

By: Representative Gunn

To: Education

HOUSE BILL NO. 907

1 AN ACT TO AMEND SECTION 37-17-12, MISSISSIPPI CODE OF 1972,
 2 TO EXEMPT SCHOOL DISTRICTS MEETING LEVEL 4 OR 5 ACCREDITATION
 3 STANDARDS FROM PERFORMING CERTAIN DUTIES STATUTORILY IMPOSED ON
 4 SCHOOL DISTRICTS; TO AMEND SECTION 37-1-3, MISSISSIPPI CODE OF
 5 1972, TO REQUIRE THE STATE BOARD OF EDUCATION TO DEVELOP A GRANT
 6 PROGRAM EXCLUSIVELY FOR SCHOOL DISTRICTS MEETING LEVEL 4 OR 5
 7 ACCREDITATION STANDARDS TO RECEIVE FUNDS FOR THE IMPLEMENTATION OF
 8 INNOVATIVE EDUCATIONAL PROGRAMS; TO AMEND SECTIONS 37-3-2,
 9 37-11-53, 37-13-10, 37-13-41, 37-13-89, 37-43-31 AND 37-151-23,
 10 MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PROVISIONS OF THIS
 11 ACT; AND FOR RELATED PURPOSES.

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

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

15 37-17-12. (1) Except as otherwise provided by law, a school
 16 district meeting Level 4 or 5 accreditation standards, as defined
 17 by the State Board of Education, is exempt from certain statutes
 18 applicable to public schools and school districts and the rules,
 19 regulations, policies and procedures of the State Board of
 20 Education. A school district accredited at Level 4 or 5 and
 21 the licensed employees of that district are exempt from the
 22 following requirements:

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

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

28 (c) Submitting reports regarding the type and amount of
 29 work done in each grade of their respective school to the
 30 superintendent of the school districts, as required in Section
 31 37-13-41;

32 (d) Participating in the process of selecting textbooks
33 by the State Board of Education, as prescribed in Section
34 37-43-31;

35 (e) Completing surveys from the State Department of
36 Education;

37 (f) Fulfilling continuing education unit requirements
38 for teacher license renewal, as prescribed in Section 37-3-2; and

39 (g) Submitting a report to the State Board of Education
40 regarding the Reading Sufficiency Program of Instruction
41 established under Section 37-13-10.

42 (2) Except as otherwise provided by law, a school district
43 meeting Level 4 or 5 accreditation standards may provide for the
44 following:

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

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

51 (3) (a) * * * Principals and administrators with career
52 level certifications at schools with Level 4 or 5 accreditation
53 standards shall be exempted from the provisions pursuant to
54 Section 37-3-4, subject to approval of the local superintendent.

55 (b) * * * School districts meeting Level 4 or 5
56 accreditation standards, as defined by the State Board of
57 Education, shall be exempted from the provisions pursuant to
58 Sections 37-3-46, 37-3-49(2), 37-7-337, 37-17-8 and 37-21-7(4).

59 (4) The State Department of Education shall develop a policy
60 to determine reevaluation of exemption status.

61 (5) The State Department of Education is directed to provide
62 a report of all exempted process standards and nonexempted process
63 standards to the Office of the Governor, the Chairs of the House

64 and Senate Education Committees, and the Mississippi Association
65 of School Superintendents by December 1, 2007.

66 (6) A school district meeting Level 4 or 5 accreditation
67 standards may qualify for any state or federal grant program
68 regardless of student demographics.

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

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

75 (a) The board is directed to identify all functions of
76 the department that contribute to or comprise a part of the state
77 system of educational accountability and to establish and maintain
78 within the department the necessary organizational structure,
79 policies and procedures for effectively coordinating such
80 functions. Such policies and procedures shall clearly fix and
81 delineate responsibilities for various aspects of the system and
82 for overall coordination of the total system and its effective
83 management.

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

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

90 (d) The board shall establish and maintain a central
91 budget policy.

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

95 (f) The board, with recommendations from the
96 superintendent, shall design and maintain a five-year plan and

97 program for educational improvement that shall set forth
98 objectives for system performance and development and be the basis
99 for budget requests and legislative initiatives.

100 (g) The board shall develop a grant program exclusively
101 for school districts meeting Level 4 or 5 accreditation standards,
102 as defined by the board, to receive funds for the implementation
103 of innovative educational programs.

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

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

- 118 (i) Opening a bank account and assessing the
119 quality of a bank's services;
- 120 (ii) Balancing a checkbook;
- 121 (iii) Managing debt, including retail and credit
122 card debt;
- 123 (iv) Completing a loan application;
- 124 (v) The implications of an inheritance;
- 125 (vi) The basics of personal insurance policies;
- 126 (vii) Consumer rights and responsibilities;
- 127 (viii) Dealing with salesmen and merchants;
- 128 (ix) Computing state and federal income taxes;
- 129 (x) Local tax assessments;

130 (xi) Computing interest rates by various
131 mechanisms;
132 (xii) Understanding simple contracts; and
133 (xiii) Contesting an incorrect billing statement.

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

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

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

150 37-3-2. (1) There is established within the State
151 Department of Education the Commission on Teacher and
152 Administrator Education, Certification and Licensure and
153 Development. It shall be the purpose and duty of the commission
154 to make recommendations to the State Board of Education regarding
155 standards for the certification and licensure and continuing
156 professional development of those who teach or perform tasks of an
157 educational nature in the public schools of Mississippi.

158 (2) The commission shall be composed of fifteen (15)
159 qualified members. The membership of the commission shall be
160 composed of the following members to be appointed, three (3) from
161 each congressional district: four (4) classroom teachers; three
162 (3) school administrators; one (1) representative of schools of

163 education of institutions of higher learning located within the
164 state to be recommended by the Board of Trustees of State
165 Institutions of Higher Learning; one (1) representative from the
166 schools of education of independent institutions of higher
167 learning to be recommended by the Board of the Mississippi
168 Association of Independent Colleges; one (1) representative from
169 public community and junior colleges located within the state to
170 be recommended by the State Board for Community and Junior
171 Colleges; one (1) local school board member; and four (4) lay
172 persons. All appointments shall be made by the State Board of
173 Education after consultation with the State Superintendent of
174 Public Education. The first appointments by the State Board of
175 Education shall be made as follows: five (5) members shall be
176 appointed for a term of one (1) year; five (5) members shall be
177 appointed for a term of two (2) years; and five (5) members shall
178 be appointed for a term of three (3) years. Thereafter, all
179 members shall be appointed for a term of four (4) years.

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

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

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

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

197 (b) Recommend to the State Board of Education each year
198 approval or disapproval of each educator preparation program in
199 the state;

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

203 (d) Establish, subject to the approval of the State
204 Board of Education, standards for the renewal of teacher licenses
205 in all fields;

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

209 (f) Review all existing requirements for certification
210 and licensure;

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

213 (h) Prepare reports from time to time on current
214 practices and issues in the general area of teacher education and
215 certification and licensure;

216 (i) Hold hearings concerning standards for teachers'
217 and administrators' education and certification and licensure with
218 approval of the State Board of Education;

219 (j) Hire expert consultants with approval of the State
220 Board of Education;

221 (k) Set up ad hoc committees to advise on specific
222 areas; and

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

226 (6) (a) **Standard License - Approved Program Route.** An
227 educator entering the school system of Mississippi for the first
228 time and meeting all requirements as established by the State
229 Board of Education shall be granted a standard five-year license.
230 Persons who possess two (2) years of classroom experience as an
231 assistant teacher or who have taught for one (1) year in an
232 accredited public or private school shall be allowed to fulfill
233 student teaching requirements under the supervision of a qualified
234 participating teacher approved by an accredited college of
235 education. The local school district in which the assistant
236 teacher is employed shall compensate such assistant teachers at
237 the required salary level during the period of time such
238 individual is completing student teaching requirements.
239 Applicants for a standard license shall submit to the department:
240 (i) An application on a department form;
241 (ii) An official transcript of completion of a
242 teacher education program approved by the department or a
243 nationally accredited program, subject to the following:
244 Licensure to teach in Mississippi prekindergarten through
245 kindergarten classrooms shall require completion of a teacher
246 education program or a bachelor of science degree with child
247 development emphasis from a program accredited by the American
248 Association of Family and Consumer Sciences (AAFCS) or by the
249 National Association for Education of Young Children (NAEYC) or by
250 the National Council for Accreditation of Teacher Education
251 (NCATE). Licensure to teach in Mississippi kindergarten, for
252 those applicants who have completed a teacher education program,
253 and in Grade 1 through Grade 4 shall require the completion of an
254 interdisciplinary program of studies. Licenses for Grades 4
255 through 8 shall require the completion of an interdisciplinary
256 program of studies with two (2) or more areas of concentration.
257 Licensure to teach in Mississippi Grades 7 through 12 shall
258 require a major in an academic field other than education, or a

259 combination of disciplines other than education. Students
260 preparing to teach a subject shall complete a major in the
261 respective subject discipline. All applicants for standard
262 licensure shall demonstrate that such person's college preparation
263 in those fields was in accordance with the standards set forth by
264 the National Council for Accreditation of Teacher Education
265 (NCATE) or the National Association of State Directors of Teacher
266 Education and Certification (NASDTEC) or, for those applicants who
267 have a bachelor of science degree with child development emphasis,
268 the American Association of Family and Consumer Sciences (AAFCS);

269 (iii) A copy of test scores evidencing
270 satisfactory completion of nationally administered examinations of
271 achievement, such as the Educational Testing Service's teacher
272 testing examinations; and

273 (iv) Any other document required by the State
274 Board of Education.

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

276 Beginning January 1, 2004, an individual who has a passing score
277 on the Praxis I Basic Skills and Praxis II Specialty Area Test in
278 the requested area of endorsement may apply for the Teach
279 Mississippi Institute (TMI) program to teach students in Grades 7
280 through 12 if the individual meets the requirements of this
281 paragraph (b). The State Board of Education shall adopt rules
282 requiring that teacher preparation institutions which provide the
283 Teach Mississippi Institute (TMI) program for the preparation of
284 nontraditional teachers shall meet the standards and comply with
285 the provisions of this paragraph.

286 (i) The Teach Mississippi Institute (TMI) shall
287 include an intensive eight-week, nine-semester-hour summer program
288 or a curriculum of study in which the student matriculates in the
289 fall or spring semester, which shall include, but not be limited
290 to, instruction in education, effective teaching strategies,
291 classroom management, state curriculum requirements, planning and

292 instruction, instructional methods and pedagogy, using test
293 results to improve instruction, and a one (1) semester three-hour
294 supervised internship to be completed while the teacher is
295 employed as a full-time teacher intern in a local school district.
296 The TMI shall be implemented on a pilot program basis, with
297 courses to be offered at up to four (4) locations in the state,
298 with one (1) TMI site to be located in each of the three (3)
299 Mississippi Supreme Court districts.

300 (ii) The school sponsoring the teacher intern
301 shall enter into a written agreement with the institution
302 providing the Teach Mississippi Institute (TMI) program, under
303 terms and conditions as agreed upon by the contracting parties,
304 providing that the school district shall provide teacher interns
305 seeking a nontraditional provisional teaching license with a
306 one-year classroom teaching experience. The teacher intern shall
307 successfully complete the one (1) semester three-hour intensive
308 internship in the school district during the semester immediately
309 following successful completion of the TMI and prior to the end of
310 the one-year classroom teaching experience.

311 (iii) Upon completion of the nine-semester-hour
312 TMI or the fall or spring semester option, the individual shall
313 submit his transcript to the commission for provisional licensure
314 of the intern teacher, and the intern teacher shall be issued a
315 provisional teaching license by the commission, which will allow
316 the individual to legally serve as a teacher while the person
317 completes a nontraditional teacher preparation internship program.

318 (iv) During the semester of internship in the
319 school district, the teacher preparation institution shall monitor
320 the performance of the intern teacher. The school district that
321 employs the provisional teacher shall supervise the provisional
322 teacher during the teacher's intern year of employment under a
323 nontraditional provisional license, and shall, in consultation
324 with the teacher intern's mentor at the school district of

325 employment, submit to the commission a comprehensive evaluation of
326 the teacher's performance sixty (60) days prior to the expiration
327 of the nontraditional provisional license. If the comprehensive
328 evaluation establishes that the provisional teacher intern's
329 performance fails to meet the standards of the approved
330 nontraditional teacher preparation internship program, the
331 individual shall not be approved for a standard license.

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

337 (vi) Upon successful completion of the TMI and the
338 internship provisional license period, applicants for a Standard
339 License - Nontraditional Route shall submit to the commission a
340 transcript of successful completion of the twelve (12) semester
341 hours required in the internship program, and the employing school
342 district shall submit to the commission a recommendation for
343 standard licensure of the intern. If the school district
344 recommends licensure, the applicant shall be issued a Standard
345 License - Nontraditional Route which shall be valid for a
346 five-year period and be renewable.

347 (vii) At the discretion of the teacher preparation
348 institution, the individual shall be allowed to credit the twelve
349 (12) semester hours earned in the nontraditional teacher
350 internship program toward the graduate hours required for a Master
351 of Arts in Teacher (MAT) Degree.

352 (viii) The local school district in which the
353 nontraditional teacher intern or provisional licensee is employed
354 shall compensate such teacher interns at Step 1 of the required
355 salary level during the period of time such individual is
356 completing teacher internship requirements and shall compensate

357 such Standard License - Nontraditional Route teachers at Step 3 of
358 the required salary level when they complete license requirements.

359 Implementation of the TMI program provided for under this
360 paragraph (b) shall be contingent upon the availability of funds
361 appropriated specifically for such purpose by the Legislature.
362 Such implementation of the TMI program may not be deemed to
363 prohibit the State Board of Education from developing and
364 implementing additional alternative route teacher licensure
365 programs, as deemed appropriate by the board. The emergency
366 certification program in effect prior to July 1, 2002, shall
367 remain in effect.

368 * * *

369 A Standard License - Approved Program Route shall be issued
370 for a five-year period, and may be renewed. Recognizing teaching
371 as a profession, a hiring preference shall be granted to persons
372 holding a Standard License - Approved Program Route or Standard
373 License - Nontraditional Teaching Route over persons holding any
374 other license.

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

388 (d) **Special License - Nonrenewable.** The State Board of
389 Education is authorized to establish rules and regulations to

390 allow those educators not meeting requirements in subsection
391 (6)(a), (b) or (c) to be licensed for a period of not more than
392 three (3) years, except by special approval of the State Board of
393 Education.

394 (e) **Nonlicensed Teaching Personnel.** A nonlicensed
395 person may teach for a maximum of three (3) periods per teaching
396 day in a public school or a nonpublic school accredited/approved
397 by the state. Such person shall submit to the department a
398 transcript or record of his education and experience which
399 substantiates his preparation for the subject to be taught and
400 shall meet other qualifications specified by the commission and
401 approved by the State Board of Education. In no case shall any
402 local school board hire nonlicensed personnel as authorized under
403 this paragraph in excess of five percent (5%) of the total number
404 of licensed personnel in any single school.

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

423 possess legal authorization for employment. A teacher of
424 transitional bilingual education serving under a special license
425 shall be under an exemption from standard licensure if he achieves
426 the requisite qualifications therefor. Two (2) years of service
427 by a teacher of transitional bilingual education under such an
428 exemption shall be credited to the teacher in acquiring a Standard
429 Educator License. Nothing in this paragraph shall be deemed to
430 prohibit a local school board from employing a teacher licensed in
431 an appropriate field as approved by the State Department of
432 Education to teach in a program in transitional bilingual
433 education.

434 (g) In the event any school district meets Level 4 or 5
435 accreditation standards, the State Board of Education, in its
436 discretion, may exempt such school district from any restrictions
437 in paragraph (e) relating to the employment of nonlicensed
438 teaching personnel.

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

444 (7) **Administrator License.** The State Board of Education is
445 authorized to establish rules and regulations and to administer
446 the licensure process of the school administrators in the State of
447 Mississippi. There will be four (4) categories of administrator
448 licensure with exceptions only through special approval of the
449 State Board of Education.

450 (a) **Administrator License - Nonpracticing.** Those
451 educators holding administrative endorsement but having no
452 administrative experience or not serving in an administrative
453 position on January 15, 1997.

454 (b) **Administrator License - Entry Level.** Those
455 educators holding administrative endorsement and having met the

456 department's qualifications to be eligible for employment in a
457 Mississippi school district. Administrator License - Entry Level
458 shall be issued for a five-year period and shall be nonrenewable.

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

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

474 * * *

475 * * * Individuals seeking school administrator licensure
476 under paragraph (b), (c) or (d) shall successfully complete a
477 training program and an assessment process prescribed by the State
478 Board of Education. * * * All applicants for school administrator
479 licensure shall meet all requirements prescribed by the department
480 under paragraph (b), (c) or (d), and the cost of the assessment
481 process required shall be paid by the applicant.

482 (8) **Reciprocity.** (a) The department shall grant a standard
483 license to any individual who possesses a valid standard license
484 from another state.

485 (b) The department shall grant a nonrenewable special
486 license to any individual who possesses a credential which is less
487 than a standard license or certification from another state. Such
488 special license shall be valid for the current school year plus

489 one (1) additional school year to expire on June 30 of the second
490 year, not to exceed a total period of twenty-four (24) months,
491 during which time the applicant shall be required to complete the
492 requirements for a standard license in Mississippi.

493 (9) **Renewal and Reinstatement of Licenses.** (a) The State
494 Board of Education is authorized to establish rules and
495 regulations for the renewal and reinstatement of educator and
496 administrator licenses. Effective May 15, 1997, the valid
497 standard license held by an educator shall be extended five (5)
498 years beyond the expiration date of the license in order to afford
499 the educator adequate time to fulfill new renewal requirements
500 established pursuant to this subsection. An educator completing a
501 master of education, educational specialist or doctor of education
502 degree in May 1997 for the purpose of upgrading the educator's
503 license to a higher class shall be given this extension of five
504 (5) years plus five (5) additional years for completion of a
505 higher degree.

506 (b) A licensed teacher who is employed in a school
507 accredited at Level 4 or 5 by the State Board of Education is
508 exempt from any continuing education requirements that may be
509 established as a condition for renewal of the teacher's license.

510 (10) All controversies involving the issuance, revocation,
511 suspension or any change whatsoever in the licensure of an
512 educator required to hold a license shall be initially heard in a
513 hearing de novo, by the commission or by a subcommittee
514 established by the commission and composed of commission members
515 for the purpose of holding hearings. Any complaint seeking the
516 denial of issuance, revocation or suspension of a license shall be
517 by sworn affidavit filed with the Commission of Teacher and
518 Administrator Education, Certification and Licensure and
519 Development. The decision thereon by the commission or its
520 subcommittee shall be final, unless the aggrieved party shall
521 appeal to the State Board of Education, within ten (10) days, of

522 the decision of the committee or its subcommittee. An appeal to
523 the State Board of Education shall be on the record previously
524 made before the commission or its subcommittee unless otherwise
525 provided by rules and regulations adopted by the board. The State
526 Board of Education in its authority may reverse, or remand with
527 instructions, the decision of the committee or its subcommittee.
528 The decision of the State Board of Education shall be final.

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

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

534 (b) The applicant has a physical, emotional or mental
535 disability that renders the applicant unfit to perform the duties
536 authorized by the license, as certified by a licensed psychologist
537 or psychiatrist;

538 (c) The applicant is actively addicted to or actively
539 dependent on alcohol or other habit-forming drugs or is a habitual
540 user of narcotics, barbiturates, amphetamines, hallucinogens or
541 other drugs having similar effect, at the time of application for
542 a license;

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

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

547 (f) Failing or refusing to furnish reasonable evidence
548 of identification;

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

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

555 (12) The State Board of Education, acting on the
556 recommendation of the commission, may revoke or suspend any
557 teacher or administrator license for specified periods of time for
558 one or more of the following:

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

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

565 (c) Suspension or revocation of a certificate or
566 license by another state shall result in immediate suspension or
567 revocation and shall continue until records in the prior state
568 have been cleared;

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

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

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

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

583 (b) Any offense committed or attempted in any other
584 state shall result in the same penalty as if committed or
585 attempted in this state.

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

588 recommending any of the above penalties without the necessity of a
589 hearing. However, any such license which has voluntarily been
590 surrendered by a licensed employee may only be reinstated by a
591 majority vote of all members of the commission present at the
592 meeting called for such purpose.

593 (14) A person whose license has been suspended on any
594 grounds except criminal grounds may petition for reinstatement of
595 the license after one (1) year from the date of suspension, or
596 after one-half (1/2) of the suspended time has lapsed, whichever
597 is greater. A license suspended or revoked on the criminal
598 grounds may be reinstated upon petition to the commission filed
599 after expiration of the sentence and parole or probationary period
600 imposed upon conviction. A revoked, suspended or surrendered
601 license may be reinstated upon satisfactory showing of evidence of
602 rehabilitation. The commission shall require all who petition for
603 reinstatement to furnish evidence satisfactory to the commission
604 of good character, good mental, emotional and physical health and
605 such other evidence as the commission may deem necessary to
606 establish the petitioner's rehabilitation and fitness to perform
607 the duties authorized by the license.

608 (15) Reporting procedures and hearing procedures for dealing
609 with infractions under this section shall be promulgated by the
610 commission, subject to the approval of the State Board of
611 Education. The revocation or suspension of a license shall be
612 effected at the time indicated on the notice of suspension or
613 revocation. The commission shall immediately notify the
614 superintendent of the school district or school board where the
615 teacher or administrator is employed of any disciplinary action
616 and also notify the teacher or administrator of such revocation or
617 suspension and shall maintain records of action taken. The State
618 Board of Education may reverse or remand with instructions any
619 decision of the commission regarding a petition for reinstatement

620 of a license, and any such decision of the State Board of
621 Education shall be final.

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

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

643 (18) The granting of a license shall not be deemed a
644 property right nor a guarantee of employment in any public school
645 district. A license is a privilege indicating minimal eligibility
646 for teaching in the public schools of Mississippi. This section
647 shall in no way alter or abridge the authority of local school
648 districts to require greater qualifications or standards of
649 performance as a prerequisite of initial or continued employment
650 in such districts.

651 (19) In addition to the reasons specified in subsections
652 (12) and (13) of this section, the board shall be authorized to

653 suspend the license of any licensee for being out of compliance
654 with an order for support, as defined in Section 93-11-153. The
655 procedure for suspension of a license for being out of compliance
656 with an order for support, and the procedure for the reissuance or
657 reinstatement of a license suspended for that purpose, and the
658 payment of any fees for the reissuance or reinstatement of a
659 license suspended for that purpose, shall be governed by Section
660 93-11-157 or 93-11-163, as the case may be. Actions taken by the
661 board in suspending a license when required by Section 93-11-157
662 or 93-11-163 are not actions from which an appeal may be taken
663 under this section. Any appeal of a license suspension that is
664 required by Section 93-11-157 or 93-11-163 shall be taken in
665 accordance with the appeal procedure specified in Section
666 93-11-157 or 93-11-163, as the case may be, rather than the
667 procedure specified in this section. If there is any conflict
668 between any provision of Section 93-11-157 or 93-11-163 and any
669 provision of this chapter, the provisions of Section 93-11-157 or
670 93-11-163, as the case may be, shall control.

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

673 37-11-53. (1) A copy of the school district's discipline
674 plan shall be distributed to each student enrolled in the
675 district, and the parents, guardian or custodian of such student
676 shall sign a statement verifying that they have been given notice
677 of the discipline policies of their respective school district.
678 The school board, except in those school districts accredited at
679 Level 4 or 5 by the State Board of Education, shall have its
680 official discipline plan and code of student conduct legally
681 audited on an annual basis to insure that its policies and
682 procedures are currently in compliance with applicable statutes,
683 case law and state and federal constitutional provisions. * * *
684 This section, Section 37-11-55 and Section 37-11-18.1 shall be

685 fully incorporated into the school district's discipline plan and
686 code of student conduct.

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

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

693 (b) A parent, guardian or custodian of a
694 compulsory-school-age child enrolled in a public school district
695 may be requested to appear at school by the school attendance
696 officer or an appropriate school official for a conference
697 regarding acts of the child specified in paragraph (a) of this
698 subsection, or for any other discipline conference regarding the
699 acts of the child;

700 (c) Any parent, guardian or custodian of a
701 compulsory-school-age child enrolled in a school district who
702 refuses or willfully fails to attend such discipline conference
703 specified in paragraph (b) of this section may be summoned by
704 proper notification by the superintendent of schools or the school
705 attendance officer and be required to attend such discipline
706 conference; and

707 (d) A parent, guardian or custodian of a
708 compulsory-school-age child enrolled in a public school district
709 shall be responsible for any criminal fines brought against such
710 student for unlawful activity occurring on school grounds or
711 buses.

712 (3) Any parent, guardian or custodian of a
713 compulsory-school-age child who (a) fails to attend a discipline
714 conference to which such parent, guardian or custodian has been
715 summoned under the provisions of this section, or (b) refuses or
716 willfully fails to perform any other duties imposed upon him or
717 her under the provisions of this section, shall be guilty of a

718 misdemeanor and, upon conviction, shall be fined not to exceed Two
719 Hundred Fifty Dollars (\$250.00).

720 (4) Any public school district shall be entitled to recover
721 damages in an amount not to exceed Twenty Thousand Dollars
722 (\$20,000.00), plus necessary court costs, from the parents of any
723 minor under the age of eighteen (18) years and over the age of six
724 (6) years, who maliciously and willfully damages or destroys
725 property belonging to such school district. However, this section
726 shall not apply to parents whose parental control of such child
727 has been removed by court order or decree. The action authorized
728 in this section shall be in addition to all other actions which
729 the school district is entitled to maintain and nothing in this
730 section shall preclude recovery in a greater amount from the minor
731 or from a person, including the parents, for damages to which such
732 minor or other person would otherwise be liable.

733 (5) A school district's discipline plan may provide that as
734 an alternative to suspension, a student may remain in school by
735 having the parent, guardian or custodian, with the consent of the
736 student's teacher or teachers, attend class with the student for a
737 period of time specifically agreed upon by the reporting teacher
738 and school principal. If the parent, guardian or custodian does
739 not agree to attend class with the student or fails to attend
740 class with the student, the student shall be suspended in
741 accordance with the code of student conduct and discipline
742 policies of the school district.

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

745 37-13-10. (1) The State Board of Education shall develop
746 and implement a Reading Sufficiency Program of Instruction * * *
747 designed to enable each student to acquire the appropriate grade
748 level of reading skills. In order to implement the Reading
749 Sufficiency Program of Instruction, each local school board,
750 except in those school districts meeting Level 4 or 5

751 accreditation standards, as defined by the State Board of
752 Education, shall develop a reading sufficiency plan for its school
753 district which may include the following components:

754 (a) Sufficient additional in-school instructional time
755 for the development of reading and comprehension skills of the
756 student;

757 (b) Readiness intervention programs, such as
758 kindergarten programs, extended school day or school year
759 programs, and program initiatives to reduce class size;

760 (c) Utilization of research-based teaching
761 methodologies or strategies for providing direct instruction in
762 phonics, vocabulary and comprehension development, including
763 systematic, intensive, explicit phonics, using decodable
764 vocabulary-controlled texts (texts in which ninety-five percent
765 (95%) of the words are decodable), as is determined appropriate by
766 the State Board of Education; and

767 (d) Professional development for assistant teachers,
768 teachers and administrators to assist students in implementing the
769 Reading Sufficiency Program.

770 (2) Pursuant to appropriation by the Legislature
771 specifically for such purpose, the State Department of Education
772 shall provide in-service training, computer software and certified
773 reading instructor personnel for training local school district
774 certificated personnel to assist students in implementing the
775 Reading Sufficiency Program required under this section.

776 (3) The State Board of Education, * * * annually on January
777 1 of each * * * year, shall develop a report on the implementation
778 of the Reading Sufficiency Program in each school district as
779 required under this section, which shall include an assessment of
780 the acquisition of reading skills by each student for the
781 appropriate grade level in which the student is enrolled.

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

784 37-13-41. Except in school districts meeting Level 4 or 5
785 accreditation standards, as defined by the State Board of
786 Education, all principals and/or superintendents of public schools
787 of Mississippi shall report to their * * * superintendent of
788 education upon forms prepared and sent to the * * * superintendent
789 of education by the director of the division of instruction,
790 giving the type and amount of work done in each grade of their
791 respective school, with other information that may be desired by
792 the director. The * * * superintendents of education shall
793 compile this information on forms sent out by the director. This
794 shall be made in duplicate, one (1) copy to be sent to the
795 director, and the other filed as other public records are filed in
796 the * * * superintendents' offices. This report shall be made to
797 the director by the * * * superintendents of education not later
798 than the first of June each year.

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

801 37-13-89. (1) In each school district within the state,
802 except in school districts meeting Level 4 or 5 accreditation
803 standards, as defined by the State Board of Education, there shall
804 be employed the number of school attendance officers determined by
805 the Office of Compulsory School Attendance Enforcement to be
806 necessary to adequately enforce the provisions of the Mississippi
807 Compulsory School Attendance Law; however, this number shall not
808 exceed one hundred fifty-three (153) school attendance officers at
809 any time. * * * All school attendance officers employed pursuant
810 to this section shall be employees of the State Department of
811 Education. * * * The first twelve (12) months of employment for
812 each school attendance officer shall be the probationary period of
813 state service.

814 (2) (a) The State Department of Education shall obtain
815 current criminal records background checks and current child abuse
816 registry checks on all persons applying for the position of school

817 attendance officer * * *. The criminal records information and
818 registry checks must be kept on file for any new hires. In order
819 to determine an applicant's suitability for employment as a school
820 attendance officer, the applicant must be fingerprinted. If no
821 disqualifying record is identified at the state level, the
822 Department of Public Safety shall forward the fingerprints to the
823 Federal Bureau of Investigation (FBI) for a national criminal
824 history record check. The applicant shall pay the fee, not to
825 exceed Fifty Dollars (\$50.00), for the fingerprinting and criminal
826 records background check; however, the State Department of
827 Education, in its discretion, may pay the fee for the
828 fingerprinting and criminal records background check on behalf of
829 any applicant. Under no circumstances may a member of the State
830 Board of Education, employee of the State Department of Education
831 or any person other than the subject of the criminal records
832 background check disseminate information received through any such
833 checks except insofar as required to fulfill the purposes of this
834 subsection.

835 (b) If the fingerprinting or criminal records check
836 discloses a felony conviction, guilty plea or plea of nolo
837 contendere to a felony of possession or sale of drugs, murder,
838 manslaughter, armed robbery, rape, sexual battery, sex offense
839 listed in Section 45-33-23(g), child abuse, arson, grand larceny,
840 burglary, gratification of lust or aggravated assault which has
841 not been reversed on appeal or for which a pardon has not been
842 granted, the applicant is not eligible to be employed as a school
843 attendance officer. Any employment of an applicant pending the
844 results of the fingerprinting and criminal records check is
845 voidable if the new hire receives a disqualifying criminal records
846 check. However, the State Board of Education, in its discretion,
847 may allow an applicant aggrieved by an employment decision under
848 this subsection to appear before the board, or before a hearing
849 officer designated for that purpose, to show mitigating

850 circumstances that may exist and allow the new hire to be employed
851 as a school attendance officer. The State Board of Education may
852 grant waivers for mitigating circumstances, which may include, but
853 are not necessarily limited to: (i) age at which the crime was
854 committed; (ii) circumstances surrounding the crime; (iii) length
855 of time since the conviction and criminal history since the
856 conviction; (iv) work history; (v) current employment and
857 character references; and (vi) other evidence demonstrating the
858 ability of the person to perform the responsibilities of a school
859 attendance officer competently and that the person does not pose a
860 threat to the health or safety of children.

861 (c) A member of the State Board of Education or
862 employee of the State Department of Education may not be held
863 liable in any employment discrimination suit in which an
864 allegation of discrimination is made regarding an employment
865 decision authorized under this section.

866 (3) Each school attendance officer shall possess a college
867 degree with a major in a behavioral science or a related field or
868 shall have no less than three (3) years combined actual experience
869 as a school teacher, school administrator, law enforcement officer
870 possessing such degree, and/or social worker; however, these
871 requirements shall not apply to persons employed as school
872 attendance officers before January 1, 1987. School attendance
873 officers also shall satisfy any additional requirements that may
874 be established by the State Personnel Board for the position of
875 school attendance officer.

876 (4) It shall be the duty of each school attendance officer
877 to:

878 (a) Cooperate with any public agency to locate and
879 identify all compulsory-school-age children who are not attending
880 school;

881 (b) Cooperate with all courts of competent
882 jurisdiction;

883 (c) Investigate all cases of nonattendance and unlawful
884 absences by compulsory-school-age children not enrolled in a
885 nonpublic school;

886 (d) Provide appropriate counseling to encourage all
887 school-age children to attend school until they have completed
888 high school;

889 (e) Attempt to secure the provision of social or
890 welfare services that may be required to enable any child to
891 attend school;

892 (f) Contact the home or place of residence of a
893 compulsory-school-age child and any other place in which the
894 officer is likely to find any compulsory-school-age child when the
895 child is absent from school during school hours without a valid
896 written excuse from school officials, and when the child is found,
897 the officer shall notify the parents and school officials as to
898 where the child was physically located;

899 (g) Contact promptly the home of each
900 compulsory-school-age child in the school district within the
901 officer's jurisdiction who is not enrolled in school or is not in
902 attendance at public school and is without a valid written excuse
903 from school officials; if no valid reason is found for the
904 nonenrollment or absence from the school, the school attendance
905 officer shall give written notice to the parent, guardian or
906 custodian of the requirement for the child's enrollment or
907 attendance;

908 (h) Collect and maintain information concerning
909 absenteeism, dropouts and other attendance-related problems, as
910 may be required by law or the Office of Compulsory School
911 Attendance Enforcement; and

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

915 (5) While engaged in the performance of his duties, each
916 school attendance officer shall carry on his person a badge
917 identifying him as a school attendance officer under the Office of
918 Compulsory School Attendance Enforcement of the State Department
919 of Education and an identification card designed by the State
920 Superintendent of Public Education and issued by the school
921 attendance officer supervisor. Neither the badge nor the
922 identification card shall bear the name of any elected public
923 official.

924 (6) The State Personnel Board shall develop a salary scale
925 for school attendance officers as part of the variable
926 compensation plan. The various pay ranges of the salary scale
927 shall be based upon factors including, but not limited to,
928 education, professional certification and licensure, and number of
929 years of experience. School attendance officers shall be paid in
930 accordance with this salary scale. The minimum salaries under the
931 scale shall be no less than the following:

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

937	Years of Experience	Salary
938	0 - 4 years	\$19,650.00
939	5 - 8 years	21,550.00
940	9 - 12 years	23,070.00
941	13 - 16 years	24,590.00
942	Over 17 years	26,110.00

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

947	Years of Experience	Salary
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948	0 - 4 years	\$20,650.00
949	5 - 8 years	22,950.00
950	9 - 12 years	24,790.00
951	13 - 16 years	26,630.00
952	17 - 20 years	28,470.00
953	Over 21 years	30,310.00

954 (c) For school attendance officers holding a master's
955 degree in a behavioral science or a related field, the annual
956 salary shall be based on years of experience as a school
957 attendance officer or related field of service or employment, no
958 less than as follows:

959	Years of Experience	Salary
960	0 - 4 years	\$21,450.00
961	5 - 8 years	24,000.00
962	9 - 12 years	26,040.00
963	13 - 16 years	28,080.00
964	17 - 20 years	30,120.00
965	Over 21 years	32,160.00

966 (7) (a) Each school attendance officer employed by a
967 district attorney on June 30, 1998, who became an employee of the
968 State Department of Education on July 1, 1998, shall be awarded
969 credit for personal leave and major medical leave for his
970 continuous service as a school attendance officer under the
971 district attorney, and if applicable, the youth or family court or
972 a state agency. The credit for personal leave shall be in an
973 amount equal to one-third (1/3) of the maximum personal leave the
974 school attendance officer could have accumulated had he been
975 credited with such leave under Section 25-3-93 during his
976 employment with the district attorney, and if applicable, the
977 youth or family court or a state agency. The credit for major
978 medical leave shall be in an amount equal to one-half (1/2) of the
979 maximum major medical leave the school attendance officer could
980 have accumulated had he been credited with such leave under

981 Section 25-3-95 during his employment with the district attorney,
982 and if applicable, the youth or family court or a state agency.
983 However, if a district attorney who employed a school attendance
984 officer on June 30, 1998, certifies, in writing, to the State
985 Department of Education that the school attendance officer had
986 accumulated, pursuant to a personal leave policy or major medical
987 leave policy lawfully adopted by the district attorney, a number
988 of days of unused personal leave or major medical leave, or both,
989 which is greater than the number of days to which the school
990 attendance officer is entitled under this paragraph, the State
991 Department of Education shall authorize the school attendance
992 officer to retain the actual unused personal leave or major
993 medical leave, or both, certified by the district attorney,
994 subject to the maximum amount of personal leave and major medical
995 leave the school attendance officer could have accumulated had he
996 been credited with such leave under Sections 25-3-93 and 25-3-95.

997 (b) For the purpose of determining the accrual rate for
998 personal leave under Section 25-3-93 and major medical leave under
999 Section 25-3-95, the State Department of Education shall give
1000 consideration to all continuous service rendered by a school
1001 attendance officer before July 1, 1998, in addition to the service
1002 rendered by the school attendance officer as an employee of the
1003 department.

1004 (c) In order for a school attendance officer to be
1005 awarded credit for personal leave and major medical leave or to
1006 retain the actual unused personal leave and major medical leave
1007 accumulated by him before July 1, 1998, the district attorney who
1008 employed the school attendance officer must certify, in writing,
1009 to the State Department of Education the hire date of the school
1010 attendance officer. For each school attendance officer employed
1011 by the youth or family court or a state agency before being
1012 designated an employee of the district attorney who has not had a
1013 break in continuous service, the hire date shall be the date that

1014 the school attendance officer was hired by the youth or family
1015 court or state agency. The department shall prescribe the date by
1016 which the certification must be received by the department and
1017 shall provide written notice to all district attorneys of the
1018 certification requirement and the date by which the certification
1019 must be received.

1020 (8) (a) School attendance officers shall maintain regular
1021 office hours on a year-round basis; however, during the school
1022 term, on those days that teachers in all of the school districts
1023 served by a school attendance officer are not required to report
1024 to work, the school attendance officer also shall not be required
1025 to report to work. (For purposes of this subsection, a school
1026 district's school term is that period of time identified as the
1027 school term in contracts entered into by the district with
1028 licensed personnel.) A school attendance officer shall be
1029 required to report to work on any day recognized as an official
1030 state holiday if teachers in any school district served by that
1031 school attendance officer are required to report to work on that
1032 day, regardless of the school attendance officer's status as an
1033 employee of the State Department of Education, and compensatory
1034 leave may not be awarded to the school attendance officer for
1035 working during that day. However, a school attendance officer may
1036 be allowed by the school attendance officer's supervisor to use
1037 earned leave on such days.

1038 (b) The State Department of Education annually shall
1039 designate a period of two (2) consecutive weeks in the summer
1040 between school years during which school attendance officers shall
1041 not be required to report to work. A school attendance officer
1042 who elects to work at any time during that period may not be
1043 awarded compensatory leave for such work and may not opt to be
1044 absent from work at any time other than during the two (2) weeks
1045 designated by the department unless the school attendance officer

1046 uses personal leave or major medical leave accrued under Section
1047 25-3-93 or 25-3-95 for such absence.

1048 (9) The State Department of Education shall provide all
1049 continuing education and training courses that school attendance
1050 officers are required to complete under state law or rules and
1051 regulations of the department.

1052 **SECTION 8.** Section 37-43-31, Mississippi Code of 1972, is
1053 amended as follows:

1054 37-43-31. (1) The State Board of Education shall adopt and
1055 furnish textbooks only for use in those courses set up in the
1056 state course of study as recommended by the State Accreditation
1057 Commission and adopted by such board, or courses established by
1058 acts of the Legislature. In all subjects the board, in its
1059 discretion, may adopt textbooks and/or series from those
1060 recommended by the textbook rating committees. The board may
1061 adopt a plan which permits the local school districts to choose
1062 the book or books to be requisitioned from those adopted,
1063 provided:

1064 (a) That, when a book is furnished by the state, it
1065 shall remain in use during the period of its adoption;

1066 (b) That the average per pupil cost of textbooks so
1067 furnished any unit shall not exceed that allowed for all other
1068 units in the state;

1069 (c) That nothing herein provided shall be construed as
1070 giving any school the authority to discard or replace usable
1071 copies of textbooks now being furnished by the state;

1072 (d) That the State Department of Education is
1073 authorized to disburse the annual textbook appropriation directly
1074 to the public school districts in accordance with Section
1075 37-43-31(1)(b). The textbooks procured through this chapter, as
1076 well as textbooks which are on hand on June 30, 1994, which were
1077 previously purchased through the provisions of this statute, shall
1078 become the property of the public school district which purchased

1079 them, unless the State Department of Education authorizes the
1080 transfer of unneeded textbooks to another location in accordance
1081 with rules and regulations promulgated by the State Board of
1082 Education;

1083 (e) That textbooks which are on loan to other than
1084 public schools as referenced in Section 37-43-1, shall remain the
1085 property of the State of Mississippi. All requisitions for
1086 textbooks from these schools shall be submitted to the State
1087 Department to be processed and subsequently shipped to the
1088 requesting school. No funds shall be disbursed directly from the
1089 State Department of Education to the schools in this category for
1090 the purpose of procuring textbooks; and

1091 (f) That funds made available through this chapter may
1092 be used to purchase any state-adopted or non-adopted textbook from
1093 any state depository, directly from the publisher, or in
1094 accordance with the provisions of Sections 37-43-21(5) and
1095 37-43-31(3). For purchases made directly from the publisher, the
1096 public school district, or the State Department of Education when
1097 purchasing for other than public schools, shall not pay a higher
1098 price for a textbook than that listed on the current state-adopted
1099 list.

1100 (2) Whenever any book under contract is displaced by a new
1101 adoption, the board may continue to require the schools to use the
1102 recently purchased books from any previous adoption; however, such
1103 period of use shall not exceed four (4) years.

1104 (3) If five (5) or more school boards petition the State
1105 Board of Education to add a book, or a series of books, to the
1106 approved list of state adoptions in a given subject area, then the
1107 State Superintendent of Public Education shall have sixty (60)
1108 days to show cause to the State Board of Education why the books
1109 in question should or should not be purchased with state funds. If
1110 the petition is not acted upon within the sixty-day period, the
1111 petition shall be deemed to be approved. Once a textbook has been

1112 approved through the petition process, any public school district
1113 or eligible other school may procure the said textbook utilizing
1114 funds appropriated through this chapter.

1115 (4) If new and innovative textbooks that would improve a
1116 particular course of study become available between adoption
1117 cycles, a school board may petition the State Board of Education
1118 for permission to purchase these books out of sequence to be paid
1119 for with state textbook funds.

1120 (5) The State Board of Education shall not allow previously
1121 rejected textbooks to be used if such textbooks were rejected for
1122 any of the following reasons:

- 1123 (a) Obscene, lewd, sexist or vulgar material;
- 1124 (b) Advocating prejudicial behavior or actions; or
- 1125 (c) Encouraging acts determined to be anti-social or
1126 derogatory to any race, sex or religion.

1127 (6) All books or series of books adopted under the petition
1128 procedures of this act shall be purchased under the provisions for
1129 bidding, pricing and distribution as prescribed in Section
1130 37-43-23.

1131 (7) Petition procedure books or series of books adopted
1132 under this section shall be considered only until the date of the
1133 next regular adoption series in the applicable subject area.
1134 Petition procedure books shall be submitted for formal adoption at
1135 the next applicable regular textbook adoption as prescribed under
1136 the provisions of Chapter 43, Title 37, Mississippi Code of 1972;
1137 otherwise, such books adopted under the petition procedures which
1138 do not receive formal adoption approval as recommended by the
1139 textbook rating committee shall be dropped from the state textbook
1140 petition adoption list. * * * However, this provision shall in no
1141 way prohibit a school district from using other funds, federal or
1142 local, for the purchase of such books.

1143 (8) A school district meeting Level 4 or 5 accreditation
1144 standards, as defined by the State Board of Education, is not

1145 required to participate in the textbook selection process set
1146 forth in this section.

1147 **SECTION 9.** Section 37-151-23, Mississippi Code of 1972, is
1148 amended as follows:

1149 37-151-23. There is * * * created in the State Treasury a
1150 special fund to be designated the "State Public School Education
1151 Technology Fund." Any unexpended balance in the fund at the end
1152 of the fiscal year shall carry over into the subsequent fiscal
1153 year and shall not lapse into the State General Fund. School
1154 districts shall be required to submit a plan for the use of such
1155 funds for education technology to the State Board of Education.
1156 The State Board of Education, consistent with policies adopted
1157 pursuant to recommendations of the council, shall allocate funds
1158 provided from appropriation by the Legislature into the State
1159 Public School Education Technology Fund, to school districts based
1160 on the approved education technology plan, which demonstrates need
1161 consistent with the district's existing technology, for the
1162 purchase or lease of education technology for the schools. A
1163 school district meeting Level 4 or 5 accreditation standards, as
1164 defined by the State Board of Education, may be awarded grants
1165 regardless of the student demographics within the district. The
1166 State Board of Education may apply the funds to matching grants
1167 from federal or private sources to generate additional funds for
1168 the purchase or lease of education technology for the schools.

1169 **SECTION 10.** This act shall take effect and be in force from
1170 and after July 1, 2007.