

By: Representatives Gunn, Baker (8th), Staples, Mims, Fillingane, Beckett, Aldridge, Howell, Akins, Hamilton (6th), Moore, Carlton, Snowden, Mayhall, Turner, Stevens, Wells-Smith, Lott, Fleming

To: Education;
Appropriations

HOUSE BILL NO. 934

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, 2004, an individual who has a passing score
249 on the Praxis I Basic Skills and Praxis II Specialty Area Test in
250 the requested area of endorsement may apply for the Teach
251 Mississippi Institute (TMI) program to teach students in Grades 7
252 through 12 if the individual meets the requirements of this
253 paragraph (b). The State Board of Education shall adopt rules
254 requiring that teacher preparation institutions which provide the
255 Teach Mississippi Institute (TMI) program for the preparation of
256 nontraditional teachers shall meet the standards and comply with
257 the provisions of this paragraph.

258 (i) The Teach Mississippi Institute (TMI) shall
259 include an intensive eight-week, nine-semester-hour summer program
260 or a curriculum of study in which the student matriculates in the

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

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

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

290 (iv) During the semester of internship in the
291 school district, the teacher preparation institution shall monitor
292 the performance of the intern teacher. The school district that
293 employs the provisional teacher shall supervise the provisional

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

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

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

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

324 (viii) The local school district in which the
325 nontraditional teacher intern or provisional licensee is employed
326 shall compensate such teacher interns at Step 1 of the required

327 salary level during the period of time such individual is
328 completing teacher internship requirements and shall compensate
329 such Standard License-Nontraditional Route teachers at Step 3 of
330 the required salary level when they complete license requirements.

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

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

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

356 (c) **Special License - Expert Citizen.** In order to
357 allow a school district to offer specialized or technical courses,
358 the State Department of Education, in accordance with rules and
359 regulations established by the State Board of Education, may grant

360 a one-year expert citizen-teacher license to local business or
361 other professional personnel to teach in a public school or
362 nonpublic school accredited or approved by the state. Such person
363 may begin teaching upon his employment by the local school board
364 and licensure by the Mississippi Department of Education. The
365 board shall adopt rules and regulations to administer the expert
366 citizen-teacher license. A special license - expert citizen may
367 be renewed in accordance with the established rules and
368 regulations of the State Department of Education.

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

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

386 (f) **Special License - Transitional Bilingual Education.**
387 Beginning July 1, 2003, the commission shall grant special
388 licenses to teachers of transitional bilingual education who
389 possess such qualifications as are prescribed in this section.
390 Teachers of transitional bilingual education shall be compensated
391 by local school boards at not less than one (1) step on the
392 regular salary schedule applicable to permanent teachers licensed

393 under this section. The commission shall grant special licenses
394 to teachers of transitional bilingual education who present the
395 commission with satisfactory evidence that they (i) possess a
396 speaking and reading ability in a language, other than English, in
397 which bilingual education is offered and communicative skills in
398 English; (ii) are in good health and sound moral character; (iii)
399 possess a bachelor's degree or an associate's degree in teacher
400 education from an accredited institution of higher education; (iv)
401 meet such requirements as to courses of study, semester hours
402 therein, experience and training as may be required by the
403 commission; and (v) are legally present in the United States and
404 possess legal authorization for employment. A teacher of
405 transitional bilingual education serving under a special license
406 shall be under an exemption from standard licensure if he achieves
407 the requisite qualifications therefor. Two (2) years of service
408 by a teacher of transitional bilingual education under such an
409 exemption shall be credited to the teacher in acquiring a Standard
410 Educator License. Nothing in this paragraph shall be deemed to
411 prohibit a local school board from employing a teacher licensed in
412 an appropriate field as approved by the State Department of
413 Education to teach in a program in transitional bilingual
414 education.

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

420 (h) A teacher who teaches in a high performing school
421 district, as defined under Section 1 of this act, shall be exempt
422 from the requirements of continuing education unit credits for
423 license renewal.

424 (7) **Administrator License.** The State Board of Education is
425 authorized to establish rules and regulations and to administer

426 the licensure process of the school administrators in the State of
427 Mississippi. There will be four (4) categories of administrator
428 licensure with exceptions only through special approval of the
429 State Board of Education.

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

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

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

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

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

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

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

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

487 (b) The department shall grant a nonrenewable special
488 license to any individual who possesses a credential which is less
489 than a standard license or certification from another state, or
490 who possesses a standard license from another state but has less

491 than two (2) years of full-time teaching or administration
492 experience. Such special license shall be valid for the current
493 school year plus one (1) additional school year to expire on June
494 30 of the second year, not to exceed a total period of twenty-four
495 (24) months, during which time the applicant shall be required to
496 complete the requirements for a standard license in Mississippi.

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

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

524 provided by rules and regulations adopted by the board. The State
525 Board of Education in its authority may reverse, or remand with
526 instructions, the decision of the committee or its subcommittee.
527 The decision of the State Board of Education shall be final.

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

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

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

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

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

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

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

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

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

554 (12) The State Board of Education, acting on the
555 recommendation of the commission, may revoke or suspend any

556 teacher or administrator license for specified periods of time for
557 one or more of the following:

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

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

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

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

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

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

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

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

585 (c) A person may voluntarily surrender a license. The
586 surrender of such license may result in the commission
587 recommending any of the above penalties without the necessity of a
588 hearing. However, any such license which has voluntarily been

589 surrendered by a licensed employee may only be reinstated by a
590 majority vote of all members of the commission present at the
591 meeting called for such purpose.

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 or revoked on the criminal
597 grounds may be reinstated upon petition to the commission filed
598 after expiration of the sentence and parole or probationary period
599 imposed upon conviction. A revoked, suspended or surrendered
600 license may be reinstated upon satisfactory showing of evidence of
601 rehabilitation. The commission shall require all who petition for
602 reinstatement to furnish evidence satisfactory to the commission
603 of good character, good mental, emotional and physical health and
604 such other evidence as the commission may deem necessary to
605 establish the petitioner's rehabilitation and fitness to perform
606 the duties authorized by the 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, 2005.