program,  
225 and in Grade 1 through Grade 4 shall require the completion of an  
226 interdisciplinary program of studies. Licenses for Grades 4  
227 through 8 shall require the completion of an interdisciplinary

228 program of studies with two (2) or more areas of concentration.  
229 Licensure to teach in Mississippi Grades 7 through 12 shall  
230 require a major in an academic field other than education, or a  
231 combination of disciplines other than education. Students  
232 preparing to teach a subject shall complete a major in the  
233 respective subject discipline. All applicants for standard  
234 licensure shall demonstrate that such person's college preparation  
235 in those fields was in accordance with the standards set forth by  
236 the National Council for Accreditation of Teacher Education  
237 (NCATE) or the National Association of State Directors of Teacher  
238 Education and Certification (NASDTEC) or, for those applicants who  
239 have a bachelor of science degree with child development emphasis,  
240 the American Association of Family and Consumer Sciences (AAFCS);

241 (iii) A copy of test scores evidencing  
242 satisfactory completion of nationally administered examinations of  
243 achievement, such as the Educational Testing Service's teacher  
244 testing examinations; and

245 (iv) Any other document required by the State  
246 Board of Education.

247 (b) **Standard License - Nontraditional Teaching Route.**

248 Beginning January 1, 2003, an individual who possesses at least a  
249 bachelor's degree from a nationally or regionally accredited  
250 institution of higher learning, who has a passing score on the  
251 Praxis I Basic Skills and Praxis II Specialty Area Test in the  
252 requested area of endorsement may apply for the Teach Mississippi  
253 Institute (TMI) program to teach students in Grades 7 through 12  
254 if the individual meets the requirements of this paragraph (b).

255 The State Board of Education shall adopt rules requiring that  
256 teacher preparation institutions which provide the Teach  
257 Mississippi Institute (TMI) program for the preparation of  
258 nontraditional teachers shall meet the standards and comply with  
259 the provisions of this paragraph.



260                   (i) The Teach Mississippi Institute (TMI) shall  
261 include an intensive eight-week, nine-semester-hour summer  
262 program, which shall include, but not be limited to, instruction  
263 in education, effective teaching strategies, classroom management,  
264 state curriculum requirements, planning and instruction,  
265 instructional methods and pedagogy, using test results to improve  
266 instruction, and a one (1) semester three-hour supervised  
267 internship to be completed while the teacher is employed as a  
268 full-time teacher intern in a local school district. The TMI  
269 shall be implemented on a pilot program basis, with courses to be  
270 offered at up to four (4) locations in the state, with one (1) TMI  
271 site to be located in each of the three (3) Mississippi Supreme  
272 Court districts.

273                   (ii) The school sponsoring the teacher intern  
274 shall enter into a written agreement with the institution  
275 providing the Teach Mississippi Institute (TMI) program, under  
276 terms and conditions as agreed upon by the contracting parties,  
277 providing that the school district shall provide teacher interns  
278 seeking a nontraditional provisional teaching license with a  
279 one-year classroom teaching experience. The teacher intern shall  
280 successfully complete the one (1) semester three-hour intensive  
281 internship in the school district during the semester immediately  
282 following successful completion of the TMI and prior to the end of  
283 the one-year classroom teaching experience.

284                   (iii) Upon completion of the nine-semester-hour  
285 TMI, the individual shall submit his transcript to the commission  
286 for provisional licensure of the intern teacher, and the intern  
287 teacher shall be issued a provisional teaching license by the  
288 commission, which will allow the individual to legally serve as a  
289 teacher while the person completes a nontraditional teacher  
290 preparation internship program.

291                   (iv) During the semester of internship in the  
292 school district, the teacher preparation institution shall monitor

293 the performance of the intern teacher. The school district that  
294 employs the provisional teacher shall supervise the provisional  
295 teacher during the teacher's intern year of employment under a  
296 nontraditional provisional license, and shall, in consultation  
297 with the teacher intern's mentor at the school district of  
298 employment, submit to the commission a comprehensive evaluation of  
299 the teacher's performance sixty (60) days prior to the expiration  
300 of the nontraditional provisional license. If the comprehensive  
301 evaluation establishes that the provisional teacher intern's  
302 performance fails to meet the standards of the approved  
303 nontraditional teacher preparation internship program, the  
304 individual shall not be approved for a standard license.

305 (v) An individual issued a provisional teaching  
306 license under this nontraditional route shall successfully  
307 complete, at a minimum, a one-year beginning teacher mentoring and  
308 induction program administered by the employing school district  
309 with the assistance of the State Department of Education.

310 (vi) Upon successful completion of the TMI and the  
311 internship provisional license period, applicants for a Standard  
312 License-Nontraditional Route shall submit to the commission a  
313 transcript of successful completion of the twelve (12) semester  
314 hours required in the internship program, and the employing school  
315 district shall submit to the commission a recommendation for  
316 standard licensure of the intern. If the school district  
317 recommends licensure, the applicant shall be issued a Standard  
318 License-Nontraditional Route which shall be valid for a five-year  
319 period and be renewable.

320 (vii) At the discretion of the teacher-preparation  
321 institution, the individual shall be allowed to credit the twelve  
322 (12) semester hours earned in the nontraditional teacher  
323 internship program toward the graduate hours required for a Master  
324 of Arts in Teacher (MAT) Degree.

325 (viii) The local school district in which the  
326 nontraditional teacher intern or provisional licensee is employed  
327 shall compensate such teacher interns at Step 1 of the required  
328 salary level during the period of time such individual is  
329 completing teacher internship requirements and shall compensate  
330 such Standard License-Nontraditional Route teachers at Step 3 of  
331 the required salary level when they complete license requirements.

332 Implementation of the TMI program provided for under this  
333 paragraph (b) shall be contingent upon the availability of funds  
334 appropriated specifically for such purpose by the Legislature.  
335 Such implementation of the TMI program may not be deemed to  
336 prohibit the State Board of Education from developing and  
337 implementing additional alternative route teacher licensure  
338 programs, as deemed appropriate by the board. The emergency  
339 certification program in effect prior to July 1, 2002, shall  
340 remain in effect.

341 The State Department of Education shall compile and report,  
342 in consultation with the commission, information relating to  
343 nontraditional teacher preparation internship programs, including  
344 the number of programs available and geographic areas in which  
345 they are available, the number of individuals who apply for and  
346 possess a nontraditional conditional license, the subject areas in  
347 which individuals who possess nontraditional conditional licenses  
348 are teaching and where they are teaching, and shall submit its  
349 findings and recommendations to the legislative committees on  
350 education by December 1, 2004.

351 A Standard License - Approved Program Route shall be issued  
352 for a five-year period, and may be renewed. Recognizing teaching  
353 as a profession, a hiring preference shall be granted to persons  
354 holding a Standard License - Approved Program Route or Standard  
355 License - Nontraditional Teaching Route over persons holding any  
356 other license.

357           (c) **Special License - Expert Citizen.** In order to  
358 allow a school district to offer specialized or technical courses,  
359 the State Department of Education, in accordance with rules and  
360 regulations established by the State Board of Education, may grant  
361 a one-year expert citizen-teacher license to local business or  
362 other professional personnel to teach in a public school or  
363 nonpublic school accredited or approved by the state. Such person  
364 may begin teaching upon his employment by the local school board  
365 and licensure by the Mississippi Department of Education. The  
366 board shall adopt rules and regulations to administer the expert  
367 citizen-teacher license. A special license - expert citizen may  
368 be renewed in accordance with the established rules and  
369 regulations of the State Department of Education.

370           (d) **Special License - Nonrenewable.** The State Board of  
371 Education is authorized to establish rules and regulations to  
372 allow those educators not meeting requirements in subsection  
373 (6)(a), (b) or (c) to be licensed for a period of not more than  
374 three (3) years, except by special approval of the State Board of  
375 Education.

376           (e) **Nonlicensed Teaching Personnel.** A nonlicensed  
377 person may teach for a maximum of three (3) periods per teaching  
378 day in a public school or a nonpublic school accredited/approved  
379 by the state. Such person shall submit to the department a  
380 transcript or record of his education and experience which  
381 substantiates his preparation for the subject to be taught and  
382 shall meet other qualifications specified by the commission and  
383 approved by the State Board of Education. In no case shall any  
384 local school board hire nonlicensed personnel as authorized under  
385 this paragraph in excess of five percent (5%) of the total number  
386 of licensed personnel in any single school.

387           (f) **Special License - Transitional Bilingual Education.**  
388 Beginning July 1, 2003, the commission shall grant special  
389 licenses to teachers of transitional bilingual education who

390 possess such qualifications as are prescribed in this section.  
391 Teachers of transitional bilingual education shall be compensated  
392 by local school boards at not less than one (1) step on the  
393 regular salary schedule applicable to permanent teachers licensed  
394 under this section. The commission shall grant special licenses  
395 to teachers of transitional bilingual education who present the  
396 commission with satisfactory evidence that they (i) possess a  
397 speaking and reading ability in a language, other than English, in  
398 which bilingual education is offered and communicative skills in  
399 English; (ii) are in good health and sound moral character; (iii)  
400 possess a bachelor's degree or an associate's degree in teacher  
401 education from an accredited institution of higher education; (iv)  
402 meet such requirements as to courses of study, semester hours  
403 therein, experience and training as may be required by the  
404 commission; and (v) are legally present in the United States and  
405 possess legal authorization for employment. A teacher of  
406 transitional bilingual education serving under a special license  
407 shall be under an exemption from standard licensure if he achieves  
408 the requisite qualifications therefor. Two (2) years of service  
409 by a teacher of transitional bilingual education under such an  
410 exemption shall be credited to the teacher in acquiring a Standard  
411 Educator License. Nothing in this paragraph shall be deemed to  
412 prohibit a local school board from employing a teacher licensed in  
413 an appropriate field as approved by the State Department of  
414 Education to teach in a program in transitional bilingual  
415 education.

416 (g) In the event any school district meets Level 4 or 5  
417 accreditation standards, the State Board of Education, in its  
418 discretion, may exempt such school district from any restrictions  
419 in paragraph (e) relating to the employment of nonlicensed  
420 teaching personnel.

421 (h) A teacher who teaches in a high performing school  
422 district, as defined under Section 1 of this act, shall be exempt

423 from the requirements of continuing education unit credits for  
424 license renewal.

425 (7) **Administrator License.** The State Board of Education is  
426 authorized to establish rules and regulations and to administer  
427 the licensure process of the school administrators in the State of  
428 Mississippi. There will be four (4) categories of administrator  
429 licensure with exceptions only through special approval of the  
430 State Board of Education.

431 (a) **Administrator License - Nonpracticing.** Those  
432 educators holding administrative endorsement but have no  
433 administrative experience or not serving in an administrative  
434 position on January 15, 1997.

435 (b) **Administrator License - Entry Level.** Those  
436 educators holding administrative endorsement and having met the  
437 department's qualifications to be eligible for employment in a  
438 Mississippi school district. Administrator license - entry level  
439 shall be issued for a five-year period and shall be nonrenewable.

440 (c) **Standard Administrator License - Career Level.** An  
441 administrator who has met all the requirements of the department  
442 for standard administrator licensure.

443 (d) **Administrator License - Nontraditional Route.** The  
444 board may establish a nontraditional route for licensing  
445 administrative personnel. Such nontraditional route for  
446 administrative licensure shall be available for persons holding,  
447 but not limited to, a master of business administration degree, a  
448 master of public administration degree, a master of public  
449 planning and policy degree or a doctor of jurisprudence degree  
450 from an accredited college or university, with five (5) years of  
451 administrative or supervisory experience. Successful completion  
452 of the requirements of alternate route licensure for  
453 administrators shall qualify the person for a standard  
454 administrator license.

455           (e) An administrator in a high performing school  
456 district, as defined under Section 1 of this act, shall be exempt  
457 from the requirements of the School Executive Management Institute  
458 (SEMI) credits for administrator license renewal.

459           The State Department of Education shall compile and report,  
460 in consultation with the commission, information relating to  
461 nontraditional administrator preparation internship programs,  
462 including the number of programs available and geographic areas in  
463 which they are available, the number of individuals who apply for  
464 and possess a nontraditional conditional license and where they  
465 are employed, and shall submit its findings and recommendations to  
466 the legislative committees on education by December 1, 2004.

467           Beginning with the 1997-1998 school year, individuals seeking  
468 school administrator licensure under paragraph (b), (c) or (d)  
469 shall successfully complete a training program and an assessment  
470 process prescribed by the State Board of Education. Applicants  
471 seeking school administrator licensure prior to June 30, 1997, and  
472 completing all requirements for provisional or standard  
473 administrator certification and who have never practiced, shall be  
474 exempt from taking the Mississippi Assessment Battery Phase I.  
475 Applicants seeking school administrator licensure during the  
476 period beginning July 1, 1997, through June 30, 1998, shall  
477 participate in the Mississippi Assessment Battery, and upon  
478 request of the applicant, the department shall reimburse the  
479 applicant for the cost of the assessment process required. After  
480 June 30, 1998, all applicants for school administrator licensure  
481 shall meet all requirements prescribed by the department under  
482 paragraph (b), (c) or (d), and the cost of the assessment process  
483 required shall be paid by the applicant.

484           (8) **Reciprocity.** (a) The department shall grant a standard  
485 license to any individual who possesses a valid standard license  
486 from another state and has a minimum of two (2) years of full-time  
487 teaching or administrator experience.

488           (b) The department shall grant a nonrenewable special  
489 license to any individual who possesses a credential which is less  
490 than a standard license or certification from another state, or  
491 who possesses a standard license from another state but has less  
492 than two (2) years of full-time teaching or administration  
493 experience. Such special license shall be valid for the current  
494 school year plus one (1) additional school year to expire on June  
495 30 of the second year, not to exceed a total period of twenty-four  
496 (24) months, during which time the applicant shall be required to  
497 complete the requirements for a standard license in Mississippi.

498           (9) **Renewal and Reinstatement of Licenses.** The State Board  
499 of Education is authorized to establish rules and regulations for  
500 the renewal and reinstatement of educator and administrator  
501 licenses. Effective May 15, 1997, the valid standard license held  
502 by an educator shall be extended five (5) years beyond the  
503 expiration date of the license in order to afford the educator  
504 adequate time to fulfill new renewal requirements established  
505 pursuant to this subsection. An educator completing a master of  
506 education, educational specialist or doctor of education degree in  
507 May 1997 for the purpose of upgrading the educator's license to a  
508 higher class shall be given this extension of five (5) years plus  
509 five (5) additional years for completion of a higher degree.

510           (10) All controversies involving the issuance, revocation,  
511 suspension or any change whatsoever in the licensure of an  
512 educator required to hold a license shall be initially heard in a  
513 hearing de novo, by the commission or by a subcommittee  
514 established by the commission and composed of commission members  
515 for the purpose of holding hearings. Any complaint seeking the  
516 denial of issuance, revocation or suspension of a license shall be  
517 by sworn affidavit filed with the Commission of Teacher and  
518 Administrator Education, Certification and Licensure and  
519 Development. The decision thereon by the commission or its  
520 subcommittee shall be final, unless the aggrieved party shall



521 appeal to the State Board of Education, within ten (10) days, of  
522 the decision of the committee or its subcommittee. An appeal to  
523 the State Board of Education shall be on the record previously  
524 made before the commission or its subcommittee unless otherwise  
525 provided by rules and regulations adopted by the board. The State  
526 Board of Education in its authority may reverse, or remand with  
527 instructions, the decision of the committee or its subcommittee.  
528 The decision of the State Board of Education shall be final.

529 (11) The State Board of Education, acting through the  
530 commission, may deny an application for any teacher or  
531 administrator license for one or more of the following:

532 (a) Lack of qualifications which are prescribed by law  
533 or regulations adopted by the State Board of Education;

534 (b) The applicant has a physical, emotional or mental  
535 disability that renders the applicant unfit to perform the duties  
536 authorized by the license, as certified by a licensed psychologist  
537 or psychiatrist;

538 (c) The applicant is actively addicted to or actively  
539 dependent on alcohol or other habit-forming drugs or is a habitual  
540 user of narcotics, barbiturates, amphetamines, hallucinogens, or  
541 other drugs having similar effect, at the time of application for  
542 a license;

543 (d) Revocation of an applicant's certificate or license  
544 by another state;

545 (e) Fraud or deceit committed by the applicant in  
546 securing or attempting to secure such certification and license;

547 (f) Failing or refusing to furnish reasonable evidence  
548 of identification;

549 (g) The applicant has been convicted, has pled guilty  
550 or entered a plea of nolo contendere to a felony, as defined by  
551 federal or state law; or

552           (h) The applicant has been convicted, has pled guilty  
553 or entered a plea of nolo contendere to a sex offense as defined  
554 by federal or state law.

555           (12) The State Board of Education, acting on the  
556 recommendation of the commission, may revoke or suspend any  
557 teacher or administrator license for specified periods of time for  
558 one or more of the following:

559           (a) Breach of contract or abandonment of employment may  
560 result in the suspension of the license for one (1) school year as  
561 provided in Section 37-9-57;

562           (b) Obtaining a license by fraudulent means shall  
563 result in immediate suspension and continued suspension for one  
564 (1) year after correction is made;

565           (c) Suspension or revocation of a certificate or  
566 license by another state shall result in immediate suspension or  
567 revocation and shall continue until records in the prior state  
568 have been cleared;

569           (d) The license holder has been convicted, has pled  
570 guilty or entered a plea of nolo contendere to a felony, as  
571 defined by federal or state law;

572           (e) The license holder has been convicted, has pled  
573 guilty or entered a plea of nolo contendere to a sex offense, as  
574 defined by federal or state law; or

575           (f) The license holder knowingly and willfully  
576 committing any of the acts affecting validity of mandatory uniform  
577 test results as provided in Section 37-16-4(1).

578           (13) (a) Dismissal or suspension of a licensed employee by  
579 a local school board pursuant to Section 37-9-59 may result in the  
580 suspension or revocation of a license for a length of time which  
581 shall be determined by the commission and based upon the severity  
582 of the offense.

583           (b) Any offense committed or attempted in any other  
584 state shall result in the same penalty as if committed or  
585 attempted in this state.

586           (c) A person may voluntarily surrender a license. The  
587 surrender of such license may result in the commission  
588 recommending any of the above penalties without the necessity of a  
589 hearing. However, any such license which has voluntarily been  
590 surrendered by a licensed employee may be reinstated by a  
591 unanimous vote of all members of the commission.

592           (14) A person whose license has been suspended on any  
593 grounds except criminal grounds may petition for reinstatement of  
594 the license after one (1) year from the date of suspension, or  
595 after one-half (1/2) of the suspended time has lapsed, whichever  
596 is greater. A license suspended on the criminal grounds may be  
597 reinstated upon petition to the commission filed after expiration  
598 of the sentence and parole or probationary period imposed upon  
599 conviction. A revoked license may be reinstated upon satisfactory  
600 showing of evidence of rehabilitation. The commission shall  
601 require all who petition for reinstatement to furnish evidence  
602 satisfactory to the commission of good character, good mental,  
603 emotional and physical health and such other evidence as the  
604 commission may deem necessary to establish the petitioner's  
605 rehabilitation and fitness to perform the duties authorized by the  
606 license.

607           (15) Reporting procedures and hearing procedures for dealing  
608 with infractions under this section shall be promulgated by the  
609 commission, subject to the approval of the State Board of  
610 Education. The revocation or suspension of a license shall be  
611 effected at the time indicated on the notice of suspension or  
612 revocation. The commission shall immediately notify the  
613 superintendent of the school district or school board where the  
614 teacher or administrator is employed of any disciplinary action  
615 and also notify the teacher or administrator of such revocation or

616 suspension and shall maintain records of action taken. The State  
617 Board of Education may reverse or remand with instructions any  
618 decision of the commission regarding a petition for reinstatement  
619 of a license, and any such decision of the State Board of  
620 Education shall be final.

621 (16) An appeal from the action of the State Board of  
622 Education in denying an application, revoking or suspending a  
623 license or otherwise disciplining any person under the provisions  
624 of this section, shall be filed in the Chancery Court of the First  
625 Judicial District of Hinds County on the record made, including a  
626 verbatim transcript of the testimony at the hearing. The appeal  
627 shall be filed within thirty (30) days after notification of the  
628 action of the board is mailed or served and the proceedings in  
629 chancery court shall be conducted as other matters coming before  
630 the court. The appeal shall be perfected upon filing notice of  
631 the appeal and by the prepayment of all costs, including the cost  
632 of preparation of the record of the proceedings by the State Board  
633 of Education, and the filing of a bond in the sum of Two Hundred  
634 Dollars (\$200.00) conditioned that if the action of the board be  
635 affirmed by the chancery court, the applicant or license holder  
636 shall pay the costs of the appeal and the action of the chancery  
637 court.

638 (17) All such programs, rules, regulations, standards and  
639 criteria recommended or authorized by the commission shall become  
640 effective upon approval by the State Board of Education as  
641 designated by appropriate orders entered upon the minutes thereof.

642 (18) The granting of a license shall not be deemed a  
643 property right nor a guarantee of employment in any public school  
644 district. A license is a privilege indicating minimal eligibility  
645 for teaching in the public schools of Mississippi. This section  
646 shall in no way alter or abridge the authority of local school  
647 districts to require greater qualifications or standards of

648 performance as a prerequisite of initial or continued employment  
649 in such districts.

650 (19) In addition to the reasons specified in subsections  
651 (12) and (13) of this section, the board shall be authorized to  
652 suspend the license of any licensee for being out of compliance  
653 with an order for support, as defined in Section 93-11-153. The  
654 procedure for suspension of a license for being out of compliance  
655 with an order for support, and the procedure for the reissuance or  
656 reinstatement of a license suspended for that purpose, and the  
657 payment of any fees for the reissuance or reinstatement of a  
658 license suspended for that purpose, shall be governed by Section  
659 93-11-157 or 93-11-163, as the case may be. Actions taken by the  
660 board in suspending a license when required by Section 93-11-157  
661 or 93-11-163 are not actions from which an appeal may be taken  
662 under this section. Any appeal of a license suspension that is  
663 required by Section 93-11-157 or 93-11-163 shall be taken in  
664 accordance with the appeal procedure specified in Section  
665 93-11-157 or 93-11-163, as the case may be, rather than the  
666 procedure specified in this section. If there is any conflict  
667 between any provision of Section 93-11-157 or 93-11-163 and any  
668 provision of this chapter, the provisions of Section 93-11-157 or  
669 93-11-163, as the case may be, shall control.

670 **SECTION 4.** Section 37-11-53, Mississippi Code of 1972, is  
671 amended as follows:

672 37-11-53. (1) A copy of the school district's discipline  
673 plan shall be distributed to each student enrolled in the  
674 district, and the parents, guardian or custodian of such student  
675 shall sign a statement verifying that they have been given notice  
676 of the discipline policies of their respective school district.  
677 Except for the school board of a high performing school district,  
678 as defined under Section 1 of this act, the school board shall  
679 have its official discipline plan and code of student conduct  
680 legally audited on an annual basis to insure that its policies and

681 procedures are currently in compliance with applicable statutes,  
682 case law and state and federal constitutional provisions. As part  
683 of the first legal audit occurring after July 1, 2001, the  
684 provisions of this section, Section 37-11-55 and Section  
685 37-11-18.1 shall be fully incorporated into the school district's  
686 discipline plan and code of student conduct.

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

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

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

700 (c) Any parent, guardian or custodian of a  
701 compulsory-school-age child enrolled in a school district who  
702 refuses or willfully fails to attend such discipline conference  
703 specified in paragraph (b) of this section may be summoned by  
704 proper notification by the superintendent of schools or the school  
705 attendance officer and be required to attend such discipline  
706 conference; and

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

712 (3) Any parent, guardian or custodian of a  
713 compulsory-school-age child who (a) fails to attend a discipline

714 conference to which such parent, guardian or custodian has been  
715 summoned under the provisions of this section, or (b) refuses or  
716 willfully fails to perform any other duties imposed upon him or  
717 her under the provisions of this section, shall be guilty of a  
718 misdemeanor and, upon conviction, shall be fined not to exceed Two  
719 Hundred Fifty Dollars (\$250.00).

720 (4) Any public school district shall be entitled to recover  
721 damages in an amount not to exceed Twenty Thousand Dollars  
722 (\$20,000.00), plus necessary court costs, from the parents of any  
723 minor under the age of eighteen (18) years and over the age of six  
724 (6) years, who maliciously and willfully damages or destroys  
725 property belonging to such school district. However, this section  
726 shall not apply to parents whose parental control of such child  
727 has been removed by court order or decree. The action authorized  
728 in this section shall be in addition to all other actions which  
729 the school district is entitled to maintain and nothing in this  
730 section shall preclude recovery in a greater amount from the minor  
731 or from a person, including the parents, for damages to which such  
732 minor or other person would otherwise be liable.

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

743 **SECTION 5.** Section 37-13-10, Mississippi Code of 1972, is  
744 amended as follows:

745 37-13-10. (1) The State Board of Education shall develop  
746 and implement a Reading Sufficiency Program of Instruction

747 beginning with the 1998-1999 school year, designed to enable each  
748 student to acquire the appropriate grade level of reading skills.  
749 In order to implement the Reading Sufficiency Program of  
750 Instruction, each local school board, except those in high  
751 performing school districts as defined under Section 1 of this  
752 act, shall develop a Reading Sufficiency Plan for its school  
753 district which may include the following components:

754 (a) Sufficient additional in-school instructional time  
755 for the development of reading and comprehension skills of the  
756 student;

757 (b) Readiness intervention programs, such as  
758 kindergarten programs, extended school day or school year  
759 programs, and program initiatives to reduce class size;

760 (c) Utilization of research-based teaching  
761 methodologies or strategies for providing direct instruction in  
762 phonics, vocabulary and comprehension development, including  
763 systematic, intensive, explicit phonics, using decodable  
764 vocabulary-controlled texts (texts in which ninety-five percent  
765 (95%) of the words are decodable), as is determined appropriate by  
766 the State Board of Education; and

767 (d) Professional development for assistant teachers,  
768 teachers and administrators to assist students in implementing the  
769 Reading Sufficiency Program.

770 (2) Pursuant to appropriation by the Legislature  
771 specifically for such purpose, the State Department of Education  
772 shall provide in-service training, computer software and certified  
773 reading instructor personnel for training local school district  
774 certificated personnel to assist students in implementing the  
775 Reading Sufficiency Program required under this section.

776 (3) The State Board of Education, beginning on January 1,  
777 1999, and annually on January 1 of each succeeding year, shall  
778 develop a report on the implementation of the Reading Sufficiency  
779 Program in each school district as required under this section,



780 which shall include an assessment of the acquisition of reading  
781 skills by each student for the appropriate grade level in which  
782 the student is enrolled.

783         **SECTION 6.** Section 37-13-41, Mississippi Code of 1972, is  
784 amended as follows:

785         37-13-41. Except for those in high performing school  
786 districts, as defined under Section 1 of this act, all principals  
787 and/or superintendents of public schools of Mississippi shall  
788 report to their county superintendent of education upon forms  
789 prepared and sent to the county superintendent of education by the  
790 director of the division of instruction, giving the type and  
791 amount of work done in each grade of their respective school, with  
792 other information that may be desired by the director. The county  
793 superintendents of education shall compile this information on  
794 forms sent out by the director. This shall be made in duplicate,  
795 one (1) copy to be sent to the director, and the other filed as  
796 other public records are filed in the county superintendents'  
797 offices. This report shall be made to the director by the county  
798 superintendents of education not later than the first of June each  
799 year.

800         **SECTION 7.** Section 37-13-89, Mississippi Code of 1972, is  
801 amended as follows:

802         37-13-89. (1) In each school district within the state,  
803 except in high performing school districts as defined under  
804 Section 1 of this act, there shall be employed the number of  
805 school attendance officers determined by the Office of Compulsory  
806 School Attendance Enforcement to be necessary to adequately  
807 enforce the provisions of the Mississippi Compulsory School  
808 Attendance Law; however, this number shall not exceed one hundred  
809 fifty-three (153) school attendance officers at any time. From  
810 and after July 1, 1998, all school attendance officers employed  
811 pursuant to this section shall be employees of the State  
812 Department of Education. The State Department of Education shall

813 employ all persons employed as school attendance officers by  
814 district attorneys before July 1, 1998, and shall assign them to  
815 school attendance responsibilities in the school district in which  
816 they were employed before July 1, 1998. The first twelve (12)  
817 months of employment for each school attendance officer shall be  
818 the probationary period of state service.

819 (2) (a) The State Department of Education shall obtain  
820 current criminal records background checks and current child abuse  
821 registry checks on all persons applying for the position of school  
822 attendance officer after July 2, 2002. The criminal records  
823 information and registry checks must be kept on file for any new  
824 hires. In order to determine an applicant's suitability for  
825 employment as a school attendance officer, the applicant must be  
826 fingerprinted. If no disqualifying record is identified at the  
827 state level, the Department of Public Safety shall forward the  
828 fingerprints to the Federal Bureau of Investigation (FBI) for a  
829 national criminal history record check. The applicant shall pay  
830 the fee, not to exceed Fifty Dollars (\$50.00), for the  
831 fingerprinting and criminal records background check; however, the  
832 State Department of Education, in its discretion, may pay the fee  
833 for the fingerprinting and criminal records background check on  
834 behalf of any applicant. Under no circumstances may a member of  
835 the State Board of Education, employee of the State Department of  
836 Education or any person other than the subject of the criminal  
837 records background check disseminate information received through  
838 any such checks except insofar as required to fulfill the purposes  
839 of this subsection.

840 (b) If the fingerprinting or criminal records check  
841 discloses a felony conviction, guilty plea or plea of nolo  
842 contendere to a felony of possession or sale of drugs, murder,  
843 manslaughter, armed robbery, rape, sexual battery, sex offense  
844 listed in Section 45-33-23(g), child abuse, arson, grand larceny,  
845 burglary, gratification of lust or aggravated assault which has

846 not been reversed on appeal or for which a pardon has not been  
847 granted, the applicant is not eligible to be employed as a school  
848 attendance officer. Any employment of an applicant pending the  
849 results of the fingerprinting and criminal records check is  
850 voidable if the new hire receives a disqualifying criminal records  
851 check. However, the State Board of Education, in its discretion,  
852 may allow an applicant aggrieved by an employment decision under  
853 this subsection to appear before the board, or before a hearing  
854 officer designated for that purpose, to show mitigating  
855 circumstances that may exist and allow the new hire to be employed  
856 as a school attendance officer. The State Board of Education may  
857 grant waivers for mitigating circumstances, which may include, but  
858 are not necessarily limited to: (i) age at which the crime was  
859 committed; (ii) circumstances surrounding the crime; (iii) length  
860 of time since the conviction and criminal history since the  
861 conviction; (iv) work history; (v) current employment and  
862 character references; and (vi) other evidence demonstrating the  
863 ability of the person to perform the responsibilities of a school  
864 attendance officer competently and that the person does not pose a  
865 threat to the health or safety of children.

866 (c) A member of the State Board of Education or  
867 employee of the State Department of Education may not be held  
868 liable in any employment discrimination suit in which an  
869 allegation of discrimination is made regarding an employment  
870 decision authorized under this section.

871 (3) Each school attendance officer shall possess a college  
872 degree with a major in a behavioral science or a related field or  
873 shall have no less than three (3) years combined actual experience  
874 as a school teacher, school administrator, law enforcement officer  
875 possessing such degree, and/or social worker; however, these  
876 requirements shall not apply to persons employed as school  
877 attendance officers before January 1, 1987. School attendance  
878 officers also shall satisfy any additional requirements that may

879 be established by the State Personnel Board for the position of  
880 school attendance officer.

881 (4) It shall be the duty of each school attendance officer  
882 to:

883 (a) Cooperate with any public agency to locate and  
884 identify all compulsory-school-age children who are not attending  
885 school;

886 (b) Cooperate with all courts of competent  
887 jurisdiction;

888 (c) Investigate all cases of nonattendance and unlawful  
889 absences by compulsory-school-age children not enrolled in a  
890 nonpublic school;

891 (d) Provide appropriate counseling to encourage all  
892 school-age children to attend school until they have completed  
893 high school;

894 (e) Attempt to secure the provision of social or  
895 welfare services that may be required to enable any child to  
896 attend school;

897 (f) Contact the home or place of residence of a  
898 compulsory-school-age child and any other place in which the  
899 officer is likely to find any compulsory-school-age child when the  
900 child is absent from school during school hours without a valid  
901 written excuse from school officials, and when the child is found,  
902 the officer shall notify the parents and school officials as to  
903 where the child was physically located;

904 (g) Contact promptly the home of each  
905 compulsory-school-age child in the school district within the  
906 officer's jurisdiction who is not enrolled in school or is not in  
907 attendance at public school and is without a valid written excuse  
908 from school officials; if no valid reason is found for the  
909 nonenrollment or absence from the school, the school attendance  
910 officer shall give written notice to the parent, guardian or

911 custodian of the requirement for the child's enrollment or  
912 attendance;

913 (h) Collect and maintain information concerning  
914 absenteeism, dropouts and other attendance-related problems, as  
915 may be required by law or the Office of Compulsory School  
916 Attendance Enforcement; and

917 (i) Perform all other duties relating to compulsory  
918 school attendance established by the State Department of Education  
919 or district school attendance supervisor, or both.

920 (5) While engaged in the performance of his duties, each  
921 school attendance officer shall carry on his person a badge  
922 identifying him as a school attendance officer under the Office of  
923 Compulsory School Attendance Enforcement of the State Department  
924 of Education and an identification card designed by the State  
925 Superintendent of Public Education and issued by the school  
926 attendance officer supervisor. Neither the badge nor the  
927 identification card shall bear the name of any elected public  
928 official.

929 (6) The State Personnel Board shall develop a salary scale  
930 for school attendance officers as part of the variable  
931 compensation plan. The various pay ranges of the salary scale  
932 shall be based upon factors including, but not limited to,  
933 education, professional certification and licensure, and number of  
934 years of experience. School attendance officers shall be paid in  
935 accordance with this salary scale. The minimum salaries under the  
936 scale shall be no less than the following:

937 (a) For school attendance officers holding a bachelor's  
938 degree or any other attendance officer who does not hold such a  
939 degree, the annual salary shall be based on years of experience as  
940 a school attendance officer or related field of service or  
941 employment, no less than as follows:

942	Years of Experience	Salary
943	0 - 4 years	\$19,650.00

944	5 - 8 years	21,550.00
945	9 - 12 years	23,070.00
946	13 - 16 years	24,590.00
947	Over 17 years	26,110.00

948 (b) For school attendance officers holding a license as  
949 a social worker, the annual salary shall be based on years of  
950 experience as a school attendance officer or related field of  
951 service or employment, no less than as follows:

952	Years of Experience	Salary
953	0 - 4 years	\$20,650.00
954	5 - 8 years	22,950.00
955	9 - 12 years	24,790.00
956	13 - 16 years	26,630.00
957	17 - 20 years	28,470.00
958	Over 21 years	30,310.00

959 (c) For school attendance officers holding a master's  
960 degree in a behavioral science or a related field, the annual  
961 salary shall be based on years of experience as a school  
962 attendance officer or related field of service or employment, no  
963 less than as follows:

964	Years of Experience	Salary
965	0 - 4 years	\$21,450.00
966	5 - 8 years	24,000.00
967	9 - 12 years	26,040.00
968	13 - 16 years	28,080.00
969	17 - 20 years	30,120.00
970	Over 21 years	32,160.00

971 (7) (a) Each school attendance officer employed by a  
972 district attorney on June 30, 1998, who became an employee of the  
973 State Department of Education on July 1, 1998, shall be awarded  
974 credit for personal leave and major medical leave for his  
975 continuous service as a school attendance officer under the  
976 district attorney, and if applicable, the youth or family court or

977 a state agency. The credit for personal leave shall be in an  
978 amount equal to one-third (1/3) of the maximum personal leave the  
979 school attendance officer could have accumulated had he been  
980 credited with such leave under Section 25-3-93 during his  
981 employment with the district attorney, and if applicable, the  
982 youth or family court or a state agency. The credit for major  
983 medical leave shall be in an amount equal to one-half (1/2) of the  
984 maximum major medical leave the school attendance officer could  
985 have accumulated had he been credited with such leave under  
986 Section 25-3-95 during his employment with the district attorney,  
987 and if applicable, the youth or family court or a state agency.  
988 However, if a district attorney who employed a school attendance  
989 officer on June 30, 1998, certifies, in writing, to the State  
990 Department of Education that the school attendance officer had  
991 accumulated, pursuant to a personal leave policy or major medical  
992 leave policy lawfully adopted by the district attorney, a number  
993 of days of unused personal leave or major medical leave, or both,  
994 which is greater than the number of days to which the school  
995 attendance officer is entitled under this paragraph, the State  
996 Department of Education shall authorize the school attendance  
997 officer to retain the actual unused personal leave or major  
998 medical leave, or both, certified by the district attorney,  
999 subject to the maximum amount of personal leave and major medical  
1000 leave the school attendance officer could have accumulated had he  
1001 been credited with such leave under Sections 25-3-93 and 25-3-95.

1002 (b) For the purpose of determining the accrual rate for  
1003 personal leave under Section 25-3-93 and major medical leave under  
1004 Section 25-3-95, the State Department of Education shall give  
1005 consideration to all continuous service rendered by a school  
1006 attendance officer before July 1, 1998, in addition to the service  
1007 rendered by the school attendance officer as an employee of the  
1008 department.

1009           (c) In order for a school attendance officer to be  
1010 awarded credit for personal leave and major medical leave or to  
1011 retain the actual unused personal leave and major medical leave  
1012 accumulated by him before July 1, 1998, the district attorney who  
1013 employed the school attendance officer must certify, in writing,  
1014 to the State Department of Education the hire date of the school  
1015 attendance officer. For each school attendance officer employed  
1016 by the youth or family court or a state agency before being  
1017 designated an employee of the district attorney who has not had a  
1018 break in continuous service, the hire date shall be the date that  
1019 the school attendance officer was hired by the youth or family  
1020 court or state agency. The department shall prescribe the date by  
1021 which the certification must be received by the department and  
1022 shall provide written notice to all district attorneys of the  
1023 certification requirement and the date by which the certification  
1024 must be received.

1025           (8) (a) School attendance officers shall maintain regular  
1026 office hours on a year-round basis; however, during the school  
1027 term, on those days that teachers in all of the school districts  
1028 served by a school attendance officer are not required to report  
1029 to work, the school attendance officer also shall not be required  
1030 to report to work. (For purposes of this subsection, a school  
1031 district's school term is that period of time identified as the  
1032 school term in contracts entered into by the district with  
1033 licensed personnel.) A school attendance officer shall be  
1034 required to report to work on any day recognized as an official  
1035 state holiday if teachers in any school district served by that  
1036 school attendance officer are required to report to work on that  
1037 day, regardless of the school attendance officer's status as an  
1038 employee of the State Department of Education, and compensatory  
1039 leave may not be awarded to the school attendance officer for  
1040 working during that day. However, a school attendance officer may



1041 be allowed by the school attendance officer's supervisor to use  
1042 earned leave on such days.

1043 (b) The State Department of Education annually shall  
1044 designate a period of two (2) consecutive weeks in the summer  
1045 between school years during which school attendance officers shall  
1046 not be required to report to work. A school attendance officer  
1047 who elects to work at any time during that period may not be  
1048 awarded compensatory leave for such work and may not opt to be  
1049 absent from work at any time other than during the two (2) weeks  
1050 designated by the department unless the school attendance officer  
1051 uses personal leave or major medical leave accrued under Section  
1052 25-3-93 or 25-3-95 for such absence.

1053 (9) The State Department of Education shall provide all  
1054 continuing education and training courses that school attendance  
1055 officers are required to complete under state law or rules and  
1056 regulations of the department.

1057 **SECTION 8.** Section 37-43-31, Mississippi Code of 1972, is  
1058 amended as follows:

1059 37-43-31. (1) The State Board of Education shall adopt and  
1060 furnish textbooks only for use in those courses set up in the  
1061 state course of study as recommended by the State Accreditation  
1062 Commission and adopted by such board, or courses established by  
1063 acts of the Legislature. In all subjects the board, in its  
1064 discretion, may adopt textbooks and/or series from those  
1065 recommended by the textbook rating committees. The board may  
1066 adopt a plan which permits the local school districts to choose  
1067 the book or books to be requisitioned from those adopted,  
1068 provided:

1069 (a) That, when a book is furnished by the state, it  
1070 shall remain in use during the period of its adoption;

1071 (b) That the average per pupil cost of textbooks so  
1072 furnished any unit shall not exceed that allowed for all other  
1073 units in the state;

1074           (c) That nothing herein provided shall be construed as  
1075 giving any school the authority to discard or replace usable  
1076 copies of textbooks now being furnished by the state;

1077           (d) That the State Department of Education is  
1078 authorized to disburse the annual textbook appropriation directly  
1079 to the public school districts in accordance with Section  
1080 37-43-31(1)(b). The textbooks procured through this chapter, as  
1081 well as textbooks which are on hand on June 30, 1994, which were  
1082 previously purchased through the provisions of this statute, shall  
1083 become the property of the public school district which purchased  
1084 them, unless the State Department of Education authorizes the  
1085 transfer of unneeded textbooks to another location in accordance  
1086 with rules and regulations promulgated by the State Board of  
1087 Education;

1088           (e) That textbooks which are on loan to other than  
1089 public schools as referenced in Section 37-43-1, shall remain the  
1090 property of the State of Mississippi. All requisitions for  
1091 textbooks from these schools shall be submitted to the State  
1092 Department to be processed and subsequently shipped to the  
1093 requesting school. No funds shall be disbursed directly from the  
1094 State Department of Education to the schools in this category for  
1095 the purpose of procuring textbooks; and

1096           (f) That funds made available through this chapter may  
1097 be used to purchase any state-adopted or non-adopted textbook from  
1098 any state depository, directly from the publisher, or in  
1099 accordance with the provisions of Sections 37-43-21(5) and  
1100 37-43-31(3). For purchases made directly from the publisher, the  
1101 public school district, or the State Department of Education when  
1102 purchasing for other than public schools, shall not pay a higher  
1103 price for a textbook than that listed on the current state-adopted  
1104 list.

1105           (2) Whenever any book under contract is displaced by a new  
1106 adoption, the board may continue to require the schools to use the

1107 recently purchased books from any previous adoption; however, such  
1108 period of use shall not exceed four (4) years.

1109 (3) If five (5) or more school boards petition the State  
1110 Board of Education to add a book, or a series of books, to the  
1111 approved list of state adoptions in a given subject area, then the  
1112 State Superintendent of Public Education shall have sixty (60)  
1113 days to show cause to the State Board of Education why the books  
1114 in question should or should not be purchased with state funds. If  
1115 the petition is not acted upon within the sixty-day period, the  
1116 petition shall be deemed to be approved. Once a textbook has been  
1117 approved through the petition process, any public school district  
1118 or eligible other school may procure the said textbook utilizing  
1119 funds appropriated through this chapter.

1120 (4) If new and innovative textbooks that would improve a  
1121 particular course of study become available between adoption  
1122 cycles, a school board may petition the State Board of Education  
1123 for permission to purchase these books out of sequence to be paid  
1124 for with state textbook funds.

1125 (5) The State Board of Education shall not allow previously  
1126 rejected textbooks to be used if such textbooks were rejected for  
1127 any of the following reasons:

- 1128 (a) Obscene, lewd, sexist or vulgar material;
- 1129 (b) Advocating prejudicial behavior or actions; or
- 1130 (c) Encouraging acts determined to be anti-social or  
1131 derogatory to any race, sex or religion.

1132 (6) All books or series of books adopted under the petition  
1133 procedures of this act shall be purchased under the provisions for  
1134 bidding, pricing and distribution as prescribed in Section  
1135 37-43-23.

1136 (7) Petition procedure books or series of books adopted  
1137 under this section shall be considered only until the date of the  
1138 next regular adoption series in the applicable subject area.  
1139 Petition procedure books shall be submitted for formal adoption at

1140 the next applicable regular textbook adoption as prescribed under  
1141 the provisions of Chapter 43, Title 37, Mississippi Code of 1972;  
1142 otherwise, such books adopted under the petition procedures which  
1143 do not receive formal adoption approval as recommended by the  
1144 textbook rating committee shall be dropped from the state textbook  
1145 petition adoption list. Provided, however, this provision shall  
1146 in no way prohibit a school district from using other funds,  
1147 federal or local, for the purchase of such books.

1148 (8) A high performing school district, as defined under  
1149 Section 1 of this act, is not required to participate in the  
1150 selection of textbooks process as provided in this section.

1151 **SECTION 9.** Section 37-151-23, Mississippi Code of 1972, is  
1152 amended as follows:

1153 37-151-23. There is \* \* \* created in the State Treasury a  
1154 special fund to be designated the "State Public School Education  
1155 Technology Fund." Any unexpended balance in the fund at the end  
1156 of the fiscal year shall carry over into the subsequent fiscal  
1157 year and shall not lapse into the State General Fund. School  
1158 districts shall be required to submit a plan for the use of such  
1159 funds for education technology to the State Board of Education.  
1160 The State Board of Education, consistent with policies adopted  
1161 pursuant to recommendations of the council, shall allocate funds  
1162 provided from the proceeds of State Education Technology bonds and  
1163 funds provided from appropriation by the Legislature into the  
1164 State Public School Education Technology Fund, to school districts  
1165 based on the approved education technology plan, which  
1166 demonstrates need consistent with the district's existing  
1167 technology, for the purchase or lease of education technology for  
1168 the schools. A high performing school district, as defined under  
1169 Section 1 of this act, may be awarded grants regardless of student  
1170 demographics. The State Board of Education may apply the funds to  
1171 matching grants from federal or private sources to generate

1172 additional funds for the purchase or lease of education technology  
1173 for the schools.

1174           **SECTION 10.** This act shall take effect and be in force from  
1175 and after July 1, 2004.