

By: Representatives Gunn, Lott

To: Education;
Appropriations

HOUSE BILL NO. 531

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

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

11 **SECTION 1.** (1) For purposes of this section, the phrase
12 "high performing school district" means a school district that has
13 a Level 4 or higher accreditation rating by the State Board of
14 Education.

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

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

24 (b) Submitting an official discipline plan and code of
25 student conduct to the State Department of Education;

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

30 (d) Participating in the process of selecting textbooks
31 by the State Board of Education, as prescribed in Section
32 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 prescribed in Section 37-3-2;

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

40 (h) Submitting a report to the State Board of Education
41 regarding the Reading Sufficiency Program of Instruction
42 established under 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) Certain incentives for eligible teachers, such as
48 forgiveness of state student educational loans, housing assistance
49 and moving expenses in the same manner as provided for in the
50 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) * * * The State Board of Education shall develop
96 personal living and finances objectives that focus on money
97 management skills for individuals and families for appropriate,
98 existing courses at the secondary level. The objectives must
99 require the teaching of those skills necessary to handle personal
100 business and finances and must include instruction in the
101 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 have authority to
119 expend any available federal funds, or any other funds expressly
120 designated, to pay training, educational expenses, salary
121 incentives and salary supplements to licensed teachers employed in
122 local school districts or schools administered by the State Board
123 of Education. Such incentive payments shall not be considered
124 part of a school district's local supplement as defined in Section
125 37-151-5(o), nor shall the incentives be considered part of the
126 local supplement paid to an individual teacher for the purposes of
127 Section 37-19-7(1). MAEP funds or any other state funds shall not

128 be used to provide such incentives unless specifically authorized
129 by law.

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

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

134 37-3-2. (1) There is established within the State
135 Department of Education the Commission on Teacher and
136 Administrator Education, Certification and Licensure and
137 Development. It shall be the purpose and duty of the commission
138 to make recommendations to the State Board of Education regarding
139 standards for the certification and licensure and continuing
140 professional development of those who teach or perform tasks of an
141 educational nature in the public schools of Mississippi.

142 (2) The commission shall be composed of fifteen (15)
143 qualified members. The membership of the commission shall be
144 composed of the following members to be appointed, three (3) from
145 each congressional district: four (4) classroom teachers; three
146 (3) school administrators; one (1) representative of schools of
147 education of institutions of higher learning located within the
148 state to be recommended by the Board of Trustees of State
149 Institutions of Higher Learning; one (1) representative from the
150 schools of education of independent institutions of higher
151 learning to be recommended by the Board of the Mississippi
152 Association of Independent Colleges; one (1) representative from
153 public community and junior colleges located within the state to
154 be recommended by the State Board for Community and Junior
155 Colleges; one (1) local school board member; and four (4) lay
156 persons. All appointments shall be made by the State Board of
157 Education after consultation with the State Superintendent of
158 Public Education. The first appointments by the State Board of
159 Education shall be made as follows: five (5) members shall be
160 appointed for a term of one (1) year; five (5) members shall be

161 appointed for a term of two (2) years; and five (5) members shall
162 be appointed for a term of three (3) years. Thereafter, all
163 members shall be appointed for a term of four (4) years.

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

170 (4) An appropriate staff member of the State Department of
171 Education shall be designated and assigned by the State
172 Superintendent of Public Education to serve as executive secretary
173 and coordinator for the commission. No less than two (2) other
174 appropriate staff members of the State Department of Education
175 shall be designated and assigned by the State Superintendent of
176 Public Education to serve on the staff of the commission.

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

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

181 (b) Recommend to the State Board of Education each year
182 approval or disapproval of each educator preparation program in
183 the state;

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

187 (d) Establish, subject to the approval of the State
188 Board of Education, standards for the renewal of teacher licenses
189 in all fields;

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

193 (f) Review all existing requirements for certification
194 and licensure;

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

197 (h) Prepare reports from time to time on current
198 practices and issues in the general area of teacher education and
199 certification and licensure;

200 (i) Hold hearings concerning standards for teachers'
201 and administrators' education and certification and licensure with
202 approval of the State Board of Education;

203 (j) Hire expert consultants with approval of the State
204 Board of Education;

205 (k) Set up ad hoc committees to advise on specific
206 areas; and

207 (l) Perform such other functions as may fall within
208 their general charge and which may be delegated to them by the
209 State Board of Education.

210 (6) (a) **Standard License - Approved Program Route.** An
211 educator entering the school system of Mississippi for the first
212 time and meeting all requirements as established by the State
213 Board of Education shall be granted a standard five-year license.
214 Persons who possess two (2) years of classroom experience as an
215 assistant teacher or who have taught for one (1) year in an
216 accredited public or private school shall be allowed to fulfill
217 student teaching requirements under the supervision of a qualified
218 participating teacher approved by an accredited college of
219 education. The local school district in which the assistant
220 teacher is employed shall compensate such assistant teachers at
221 the required salary level during the period of time such
222 individual is completing student teaching requirements.
223 Applicants for a standard license shall submit to the department:

224 (i) An application on a department form;

225 (ii) An official transcript of completion of a
226 teacher education program approved by the department or a
227 nationally accredited program, subject to the following:
228 Licensure to teach in Mississippi prekindergarten through
229 kindergarten classrooms shall require completion of a teacher
230 education program or a bachelor of science degree with child
231 development emphasis from a program accredited by the American
232 Association of Family and Consumer Sciences (AAFCS) or by the
233 National Association for Education of Young Children (NAEYC) or by
234 the National Council for Accreditation of Teacher Education
235 (NCATE). Licensure to teach in Mississippi kindergarten, for
236 those applicants who have completed a teacher education program,
237 and in Grade 1 through Grade 4 shall require the completion of an
238 interdisciplinary program of studies. Licenses for Grades 4
239 through 8 shall require the completion of an interdisciplinary
240 program of studies with two (2) or more areas of concentration.
241 Licensure to teach in Mississippi Grades 7 through 12 shall
242 require a major in an academic field other than education, or a
243 combination of disciplines other than education. Students
244 preparing to teach a subject shall complete a major in the
245 respective subject discipline. All applicants for standard
246 licensure shall demonstrate that such person's college preparation
247 in those fields was in accordance with the standards set forth by
248 the National Council for Accreditation of Teacher Education
249 (NCATE) or the National Association of State Directors of Teacher
250 Education and Certification (NASDTEC) or, for those applicants who
251 have a bachelor of science degree with child development emphasis,
252 the American Association of Family and Consumer Sciences (AAFCS);

253 (iii) A copy of test scores evidencing
254 satisfactory completion of nationally administered examinations of
255 achievement, such as the Educational Testing Service's teacher
256 testing examinations; and

257 (iv) Any other document required by the State
258 Board of Education.

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

260 Beginning January 1, 2004, an individual who has a passing score
261 on the Praxis I Basic Skills and Praxis II Specialty Area Test in
262 the requested area of endorsement may apply for the Teach
263 Mississippi Institute (TMI) program to teach students in Grades 7
264 through 12 if the individual meets the requirements of this
265 paragraph (b). The State Board of Education shall adopt rules
266 requiring that teacher preparation institutions which provide the
267 Teach Mississippi Institute (TMI) program for the preparation of
268 nontraditional teachers shall meet the standards and comply with
269 the provisions of this paragraph.

270 (i) The Teach Mississippi Institute (TMI) shall
271 include an intensive eight-week, nine-semester-hour summer program
272 or a curriculum of study in which the student matriculates in the
273 fall or spring semester, which shall include, but not be limited
274 to, instruction in education, effective teaching strategies,
275 classroom management, state curriculum requirements, planning and
276 instruction, instructional methods and pedagogy, using test
277 results to improve instruction, and a one (1) semester three-hour
278 supervised internship to be completed while the teacher is
279 employed as a full-time teacher intern in a local school district.
280 The TMI shall be implemented on a pilot program basis, with
281 courses to be offered at up to four (4) locations in the state,
282 with one (1) TMI site to be located in each of the three (3)
283 Mississippi Supreme Court districts.

284 (ii) The school sponsoring the teacher intern
285 shall enter into a written agreement with the institution
286 providing the Teach Mississippi Institute (TMI) program, under
287 terms and conditions as agreed upon by the contracting parties,
288 providing that the school district shall provide teacher interns
289 seeking a nontraditional provisional teaching license with a

290 one-year classroom teaching experience. The teacher intern shall
291 successfully complete the one (1) semester three-hour intensive
292 internship in the school district during the semester immediately
293 following successful completion of the TMI and prior to the end of
294 the one-year classroom teaching experience.

295 (iii) Upon completion of the nine-semester-hour
296 TMI or the fall or spring semester option, the individual shall
297 submit his transcript to the commission for provisional licensure
298 of the intern teacher, and the intern teacher shall be issued a
299 provisional teaching license by the commission, which will allow
300 the individual to legally serve as a teacher while the person
301 completes a nontraditional teacher preparation internship program.

302 (iv) During the semester of internship in the
303 school district, the teacher preparation institution shall monitor
304 the performance of the intern teacher. The school district that
305 employs the provisional teacher shall supervise the provisional
306 teacher during the teacher's intern year of employment under a
307 nontraditional provisional license, and shall, in consultation
308 with the teacher intern's mentor at the school district of
309 employment, submit to the commission a comprehensive evaluation of
310 the teacher's performance sixty (60) days prior to the expiration
311 of the nontraditional provisional license. If the comprehensive
312 evaluation establishes that the provisional teacher intern's
313 performance fails to meet the standards of the approved
314 nontraditional teacher preparation internship program, the
315 individual shall not be approved for a standard license.

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

321 (vi) Upon successful completion of the TMI and the
322 internship provisional license period, applicants for a Standard

323 License - Nontraditional Route shall submit to the commission a
324 transcript of successful completion of the twelve (12) semester
325 hours required in the internship program, and the employing school
326 district shall submit to the commission a recommendation for
327 standard licensure of the intern. If the school district
328 recommends licensure, the applicant shall be issued a Standard
329 License - Nontraditional Route which shall be valid for a
330 five-year period and be renewable.

331 (vii) At the discretion of the teacher preparation
332 institution, the individual shall be allowed to credit the twelve
333 (12) semester hours earned in the nontraditional teacher
334 internship program toward the graduate hours required for a Master
335 of Arts in Teacher (MAT) Degree.

336 (viii) The local school district in which the
337 nontraditional teacher intern or provisional licensee is employed
338 shall compensate such teacher interns at Step 1 of the required
339 salary level during the period of time such individual is
340 completing teacher internship requirements and shall compensate
341 such Standard License - Nontraditional Route teachers at Step 3 of
342 the required salary level when they complete license requirements.

343 Implementation of the TMI program provided for under this
344 paragraph (b) shall be contingent upon the availability of funds
345 appropriated specifically for such purpose by the Legislature.
346 Such implementation of the TMI program may not be deemed to
347 prohibit the State Board of Education from developing and
348 implementing additional alternative route teacher licensure
349 programs, as deemed appropriate by the board. The emergency
350 certification program in effect prior to July 1, 2002, shall
351 remain in effect.

352 The State Department of Education shall compile and report,
353 in consultation with the commission, information relating to
354 nontraditional teacher preparation internship programs, including
355 the number of programs available and geographic areas in which

356 they are available, the number of individuals who apply for and
357 possess a nontraditional conditional license, the subject areas in
358 which individuals who possess nontraditional conditional licenses
359 are teaching and where they are teaching, and shall submit its
360 findings and recommendations to the legislative committees on
361 education by December 1, 2004.

362 A Standard License - Approved Program Route shall be issued
363 for a five-year period, and may be renewed. Recognizing teaching
364 as a profession, a hiring preference shall be granted to persons
365 holding a Standard License - Approved Program Route or Standard
366 License - Nontraditional Teaching Route over persons holding any
367 other license.

368 (c) **Special License - Expert Citizen.** In order to
369 allow a school district to offer specialized or technical courses,
370 the State Department of Education, in accordance with rules and
371 regulations established by the State Board of Education, may grant
372 a one-year expert citizen-teacher license to local business or
373 other professional personnel to teach in a public school or
374 nonpublic school accredited or approved by the state. Such person
375 may begin teaching upon his employment by the local school board
376 and licensure by the Mississippi Department of Education. The
377 board shall adopt rules and regulations to administer the expert
378 citizen-teacher license. A Special License - Expert Citizen may
379 be renewed in accordance with the established rules and
380 regulations of the State Department of Education.

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

387 (e) **Nonlicensed Teaching Personnel.** A nonlicensed
388 person may teach for a maximum of three (3) periods per teaching

389 day in a public school or a nonpublic school accredited/approved
390 by the state. Such person shall submit to the department a
391 transcript or record of his education and experience which
392 substantiates his preparation for the subject to be taught and
393 shall meet other qualifications specified by the commission and
394 approved by the State Board of Education. In no case shall any
395 local school board hire nonlicensed personnel as authorized under
396 this paragraph in excess of five percent (5%) of the total number
397 of licensed personnel in any single school.

398 (f) **Special License - Transitional Bilingual Education.**
399 Beginning July 1, 2003, the commission shall grant special
400 licenses to teachers of transitional bilingual education who
401 possess such qualifications as are prescribed in this section.
402 Teachers of transitional bilingual education shall be compensated
403 by local school boards at not less than one (1) step on the
404 regular salary schedule applicable to permanent teachers licensed
405 under this section. The commission shall grant special licenses
406 to teachers of transitional bilingual education who present the
407 commission with satisfactory evidence that they (i) possess a
408 speaking and reading ability in a language, other than English, in
409 which bilingual education is offered and communicative skills in
410 English; (ii) are in good health and sound moral character; (iii)
411 possess a bachelor's degree or an associate's degree in teacher
412 education from an accredited institution of higher education; (iv)
413 meet such requirements as to courses of study, semester hours
414 therein, experience and training as may be required by the
415 commission; and (v) are legally present in the United States and
416 possess legal authorization for employment. A teacher of
417 transitional bilingual education serving under a special license
418 shall be under an exemption from standard licensure if he achieves
419 the requisite qualifications therefor. Two (2) years of service
420 by a teacher of transitional bilingual education under such an
421 exemption shall be credited to the teacher in acquiring a Standard

422 Educator License. Nothing in this paragraph shall be deemed to
423 prohibit a local school board from employing a teacher licensed in
424 an appropriate field as approved by the State Department of
425 Education to teach in a program in transitional bilingual
426 education.

427 (g) In the event any school district meets Level 4 or 5
428 accreditation standards, the State Board of Education, in its
429 discretion, may exempt such school district from any restrictions
430 in paragraph (e) relating to the employment of nonlicensed
431 teaching personnel.

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

436 (7) **Administrator License.** The State Board of Education is
437 authorized to establish rules and regulations and to administer
438 the licensure process of the school administrators in the State of
439 Mississippi. There will be four (4) categories of administrator
440 licensure with exceptions only through special approval of the
441 State Board of Education.

442 (a) **Administrator License - Nonpracticing.** Those
443 educators holding administrative endorsement but have no
444 administrative experience or not serving in an administrative
445 position on January 15, 1997.

446 (b) **Administrator License - Entry Level.** Those
447 educators holding administrative endorsement and having met the
448 department's qualifications to be eligible for employment in a
449 Mississippi school district. Administrator License - Entry Level
450 shall be issued for a five-year period and shall be nonrenewable.

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

454 (d) **Administrator License - Nontraditional Route.** The
455 board may establish a nontraditional route for licensing
456 administrative personnel. Such nontraditional route for
457 administrative licensure shall be available for persons holding,
458 but not limited to, a master of business administration degree, a
459 master of public administration degree, a master of public
460 planning and policy degree or a doctor of jurisprudence degree
461 from an accredited college or university, with five (5) years of
462 administrative or supervisory experience. Successful completion
463 of the requirements of alternate route licensure for
464 administrators shall qualify the person for a standard
465 administrator license.

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

470 The State Department of Education shall compile and report,
471 in consultation with the commission, information relating to
472 nontraditional administrator preparation internship programs,
473 including the number of programs available and geographic areas in
474 which they are available, the number of individuals who apply for
475 and possess a nontraditional conditional license and where they
476 are employed, and shall submit its findings and recommendations to
477 the legislative committees on education by December 1, 2004.

478 Beginning with the 1997-1998 school year, individuals seeking
479 school administrator licensure under paragraph (b), (c) or (d)
480 shall successfully complete a training program and an assessment
481 process prescribed by the State Board of Education. Applicants
482 seeking school administrator licensure prior to June 30, 1997, and
483 completing all requirements for provisional or standard
484 administrator certification and who have never practiced, shall be
485 exempt from taking the Mississippi Assessment Battery Phase I.
486 Applicants seeking school administrator licensure during the

487 period beginning July 1, 1997, through June 30, 1998, shall
488 participate in the Mississippi Assessment Battery, and upon
489 request of the applicant, the department shall reimburse the
490 applicant for the cost of the assessment process required. After
491 June 30, 1998, all applicants for school administrator licensure
492 shall meet all requirements prescribed by the department under
493 paragraph (b), (c) or (d), and the cost of the assessment process
494 required shall be paid by the applicant.

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

499 (b) The department shall grant a nonrenewable special
500 license to any individual who possesses a credential which is less
501 than a standard license or certification from another state, or
502 who possesses a standard license from another state but has less
503 than two (2) years of full-time teaching or administration
504 experience. Such special license shall be valid for the current
505 school year plus one (1) additional school year to expire on June
506 30 of the second year, not to exceed a total period of twenty-four
507 (24) months, during which time the applicant shall be required to
508 complete the requirements for a standard license in Mississippi.

509 (9) **Renewal and Reinstatement of Licenses.** The State Board
510 of Education is authorized to establish rules and regulations for
511 the renewal and reinstatement of educator and administrator
512 licenses. Effective May 15, 1997, the valid standard license held
513 by an educator shall be extended five (5) years beyond the
514 expiration date of the license in order to afford the educator
515 adequate time to fulfill new renewal requirements established
516 pursuant to this subsection. An educator completing a master of
517 education, educational specialist or doctor of education degree in
518 May 1997 for the purpose of upgrading the educator's license to a

519 higher class shall be given this extension of five (5) years plus
520 five (5) additional years for completion of a higher degree.

521 (10) All controversies involving the issuance, revocation,
522 suspension or any change whatsoever in the licensure of an
523 educator required to hold a license shall be initially heard in a
524 hearing de novo, by the commission or by a subcommittee
525 established by the commission and composed of commission members
526 for the purpose of holding hearings. Any complaint seeking the
527 denial of issuance, revocation or suspension of a license shall be
528 by sworn affidavit filed with the Commission of Teacher and
529 Administrator Education, Certification and Licensure and
530 Development. The decision thereon by the commission or its
531 subcommittee shall be final, unless the aggrieved party shall
532 appeal to the State Board of Education, within ten (10) days, of
533 the decision of the committee or its subcommittee. An appeal to
534 the State Board of Education shall be on the record previously
535 made before the commission or its subcommittee unless otherwise
536 provided by rules and regulations adopted by the board. The State
537 Board of Education in its authority may reverse, or remand with
538 instructions, the decision of the committee or its subcommittee.
539 The decision of the State Board of Education shall be final.

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

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

545 (b) The applicant has a physical, emotional or mental
546 disability that renders the applicant unfit to perform the duties
547 authorized by the license, as certified by a licensed psychologist
548 or psychiatrist;

549 (c) The applicant is actively addicted to or actively
550 dependent on alcohol or other habit-forming drugs or is a habitual
551 user of narcotics, barbiturates, amphetamines, hallucinogens or

552 other drugs having similar effect, at the time of application for
553 a license;

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

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

558 (f) Failing or refusing to furnish reasonable evidence
559 of identification;

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

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

566 (12) The State Board of Education, acting on the
567 recommendation of the commission, may revoke or suspend any
568 teacher or administrator license for specified periods of time for
569 one or more of the following:

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

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

576 (c) Suspension or revocation of a certificate or
577 license by another state shall result in immediate suspension or
578 revocation and shall continue until records in the prior state
579 have been cleared;

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

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

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

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

594 (b) Any offense committed or attempted in any other
595 state shall result in the same penalty as if committed or
596 attempted in this state.

597 (c) A person may voluntarily surrender a license. The
598 surrender of such license may result in the commission
599 recommending any of the above penalties without the necessity of a
600 hearing. However, any such license which has voluntarily been
601 surrendered by a licensed employee may only be reinstated by a
602 majority vote of all members of the commission present at the
603 meeting called for such purpose.

604 (14) A person whose license has been suspended on any
605 grounds except criminal grounds may petition for reinstatement of
606 the license after one (1) year from the date of suspension, or
607 after one-half (1/2) of the suspended time has lapsed, whichever
608 is greater. A license suspended or revoked on the criminal
609 grounds may be reinstated upon petition to the commission filed
610 after expiration of the sentence and parole or probationary period
611 imposed upon conviction. A revoked, suspended or surrendered
612 license may be reinstated upon satisfactory showing of evidence of
613 rehabilitation. The commission shall require all who petition for
614 reinstatement to furnish evidence satisfactory to the commission
615 of good character, good mental, emotional and physical health and

616 such other evidence as the commission may deem necessary to
617 establish the petitioner's rehabilitation and fitness to perform
618 the duties authorized by the license.

619 (15) Reporting procedures and hearing procedures for dealing
620 with infractions under this section shall be promulgated by the
621 commission, subject to the approval of the State Board of
622 Education. The revocation or suspension of a license shall be
623 effected at the time indicated on the notice of suspension or
624 revocation. The commission shall immediately notify the
625 superintendent of the school district or school board where the
626 teacher or administrator is employed of any disciplinary action
627 and also notify the teacher or administrator of such revocation or
628 suspension and shall maintain records of action taken. The State
629 Board of Education may reverse or remand with instructions any
630 decision of the commission regarding a petition for reinstatement
631 of a license, and any such decision of the State Board of
632 Education shall be final.

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

648 shall pay the costs of the appeal and the action of the chancery
649 court.

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

654 (18) The granting of a license shall not be deemed a
655 property right nor a guarantee of employment in any public school
656 district. A license is a privilege indicating minimal eligibility
657 for teaching in the public schools of Mississippi. This section
658 shall in no way alter or abridge the authority of local school
659 districts to require greater qualifications or standards of
660 performance as a prerequisite of initial or continued employment
661 in such districts.

662 (19) In addition to the reasons specified in subsections
663 (12) and (13) of this section, the board shall be authorized to
664 suspend the license of any licensee for being out of compliance
665 with an order for support, as defined in Section 93-11-153. The
666 procedure for suspension of a license for being out of compliance
667 with an order for support, and the procedure for the reissuance or
668 reinstatement of a license suspended for that purpose, and the
669 payment of any fees for the reissuance or reinstatement of a
670 license suspended for that purpose, shall be governed by Section
671 93-11-157 or 93-11-163, as the case may be. Actions taken by the
672 board in suspending a license when required by Section 93-11-157
673 or 93-11-163 are not actions from which an appeal may be taken
674 under this section. Any appeal of a license suspension that is
675 required by Section 93-11-157 or 93-11-163 shall be taken in
676 accordance with the appeal procedure specified in Section
677 93-11-157 or 93-11-163, as the case may be, rather than the
678 procedure specified in this section. If there is any conflict
679 between any provision of Section 93-11-157 or 93-11-163 and any

680 provision of this chapter, the provisions of Section 93-11-157 or
681 93-11-163, as the case may be, shall control.

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

684 37-11-53. (1) A copy of the school district's discipline
685 plan shall be distributed to each student enrolled in the
686 district, and the parents, guardian or custodian of such student
687 shall sign a statement verifying that they have been given notice
688 of the discipline policies of their respective school district.
689 Except for the school board of a high performing school district,
690 as defined under Section 1 of this act, the school board shall
691 have its official discipline plan and code of student conduct
692 legally audited on an annual basis to insure that its policies and
693 procedures are currently in compliance with applicable statutes,
694 case law and state and federal constitutional provisions. As part
695 of the first legal audit occurring after July 1, 2001, the
696 provisions of this section, Section 37-11-55 and Section
697 37-11-18.1 shall be fully incorporated into the school district's
698 discipline plan and code of student conduct.

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

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

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

712 (c) Any parent, guardian or custodian of a
713 compulsory-school-age child enrolled in a school district who
714 refuses or willfully fails to attend such discipline conference
715 specified in paragraph (b) of this section may be summoned by
716 proper notification by the superintendent of schools or the school
717 attendance officer and be required to attend such discipline
718 conference; and

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

724 (3) Any parent, guardian or custodian of a
725 compulsory-school-age child who (a) fails to attend a discipline
726 conference to which such parent, guardian or custodian has been
727 summoned under the provisions of this section, or (b) refuses or
728 willfully fails to perform any other duties imposed upon him or
729 her under the provisions of this section, shall be guilty of a
730 misdemeanor and, upon conviction, shall be fined not to exceed Two
731 Hundred Fifty Dollars (\$250.00).

732 (4) Any public school district shall be entitled to recover
733 damages in an amount not to exceed Twenty Thousand Dollars
734 (\$20,000.00), plus necessary court costs, from the parents of any
735 minor under the age of eighteen (18) years and over the age of six
736 (6) years, who maliciously and willfully damages or destroys
737 property belonging to such school district. However, this section
738 shall not apply to parents whose parental control of such child
739 has been removed by court order or decree. The action authorized
740 in this section shall be in addition to all other actions which
741 the school district is entitled to maintain and nothing in this
742 section shall preclude recovery in a greater amount from the minor
743 or from a person, including the parents, for damages to which such
744 minor or other person would otherwise be liable.

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

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

757 37-13-10. (1) The State Board of Education shall develop
758 and implement a Reading Sufficiency Program of Instruction
759 beginning with the 1998-1999 school year, designed to enable each
760 student to acquire the appropriate grade level of reading skills.
761 In order to implement the Reading Sufficiency Program of
762 Instruction, each local school board, except those in high
763 performing school districts as defined under Section 1 of this
764 act, shall develop a Reading Sufficiency Plan for its school
765 district which may include the following components:

766 (a) Sufficient additional in-school instructional time
767 for the development of reading and comprehension skills of the
768 student;

769 (b) Readiness intervention programs, such as
770 kindergarten programs, extended school day or school year
771 programs, and program initiatives to reduce class size;

772 (c) Utilization of research-based teaching
773 methodologies or strategies for providing direct instruction in
774 phonics, vocabulary and comprehension development, including
775 systematic, intensive, explicit phonics, using decodable
776 vocabulary-controlled texts (texts in which ninety-five percent

777 (95%) of the words are decodable), as is determined appropriate by
778 the State Board of Education; and

779 (d) Professional development for assistant teachers,
780 teachers and administrators to assist students in implementing the
781 Reading Sufficiency Program.

782 (2) Pursuant to appropriation by the Legislature
783 specifically for such purpose, the State Department of Education
784 shall provide in-service training, computer software and certified
785 reading instructor personnel for training local school district
786 certificated personnel to assist students in implementing the
787 Reading Sufficiency Program required under this section.

788 (3) The State Board of Education, beginning on January 1,
789 1999, and annually on January 1 of each succeeding year, shall
790 develop a report on the implementation of the Reading Sufficiency
791 Program in each school district as required under this section,
792 which shall include an assessment of the acquisition of reading
793 skills by each student for the appropriate grade level in which
794 the student is enrolled.

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

797 37-13-41. Except for those in high performing school
798 districts, as defined under Section 1 of this act, all principals
799 and/or superintendents of public schools of Mississippi shall
800 report to their * * * superintendent of education upon forms
801 prepared and sent to the * * * superintendent of education by the
802 director of the division of instruction, giving the type and
803 amount of work done in each grade of their respective school, with
804 other information that may be desired by the director. The * * *
805 superintendents of education shall compile this information on
806 forms sent out by the director. This shall be made in duplicate,
807 one (1) copy to be sent to the director, and the other filed as
808 other public records are filed in the * * * superintendents'
809 offices. This report shall be made to the director by the * * *

810 superintendents of education not later than the first of June each
811 year.

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

814 37-13-89. (1) In each school district within the state,
815 except in high performing school districts as defined under
816 Section 1 of this act, there shall be employed the number of
817 school attendance officers determined by the Office of Compulsory
818 School Attendance Enforcement to be necessary to adequately
819 enforce the provisions of the Mississippi Compulsory School
820 Attendance Law; however, this number shall not exceed one hundred
821 fifty-three (153) school attendance officers at any time. From
822 and after July 1, 1998, all school attendance officers employed
823 pursuant to this section shall be employees of the State
824 Department of Education. The State Department of Education shall
825 employ all persons employed as school attendance officers by
826 district attorneys before July 1, 1998, and shall assign them to
827 school attendance responsibilities in the school district in which
828 they were employed before July 1, 1998. The first twelve (12)
829 months of employment for each school attendance officer shall be
830 the probationary period of state service.

831 (2) (a) The State Department of Education shall obtain
832 current criminal records background checks and current child abuse
833 registry checks on all persons applying for the position of school
834 attendance officer after July 2, 2002. The criminal records
835 information and registry checks must be kept on file for any new
836 hires. In order to determine an applicant's suitability for
837 employment as a school attendance officer, the applicant must be
838 fingerprinted. If no disqualifying record is identified at the
839 state level, the Department of Public Safety shall forward the
840 fingerprints to the Federal Bureau of Investigation (FBI) for a
841 national criminal history record check. The applicant shall pay
842 the fee, not to exceed Fifty Dollars (\$50.00), for the

843 fingerprinting and criminal records background check; however, the
844 State Department of Education, in its discretion, may pay the fee
845 for the fingerprinting and criminal records background check on
846 behalf of any applicant. Under no circumstances may a member of
847 the State Board of Education, employee of the State Department of
848 Education or any person other than the subject of the criminal
849 records background check disseminate information received through
850 any such checks except insofar as required to fulfill the purposes
851 of this subsection.

852 (b) If the fingerprinting or criminal records check
853 discloses a felony conviction, guilty plea or plea of nolo
854 contendere to a felony of possession or sale of drugs, murder,
855 manslaughter, armed robbery, rape, sexual battery, sex offense
856 listed in Section 45-33-23(g), child abuse, arson, grand larceny,
857 burglary, gratification of lust or aggravated assault which has
858 not been reversed on appeal or for which a pardon has not been
859 granted, the applicant is not eligible to be employed as a school
860 attendance officer. Any employment of an applicant pending the
861 results of the fingerprinting and criminal records check is
862 voidable if the new hire receives a disqualifying criminal records
863 check. However, the State Board of Education, in its discretion,
864 may allow an applicant aggrieved by an employment decision under
865 this subsection to appear before the board, or before a hearing
866 officer designated for that purpose, to show mitigating
867 circumstances that may exist and allow the new hire to be employed
868 as a school attendance officer. The State Board of Education may
869 grant waivers for mitigating circumstances, which may include, but
870 are not necessarily limited to: (i) age at which the crime was
871 committed; (ii) circumstances surrounding the crime; (iii) length
872 of time since the conviction and criminal history since the
873 conviction; (iv) work history; (v) current employment and
874 character references; and (vi) other evidence demonstrating the
875 ability of the person to perform the responsibilities of a school

876 attendance officer competently and that the person does not pose a
877 threat to the health or safety of children.

878 (c) A member of the State Board of Education or
879 employee of the State Department of Education may not be held
880 liable in any employment discrimination suit in which an
881 allegation of discrimination is made regarding an employment
882 decision authorized under this section.

883 (3) Each school attendance officer shall possess a college
884 degree with a major in a behavioral science or a related field or
885 shall have no less than three (3) years combined actual experience
886 as a school teacher, school administrator, law enforcement officer
887 possessing such degree, and/or social worker; however, these
888 requirements shall not apply to persons employed as school
889 attendance officers before January 1, 1987. School attendance
890 officers also shall satisfy any additional requirements that may
891 be established by the State Personnel Board for the position of
892 school attendance officer.

893 (4) It shall be the duty of each school attendance officer
894 to:

895 (a) Cooperate with any public agency to locate and
896 identify all compulsory-school-age children who are not attending
897 school;

898 (b) Cooperate with all courts of competent
899 jurisdiction;

900 (c) Investigate all cases of nonattendance and unlawful
901 absences by compulsory-school-age children not enrolled in a
902 nonpublic school;

903 (d) Provide appropriate counseling to encourage all
904 school-age children to attend school until they have completed
905 high school;

906 (e) Attempt to secure the provision of social or
907 welfare services that may be required to enable any child to
908 attend school;

909 (f) Contact the home or place of residence of a
910 compulsory-school-age child and any other place in which the
911 officer is likely to find any compulsory-school-age child when the
912 child is absent from school during school hours without a valid
913 written excuse from school officials, and when the child is found,
914 the officer shall notify the parents and school officials as to
915 where the child was physically located;

916 (g) Contact promptly the home of each
917 compulsory-school-age child in the school district within the
918 officer's jurisdiction who is not enrolled in school or is not in
919 attendance at public school and is without a valid written excuse
920 from school officials; if no valid reason is found for the
921 nonenrollment or absence from the school, the school attendance
922 officer shall give written notice to the parent, guardian or
923 custodian of the requirement for the child's enrollment or
924 attendance;

925 (h) Collect and maintain information concerning
926 absenteeism, dropouts and other attendance-related problems, as
927 may be required by law or the Office of Compulsory School
928 Attendance Enforcement; and

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

932 (5) While engaged in the performance of his duties, each
933 school attendance officer shall carry on his person a badge
934 identifying him as a school attendance officer under the Office of
935 Compulsory School Attendance Enforcement of the State Department
936 of Education and an identification card designed by the State
937 Superintendent of Public Education and issued by the school
938 attendance officer supervisor. Neither the badge nor the
939 identification card shall bear the name of any elected public
940 official.

941 (6) The State Personnel Board shall develop a salary scale
942 for school attendance officers as part of the variable
943 compensation plan. The various pay ranges of the salary scale
944 shall be based upon factors including, but not limited to,
945 education, professional certification and licensure, and number of
946 years of experience. School attendance officers shall be paid in
947 accordance with this salary scale. The minimum salaries under the
948 scale shall be no less than the following:

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

954	Years of Experience	Salary
955	0 - 4 years	\$19,650.00
956	5 - 8 years	21,550.00
957	9 - 12 years	23,070.00
958	13 - 16 years	24,590.00
959	Over 17 years	26,110.00

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

964	Years of Experience	Salary
965	0 - 4 years	\$20,650.00
966	5 - 8 years	22,950.00
967	9 - 12 years	24,790.00
968	13 - 16 years	26,630.00
969	17 - 20 years	28,470.00
970	Over 21 years	30,310.00

971 (c) For school attendance officers holding a master's
972 degree in a behavioral science or a related field, the annual
973 salary shall be based on years of experience as a school

974 attendance officer or related field of service or employment, no
975 less than as follows:

976	Years of Experience	Salary
977	0 - 4 years	\$21,450.00
978	5 - 8 years	24,000.00
979	9 - 12 years	26,040.00
980	13 - 16 years	28,080.00
981	17 - 20 years	30,120.00
982	Over 21 years	32,160.00

983 (7) (a) Each school attendance officer employed by a
984 district attorney on June 30, 1998, who became an employee of the
985 State Department of Education on July 1, 1998, shall be awarded
986 credit for personal leave and major medical leave for his
987 continuous service as a school attendance officer under the
988 district attorney, and if applicable, the youth or family court or
989 a state agency. The credit for personal leave shall be in an
990 amount equal to one-third (1/3) of the maximum personal leave the
991 school attendance officer could have accumulated had he been
992 credited with such leave under Section 25-3-93 during his
993 employment with the district attorney, and if applicable, the
994 youth or family court or a state agency. The credit for major
995 medical leave shall be in an amount equal to one-half (1/2) of the
996 maximum major medical leave the school attendance officer could
997 have accumulated had he been credited with such leave under
998 Section 25-3-95 during his employment with the district attorney,
999 and if applicable, the youth or family court or a state agency.
1000 However, if a district attorney who employed a school attendance
1001 officer on June 30, 1998, certifies, in writing, to the State
1002 Department of Education that the school attendance officer had
1003 accumulated, pursuant to a personal leave policy or major medical
1004 leave policy lawfully adopted by the district attorney, a number
1005 of days of unused personal leave or major medical leave, or both,
1006 which is greater than the number of days to which the school

1007 attendance officer is entitled under this paragraph, the State
1008 Department of Education shall authorize the school attendance
1009 officer to retain the actual unused personal leave or major
1010 medical leave, or both, certified by the district attorney,
1011 subject to the maximum amount of personal leave and major medical
1012 leave the school attendance officer could have accumulated had he
1013 been credited with such leave under Sections 25-3-93 and 25-3-95.

1014 (b) For the purpose of determining the accrual rate for
1015 personal leave under Section 25-3-93 and major medical leave under
1016 Section 25-3-95, the State Department of Education shall give
1017 consideration to all continuous service rendered by a school
1018 attendance officer before July 1, 1998, in addition to the service
1019 rendered by the school attendance officer as an employee of the
1020 department.

1021 (c) In order for a school attendance officer to be
1022 awarded credit for personal leave and major medical leave or to
1023 retain the actual unused personal leave and major medical leave
1024 accumulated by him before July 1, 1998, the district attorney who
1025 employed the school attendance officer must certify, in writing,
1026 to the State Department of Education the hire date of the school
1027 attendance officer. For each school attendance officer employed
1028 by the youth or family court or a state agency before being
1029 designated an employee of the district attorney who has not had a
1030 break in continuous service, the hire date shall be the date that
1031 the school attendance officer was hired by the youth or family
1032 court or state agency. The department shall prescribe the date by
1033 which the certification must be received by the department and
1034 shall provide written notice to all district attorneys of the
1035 certification requirement and the date by which the certification
1036 must be received.

1037 (8) (a) School attendance officers shall maintain regular
1038 office hours on a year-round basis; however, during the school
1039 term, on those days that teachers in all of the school districts

1040 served by a school attendance officer are not required to report
1041 to work, the school attendance officer also shall not be required
1042 to report to work. (For purposes of this subsection, a school
1043 district's school term is that period of time identified as the
1044 school term in contracts entered into by the district with
1045 licensed personnel.) A school attendance officer shall be
1046 required to report to work on any day recognized as an official
1047 state holiday if teachers in any school district served by that
1048 school attendance officer are required to report to work on that
1049 day, regardless of the school attendance officer's status as an
1050 employee of the State Department of Education, and compensatory
1051 leave may not be awarded to the school attendance officer for
1052 working during that day. However, a school attendance officer may
1053 be allowed by the school attendance officer's supervisor to use
1054 earned leave on such days.

1055 (b) The State Department of Education annually shall
1056 designate a period of two (2) consecutive weeks in the summer
1057 between school years during which school attendance officers shall
1058 not be required to report to work. A school attendance officer
1059 who elects to work at any time during that period may not be
1060 awarded compensatory leave for such work and may not opt to be
1061 absent from work at any time other than during the two (2) weeks
1062 designated by the department unless the school attendance officer
1063 uses personal leave or major medical leave accrued under Section
1064 25-3-93 or 25-3-95 for such absence.

1065 (9) The State Department of Education shall provide all
1066 continuing education and training courses that school attendance
1067 officers are required to complete under state law or rules and
1068 regulations of the department.

1069 **SECTION 8.** Section 37-43-31, Mississippi Code of 1972, is
1070 amended as follows:

1071 37-43-31. (1) The State Board of Education shall adopt and
1072 furnish textbooks only for use in those courses set up in the

1073 state course of study as recommended by the State Accreditation
1074 Commission and adopted by such board, or courses established by
1075 acts of the Legislature. In all subjects the board, in its
1076 discretion, may adopt textbooks and/or series from those
1077 recommended by the textbook rating committees. The board may
1078 adopt a plan which permits the local school districts to choose
1079 the book or books to be requisitioned from those adopted,
1080 provided:

1081 (a) That, when a book is furnished by the state, it
1082 shall remain in use during the period of its adoption;

1083 (b) That the average per pupil cost of textbooks so
1084 furnished any unit shall not exceed that allowed for all other
1085 units in the state;

1086 (c) That nothing herein provided shall be construed as
1087 giving any school the authority to discard or replace usable
1088 copies of textbooks now being furnished by the state;

1089 (d) That the State Department of Education is
1090 authorized to disburse the annual textbook appropriation directly
1091 to the public school districts in accordance with Section
1092 37-43-31(1)(b). The textbooks procured through this chapter, as
1093 well as textbooks which are on hand on June 30, 1994, which were
1094 previously purchased through the provisions of this statute, shall
1095 become the property of the public school district which purchased
1096 them, unless the State Department of Education authorizes the
1097 transfer of unneeded textbooks to another location in accordance
1098 with rules and regulations promulgated by the State Board of
1099 Education;

1100 (e) That textbooks which are on loan to other than
1101 public schools as referenced in Section 37-43-1, shall remain the
1102 property of the State of Mississippi. All requisitions for
1103 textbooks from these schools shall be submitted to the State
1104 Department to be processed and subsequently shipped to the
1105 requesting school. No funds shall be disbursed directly from the

1106 State Department of Education to the schools in this category for
1107 the purpose of procuring textbooks; and

1108 (f) That funds made available through this chapter may
1109 be used to purchase any state-adopted or non-adopted textbook from
1110 any state depository, directly from the publisher, or in
1111 accordance with the provisions of Sections 37-43-21(5) and
1112 37-43-31(3). For purchases made directly from the publisher, the
1113 public school district, or the State Department of Education when
1114 purchasing for other than public schools, shall not pay a higher
1115 price for a textbook than that listed on the current state-adopted
1116 list.

1117 (2) Whenever any book under contract is displaced by a new
1118 adoption, the board may continue to require the schools to use the
1119 recently purchased books from any previous adoption; however, such
1120 period of use shall not exceed four (4) years.

1121 (3) If five (5) or more school boards petition the State
1122 Board of Education to add a book, or a series of books, to the
1123 approved list of state adoptions in a given subject area, then the
1124 State Superintendent of Public Education shall have sixty (60)
1125 days to show cause to the State Board of Education why the books
1126 in question should or should not be purchased with state funds. If
1127 the petition is not acted upon within the sixty-day period, the
1128 petition shall be deemed to be approved. Once a textbook has been
1129 approved through the petition process, any public school district
1130 or eligible other school may procure the said textbook utilizing
1131 funds appropriated through this chapter.

1132 (4) If new and innovative textbooks that would improve a
1133 particular course of study become available between adoption
1134 cycles, a school board may petition the State Board of Education
1135 for permission to purchase these books out of sequence to be paid
1136 for with state textbook funds.

1137 (5) The State Board of Education shall not allow previously
1138 rejected textbooks to be used if such textbooks were rejected for
1139 any of the following reasons:

1140 (a) Obscene, lewd, sexist or vulgar material;

1141 (b) Advocating prejudicial behavior or actions; or

1142 (c) Encouraging acts determined to be anti-social or
1143 derogatory to any race, sex or religion.

1144 (6) All books or series of books adopted under the petition
1145 procedures of this act shall be purchased under the provisions for
1146 bidding, pricing and distribution as prescribed in Section
1147 37-43-23.

1148 (7) Petition procedure books or series of books adopted
1149 under this section shall be considered only until the date of the
1150 next regular adoption series in the applicable subject area.
1151 Petition procedure books shall be submitted for formal adoption at
1152 the next applicable regular textbook adoption as prescribed under
1153 the provisions of Chapter 43, Title 37, Mississippi Code of 1972;
1154 otherwise, such books adopted under the petition procedures which
1155 do not receive formal adoption approval as recommended by the
1156 textbook rating committee shall be dropped from the state textbook
1157 petition adoption list. Provided, however, this provision shall
1158 in no way prohibit a school district from using other funds,
1159 federal or local, for the purchase of such books.

1160 (8) A high performing school district, as defined under
1161 Section 1 of this act, is not required to participate in the
1162 selection of textbooks process set forth in this section.

1163 **SECTION 9.** Section 37-151-23, Mississippi Code of 1972, is
1164 amended as follows:

1165 37-151-23. There is * * * created in the State Treasury a
1166 special fund to be designated the "State Public School Education
1167 Technology Fund." Any unexpended balance in the fund at the end
1168 of the fiscal year shall carry over into the subsequent fiscal
1169 year and shall not lapse into the State General Fund. School

1170 districts shall be required to submit a plan for the use of such
1171 funds for education technology to the State Board of Education.
1172 The State Board of Education, consistent with policies adopted
1173 pursuant to recommendations of the council, shall allocate funds
1174 provided from appropriation by the Legislature into the State
1175 Public School Education Technology Fund, to school districts based
1176 on the approved education technology plan, which demonstrates need
1177 consistent with the district's existing technology, for the
1178 purchase or lease of education technology for the schools. A high
1179 performing school district, as defined under Section 1 of this
1180 act, may be awarded grants regardless of the student demographics
1181 within the district. The State Board of Education may apply the
1182 funds to matching grants from federal or private sources to
1183 generate additional funds for the purchase or lease of education
1184 technology for the schools.

1185 **SECTION 10.** This act shall take effect and be in force from
1186 and after July 1, 2006.