

By: Representative Bailey

To: Education;
Appropriations

HOUSE BILL NO. 161

1 AN ACT TO AMEND SECTION 37-106-55, MISSISSIPPI CODE OF 1972,
2 WHICH ESTABLISHES THE "CRITICAL NEEDS TEACHER FORGIVABLE LOAN
3 PROGRAM," TO DELETE THE AUTOMATIC REPEALER; TO AMEND SECTIONS
4 37-159-1, 37-159-5, 37-159-7, 37-159-9, 37-159-13 AND 37-159-17,
5 MISSISSIPPI CODE OF 1972, WHICH ARE PROVISIONS OF THE MISSISSIPPI
6 CRITICAL TEACHER SHORTAGE ACT OF 1998," TO DELETE THE AUTOMATIC
7 REPEALER ON THOSE PROVISIONS; TO AMEND SECTION 37-159-11,
8 MISSISSIPPI CODE OF 1972, TO REQUIRE THAT THE MISSISSIPPI
9 EMPLOYER-ASSISTED HOUSING TEACHER PROGRAM BE ADMINISTERED IN
10 CONJUNCTION WITH ANY CONFORMING LOAN; AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** Section 37-106-55, Mississippi Code of 1972, is
13 amended as follows:

14 37-106-55. (1) There is established the "Critical Needs
15 Teacher Forgivable Loan Program," the purpose of which is to
16 attract qualified teachers to those geographical areas of the
17 state and those subject areas of the curriculum where there exists
18 a critical shortage of teachers by awarding forgivable loans to
19 persons declaring an intention to serve in the teaching field who
20 actually render service to the state while possessing an
21 appropriate teaching license.



(2) Individuals * * * are encouraged to apply to the Teaching Fellows Program established in Section 37-106-77. Any individual who is enrolled in or accepted for enrollment at a teacher education program approved by the State Board of Education or other program at a baccalaureate degree-granting institution of higher learning in the State of Mississippi and has a passing score on the Praxis I Basic Skills Test who expresses in writing an intention to teach in a geographical area of the state or a subject area of the public school curriculum in which there exists a critical shortage of teachers, as designated by the State Board of Education, shall be eligible for a forgivable loan to be applied toward the costs of the individual's college education. The annual amount of the award shall be equal to the total cost for tuition, room and meals, books, materials and fees at the college or university in which the student is enrolled, not to exceed an amount equal to the highest total cost of tuition, room and meals, books, materials and fees assessed by a state institution of higher learning during that school year. Awards made to nonresidents of the state shall not include any amount assessed by the college or university for out-of-state tuition.

(3) Awards granted under the Critical Needs Teacher Forgivable Loan Program shall be available to both full-time and part-time students. Students enrolling on a full-time basis may receive a maximum of two (2) annual awards. The maximum number of awards that may be made to students attending school on a



part-time basis, and the maximum time period for part-time students to complete the number of academic hours necessary to obtain a baccalaureate degree in education, shall be established by rules and regulations promulgated by the board. Critical Needs Teacher Forgivable Loans shall not be based upon an applicant's financial need.

(4) Awards granted under the Critical Needs Teacher Forgivable Loan Program shall be made available to nontraditional licensed teachers showing a documented need for student loan repayment and employed in those school districts designated by the State Board of Education as a geographical area of the state or in a subject area of the curriculum in which there is a critical shortage of teachers. The maximum annual amount of this repayment should not exceed Three Thousand Dollars (\$3,000.00) and the maximum time period for repayment shall be no more than four (4) years.

(5) Except in those cases where employment positions may not be available upon completion of licensure requirements, at the beginning of the first school year in which a recipient of a Critical Needs Teacher Forgivable Loan is eligible for employment as a licensed teacher or a nontraditional teacher intern pursuant to Section 37-3-2(6)(b), that person shall begin to render service as a licensed teacher or nontraditional teacher intern in a public school district in a geographical area of the state or a subject



71 area of the curriculum where there is a critical shortage of
72 teachers, as approved by the State Board of Education.

73 (6) Failure to repay any loan and interest that becomes due
74 shall be cause for the revocation of a person's teaching license
75 by the State Board of Education.

76 (7) Repayment and conversion terms shall be the same as
77 those outlined in Section 37-106-53.

78 (8) The board shall promulgate rules and regulations
79 necessary for the proper administration of the Critical Needs
80 Teacher Forgivable Loan Program.

81 (9) The State Board of Education shall compile and report,
82 in consultation with the board, an annual report with findings and
83 recommendations to the legislative committees on education by
84 December 1, 2003, and annually thereafter, on the following:

85 (a) The number of participants in the Critical Needs
86 Teacher Forgivable Loan Program, by institution and by freshman,
87 sophomore, junior and senior level;

88 (b) The number of nontraditional teacher license
89 program participants;

90 (c) The number of individuals who completed the
91 Critical Needs Teacher Forgivable Loan Program and the school
92 district in which they are employed;

93 (d) The number of individuals who are in default of
94 their obligation under the Critical Needs Teacher Forgivable Loan
95 Program and the status of their obligation;



(e) The number of participants in the program who have successfully completed the Praxis examination in their junior year; and

(f) The number of noneducation majors participating in the program.

(10) Where local school districts exhibit financial need, the State Department of Education may, subject to the availability of funds specifically appropriated therefor by the Legislature, provide financial assistance for the recruitment of certified teachers in an amount not to exceed Seventy-five Thousand Dollars (\$75,000.00) annually.

* * *

SECTION 2. Section 37-159-1, Mississippi Code of 1972, is amended as follows:

37-159-1. This act [Laws of 1998, Chapter 544] shall be known and may be cited as the "Mississippi Critical Teacher Shortage Act of 1998."

* * *

SECTION 3. Section 37-159-5, Mississippi Code of 1972, is amended as follows:

37-159-5. The State Board of Education shall prescribe rules and regulations which, subject to available appropriations, allow for reimbursement to the state licensed teachers, from both in state and out of state, who enter into a contract for employment in a school district situated within a geographical area of the



121 state where there exists a critical shortage of teachers, as
122 designated by the State Board of Education, for the expense of
123 moving when the employment necessitates the relocation of the
124 teacher to a different geographical area than that in which the
125 teacher resides before entering into such contract. In order to
126 be eligible for the reimbursement, the teacher must apply to the
127 local district and the district must obtain the prior approval
128 from the department for reimbursement before the relocation
129 occurs. If the reimbursement is approved, the department shall
130 provide funds to the school district to reimburse the teacher an
131 amount not to exceed One Thousand Dollars (\$1,000.00) for the
132 documented actual expenses incurred in the course of relocating,
133 including the expense of any professional moving company or
134 persons employed to assist with the move, rented moving vehicles
135 or equipment, mileage in the amount authorized for state employees
136 under Section 25-3-41 if the teacher used his personal vehicle or
137 vehicles for the move, meals and such other expenses associated
138 with the relocation in accordance with the department's
139 established rules and regulations. No teacher may be reimbursed
140 for moving expenses under this section on more than one (1)
141 occasion.

142 Nothing in this section shall be construed to require the
143 actual residence to which the teacher relocates to be within the
144 boundaries of the school district which has executed a contract
145 for employment with the teacher or within the boundaries of the



area designated by the State Board of Education as the critical teacher shortage area in order for the teacher to be eligible for reimbursement for his moving expenses. However, teachers must relocate within the boundaries of the State of Mississippi.

* * *

SECTION 4. Section 37-159-7, Mississippi Code of 1972, is amended as follows:

37-159-7. The school board of any school district situated within a geographical area of the state where there exists a critical shortage of teachers, as designated by the State Board of Education, in its discretion, may reimburse persons who interview for employment as a licensed teacher with the district for the mileage and other actual expenses incurred in the course of travel to and from the interview by such persons at the rate authorized for county and municipal employees under Section 25-3-41. Any reimbursement by a school board under this section shall be paid from nonminimum education program funds.

* * *

SECTION 5. Section 37-159-9, Mississippi Code of 1972, is amended as follows:

37-159-9. (1) There is established the University Assisted Teacher Recruitment and Retention Grant Program within the State Department of Education. The purposes of the program shall be to attract additional qualified teachers to those geographical areas of the state where there exists a critical shortage of teachers



171 and to retain the qualified teachers already serving as licensed
172 teachers in geographical critical teacher shortage areas by making
173 available scholarships to persons working towards a Master of
174 Education degree or an Educational Specialist degree at an
175 institution of higher learning whose teacher education program is
176 approved by the State Board of Education.

177 (2) Any institution of higher learning in the State of
178 Mississippi which offers a Master of Education degree or an
179 Educational Specialist degree may apply to the department for
180 participation in the program. As part of the program,
181 participating institutions shall collaborate with the Mississippi
182 Teacher Center to identify, recruit and place teacher education
183 graduates, from both within the state and out of state, in school
184 districts situated within those areas of the state where there
185 exists a critical shortage of teachers, as designated by the State
186 Board of Education.

187 (3) The State Department of Education shall provide funds to
188 participating institutions of higher learning for the purpose of
189 awarding scholarships to qualified persons pursuing a Master of
190 Education degree or an Educational Specialist degree at such
191 institutions while rendering service to the state as a licensed
192 teacher in a school district in a geographical area of the state
193 where there exists a critical shortage of teachers, as approved by
194 the State Board of Education. The financial scholarship shall be
195 applied to the total cost for tuition, books, materials and fees



at the institution in which the student is enrolled, not to exceed an amount equal to the highest total cost of tuition, books, materials and fees assessed by a state institution of higher learning during that school year. Teachers who relocate within Mississippi from out of state in order to participate in the program shall be classified as residents of the state for tuition purposes.

(4) Students awarded financial scholarships under the University Assisted Teacher Recruitment and Retention Grant Program may receive such awards for a maximum of four (4) school years; however, the maximum number of awards which may be made shall not exceed the length of time required to complete the number of academic hours necessary to obtain a Master of Education degree or an Educational Specialist degree. Financial scholarships under the program shall not be based upon an applicant's eligibility for financial aid.

(5) Persons relocating to a geographical area of the state where there exists a critical shortage of teachers, as approved by the State Board of Education, to participate in the University Assisted Teacher Recruitment and Retention Grant Program shall be eligible for reimbursement for their moving expenses to the critical teacher shortage area from the State Board of Education. The State Board of Education shall promulgate rules and regulations necessary for the administration of the relocation



220 expense reimbursement component of the University Assisted Teacher
221 Recruitment and Retention Grant Program.

222 (6) Subject to the availability of funds, the State Board of
223 Education may provide for professional development and support
224 services as may be necessary for the retention of teachers
225 participating in the program in those geographical areas of the
226 state where there exists a critical shortage of teachers.

227 (7) Any person participating in the program who fails to
228 complete a program of study that will enable that person to obtain
229 a Master of Education degree or Educational Specialist degree
230 shall become liable immediately to the State Board of Education
231 for the sum of all awards made to that person under the program,
232 plus interest accruing at the current Stafford Loan rate at the
233 time the person abrogates his participation in the program.

234 (8) As a condition for participation in the program, a
235 teacher shall agree to employment as a licensed teacher in a
236 school district located in a geographical area of the state where
237 there exists a critical shortage of teachers, as designated by the
238 State Board of Education, for a period of not less than three (3)
239 years, which shall include those years of service rendered while
240 obtaining the Master of Education degree or Educational Specialist
241 degree. However, for any person who obtained a baccalaureate
242 degree in education with a financial scholarship under the
243 Critical Needs Teacher Scholarship Program and who entered the
244 University Assisted Teacher Recruitment and Retention Grant



245 Program before rendering service as a teacher, the period of
246 employment for the purposes of this subsection shall be two (2)
247 years, in addition to the employment commitment required under the
248 Critical Needs Teacher Scholarship Program. Service rendered by a
249 participant as a licensed teacher in a school district in a
250 geographical critical teacher shortage area before that teacher
251 becomes a participant in the program may not be considered to
252 fulfill the employment commitment required under this subsection.
253 Any person failing to comply with this employment commitment in
254 any required school year shall immediately be in breach of
255 contract and become liable immediately to the State Department of
256 Education for the sum of all scholarships awarded and relocation
257 expenses granted to that person, less one-third (1/3) of the
258 amount of that sum for each year that service was rendered, or for
259 those persons whose required period of employment is two (2)
260 years, less one-half (1/2) of the amount of that sum for each year
261 that service was rendered, plus interest accruing at the current
262 Stafford Loan rate at the time the breach occurs, except in the
263 case of a deferral for cause by the State Board of Education when
264 there is no employment position immediately available upon the
265 teacher's obtaining of the Master of Education degree or
266 Educational Specialist degree. After the period of such deferral,
267 the person shall begin or resume the required teaching duties or
268 shall become liable to the board under this subsection. If a
269 claim for repayment under this subsection is placed in the hands



of an attorney for collection after default, then the obligor shall be liable for an additional amount equal to a reasonable attorney's fee.

(9) All funds received by the State Department of Education from the repayment of scholarship awards and relocation expenses by program participants shall be deposited in the Mississippi Critical Teacher Shortage Fund.

(10) The State Board of Education shall promulgate rules and regulations necessary for the proper administration of the University Assisted Teacher Recruitment and Retention Grant Program.

* * *

SECTION 6. Section 37-159-11, Mississippi Code of 1972, is amended as follows:

37-159-11. (1) There is established the Mississippi Employer-Assisted Housing Teacher Program, which shall be a special home loan program for eligible licensed teachers who render service to the state in a geographical area of the state where there exists a critical shortage of teachers, as designated by the State Board of Education. The home loan program shall be administered by the State Department of Education in conjunction with * * * any conforming loan. The department may contract with one or more public or private entities to provide assistance in implementing and administering the program. The State Board of



Education shall adopt rules and regulations regarding the implementation and administration of the program.

(2) Participation in the loan program shall be available to any licensed teacher who renders service in a geographical area of the state where there exists a critical shortage of teachers, as designated by the State Board of Education. Any person who receives a loan under the program shall be required to purchase a house and reside in a county in which the school district for which the teacher is rendering service, or any portion of the school district, is located. The maximum amount of a loan that may be made under the program to any person shall be Six Thousand Dollars (\$6,000.00).

(3) Any loan made under the program to a person who actually renders service as a teacher in a geographical area of the state where there exists a critical shortage of teachers, as designated by the State Board of Education, shall be converted to an interest-free grant on the basis of one (1) year's service for one-third (1/3) of the amount of the loan. Any person who does not render three (3) years' service as a teacher in a geographical area of the state where there exists a critical shortage of teachers, as designated by the State Board of Education, shall be liable to the State Department of Education for one-third (1/3) of the amount of the loan for each year that he does not render such service, plus interest accruing at the current Stafford Loan rate at the time the person discontinues his service. If a claim for



319 repayment under this subsection is placed in the hands of an
320 attorney for collection, the obligor shall be liable for an
321 additional amount equal to a reasonable attorney's fee.

322 (4) All funds received by the State Department of Education
323 as repayment of loans by program participants shall be deposited
324 in the Mississippi Critical Teacher Shortage Fund.

325 * * *

326 **SECTION 7.** Section 37-159-13, Mississippi Code of 1972, is
327 amended as follows:

328 37-159-13. (1) There is established a pilot program to
329 provide for the construction of rental housing units for teachers
330 in the West Tallahatchie School District, which pilot program
331 shall be administered by the State Department of Education. The
332 department may contract with one or more public or private
333 entities to provide assistance in implementing and administering
334 the program. The State Board of Education shall adopt rules and
335 regulations regarding the implementation and administration of the
336 program.

337 (2) The West Tallahatchie School District shall receive
338 proposals from developers for the construction of the rental
339 housing units, and submit its recommendation to the State
340 Department of Education about which developer should construct the
341 units. The department shall make the final determination about
342 the developer that will construct the units.



(3) After selection of the developer, the department shall loan the developer not more than Two Hundred Thousand Dollars (\$200,000.00) for construction of the units. The interest rate on the loan shall be equal to one percent (1%) below the discount rate at the Federal Reserve Bank in the Federal Reserve district in which the school district is located, and the loan shall be repaid in not more than fifteen (15) years, as determined by the department. All funds received by the department as repayment of the principal and interest of the loan shall be deposited in the Mississippi Critical Teacher Shortage Fund. If a claim against the developer for repayment is placed in the hands of an attorney for collection, the obligor shall be liable for an additional amount equal to a reasonable attorney's fee.

(4) The developer shall operate the rental housing units. For a period of ten (10) years or until such time as the loan to the developer is repaid, whichever is longer, the priority for residence in the units shall be given first to teachers employed by the school district, then to other licensed school district employees, and then to any other school district employees.

* * *

SECTION 8. Section 37-159-17, Mississippi Code of 1972, is amended as follows:

37-159-17. There is established in the State Treasury a special fund to be designated the "Mississippi Critical Teacher Shortage Fund," into which shall be deposited those funds



368 appropriated by the Legislature, and any other funds that may be
369 made available, for the purpose of implementing the programs
370 established under Sections 37-159-5, 37-9-77, 37-3-91 and 37-159-9
371 through 37-159-13. Money in the fund at the end of a fiscal year
372 shall not lapse into the General Fund, and interest earned on any
373 amounts deposited into the fund shall be credited to the special
374 fund.

375 * * *

376 **SECTION 9.** This act shall take effect and be in force from
377 and after July 1, 2020.

