

By: Representative Wilson

To: Education

HOUSE BILL NO. 1154

1 AN ACT TO AMEND SECTION 37-17-12, MISSISSIPPI CODE OF 1972,
 2 TO EXEMPT SCHOOL DISTRICTS WITH "A" AND "B" ACCOUNTABILITY
 3 RATINGS, AS DEFINED BY THE STATE BOARD OF EDUCATION, FROM
 4 PERFORMING CERTAIN DUTIES IMPOSED ON SCHOOL DISTRICTS; TO AMEND
 5 SECTION 37-1-3, MISSISSIPPI CODE OF 1972, TO REQUIRE THE STATE
 6 BOARD OF EDUCATION TO DEVELOP A GRANT PROGRAM EXCLUSIVELY FOR
 7 SCHOOL DISTRICTS WITH "A" AND "B" ACCOUNTABILITY RATINGS TO
 8 RECEIVE FUNDS FOR THE IMPLEMENTATION OF INNOVATIVE EDUCATIONAL
 9 PROGRAMS; TO AMEND SECTIONS 37-3-2, 37-11-53, 37-13-41 AND
 10 37-43-31, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE
 11 PROVISIONS OF THIS ACT; TO AMEND SECTION 37-13-89, MISSISSIPPI
 12 CODE OF 1972, TO REQUIRE SCHOOL ATTENDANCE OFFICERS TO VISIT THE
 13 HOME OR PLACE OF RESIDENCE OF A COMPULSORY-SCHOOL-AGE CHILD WITHIN
 14 72 HOURS OF AN UNEXCUSED ABSENCE FOR CONSULTATION WITH THE PARENT
 15 OR LEGAL GUARDIAN OF THAT CHILD; TO AMEND SECTION 37-15-39,
 16 MISSISSIPPI CODE OF 1972, TO CLARIFY THE REQUIREMENT FOR ADVANCED
 17 PLACEMENT (AP) CLASS TEACHER RECERTIFICATION; AND FOR RELATED
 18 PURPOSES.

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

20 **SECTION 1.** Section 37-17-12, Mississippi Code of 1972, is
 21 amended as follows:

22 37-17-12. (1) * * * Except as otherwise provided by law,
 23 school districts with "A" and "B" accountability ratings, as
 24 defined by the State Board of Education, are exempt from certain
 25 statutes applicable to public schools and school districts and the
 26 rules, regulations, policies and procedures of the State Board of



27 Education. School districts with "A" and "B" accountability
28 ratings and the licensed employees of those districts are exempt
29 from the following requirements:

30 (a) Reporting student grades to the State Department of
31 Education;

32 (b) Having the school district's official discipline
33 plan and code of student conduct legally audited on an annual
34 basis, as required under Section 37-11-53;

35 (c) Submitting reports regarding the type and amount of
36 work done in each grade of their respective school to the
37 superintendent of the school district, as required in Section
38 37-13-41;

39 (d) Participating in the process of selecting textbooks
40 by the State Board of Education, as prescribed in Section
41 37-43-31;

42 (e) Completing surveys from the State Department of
43 Education; and

44 (f) Fulfilling continuing education unit requirements
45 for teacher license renewal, as prescribed in Section 37-3-2.

46 (2) Except as otherwise provided by law, school districts
47 with "A" and "B" accountability ratings may provide for the
48 following:

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



51 (b) Certain incentives for eligible teachers, such as
52 forgiveness of state student educational loans, housing assistance
53 and moving expenses in the same manner as provided for in the
54 Critical Needs Teacher Shortage Act.

55 (* * *3) (a) * * * Principals and administrators with
56 career level certifications at schools with the highest levels of
57 accreditation standards, as defined by the State Board of
58 Education, shall be exempted from the provisions pursuant to
59 Section 37-3-4, subject to approval of the local superintendent.

60 (b) * * * School districts meeting the highest levels
61 of accreditation standards, as defined by the State Board of
62 Education, shall be exempted from the provisions pursuant to
63 Sections 37-3-46, 37-3-49(2), 37-7-337, 37-17-8 and 37-21-7(4).

64 (* * *4) The State Department of Education shall develop a
65 policy to determine reevaluation of exemption status.

66 * * *

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

69 37-1-3. (1) The State Board of Education shall adopt rules
70 and regulations and set standards and policies for the
71 organization, operation, management, planning, budgeting and
72 programs of the State Department of Education.

73 (a) The board is directed to identify all functions of
74 the department that contribute to or comprise a part of the state
75 system of educational accountability and to establish and maintain



76 within the department the necessary organizational structure,
77 policies and procedures for effectively coordinating such
78 functions. Such policies and procedures shall clearly fix and
79 delineate responsibilities for various aspects of the system and
80 for overall coordination of the total system and its effective
81 management.

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

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

88 (d) The board shall establish and maintain a central
89 budget policy.

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

93 (f) The board, with recommendations from the
94 superintendent, shall design and maintain a five-year plan and
95 program for educational improvement that shall set forth
96 objectives for system performance and development and be the basis
97 for budget requests and legislative initiatives.

98 (g) The board shall develop a grant program exclusively
99 for school districts with "A" and "B" accountability ratings, as



100 defined by the board, to receive funds for the implementation of
101 innovative educational programs.

102 (2) (a) The State Board of Education shall adopt and
103 maintain a curriculum and a course of study to be used in the
104 public school districts that is designed to prepare the state's
105 children and youth to be productive, informed, creative citizens,
106 workers and leaders, and it shall regulate all matters arising in
107 the practical administration of the school system not otherwise
108 provided for.

109 (b) * * * The State Board of Education shall develop
110 personal living and finances objectives that focus on money
111 management skills for individuals and families for appropriate,
112 existing courses at the secondary level. The objectives must
113 require the teaching of those skills necessary to handle personal
114 business and finances and must include instruction in the
115 following:

- 116 (i) Opening a bank account and assessing the
117 quality of a bank's services;
- 118 (ii) Balancing a checkbook;
- 119 (iii) Managing debt, including retail and credit
120 card debt;
- 121 (iv) Completing a loan application;
- 122 (v) The implications of an inheritance;
- 123 (vi) The basics of personal insurance policies;
- 124 (vii) Consumer rights and responsibilities;



- 125 (viii) Dealing with salesmen and merchants;
126 (ix) Computing state and federal income taxes;
127 (x) Local tax assessments;
128 (xi) Computing interest rates by various
129 mechanisms;
130 (xii) Understanding simple contracts; and
131 (xiii) Contesting an incorrect billing statement.

132 (3) The State Board of Education shall have authority to
133 expend any available federal funds, or any other funds expressly
134 designated, to pay training, educational expenses, salary
135 incentives and salary supplements to licensed teachers employed in
136 local school districts or schools administered by the State Board
137 of Education. Such incentive payments shall not be considered
138 part of a school district's local supplement as defined in Section
139 37-151-5(o), nor shall the incentives be considered part of the
140 local supplement paid to an individual teacher for the purposes of
141 Section 37-19-7(1). MAEP funds or any other state funds shall not
142 be used to provide such incentives unless specifically authorized
143 by law.

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

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

148 37-3-2. (1) There is established within the State
149 Department of Education the Commission on Teacher and



150 Administrator Education, Certification and Licensure and
151 Development. It shall be the purpose and duty of the commission
152 to make recommendations to the State Board of Education regarding
153 standards for the certification and licensure and continuing
154 professional development of those who teach or perform tasks of an
155 educational nature in the public schools of Mississippi.

156 (2) The commission shall be composed of fifteen (15)
157 qualified members. The membership of the commission shall be
158 composed of the following members to be appointed, three (3) from
159 each congressional district: four (4) classroom teachers; three
160 (3) school administrators; one (1) representative of schools of
161 education of institutions of higher learning located within the
162 state to be recommended by the Board of Trustees of State
163 Institutions of Higher Learning; one (1) representative from the
164 schools of education of independent institutions of higher
165 learning to be recommended by the Board of the Mississippi
166 Association of Independent Colleges; one (1) representative from
167 public community and junior colleges located within the state to
168 be recommended by the Mississippi Community College Board; one (1)
169 local school board member; and four (4) laypersons. All
170 appointments shall be made by the State Board of Education after
171 consultation with the State Superintendent of Public Education.
172 The first appointments by the State Board of Education shall be
173 made as follows: five (5) members shall be appointed for a term
174 of one (1) year; five (5) members shall be appointed for a term of



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

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

184 (4) (a) An appropriate staff member of the State Department
185 of Education shall be designated and assigned by the State
186 Superintendent of Public Education to serve as executive secretary
187 and coordinator for the commission. No less than two (2) other
188 appropriate staff members of the State Department of Education
189 shall be designated and assigned by the State Superintendent of
190 Public Education to serve on the staff of the commission.

191 (b) An Office of Educator Misconduct Evaluations shall
192 be established within the State Department of Education to assist
193 the commission in responding to infractions and violations, and in
194 conducting hearings and enforcing the provisions of * * *
195 subsections (11), (12), (13), (14) and (15) * * * of this section,
196 and violations of the Mississippi Educator Code of Ethics.

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



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

201 (b) Recommend to the State Board of Education each year
202 approval or disapproval of each educator preparation program in
203 the state, subject to a process and schedule determined by the
204 State Board of Education;

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

208 (d) Establish, subject to the approval of the State
209 Board of Education, standards for the renewal of teacher licenses
210 in all fields;

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

214 (f) Review all existing requirements for certification
215 and licensure;

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

218 (h) Prepare reports from time to time on current
219 practices and issues in the general area of teacher education and
220 certification and licensure;



221 (i) Hold hearings concerning standards for teachers'
222 and administrators' education and certification and licensure with
223 approval of the State Board of Education;

224 (j) Hire expert consultants with approval of the State
225 Board of Education;

226 (k) Set up ad hoc committees to advise on specific
227 areas; and

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

231 (6) (a) **Standard License - Approved Program Route.** An
232 educator entering the school system of Mississippi for the first
233 time and meeting all requirements as established by the State
234 Board of Education shall be granted a standard five-year license.
235 Persons who possess two (2) years of classroom experience as an
236 assistant teacher or who have taught for one (1) year in an
237 accredited public or private school shall be allowed to fulfill
238 student teaching requirements under the supervision of a qualified
239 participating teacher approved by an accredited college of
240 education. The local school district in which the assistant
241 teacher is employed shall compensate such assistant teachers at
242 the required salary level during the period of time such
243 individual is completing student teaching requirements.
244 Applicants for a standard license shall submit to the department:

245 (i) An application on a department form;



246 (ii) An official transcript of completion of a
247 teacher education program approved by the department or a
248 nationally accredited program, subject to the following:
249 Licensure to teach in Mississippi prekindergarten through
250 kindergarten classrooms shall require completion of a teacher
251 education program or a Bachelor of Science degree with child
252 development emphasis from a program accredited by the American
253 Association of Family and Consumer Sciences (AAFCS) or by the
254 National Association for Education of Young Children (NAEYC) or by
255 the National Council for Accreditation of Teacher Education
256 (NCATE). Licensure to teach in Mississippi kindergarten, for
257 those applicants who have completed a teacher education program,
258 and in Grade 1 through Grade 4 shall require the completion of an
259 interdisciplinary program of studies. Licenses for Grades 4
260 through 8 shall require the completion of an interdisciplinary
261 program of studies with two (2) or more areas of concentration.
262 Licensure to teach in Mississippi Grades 7 through 12 shall
263 require a major in an academic field other than education, or a
264 combination of disciplines other than education. Students
265 preparing to teach a subject shall complete a major in the
266 respective subject discipline. All applicants for standard
267 licensure shall demonstrate that such person's college preparation
268 in those fields was in accordance with the standards set forth by
269 the National Council for Accreditation of Teacher Education
270 (NCATE) or the National Association of State Directors of Teacher



271 Education and Certification (NASDTEC) or, for those applicants who
272 have a Bachelor of Science degree with child development emphasis,
273 the American Association of Family and Consumer Sciences (AAFCS).
274 Effective July 1, 2016, for initial elementary education
275 licensure, a teacher candidate must earn a passing score on a
276 rigorous test of scientifically research-based reading instruction
277 and intervention and data-based decision-making principles as
278 approved by the State Board of Education;

279 (iii) A copy of test scores evidencing
280 satisfactory completion of nationally administered examinations of
281 achievement, such as the Educational Testing Service's teacher
282 testing examinations;

283 (iv) Any other document required by the State
284 Board of Education; and

285 (v) From and after September 30, 2015, no teacher
286 candidate shall be licensed to teach in Mississippi who did not
287 meet the following criteria for entrance into an approved teacher
288 education program:

289 1. Twenty-one (21) ACT equivalent or achieve
290 the nationally recommended passing score on the Praxis Core
291 Academic Skills for Educators examination; and

292 2. No less than 2.75 GPA on pre-major
293 coursework of the institution's approved teacher education program
294 provided that the accepted cohort of candidates meets or exceeds a
295 3.0 GPA on pre-major coursework.



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

297 From and after September 30, 2015, no teacher candidate shall be
298 licensed to teach in Mississippi under the alternate route who did
299 not meet the following criteria:

300 (i) Twenty-one (21) ACT equivalent or achieve the
301 nationally recommended passing score on the Praxis Core Academic
302 Skills for Educators examination; and

303 (ii) No less than 2.75 GPA on content coursework
304 in the requested area of certification or passing Praxis II scores
305 at or above the national recommended score provided that the
306 accepted cohort of candidates of the institution's teacher
307 education program meets or exceeds a 3.0 GPA on pre-major
308 coursework.

309 Beginning January 1, 2004, an individual who has a passing
310 score on the Praxis I Basic Skills and Praxis II Specialty Area
311 Test in the requested area of endorsement may apply for the Teach
312 Mississippi Institute (TMI) program to teach students in Grades 7
313 through 12 if the individual meets the requirements of this
314 paragraph (b). The State Board of Education shall adopt rules
315 requiring that teacher preparation institutions which provide the
316 Teach Mississippi Institute (TMI) program for the preparation of
317 nontraditional teachers shall meet the standards and comply with
318 the provisions of this paragraph.

319 (i) The Teach Mississippi Institute (TMI) shall
320 include an intensive eight-week, nine-semester-hour summer program



321 or a curriculum of study in which the student matriculates in the
322 fall or spring semester, which shall include, but not be limited
323 to, instruction in education, effective teaching strategies,
324 classroom management, state curriculum requirements, planning and
325 instruction, instructional methods and pedagogy, using test
326 results to improve instruction, and a one (1) semester three-hour
327 supervised internship to be completed while the teacher is
328 employed as a full-time teacher intern in a local school district.
329 The TMI shall be implemented on a pilot program basis, with
330 courses to be offered at up to four (4) locations in the state,
331 with one (1) TMI site to be located in each of the three (3)
332 Mississippi Supreme Court districts.

333 (ii) The school sponsoring the teacher intern
334 shall enter into a written agreement with the institution
335 providing the Teach Mississippi Institute (TMI) program, under
336 terms and conditions as agreed upon by the contracting parties,
337 providing that the school district shall provide teacher interns
338 seeking a nontraditional provisional teaching license with a
339 one-year classroom teaching experience. The teacher intern shall
340 successfully complete the one (1) semester three-hour intensive
341 internship in the school district during the semester immediately
342 following successful completion of the TMI and prior to the end of
343 the one-year classroom teaching experience.

344 (iii) Upon completion of the nine-semester-hour
345 TMI or the fall or spring semester option, the individual shall



346 submit his transcript to the commission for provisional licensure
347 of the intern teacher, and the intern teacher shall be issued a
348 provisional teaching license by the commission, which will allow
349 the individual to legally serve as a teacher while the person
350 completes a nontraditional teacher preparation internship program.

351 (iv) During the semester of internship in the
352 school district, the teacher preparation institution shall monitor
353 the performance of the intern teacher. The school district that
354 employs the provisional teacher shall supervise the provisional
355 teacher during the teacher's intern year of employment under a
356 nontraditional provisional license, and shall, in consultation
357 with the teacher intern's mentor at the school district of
358 employment, submit to the commission a comprehensive evaluation of
359 the teacher's performance sixty (60) days prior to the expiration
360 of the nontraditional provisional license. If the comprehensive
361 evaluation establishes that the provisional teacher intern's
362 performance fails to meet the standards of the approved
363 nontraditional teacher preparation internship program, the
364 individual shall not be approved for a standard license.

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



370 (vi) Upon successful completion of the TMI and the
371 internship provisional license period, applicants for a Standard
372 License - Nontraditional Route shall submit to the commission a
373 transcript of successful completion of the twelve (12) semester
374 hours required in the internship program, and the employing school
375 district shall submit to the commission a recommendation for
376 standard licensure of the intern. If the school district
377 recommends licensure, the applicant shall be issued a Standard
378 License - Nontraditional Route which shall be valid for a
379 five-year period and be renewable.

380 (vii) At the discretion of the teacher preparation
381 institution, the individual shall be allowed to credit the twelve
382 (12) semester hours earned in the nontraditional teacher
383 internship program toward the graduate hours required for a Master
384 of Arts in Teacher (MAT) Degree.

385 (viii) The local school district in which the
386 nontraditional teacher intern or provisional licensee is employed
387 shall compensate such teacher interns at Step 1 of the required
388 salary level during the period of time such individual is
389 completing teacher internship requirements and shall compensate
390 such Standard License - Nontraditional Route teachers at Step 3 of
391 the required salary level when they complete license requirements.

392 Implementation of the TMI program provided for under this
393 paragraph (b) shall be contingent upon the availability of funds
394 appropriated specifically for such purpose by the Legislature.



395 Such implementation of the TMI program may not be deemed to
396 prohibit the State Board of Education from developing and
397 implementing additional alternative route teacher licensure
398 programs, as deemed appropriate by the board. The emergency
399 certification program in effect prior to July 1, 2002, shall
400 remain in effect.

401 A Standard License - Approved Program Route shall be issued
402 for a five-year period, and may be renewed. Recognizing teaching
403 as a profession, a hiring preference shall be granted to persons
404 holding a Standard License - Approved Program Route or Standard
405 License - Nontraditional Teaching Route over persons holding any
406 other license.

407 (c) **Special License - Expert Citizen.** In order to
408 allow a school district to offer specialized or technical courses,
409 the State Department of Education, in accordance with rules and
410 regulations established by the State Board of Education, may grant
411 a one-year expert citizen-teacher license to local business or
412 other professional personnel to teach in a public school or
413 nonpublic school accredited or approved by the state. Such person
414 may begin teaching upon his employment by the local school board
415 and licensure by the Mississippi Department of Education. The
416 board shall adopt rules and regulations to administer the expert
417 citizen-teacher license. A Special License - Expert Citizen may
418 be renewed in accordance with the established rules and
419 regulations of the State Department of Education.



420 (d) **Special License - Nonrenewable.** The State Board of
421 Education is authorized to establish rules and regulations to
422 allow those educators not meeting requirements in * * * paragraph
423 (a), (b) or (c) of this subsection (6) to be licensed for a period
424 of not more than three (3) years, except by special approval of
425 the State Board of Education.

426 (e) **Nonlicensed Teaching Personnel.** A nonlicensed
427 person may teach for a maximum of three (3) periods per teaching
428 day in a public school district or a nonpublic school
429 accredited/approved by the state. Such person shall submit to the
430 department a transcript or record of his education and experience
431 which substantiates his preparation for the subject to be taught
432 and shall meet other qualifications specified by the commission
433 and approved by the State Board of Education. In no case shall
434 any local school board hire nonlicensed personnel as authorized
435 under this paragraph in excess of five percent (5%) of the total
436 number of licensed personnel in any single school.

437 (f) **Special License - Transitional Bilingual Education.**
438 Beginning July 1, 2003, the commission shall grant special
439 licenses to teachers of transitional bilingual education who
440 possess such qualifications as are prescribed in this section.
441 Teachers of transitional bilingual education shall be compensated
442 by local school boards at not less than one (1) step on the
443 regular salary schedule applicable to permanent teachers licensed
444 under this section. The commission shall grant special licenses



445 to teachers of transitional bilingual education who present the
446 commission with satisfactory evidence that they (i) possess a
447 speaking and reading ability in a language, other than English, in
448 which bilingual education is offered and communicative skills in
449 English; (ii) are in good health and sound moral character; (iii)
450 possess a bachelor's degree or an associate's degree in teacher
451 education from an accredited institution of higher education; (iv)
452 meet such requirements as to courses of study, semester hours
453 therein, experience and training as may be required by the
454 commission; and (v) are legally present in the United States and
455 possess legal authorization for employment. A teacher of
456 transitional bilingual education serving under a special license
457 shall be under an exemption from standard licensure if he achieves
458 the requisite qualifications therefor. Two (2) years of service
459 by a teacher of transitional bilingual education under such an
460 exemption shall be credited to the teacher in acquiring a Standard
461 Educator License. Nothing in this paragraph shall be deemed to
462 prohibit a local school board from employing a teacher licensed in
463 an appropriate field as approved by the State Department of
464 Education to teach in a program in transitional bilingual
465 education.

466 (g) In the event any school district meets the highest
467 accreditation standards as defined by the State Board of Education
468 in the accountability system, the State Board of Education, in its
469 discretion, may exempt such school district from any restrictions



470 in paragraph (e) relating to the employment of nonlicensed
471 teaching personnel.

472 (h) **Highly Qualified Teachers.** Beginning July 1, 2006,
473 any teacher from any state meeting the federal definition of
474 highly qualified, as described in the No Child Left Behind Act,
475 must be granted a standard five-year license by the State
476 Department of Education.

477 (7) **Administrator License.** The State Board of Education is
478 authorized to establish rules and regulations and to administer
479 the licensure process of the school administrators in the State of
480 Mississippi. There will be four (4) categories of administrator
481 licensure with exceptions only through special approval of the
482 State Board of Education.

483 (a) **Administrator License - Nonpracticing.** Those
484 educators holding administrative endorsement but having no
485 administrative experience or not serving in an administrative
486 position on January 15, 1997.

487 (b) **Administrator License - Entry Level.** Those
488 educators holding administrative endorsement and having met the
489 department's qualifications to be eligible for employment in a
490 Mississippi school district. Administrator License - Entry Level
491 shall be issued for a five-year period and shall be nonrenewable.

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



495 (d) **Administrator License - Nontraditional Route.** The
496 board may establish a nontraditional route for licensing
497 administrative personnel. Such nontraditional route for
498 administrative licensure shall be available for persons holding,
499 but not limited to, a master of business administration degree, a
500 master of public administration degree, a master of public
501 planning and policy degree or a doctor of jurisprudence degree
502 from an accredited college or university, with five (5) years of
503 administrative or supervisory experience. Successful completion
504 of the requirements of alternate route licensure for
505 administrators shall qualify the person for a standard
506 administrator license.

507 Individuals seeking school administrator licensure under
508 paragraph (b), (c) or (d) shall successfully complete a training
509 program and an assessment process prescribed by the State Board of
510 Education. All applicants for school administrator licensure
511 shall meet all requirements prescribed by the department under
512 paragraph (b), (c) or (d), and the cost of the assessment process
513 required shall be paid by the applicant.

514 (8) **Reciprocity.** (a) The department shall grant a standard
515 license to any individual who possesses a valid standard license
516 from another state and meets minimum Mississippi license
517 requirements or equivalent requirements as determined by the State
518 Board of Education. The issuance of a license by reciprocity to a



519 military-trained applicant or military spouse shall be subject to
520 the provisions of Section 73-50-1.

521 (b) The department shall grant a nonrenewable special
522 license to any individual who possesses a credential which is less
523 than a standard license or certification from another state. Such
524 special license shall be valid for the current school year plus
525 one (1) additional school year to expire on June 30 of the second
526 year, not to exceed a total period of twenty-four (24) months,
527 during which time the applicant shall be required to complete the
528 requirements for a standard license in Mississippi.

529 (9) (a) **Renewal and Reinstatement of Licenses.** The State
530 Board of Education is authorized to establish rules and
531 regulations for the renewal and reinstatement of educator and
532 administrator licenses. Effective May 15, 1997, the valid
533 standard license held by an educator shall be extended five (5)
534 years beyond the expiration date of the license in order to afford
535 the educator adequate time to fulfill new renewal requirements
536 established pursuant to this subsection. An educator completing a
537 master of education, educational specialist or doctor of education
538 degree in May 1997 for the purpose of upgrading the educator's
539 license to a higher class shall be given this extension of five
540 (5) years plus five (5) additional years for completion of a
541 higher degree.

542 (b) A licensed teacher who is employed in a school with
543 an "A" or "B" accountability rating, as defined by the State Board



544 of Education, is exempt from any continuing education requirements
545 that may be established as a condition for renewal of the
546 teacher's license.

547 (10) All controversies involving the issuance, revocation,
548 suspension or any change whatsoever in the licensure of an
549 educator required to hold a license shall be initially heard in a
550 hearing de novo, by the commission or by a subcommittee
551 established by the commission and composed of commission members
552 for the purpose of holding hearings. Any complaint seeking the
553 denial of issuance, revocation or suspension of a license shall be
554 by sworn affidavit filed with the Commission on Teacher and
555 Administrator Education, Certification and Licensure and
556 Development. The decision thereon by the commission or its
557 subcommittee shall be final, unless the aggrieved party shall
558 appeal to the State Board of Education, within ten (10) days, of
559 the decision of the committee or its subcommittee. An appeal to
560 the State Board of Education shall be on the record previously
561 made before the commission or its subcommittee unless otherwise
562 provided by rules and regulations adopted by the board. The State
563 Board of Education in its authority may reverse, or remand with
564 instructions, the decision of the committee or its subcommittee.
565 The decision of the State Board of Education shall be final.

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



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

571 (b) The applicant has a physical, emotional or mental
572 disability that renders the applicant unfit to perform the duties
573 authorized by the license, as certified by a licensed psychologist
574 or psychiatrist;

575 (c) The applicant is actively addicted to or actively
576 dependent on alcohol or other habit-forming drugs or is a habitual
577 user of narcotics, barbiturates, amphetamines, hallucinogens or
578 other drugs having similar effect, at the time of application for
579 a license;

580 (d) Revocation, suspension or surrender of an
581 applicant's certificate or license by another state shall result
582 in immediate denial of licensure until such time that the records
583 predicated the revocation, suspension or surrender in the prior
584 state have been cleared;

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

587 (f) Failing or refusing to furnish reasonable evidence
588 of identification;

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

592 (h) The applicant has been convicted, has pled guilty
593 or entered a plea of nolo contendere to a sex offense as defined



594 by federal or state law. For purposes of this paragraph (h) and
595 paragraph (g) of this subsection, a "guilty plea" includes a plea
596 of guilty, entry of a plea of nolo contendere, or entry of an
597 order granting pretrial or judicial diversion; or

598 (i) Probation or post-release supervision for a felony
599 or sex offense conviction, as defined by federal or state law,
600 shall result in the immediate denial of licensure application
601 until expiration of the probationary or post-release supervision
602 period.

603 (12) The State Board of Education, acting through the
604 commission, may revoke, suspend or refuse to renew any teacher or
605 administrator license for specified periods of time or may place
606 on probation, censure, reprimand a licensee, or take other
607 disciplinary action with regard to any license issued under this
608 chapter for one or more of the following:

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

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

615 (c) Suspension or revocation of a certificate or
616 license by another state shall result in immediate suspension or
617 revocation and shall continue until records in the prior state
618 have been cleared;



619 (d) The license holder has been convicted, has pled
620 guilty or entered a plea of nolo contendere to a felony, as
621 defined by federal or state law. For purposes of this paragraph,
622 a "guilty plea" includes a plea of guilty, entry of a plea of nolo
623 contendere, or entry of an order granting pretrial or judicial
624 diversion;

625 (e) The license holder has been convicted, has pled
626 guilty or entered a plea of nolo contendere to a sex offense, as
627 defined by federal or state law, shall result in immediate
628 suspension or revocation;

629 (f) The license holder has received probation or
630 post-release supervision for a felony or sex offense conviction,
631 as defined by federal or state law, which shall result in
632 immediate suspension or revocation until expiration of the
633 probationary or post-release supervision period;

634 (g) The license holder knowingly and willfully
635 committing any of the acts affecting validity of mandatory uniform
636 test results as provided in Section 37-16-4(1);

637 (h) The license holder has engaged in unethical conduct
638 relating to an educator/student relationship as identified by the
639 State Board of Education in its rules;

640 (i) The license holder has fondled a student as
641 described in Section 97-5-23, or had any type of sexual
642 involvement with a student as described in Section 97-3-95;



643 (j) The license holder has failed to report sexual
644 involvement of a school employee with a student as required by
645 Section 97-5-24;

646 (k) The license holder served as superintendent or
647 principal in a school district during the time preceding and/or
648 that resulted in the Governor declaring a state of emergency and
649 the State Board of Education appointing a conservator;

650 (l) The license holder submitted a false certification
651 to the State Department of Education that a statewide test was
652 administered in strict accordance with the Requirements of the
653 Mississippi Statewide Assessment System; or

654 (m) The license holder has failed to comply with the
655 Procedures for Reporting Infractions as promulgated by the
656 commission and approved by the State Board of Education pursuant
657 to subsection (15) of this section.

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

663 (b) Any offense committed or attempted in any other
664 state shall result in the same penalty as if committed or
665 attempted in this state.

666 (c) A person may voluntarily surrender a license. The
667 surrender of such license may result in the commission



668 recommending any of the above penalties without the necessity of a
669 hearing. However, any such license which has voluntarily been
670 surrendered by a licensed employee may only be reinstated by a
671 majority vote of all members of the commission present at the
672 meeting called for such purpose.

673 (14) (a) A person whose license has been revoked or
674 surrendered on any grounds except criminal grounds may petition
675 for reinstatement of the license after one (1) year from the date
676 of revocation or surrender, or after one-half (1/2) of the revoked
677 or surrendered time has lapsed, whichever is greater. A person
678 whose license has been suspended on any grounds or violations
679 under subsection (12) of this section may be reinstated
680 automatically or approved for a reinstatement hearing, upon
681 submission of a written request to the commission. A license
682 suspended, revoked or surrendered on criminal grounds may be
683 reinstated upon petition to the commission filed after expiration
684 of the sentence and parole or probationary period imposed upon
685 conviction. A revoked, suspended or surrendered license may be
686 reinstated upon satisfactory showing of evidence of
687 rehabilitation. The commission shall require all who petition for
688 reinstatement to furnish evidence satisfactory to the commission
689 of good character, good mental, emotional and physical health and
690 such other evidence as the commission may deem necessary to
691 establish the petitioner's rehabilitation and fitness to perform
692 the duties authorized by the license.



693 (b) A person whose license expires while under
694 investigation by the Office of Educator Misconduct for an alleged
695 violation may not be reinstated without a hearing before the
696 commission if required based on the results of the investigation.

697 (15) Reporting procedures and hearing procedures for dealing
698 with infractions under this section shall be promulgated by the
699 commission, subject to the approval of the State Board of
700 Education. The revocation or suspension of a license shall be
701 effected at the time indicated on the notice of suspension or
702 revocation. The commission shall immediately notify the
703 superintendent of the school district or school board where the
704 teacher or administrator is employed of any disciplinary action
705 and also notify the teacher or administrator of such revocation or
706 suspension and shall maintain records of action taken. The State
707 Board of Education may reverse or remand with instructions any
708 decision of the commission regarding a petition for reinstatement
709 of a license, and any such decision of the State Board of
710 Education shall be final.

711 (16) An appeal from the action of the State Board of
712 Education in denying an application, revoking or suspending a
713 license or otherwise disciplining any person under the provisions
714 of this section shall be filed in the Chancery Court of the First
715 Judicial District of Hinds County, Mississippi, on the record
716 made, including a verbatim transcript of the testimony at the
717 hearing. The appeal shall be filed within thirty (30) days after



718 notification of the action of the board is mailed or served and
719 the proceedings in chancery court shall be conducted as other
720 matters coming before the court. The appeal shall be perfected
721 upon filing notice of the appeal and by the prepayment of all
722 costs, including the cost of preparation of the record of the
723 proceedings by the State Board of Education, and the filing of a
724 bond in the sum of Two Hundred Dollars (\$200.00) conditioned that
725 if the action of the board be affirmed by the chancery court, the
726 applicant or license holder shall pay the costs of the appeal and
727 the action of the chancery court.

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

732 (18) The granting of a license shall not be deemed a
733 property right nor a guarantee of employment in any public school
734 district. A license is a privilege indicating minimal eligibility
735 for teaching in the public school districts of Mississippi. This
736 section shall in no way alter or abridge the authority of local
737 school districts to require greater qualifications or standards of
738 performance as a prerequisite of initial or continued employment
739 in such districts.

740 (19) In addition to the reasons specified in subsections
741 (12) and (13) of this section, the board shall be authorized to
742 suspend the license of any licensee for being out of compliance



743 with an order for support, as defined in Section 93-11-153. The
744 procedure for suspension of a license for being out of compliance
745 with an order for support, and the procedure for the reissuance or
746 reinstatement of a license suspended for that purpose, and the
747 payment of any fees for the reissuance or reinstatement of a
748 license suspended for that purpose, shall be governed by Section
749 93-11-157 or 93-11-163, as the case may be. Actions taken by the
750 board in suspending a license when required by Section 93-11-157
751 or 93-11-163 are not actions from which an appeal may be taken
752 under this section. Any appeal of a license suspension that is
753 required by Section 93-11-157 or 93-11-163 shall be taken in
754 accordance with the appeal procedure specified in Section
755 93-11-157 or 93-11-163, as the case may be, rather than the
756 procedure specified in this section. If there is any conflict
757 between any provision of Section 93-11-157 or 93-11-163 and any
758 provision of this chapter, the provisions of Section 93-11-157 or
759 93-11-163, as the case may be, shall control.

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

762 37-11-53. (1) A copy of the school district's discipline
763 plan shall be distributed to each student enrolled in the
764 district, and the parents, guardian or custodian of such student
765 shall sign a statement verifying that they have been given notice
766 of the discipline policies of their respective school district.
767 The school board, except in those school districts with "A" and



768 "B" accountability ratings, as defined by the State Board of
769 Education, shall have its official discipline plan and code of
770 student conduct legally audited on an annual basis to insure that
771 its policies and procedures are currently in compliance with
772 applicable statutes, case law and state and federal constitutional
773 provisions. * * * This section, Section 37-11-55 and Section
774 37-11-18.1 shall be fully incorporated into the school district's
775 discipline plan and code of student conduct.

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

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

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

789 (c) Any parent, guardian or custodian of a
790 compulsory-school-age child enrolled in a school district who
791 refuses or willfully fails to attend such discipline conference
792 specified in paragraph (b) of this * * * subsection may be



793 summoned by proper notification by the superintendent of schools
794 or the school attendance officer and be required to attend such
795 discipline conference; and

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

801 (3) Any parent, guardian or custodian of a
802 compulsory-school-age child who (a) fails to attend a discipline
803 conference to which such parent, guardian or custodian has been
804 summoned under the provisions of this section, or (b) refuses or
805 willfully fails to perform any other duties imposed upon him or
806 her under the provisions of this section, shall be guilty of a
807 misdemeanor and, upon conviction, shall be fined not to exceed Two
808 Hundred Fifty Dollars (\$250.00).

809 (4) Any public school district shall be entitled to recover
810 damages in an amount not to exceed Twenty Thousand Dollars
811 (\$20,000.00), plus necessary court costs, from the parents of any
812 minor under the age of eighteen (18) years and over the age of six
813 (6) years, who maliciously and willfully damages or destroys
814 property belonging to such school district. However, this section
815 shall not apply to parents whose parental control of such child
816 has been removed by court order or decree. The action authorized
817 in this section shall be in addition to all other actions which



818 the school district is entitled to maintain and nothing in this
819 section shall preclude recovery in a greater amount from the minor
820 or from a person, including the parents, for damages to which such
821 minor or other person would otherwise be liable.

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

832 **SECTION 5.** Section 37-13-41, Mississippi Code of 1972, is
833 amended as follows:

834 37-13-41. Except in school districts with "A" and "B"
835 accountability ratings, as defined by the State Board of
836 Education, all principals and/or superintendents of public schools
837 in all school districts in Mississippi shall report to their * * *
838 superintendent of education upon forms prepared and sent to
839 the * * * superintendent of education by the director of the
840 division of instruction, giving the type and amount of work done
841 in each grade of their respective school, with other information
842 that may be desired by the director. The * * * superintendents of



843 education shall compile this information on forms sent out by the
844 director. This shall be made in duplicate, one (1) copy to be
845 sent to the director, and the other filed as other public records
846 are filed in the * * * superintendents' offices. This report
847 shall be made to the director by the * * * superintendents of
848 education not later than the first of June each year.

849 **SECTION 6.** Section 37-13-89, Mississippi Code of 1972, is
850 amended as follows:

851 37-13-89. (1) In each school district within the state,
852 except in school districts with "A" and "B" accountability
853 ratings, as defined by the State Board of Education, there shall
854 be employed the number of school attendance officers determined by
855 the Office of Compulsory School Attendance Enforcement to be
856 necessary to adequately enforce the provisions of the Mississippi
857 Compulsory School Attendance Law; however, this number shall not
858 exceed one hundred fifty-three (153) school attendance officers at
859 any time. * * * All school attendance officers employed pursuant
860 to this section shall be employees of the State Department of
861 Education. * * * The first twelve (12) months of employment for
862 each school attendance officer shall be the probationary period of
863 state service.

864 (2) (a) The State Department of Education shall obtain
865 current criminal records background checks and current child abuse
866 registry checks on all persons applying for the position of school
867 attendance officer * * *. The criminal records information and



868 registry checks must be kept on file for any new hires. In order
869 to determine an applicant's suitability for employment as a school
870 attendance officer, the applicant must be fingerprinted. If no
871 disqualifying record is identified at the state level, the
872 Department of Public Safety shall forward the fingerprints to the
873 Federal Bureau of Investigation (FBI) for a national criminal
874 history record check. The applicant shall pay the fee, not to
875 exceed Fifty Dollars (\$50.00), for the fingerprinting and criminal
876 records background check; however, the State Department of
877 Education, in its discretion, may pay the fee for the
878 fingerprinting and criminal records background check on behalf of
879 any applicant. Under no circumstances may a member of the State
880 Board of Education, employee of the State Department of Education
881 or any person other than the subject of the criminal records
882 background check disseminate information received through any such
883 checks except insofar as required to fulfill the purposes of this
884 subsection.

885 (b) If the fingerprinting or criminal records check
886 discloses a felony conviction, guilty plea or plea of nolo
887 contendere to a felony of possession or sale of drugs, murder,
888 manslaughter, armed robbery, rape, sexual battery, sex offense
889 listed in Section 45-33-23(h), child abuse, arson, grand larceny,
890 burglary, gratification of lust or aggravated assault which has
891 not been reversed on appeal or for which a pardon has not been
892 granted, the applicant is not eligible to be employed as a school



893 attendance officer. Any employment of an applicant pending the
894 results of the fingerprinting and criminal records check is
895 voidable if the new hire receives a disqualifying criminal records
896 check. However, the State Board of Education, in its discretion,
897 may allow an applicant aggrieved by an employment decision under
898 this subsection to appear before the board, or before a hearing
899 officer designated for that purpose, to show mitigating
900 circumstances that may exist and allow the new hire to be employed
901 as a school attendance officer. The State Board of Education may
902 grant waivers for mitigating circumstances, which may include, but
903 are not necessarily limited to: (i) age at which the crime was
904 committed; (ii) circumstances surrounding the crime; (iii) length
905 of time since the conviction and criminal history since the
906 conviction; (iv) work history; (v) current employment and
907 character references; and (vi) other evidence demonstrating the
908 ability of the person to perform the responsibilities of a school
909 attendance officer competently and that the person does not pose a
910 threat to the health or safety of children.

911 (c) A member of the State Board of Education or
912 employee of the State Department of Education may not be held
913 liable in any employment discrimination suit in which an
914 allegation of discrimination is made regarding an employment
915 decision authorized under this section.

916 (3) Each school attendance officer shall possess a college
917 degree with a major in a behavioral science or a related field or



918 shall have no less than three (3) years combined actual experience
919 as a school teacher, school administrator, law enforcement officer
920 possessing such degree, and/or social worker; however, these
921 requirements shall not apply to persons employed as school
922 attendance officers before January 1, 1987. School attendance
923 officers also shall satisfy any additional requirements that may
924 be established by the State Personnel Board for the position of
925 school attendance officer.

926 (4) It shall be the duty of each school attendance officer
927 to:

928 (a) Cooperate with any public agency to locate and
929 identify all compulsory-school-age children who are not attending
930 school;

931 (b) Cooperate with all courts of competent
932 jurisdiction;

933 (c) Investigate all cases of nonattendance and unlawful
934 absences by compulsory-school-age children not enrolled in a
935 nonpublic school;

936 (d) Provide appropriate counseling to encourage all
937 school-age children to attend school until they have completed
938 high school;

939 (e) Attempt to secure the provision of social or
940 welfare services that may be required to enable any child to
941 attend school;



942 (f) (i) Contact, through actual visitation, the home
943 or place of residence of a compulsory-school-age child and any
944 other place in which the officer is likely to find any
945 compulsory-school-age child * * *, for consultation with the
946 parent or legal guardian of a compulsory-school-age child within
947 seventy-two (72) hours of the child's * * * absence from school
948 during school hours without a valid written excuse from school
949 officials. The school shall report all absences to the school
950 attendance officer by the end of each school day * * *; and

951 (ii) When the child is found, if in any place
952 other than the home or place of residence, the officer shall
953 notify the parents * * *, school officials or local law
954 enforcement officers if appropriate as to where the child was
955 physically located;

956 (g) Contact promptly the home of each
957 compulsory-school-age child in the school district within the
958 officer's jurisdiction who is not enrolled in school or is not in
959 attendance at public school and is without a valid written excuse
960 from school officials; if no valid reason is found for the
961 nonenrollment or absence from the school, the school attendance
962 officer shall give written notice to the parent, guardian or
963 custodian of the requirement for the child's enrollment or
964 attendance;

965 (h) Collect and maintain information concerning
966 absenteeism, dropouts and other attendance-related problems, as



967 may be required by law or the Office of Compulsory School
968 Attendance Enforcement; and

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

972 (5) While engaged in the performance of his duties, each
973 school attendance officer shall carry on his person a badge
974 identifying him as a school attendance officer under the Office of
975 Compulsory School Attendance Enforcement of the State Department
976 of Education and an identification card designed by the State
977 Superintendent of Public Education and issued by the school
978 attendance officer supervisor. Neither the badge nor the
979 identification card shall bear the name of any elected public
980 official.

981 (6) The State Personnel Board shall develop a salary scale
982 for school attendance officers as part of the variable
983 compensation plan. The various pay ranges of the salary scale
984 shall be based upon factors including, but not limited to,
985 education, professional certification and licensure, and number of
986 years of experience. School attendance officers shall be paid in
987 accordance with this salary scale. The minimum salaries under the
988 scale shall be no less than the following:

989 (a) For school attendance officers holding a bachelor's
990 degree or any other attendance officer who does not hold such a
991 degree, the annual salary shall be based on years of experience as



992 a school attendance officer or related field of service or
993 employment, no less than as follows:

994	Years of Experience	Salary
995	0 - 4 years	\$19,650.00
996	5 - 8 years	21,550.00
997	9 - 12 years	23,070.00
998	13 - 16 years	24,590.00
999	Over 17 years	26,110.00

1000 (b) For school attendance officers holding a license as
1001 a social worker, the annual salary shall be based on years of
1002 experience as a school attendance officer or related field of
1003 service or employment, no less than as follows:

1004	Years of Experience	Salary
1005	0 - 4 years	\$20,650.00
1006	5 - 8 years	22,950.00
1007	9 - 12 years	24,790.00
1008	13 - 16 years	26,630.00
1009	17 - 20 years	28,470.00
1010	Over 21 years	30,310.00

1011 (c) For school attendance officers holding a master's
1012 degree in a behavioral science or a related field, the annual
1013 salary shall be based on years of experience as a school
1014 attendance officer or related field of service or employment, no
1015 less than as follows:

1016	Years of Experience	Salary
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1017	0 - 4 years	\$21,450.00
1018	5 - 8 years	24,000.00
1019	9 - 12 years	26,040.00
1020	13 - 16 years	28,080.00
1021	17 - 20 years	30,120.00
1022	Over 21 years	32,160.00

1023 (7) (a) Each school attendance officer employed by a
 1024 district attorney on June 30, 1998, who became an employee of the
 1025 State Department of Education on July 1, 1998, shall be awarded
 1026 credit for personal leave and major medical leave for his
 1027 continuous service as a school attendance officer under the
 1028 district attorney, and if applicable, the youth or family court or
 1029 a state agency. The credit for personal leave shall be in an
 1030 amount equal to one-third (1/3) of the maximum personal leave the
 1031 school attendance officer could have accumulated had he been
 1032 credited with such leave under Section 25-3-93 during his
 1033 employment with the district attorney, and if applicable, the
 1034 youth or family court or a state agency. The credit for major
 1035 medical leave shall be in an amount equal to one-half (1/2) of the
 1036 maximum major medical leave the school attendance officer could
 1037 have accumulated had he been credited with such leave under
 1038 Section 25-3-95 during his employment with the district attorney,
 1039 and if applicable, the youth or family court or a state agency.
 1040 However, if a district attorney who employed a school attendance
 1041 officer on June 30, 1998, certifies, in writing, to the State



1042 Department of Education that the school attendance officer had
1043 accumulated, pursuant to a personal leave policy or major medical
1044 leave policy lawfully adopted by the district attorney, a number
1045 of days of unused personal leave or major medical leave, or both,
1046 which is greater than the number of days to which the school
1047 attendance officer is entitled under this paragraph, the State
1048 Department of Education shall authorize the school attendance
1049 officer to retain the actual unused personal leave or major
1050 medical leave, or both, certified by the district attorney,
1051 subject to the maximum amount of personal leave and major medical
1052 leave the school attendance officer could have accumulated had he
1053 been credited with such leave under Sections 25-3-93 and 25-3-95.

1054 (b) For the purpose of determining the accrual rate for
1055 personal leave under Section 25-3-93 and major medical leave under
1056 Section 25-3-95, the State Department of Education shall give
1057 consideration to all continuous service rendered by a school
1058 attendance officer before July 1, 1998, in addition to the service
1059 rendered by the school attendance officer as an employee of the
1060 department.

1061 (c) In order for a school attendance officer to be
1062 awarded credit for personal leave and major medical leave or to
1063 retain the actual unused personal leave and major medical leave
1064 accumulated by him before July 1, 1998, the district attorney who
1065 employed the school attendance officer must certify, in writing,
1066 to the State Department of Education the hire date of the school



1067 attendance officer. For each school attendance officer employed
1068 by the youth or family court or a state agency before being
1069 designated an employee of the district attorney who has not had a
1070 break in continuous service, the hire date shall be the date that
1071 the school attendance officer was hired by the youth or family
1072 court or state agency. The department shall prescribe the date by
1073 which the certification must be received by the department and
1074 shall provide written notice to all district attorneys of the
1075 certification requirement and the date by which the certification
1076 must be received.

1077 (8) (a) School attendance officers shall maintain regular
1078 office hours on a year-round basis; however, during the school
1079 term, on those days that teachers in all of the school districts
1080 served by a school attendance officer are not required to report
1081 to work, the school attendance officer also shall not be required
1082 to report to work. (For purposes of this subsection, a school
1083 district's school term is that period of time identified as the
1084 school term in contracts entered into by the district with
1085 licensed personnel.) A school attendance officer shall be
1086 required to report to work on any day recognized as an official
1087 state holiday if teachers in any school district served by that
1088 school attendance officer are required to report to work on that
1089 day, regardless of the school attendance officer's status as an
1090 employee of the State Department of Education, and compensatory
1091 leave may not be awarded to the school attendance officer for



1092 working during that day. However, a school attendance officer may
1093 be allowed by the school attendance officer's supervisor to use
1094 earned leave on such days.

1095 (b) The State Department of Education annually shall
1096 designate a period of six (6) consecutive weeks in the summer
1097 between school years during which school attendance officers shall
1098 not be required to report to work. A school attendance officer
1099 who elects to work at any time during that period may not be
1100 awarded compensatory leave for such work and may not opt to be
1101 absent from work at any time other than during the six (6) weeks
1102 designated by the department unless the school attendance officer
1103 uses personal leave or major medical leave accrued under Section
1104 25-3-93 or 25-3-95 for such absence.

1105 (9) The State Department of Education shall provide all
1106 continuing education and training courses that school attendance
1107 officers are required to complete under state law or rules and
1108 regulations of the department.

1109 **SECTION 7.** Section 37-43-31, Mississippi Code of 1972, is
1110 amended as follows:

1111 37-43-31. (1) The State Board of Education shall adopt and
1112 furnish textbooks only for use in those courses set up in the
1113 state course of study as recommended by the State Accreditation
1114 Commission and adopted by such board, or courses established by
1115 acts of the Legislature. In all subjects the board, in its
1116 discretion, may adopt textbooks and/or series from those



1117 recommended by the textbook rating committees. The board may
1118 adopt a plan which permits the local school districts to choose
1119 the book or books to be requisitioned from those adopted,
1120 provided:

1121 (a) That, when a book is furnished by the state, it
1122 shall remain in use during the period of its adoption;

1123 (b) That the average per pupil cost of textbooks so
1124 furnished any unit shall not exceed that allowed for all other
1125 units in the state;

1126 (c) That nothing herein provided shall be construed as
1127 giving any school the authority to discard or replace usable
1128 copies of textbooks now being furnished by the state;

1129 (d) That the State Department of Education is
1130 authorized to disburse the annual textbook appropriation directly
1131 to the public school districts in accordance with * * * paragraph
1132 (b) of this subsection. The textbooks procured through this
1133 chapter, as well as textbooks which are on hand on June 30, 1994,
1134 which were previously purchased through the provisions of this
1135 statute, shall become the property of the public school district
1136 which purchased them, unless the State Department of Education
1137 authorizes the transfer of unneeded textbooks to another location
1138 in accordance with rules and regulations promulgated by the State
1139 Board of Education;

1140 (e) That textbooks which are on loan to other than
1141 public schools as referenced in Section 37-43-1, shall remain the



1142 property of the State of Mississippi. All requisitions for
1143 textbooks from these schools shall be submitted to the State
1144 Department of Education to be processed and subsequently shipped
1145 to the requesting school. No funds shall be disbursed directly
1146 from the State Department of Education to the schools in this
1147 category for the purpose of procuring textbooks; and

1148 (f) That funds made available through this chapter may
1149 be used to purchase any state-adopted or * * * nonadopted textbook
1150 from any state depository, directly from the publisher, or in
1151 accordance with the provisions of Sections 37-43-21(5) and
1152 37-43-31(3). For purchases made directly from the publisher, the
1153 public school district, or the State Department of Education when
1154 purchasing for other than public schools, shall not pay a higher
1155 price for a textbook than that listed on the current state-adopted
1156 list.

1157 (2) Whenever any book under contract is displaced by a new
1158 adoption, the board may continue to require the schools to use the
1159 recently purchased books from any previous adoption; however, such
1160 period of use shall not exceed four (4) years.

1161 (3) If five (5) or more school boards petition the State
1162 Board of Education to add a book, or a series of books, to the
1163 approved list of state adoptions in a given subject area, then the
1164 State Superintendent of Public Education shall have sixty (60)
1165 days to show cause to the State Board of Education why the books
1166 in question should or should not be purchased with state funds.



1167 If the petition is not acted upon within the sixty-day period, the
1168 petition shall be deemed to be approved. Once a textbook has been
1169 approved through the petition process, any public school district
1170 or eligible other school may procure the said textbook utilizing
1171 funds appropriated through this chapter.

1172 (4) If new and innovative textbooks that would improve a
1173 particular course of study become available between adoption
1174 cycles, a school board may petition the State Board of Education
1175 for permission to purchase these books out of sequence to be paid
1176 for with state textbook funds.

1177 (5) The State Board of Education shall not allow previously
1178 rejected textbooks to be used if such textbooks were rejected for
1179 any of the following reasons:

- 1180 (a) Obscene, lewd, sexist or vulgar material;
- 1181 (b) Advocating prejudicial behavior or actions; or
- 1182 (c) Encouraging acts determined to be * * * antisocial
1183 or derogatory to any race, sex or religion.

1184 (6) All books or series of books adopted under the petition
1185 procedures of this chapter shall be purchased under the provisions
1186 for bidding, pricing and distribution as prescribed in Section
1187 37-43-23.

1188 (7) Petition procedure books or series of books adopted
1189 under this section shall be considered only until the date of the
1190 next regular adoption series in the applicable subject area.
1191 Petition procedure books shall be submitted for formal adoption at



1192 the next applicable regular textbook adoption as prescribed under
1193 the provisions of Chapter 43, Title 37, Mississippi Code of 1972;
1194 otherwise, such books adopted under the petition procedures which
1195 do not receive formal adoption approval as recommended by the
1196 textbook rating committee shall be dropped from the state textbook
1197 petition adoption list. Provided, however, this provision shall
1198 in no way prohibit a school district from using other funds,
1199 federal or local, for the purchase of such books.

1200 (8) School districts with "A" and "B" accountability
1201 ratings, as defined by the State Board of Education, are not
1202 required to participate in the textbook selection process set
1203 forth in this section.

1204 **SECTION 8.** Section 37-15-39, Mississippi Code of 1972, is
1205 amended as follows:

1206 37-15-39. (1) The purpose of this section is to ensure that
1207 each student has a sufficient education for success after high
1208 school and that all students have equal access to a substantive
1209 and rigorous curriculum that is designed to challenge their minds
1210 and enhance their knowledge skill.

1211 (2) The following words and phrases have the meanings
1212 ascribed in this section unless the context clearly requires
1213 otherwise:

1214 (a) "Advanced placement course" means any high school
1215 level preparatory course for a college advanced placement test
1216 that incorporates all topics specified by recognized advanced



1217 placement authorities on standards for a given subject area and is
1218 approved by recognized advanced placement authorities.

1219 (b) "Pre-advanced placement course" means a middle,
1220 junior high or high school level course that specifically prepares
1221 students to enroll and participate in an advanced placement
1222 course.

1223 (c) "Vertical team" means a group of educators from
1224 different grade levels in a given discipline working cooperatively
1225 to develop and implement a vertically aligned program aimed at
1226 helping students from diverse backgrounds acquire the academic
1227 skills necessary for success in the advanced placement program and
1228 other challenging course work.

1229 (d) "High concentration of low-income students" means,
1230 when used with respect to a public school or school district, a
1231 public school or school district that serves a student population
1232 with fifty percent (50%) or more being low-income individuals ages
1233 five (5) through seventeen (17) years from a low-income family on
1234 the basis of: data on children eligible for the free or reduced
1235 price lunches under the National School Lunch Act; data on
1236 children in families receiving assistance under Part A of Title IV
1237 of the Social Security Act; data on children eligible to receive
1238 medical assistance under the Medicaid program under Title XIX of
1239 the Social Security Act; or an alternate method of identifying
1240 such children which combines or extrapolates that data.



1241 (3) The State Board of Education shall establish clear,
1242 specific and challenging training guidelines that require teachers
1243 of advanced placement courses and teachers of pre-advanced
1244 placement courses to obtain a recognized advanced placement
1245 authority endorsed training. A teacher of an advanced placement
1246 or pre-advanced placement course, or both, must obtain the
1247 appropriate training. The State Board of Education shall not
1248 impose a specific time period for teachers of advanced placement
1249 and pre-advanced placement courses to be recertified, and any such
1250 recertification requirement shall be in the discretion of the
1251 local school board.

1252 (4) (a) In order to ensure that each student has a
1253 sufficient education for success after high school and that all
1254 students have equal access to a substantive and rigorous
1255 curriculum that is designed to challenge their minds and enhance
1256 their knowledge skill, school districts shall offer pre-advanced
1257 placement courses to prepare students for advanced placement
1258 course work.

1259 (b) Subject to appropriation, funding shall be made
1260 available for the 2007-2008 school year so that all sophomores in
1261 Mississippi's public schools may take an examination that measures
1262 the students' ability to succeed in an advanced placement course.
1263 The State Department of Education shall seek federal funding
1264 through the Advanced Placement Incentive Grant Program and other
1265 available funding for this purpose. Funding efforts must be



1266 focused with an intent to carry out advanced placement and
1267 pre-advanced placement activities in school districts targeted as
1268 serving a high concentration of low-income students.

1269 (c) The State Department of Education shall develop
1270 rules necessary for the implementation of advanced placement
1271 courses.

1272 (5) Beginning with the 2007-2008 school year, all school
1273 districts must offer at least one (1) advanced placement course in
1274 each of the four (4) core areas of math, English, science and
1275 social studies, for a total offering of no less than four (4)
1276 advanced placement courses. The use of the state's online
1277 Advanced Placement Instructional Program is an appropriate
1278 alternative for the delivery of advanced placement courses.

1279 Any public high school offering the International
1280 Baccalaureate Diploma Program is exempt from the requirements of
1281 this subsection. However, the school may participate in teacher
1282 training and program funding on the same basis as any high school
1283 offering advanced placement courses.

1284 **SECTION 9.** This act shall take effect and be in force from
1285 and after July 1, 2017.

