

By: Senator(s) Simmons

To: Education;
Appropriations

SENATE BILL NO. 2376

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

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

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

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

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

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

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

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

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

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

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

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

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

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

67 (3) The Motivating Parents and Children (M.P.A.C.) pilot
68 program described in this section shall be conducted in six (6)
69 school districts selected by the State Superintendent of Education

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

80 (4) The State Department of Education shall develop policies
81 and procedures to administer the Motivating Parents and Children
82 (M.P.A.C.) pilot program.

83 (5) The selected pilot school districts shall implement the
84 M.P.A.C. program, and in doing so shall:

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

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

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

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

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

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

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

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

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

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

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

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

169 (b) The application shall include the following
170 information:

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

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

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

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

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

202 to serve as models for other communities. The State Board of
203 Education shall select the grant recipients prior to July 1, 2005,
204 for local programs that will be in operation at the beginning of
205 the 2005-2006 school year, and prior to July 1 and thereafter for
206 the appropriate school year.

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

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

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

222 (10) The Department of Education shall develop and implement
223 an evaluation system, under the direction of the State Board of
224 Education, that will assess the efficiency and effectiveness of
225 the M.P.A.C. program.

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

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

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

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

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

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

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

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

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

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

271 (e) A parent, guardian or custodian of a
272 compulsory-school-age child enrolled in a public school in a
273 school district participating in a Motivating Parents and Children
274 (M.P.A.C.) grant program as provided in Senate Bill No. 2376, 2005
275 Regular Session, who has been summoned by proper notification by
276 an appropriate school official to attend a conference, school
277 meeting, after-school meeting or class regarding the acts of such
278 child or parent specified under said program shall be required
279 under this provision to attend such conference, school meeting,
280 after-school meeting or class, provided that scheduling is
281 sensitive to the parent's work hours and transportation needs.

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

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

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

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

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

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

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

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

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

360 (4) Whenever a licensee under the age of eighteen (18) who
361 resides in a school district participating in the Motivating
362 Parents and Children (M.P.A.C.) program provided under Senate Bill
363 No. 2376, 2005 Regular Session, and who has not attained a diploma
364 or other certificate of graduation as prescribed in Section
365 63-1-19(2), withdraws or is suspended from his educational
366 instruction, the attendance counselor, social worker, parent,

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

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

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

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

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

400 of the Uniform Controlled Substances Law under the provisions of
401 Section 63-1-71.

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

427 (5) The procedure for the reinstatement of a license issued
428 pursuant to this article that has been suspended for being out of
429 compliance with an order for support, as defined in Section
430 93-11-153, and the payment of any fees for the reinstatement of a
431 license suspended for that purpose, shall be governed by Section
432 93-11-157 or 93-11-163, as the case may be.

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

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

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

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

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

466 (c) Is an habitually reckless or negligent driver of a
467 motor vehicle;

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

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

473 (f) Has permitted an unlawful or fraudulent use of such
474 license;

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

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

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

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

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

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

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

504 **SECTION 6.** This act shall take effect and be in force from
505 and after July 1, 2005.