

By: Senator(s) Simmons

To: Education;
Appropriations

SENATE BILL NO. 2119

1 AN ACT TO ESTABLISH A MOTIVATING PARENTS AND CHILDREN (MPAC)
2 PILOT PROGRAM WITHIN THE STATE DEPARTMENT OF EDUCATION FOR THE
3 PURPOSE OF MAKING GRANTS TO SCHOOL DISTRICTS THAT PROVIDE PARENTAL
4 INVOLVEMENT SERVICES TO FAMILIES OF COMPULSORY-SCHOOL-AGE CHILDREN
5 RESIDING IN SUCH SCHOOL DISTRICT; TO SET FORTH THE PURPOSES OF THE
6 MPAC PILOT PROGRAM; TO AUTHORIZE THE STATE DEPARTMENT OF EDUCATION
7 TO DEVELOP AND IMPLEMENT THE MPAC PILOT PROGRAM; TO PRESCRIBE THE
8 BASIC COMPONENTS OF SERVICES TO BE OFFERED BY SCHOOL DISTRICTS
9 UNDER THE MPAC PILOT PROGRAM; TO PROVIDE AN APPLICATION AND
10 SELECTION PROCEDURE FOR SCHOOL DISTRICTS PARTICIPATING IN THE MPAC
11 PILOT PROGRAM; TO AMEND SECTION 37-11-53, MISSISSIPPI CODE OF
12 1972, TO REQUIRE PARENTS TO ATTEND CONFERENCES AND OTHER FUNCTIONS
13 OF SCHOOL DISTRICTS PARTICIPATING IN THE MPAC PILOT PROGRAM; TO
14 AMEND SECTION 63-1-10, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT
15 CHILDREN UNDER 18 RESIDING IN SCHOOL DISTRICTS PARTICIPATING IN
16 THE MPAC PILOT PROGRAM WHO WITHDRAW FROM SCHOOL MAY HAVE THEIR
17 DRIVER'S LICENSE SUSPENDED; TO AMEND SECTION 63-1-46, MISSISSIPPI
18 CODE OF 1972, TO EXEMPT SUCH MINORS FROM LICENSE REINSTATEMENT
19 FEES; TO AMEND SECTION 63-1-53, MISSISSIPPI CODE OF 1972, IN
20 CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

22 **SECTION 1.** (1) The Legislature finds that:

23 (a) Students who exhibit serious behavior problems in
24 school become juvenile and adult offenders;

25 (b) A major contributing factor to this problem is a
26 lack of positive parental involvement with both their children and
27 school personnel;

28 (c) Growing numbers of children live in conditions that
29 place them at risk of school failure;

30 (d) The provision of school and support services to
31 these children and their families by public and nonprofit agencies
32 is fragmented and does not prepare these children to learn
33 effectively and have a successful school experience;

34 (e) The lack of collaboration among schools, families,
35 local agencies and other groups involved in family support and

36 youth development activities results in the inefficient and
37 ineffective use of resources to meet the needs of these children;

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

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

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

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

56 (2) There is hereby established within the State Department
57 of Education the Motivating Parents and Children (MPAC) pilot
58 program. The purpose of the program is (a) to provide grants to
59 certain local school districts for innovative local programs that
60 target juvenile crime by coordinating school and support services
61 to children-at-risk and their families with required parental
62 involvement; (b) enhance educational attainment through
63 coordinated services to respond to the needs of students who are
64 at risk of school failure and at risk of participation in juvenile
65 crime; and (c) provide a safe and secure learning environment.

66 (3) The Motivating Parents and Children (MPAC) pilot program
67 described in this section shall be conducted in six (6) school
68 districts selected by the State Superintendent of Education with

69 the approval of the State Board of Education, which school
70 districts shall represent the different geographical areas,
71 population levels and economic levels of the state. Three (3)
72 districts shall be selected from urban areas of the state and
73 three (3) districts shall be selected from rural areas of the
74 state. The department shall give preference to school districts
75 that express a desire to participate in the pilot program. The
76 program shall apply to all compulsory-school-age children residing
77 in the pilot school districts and their custodial and noncustodial
78 parents or legal guardians.

79 (4) The State Department of Education shall develop policies
80 and procedures to administer the Motivating Parents and Children
81 (MPAC) pilot program.

82 (5) The selected pilot school districts shall implement the
83 MPAC program, and in doing so shall:

84 (a) Employ a District MPAC Program Coordinator who will
85 be responsible for planning and coordinating activities for
86 parents of school children, and the delivery of integrated and
87 comprehensive services to children and their families.

88 (b) Employ three (3) licensed social workers and three
89 (3) certified guidance counselors, one (1) each to be assigned to
90 the high schools, middle schools and elementary schools within the
91 district who will work in conjunction to assist families in
92 resolving social and other problems that may impact the child's
93 school performance.

94 (c) Develop and implement a program of family support
95 services that is school-based and/or school-linked designed
96 according to the Communities In Schools (CIS) model. The CIS
97 model is a well-known national dropout prevention model that has
98 developed effective and proven step-by-step guidelines that can be
99 used to increase parent and community involvement. The MPAC
100 program services provided shall include a community advisory
101 board, private/public partnerships, an assessment of community

102 needs, co-location of services, repositioned staff, parenting
103 classes that would include parent-child activities, and a
104 structured plan for referrals and evaluation. The MPAC pilot
105 program may also provide after-school care, adult literacy
106 programs, early childhood education for children in high-risk
107 populations, alternate learning programs, peer mediation and
108 conflict resolution activities.

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

127 (e) Require a parent or guardian to spend a day in
128 school with his child after violation of a major rule. Such
129 action would be taken when the rule violated is major but not
130 serious enough to warrant expulsion in order to invite parental
131 intervention before a child is suspended or expelled. The parent
132 or guardian may be required either to attend class with his child
133 for a full day or to attend parenting classes offered at alternate
134 times to accommodate the parent's or guardian's work schedules and

135 transportation issues. Failure to attend one (1) of the options
136 will result in suspension of the child.

137 (f) Create an incentive program for children whose
138 parent or guardian attends meetings of PTA/PTO's, parenting
139 classes, and volunteers a minimum of ten (10) hours in the
140 classroom. Examples of an incentive program are: (i) the
141 issuance of an activity card that grants the child full admission
142 to all school-sponsored activities such as football and basketball
143 games; and (ii) exemption from certain classroom or laboratory
144 fees as determined feasible by the local school board.

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

148 (h) Create a summer employability skills/on-the-job
149 training (OJT) fund, utilizing TANF and other federal
150 welfare-to-work program funds. These funds may be expended by
151 local school boards to provide job opportunities for juniors and
152 seniors in high school. Employers and nonprofit organizations who
153 participate in "Adopt-a-School" programs may qualify to employ
154 such students during the summer. Wages up to Seven Dollars
155 (\$7.00) per hour will be paid from the fund to eligible students
156 who work for the employers or nonprofit organizations who are
157 committed to participating in the "Adopt-a-School" program within
158 the next school year.

159 (i) Require the pilot school districts to conduct a
160 family needs assessment (FNA) using social workers and licensed
161 counselors once every three (3) years. The assessment should be
162 coordinated with other community organizations such as Head Start
163 to encourage collaboration and lessen duplication.

164 (6) (a) A local school district may apply for a Motivating
165 Parents and Children (MPAC) pilot program grant, and up to three
166 (3) adjacent local school districts may apply jointly for a grant.

167 (b) The application shall include the following
168 information:

169 (i) Data on the incidence of juvenile crime in the
170 geographical area to be served by the grant. Sources of data may
171 include the youth court in the county, the district attorney and
172 local law enforcement officials.

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

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

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

194 In selecting grant recipients, the State Board of Education
195 shall consider (a) the recommendations of the superintendent, (b)
196 the geographic location of the applicants, and (c) the demographic
197 profile of the applicants. After considering these factors, the
198 State Board of Education shall give priority to grant applications
199 that will serve areas that have a high incidence of juvenile crime

200 to serve as models for other communities. The State Board of
201 Education shall select the grant recipients prior to July 1, 2007,
202 for local programs that will be in operation at the beginning of
203 the 2007-2008 school year, and prior to July 1 and thereafter for
204 the appropriate school year.

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

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

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

220 (10) The Department of Education shall develop and implement
221 an evaluation system, under the direction of the State Board of
222 Education, that will assess the efficiency and effectiveness of
223 the MPAC program.

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

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

229 37-11-53. (1) A copy of the school district's discipline
230 plan shall be distributed to each student enrolled in the
231 district, and the parents, guardian or custodian of such student
232 shall sign a statement verifying that they have been given notice

233 of the discipline policies of their respective school district.
234 The school board shall have its official discipline plan and code
235 of student conduct legally audited on an annual basis to insure
236 that its policies and procedures are currently in compliance with
237 applicable statutes, case law and state and federal constitutional
238 provisions. As part of the first legal audit occurring after July
239 1, 2001, the provisions of this section, Section 37-11-55 and
240 Section 37-11-18.1 shall be fully incorporated into the school
241 district's discipline plan and code of student conduct.

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

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

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

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

264 (d) A parent, guardian or custodian of a
265 compulsory-school-age child enrolled in a public school district

266 shall be responsible for any criminal fines brought against such
267 student for unlawful activity occurring on school grounds or
268 buses; and

269 (e) A parent, guardian or custodian of a
270 compulsory-school-age child enrolled in a public school in a
271 school district participating in a Motivating Parents and Children
272 (MPAC) grant program as provided in Senate Bill No. 2119, 2007
273 Regular Session, who has been summoned by proper notification by
274 an appropriate school official to attend a conference, school
275 meeting, after-school meeting or class regarding the acts of such
276 child or parent specified under said program shall be required
277 under this provision to attend such conference, school meeting,
278 after-school meeting or class, provided that scheduling is
279 sensitive to the parent's work hours and transportation needs.

280 (3) Any parent, guardian or custodian of a
281 compulsory-school-age child who (a) fails to attend a discipline
282 conference to which such parent, guardian or custodian has been
283 summoned under the provisions of this section, or (b) refuses or
284 willfully fails to perform any other duties imposed upon him or
285 her under the provisions of this section, shall first be given the
286 opportunity to enroll in a series of parenting classes consisting
287 of not less than twenty (20) hours of instruction as developed by
288 the MPAC Program Coordinator and appropriate to the age of the
289 parent's child. If the parent does not attend the series of
290 classes, he shall be guilty of a misdemeanor and, upon conviction,
291 shall be fined not to exceed Two Hundred Fifty Dollars (\$250.00).

292 (4) Any public school district shall be entitled to recover
293 damages in an amount not to exceed Twenty Thousand Dollars
294 (\$20,000.00), plus necessary court costs, from the parents of any
295 minor under the age of eighteen (18) years and over the age of six
296 (6) years, who maliciously and willfully damages or destroys
297 property belonging to such school district. However, this section
298 shall not apply to parents whose parental control of such child

299 has been removed by court order or decree. The action authorized
300 in this section shall be in addition to all other actions which
301 the school district is entitled to maintain and nothing in this
302 section shall preclude recovery in a greater amount from the minor
303 or from a person, including the parents, for damages to which such
304 minor or other person would otherwise be liable.

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

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

317 63-1-10. (1) Any applicant for a license under eighteen
318 (18) years of age must submit with the application documentation
319 from the appropriate authority that the applicant is in compliance
320 with Section 63-1-9(1)(g). The appropriate authority shall be the
321 school principal of a public or private school, or his designee,
322 or, in the case of a home study program, the parent, or the adult
323 education supervisor of the General Education Development Program,
324 or his designee. Documentation of the applicant's enrollment
325 status shall be on a form designed by the Department of Education
326 as approved by the Department of Public Safety in a manner that
327 insures the authenticity of the form and any information or
328 signature contained thereon. Any student who is eligible to apply
329 for a license and who is properly enrolled in a school under the
330 jurisdiction of the authority is entitled to receive the
331 documentation for presentation to the Department of Public Safety

332 to accompany the application. The forms required under this
333 section to provide documentation shall be made available to public
334 schools, private schools approved by the State Board of Elementary
335 and Secondary Education, and adult education supervisors at school
336 board offices and shall be made available to others through the
337 Department of Public Safety.

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

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

358 (4) Whenever a licensee under the age of eighteen (18) who
359 resides in a school district participating in the Motivating
360 Parents and Children (MPAC) program provided under Senate Bill No.
361 2119, 2007 Regular Session, and who has not attained a diploma or
362 other certificate of graduation as prescribed in Section
363 63-1-19(2), withdraws or is suspended from his educational
364 instruction, the attendance counselor, social worker, parent,

365 guardian or school administrator designated by the State Board of
366 Education to verify the applicant's educational status under the
367 provisions of said program may, in his discretion, immediately
368 notify the Department of Public Safety of such withdrawal or
369 suspension. Within five (5) days of receipt of such notice, the
370 Department of Public Safety shall send notice to the licensee that
371 the license shall automatically be suspended for one (1) year
372 under the provisions of Section 63-1-53 on the thirtieth day
373 following the date the notice was sent unless documentation of
374 compliance with the provisions of subsection (2) of this section
375 is received by the department before such time. For the purposes
376 of this subsection, withdrawal shall be defined as more than ten
377 (10) consecutive unexcused and unlawful absences during a single
378 semester for school-age applicants under the age of eighteen (18)
379 attending school.

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

382 63-1-46. (1) A fee of Twenty-five Dollars (\$25.00) shall be
383 charged for the reinstatement of a license issued pursuant to this
384 article to every person whose license has been validly suspended,
385 revoked or cancelled, except those persons whose licenses were
386 suspended under Section 63-1-53(1)(k). This fee shall be in
387 addition to the fee provided for in Section 63-1-43, Mississippi
388 Code of 1972.

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

392 (3) In addition to the fee provided for in subsection (1) of
393 this section, an additional fee of Seventy-five Dollars (\$75.00)
394 shall be charged for the reinstatement of a license issued
395 pursuant to this article to every person whose license has been
396 suspended or revoked under the provisions of the Mississippi
397 Implied Consent Law or as a result of a conviction of a violation

398 of the Uniform Controlled Substances Law under the provisions of
399 Section 63-1-71.

400 (4) The funds received under the provisions of subsection
401 (3) of this section shall be placed in a special fund hereby
402 created in the State Treasury. Monies in such special fund may be
403 expended solely to contribute to the Disability and Relief Fund
404 for members of the Mississippi Highway Safety Patrol such amounts
405 as are necessary to make sworn agents of the Mississippi Bureau of
406 Narcotics who were employed by such bureau prior to December 1,
407 1990, and who were subsequently employed as enforcement troopers
408 by the Department of Public Safety, full members of the retirement
409 system for the Mississippi Highway Safety Patrol with full credit
410 for the time they were employed as sworn agents for the
411 Mississippi Bureau of Narcotics. The Board of Trustees of the
412 Public Employees' Retirement System shall certify to the State
413 Treasurer the amounts necessary for the purposes described above.
414 The State Treasurer shall monthly transfer from the special fund
415 created pursuant to this subsection the amounts deposited in such
416 special fund to the Disability and Relief Fund for members of the
417 Mississippi Highway Safety Patrol until such time as the certified
418 amount has been transferred. At such time as the certified amount
419 has been transferred, the State Treasurer shall transfer any funds
420 remaining in the special fund created pursuant to this subsection
421 to the State General Fund and shall then dissolve such special
422 fund. This subsection (4) shall stand repealed at such time when
423 the State Treasurer transfers funds and dissolves the special fund
424 account in accordance with the provisions of this subsection.

425 (5) The procedure for the reinstatement of a license issued
426 pursuant to this article that has been suspended for being out of
427 compliance with an order for support, as defined in Section
428 93-11-153, and the payment of any fees for the reinstatement of a
429 license suspended for that purpose, shall be governed by Section
430 93-11-157 or 93-11-163, as the case may be.

431 **SECTION 5.** Section 63-1-53, Mississippi Code of 1972, is
432 amended as follows:

433 63-1-53. (1) Upon failure of any person to respond timely
434 and properly to a summons or citation charging such person with
435 any violation of this title, or upon failure of any person to pay
436 timely any fine, fee or assessment levied as a result of any
437 violation of this title, the clerk of the court shall give written
438 notice to such person by United States first class mail at his
439 last known address advising such person that if within ten (10)
440 days after such notice is deposited in the mail the person has not
441 properly responded to the summons or citation or has not paid the
442 entire amount of all fines, fees and assessments levied, then the
443 court will give notice thereof to the Commissioner of Public
444 Safety and the commissioner may suspend the driver's license of
445 such person. The actual cost incurred by the court in the giving
446 of such notice may be added to any other court costs assessed in
447 such case. If within ten (10) days after the notice is given in
448 accordance with this subsection such person has not satisfactorily
449 disposed of the matter pending before the court, then the clerk of
450 the court immediately shall mail a copy of the abstract of the
451 court record, along with a certified copy of the notice given
452 under this subsection, to the Commissioner of Public Safety, and
453 the commissioner may suspend the driver's license of such person
454 as authorized under subsections (2) and (3) of this section.

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

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

461 (b) Has been involved as a driver in any accident
462 resulting in the death or personal injury of another or serious
463 property damage;

464 (c) Is an habitually reckless or negligent driver of a
465 motor vehicle;

466 (d) Has been convicted with such frequency of serious
467 offenses against traffic regulations governing the movement of
468 vehicles as to indicate a disrespect for traffic laws and a
469 disregard for the safety of other persons on the highways;

470 (e) Is incompetent to drive a motor vehicle;

471 (f) Has permitted an unlawful or fraudulent use of such
472 license;

473 (g) Has committed an offense in another state which if
474 committed in this state would be grounds for suspension or
475 revocation;

476 (h) Has failed to pay any fine, fee or other assessment
477 levied as a result of any violation of this title;

478 (i) Has failed to respond to a summons or citation
479 which charged a violation of this title; * * *

480 (j) Has committed a violation for which mandatory
481 revocation of license is required upon conviction, entering a plea
482 of nolo contendere to, or adjudication of delinquency, pursuant to
483 the provisions of subsection (1) of Section 63-1-71; or

484 (k) Is under the age of eighteen (18) and has withdrawn
485 or been suspended from his educational instruction program
486 pursuant to the provisions of Section 63-1-10(4).

487 (3) Notice that a person's license is suspended or will be
488 suspended under subsection (2) of this section shall be given by
489 the commissioner in the manner and at the time provided for under
490 Section 63-1-52, and upon such person's request, he shall be
491 afforded an opportunity for a hearing as early as practical within
492 not to exceed twenty (20) days after receipt of such request in
493 the county wherein the licensee resides unless the department and
494 the licensee agree that such hearing may be held in some other
495 county. Upon such hearing the commissioner, or his duly
496 authorized agent, may administer oaths and may issue subpoenas for

497 the attendance of witnesses and the production of relevant books
498 and papers and may require a reexamination of the licensee. Upon
499 such hearing the commissioner shall either rescind any order of
500 suspension or, good cause appearing therefor, may extend any
501 suspension of such license or revoke such license.

502 **SECTION 6.** This act shall take effect and be in force from
503 and after July 1, 2007.