

By: Representative Brown

To: Education

HOUSE BILL NO. 1053

1 AN ACT RELATING TO DROPOUT PREVENTION IN THE PUBLIC SCHOOLS;
2 TO AMEND SECTION 37-13-89, MISSISSIPPI CODE OF 1972, TO REQUIRE
3 SCHOOL ATTENDANCE OFFICERS TO REPORT TO THE LOCAL SCHOOL DISTRICT
4 SUPERINTENDENT AND THE SCHOOL PRINCIPAL THE NAME OF ANY CHILD
5 BETWEEN THE AGES OF 15 AND 17 WHO ACCUMULATES 12 UNLAWFUL ABSENCES
6 DURING A SCHOOL YEAR; TO AMEND SECTION 37-13-91, MISSISSIPPI CODE
7 OF 1972, TO REQUIRE THE SCHOOL SUPERINTENDENT TO REPORT SUCH
8 STUDENTS TO THE COMMISSIONER OF PUBLIC SAFETY AND TO REQUIRE THE
9 YOUTH COURT TO SUSPEND THE DRIVER'S LICENSE OF A CHILD WHO
10 UNLAWFULLY FAILS TO ATTEND SCHOOL; TO AMEND SECTION 43-21-621,
11 MISSISSIPPI CODE OF 1972, TO REQUIRE THE YOUTH COURT TO SUSPEND
12 THE DRIVER'S LICENSE OF ANY CHILD ORDERED TO ENROLL OR RE-ENROLL
13 IN SCHOOL AND TO REQUIRE NOTIFICATION OF THE SUSPENSION TO THE
14 DEPARTMENT OF PUBLIC SAFETY; TO AMEND SECTION 63-1-9, MISSISSIPPI
15 CODE OF 1972, TO REQUIRE DOCUMENTATION NECESSARY FOR THE ISSUANCE
16 OF A DRIVER'S LICENSE TO A STUDENT TO INCLUDE VERIFICATION THAT
17 THE STUDENT HAS NOT ACCUMULATED 12 UNLAWFUL ABSENCES IN THE
18 CURRENT OR MOST RECENT SCHOOL YEAR; TO AMEND SECTION 63-1-10,
19 MISSISSIPPI CODE OF 1972, TO PROHIBIT THE ISSUANCE OF DRIVER'S
20 LICENSES TO STUDENTS WHO FAIL TO ATTEND SCHOOL; TO AMEND SECTION
21 63-1-51, MISSISSIPPI CODE OF 1972, TO REQUIRE THE COMMISSIONER OF
22 PUBLIC SAFETY TO SUSPEND THE DRIVER'S LICENSE OF A CHILD WHO
23 UNLAWFULLY FAILS TO ATTEND SCHOOL; TO AMEND SECTION 37-13-83,
24 MISSISSIPPI CODE OF 1972, TO ADD THE RESPONSIBILITY OF STUDENT
25 DROPOUT PREVENTION TO THE DIRECTOR OF THE OFFICE OF COMPULSORY
26 SCHOOL ATTENDANCE IN THE STATE DEPARTMENT OF EDUCATION; TO AMEND
27 SECTION 37-13-85, MISSISSIPPI CODE OF 1972, TO REQUIRE THE OFFICE
28 OF COMPULSORY SCHOOL ATTENDANCE TO PREPARE A REPORT ON CERTAIN
29 ISSUES RELATING TO DROPOUT PREVENTION AND THE AGE OF COMPULSORY
30 SCHOOL ATTENDANCE; TO AMEND SECTION 37-17-6, MISSISSIPPI CODE OF
31 1972, TO REQUIRE THE STATE BOARD OF EDUCATION TO DEVELOP AN
32 ACCREDITATION STANDARD PROVIDING THAT A SCHOOL WITH A STUDENT
33 DROPOUT RATE HIGHER THAN 10% MAY NOT RECEIVE A LEVEL 3
34 ACCREDITATION RATING OR ABOVE AND TO REQUIRE HIGH SCHOOLS WITH
35 GREATER THAN 15% STUDENT DROPOUT RATES OVER A THREE-YEAR PERIOD TO
36 CONVERT TO SMALLER ATTENDANCE CENTERS OR CHARTER SCHOOLS; TO AMEND
37 SECTION 37-11-53, MISSISSIPPI CODE OF 1972, TO AUTHORIZE SCHOOL
38 DISTRICT SUPERINTENDENTS TO SUMMON THE PARENTS OR GUARDIANS OF
39 MIDDLE OR SECONDARY SCHOOL STUDENTS WHO ARE IN VIOLATION OF THE
40 COMPULSORY SCHOOL ATTENDANCE LAW TO COUNSELING CONFERENCES
41 REGARDING THE ABSENTEEISM OF THE CHILD AND TO PRESCRIBE CERTAIN
42 CRIMINAL PENALTIES FOR PARENTS WHO FAIL TO ATTEND THEIR CHILD'S
43 DISCIPLINE CONFERENCE; AND FOR RELATED PURPOSES.

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

45 **SECTION 1.** Section 37-13-89, Mississippi Code of 1972, is
46 amended as follows:

47 37-13-89. (1) In each school district within the state,
48 there shall be employed the number of school attendance officers
49 determined by the Office of Compulsory School Attendance
50 Enforcement to be necessary to adequately enforce the provisions
51 of the Mississippi Compulsory School Attendance Law; however, this
52 number shall not exceed one hundred fifty-three (153) school
53 attendance officers at any time. From and after July 1, 1998, all
54 school attendance officers employed pursuant to this section shall
55 be employees of the State Department of Education. The State
56 Department of Education shall employ all persons employed as
57 school attendance officers by district attorneys before July 1,
58 1998, and shall assign them to school attendance responsibilities
59 in the school district in which they were employed before July 1,
60 1998. The first twelve (12) months of employment for each school
61 attendance officer shall be the probationary period of state
62 service.

63 (2) (a) The State Department of Education shall obtain
64 current criminal records background checks and current child abuse
65 registry checks on all persons applying for the position of school
66 attendance officer after July 2, 2002. The criminal records
67 information and registry checks must be kept on file for any new
68 hires. In order to determine an applicant's suitability for
69 employment as a school attendance officer, the applicant must be
70 fingerprinted. If no disqualifying record is identified at the
71 state level, the Department of Public Safety shall forward the
72 fingerprints to the Federal Bureau of Investigation (FBI) for a
73 national criminal history record check. The applicant shall pay
74 the fee, not to exceed Fifty Dollars (\$50.00), for the
75 fingerprinting and criminal records background check; however, the
76 State Department of Education, in its discretion, may pay the fee
77 for the fingerprinting and criminal records background check on
78 behalf of any applicant. Under no circumstances may a member of
79 the State Board of Education, employee of the State Department of

80 Education or any person other than the subject of the criminal
81 records background check disseminate information received through
82 any such checks except insofar as required to fulfill the purposes
83 of this subsection.

84 (b) If the fingerprinting or criminal records check
85 discloses a felony conviction, guilty plea or plea of nolo
86 contendere to a felony of possession or sale of drugs, murder,
87 manslaughter, armed robbery, rape, sexual battery, sex offense
88 listed in Section 45-33-23(g), child abuse, arson, grand larceny,
89 burglary, gratification of lust or aggravated assault which has
90 not been reversed on appeal or for which a pardon has not been
91 granted, the applicant is not eligible to be employed as a school
92 attendance officer. Any employment of an applicant pending the
93 results of the fingerprinting and criminal records check is
94 voidable if the new hire receives a disqualifying criminal records
95 check. However, the State Board of Education, in its discretion,
96 may allow an applicant aggrieved by an employment decision under
97 this subsection to appear before the board, or before a hearing
98 officer designated for that purpose, to show mitigating
99 circumstances that may exist and allow the new hire to be employed
100 as a school attendance officer. The State Board of Education may
101 grant waivers for mitigating circumstances, which may include, but
102 are not necessarily limited to: (i) age at which the crime was
103 committed; (ii) circumstances surrounding the crime; (iii) length
104 of time since the conviction and criminal history since the
105 conviction; (iv) work history; (v) current employment and
106 character references; and (vi) other evidence demonstrating the
107 ability of the person to perform the responsibilities of a school
108 attendance officer competently and that the person does not pose a
109 threat to the health or safety of children.

110 (c) A member of the State Board of Education or
111 employee of the State Department of Education may not be held
112 liable in any employment discrimination suit in which an

113 allegation of discrimination is made regarding an employment
114 decision authorized under this section.

115 (3) Each school attendance officer shall possess a college
116 degree with a major in a behavioral science or a related field or
117 shall have no less than three (3) years combined actual experience
118 as a school teacher, school administrator, law enforcement officer
119 possessing such degree, and/or social worker; however, these
120 requirements shall not apply to persons employed as school
121 attendance officers before January 1, 1987. School attendance
122 officers also shall satisfy any additional requirements that may
123 be established by the State Personnel Board for the position of
124 school attendance officer.

125 (4) It shall be the duty of each school attendance officer
126 to:

127 (a) Cooperate with any public agency to locate and
128 identify all compulsory-school-age children who are not attending
129 school;

130 (b) Cooperate with all courts of competent
131 jurisdiction;

132 (c) Investigate all cases of nonattendance and unlawful
133 absences by compulsory-school-age children not enrolled in a
134 nonpublic school;

135 (d) Provide appropriate counseling to encourage all
136 school-age children to attend school until they have completed
137 high school;

138 (e) Attempt to secure the provision of social or
139 welfare services that may be required to enable any child to
140 attend school;

141 (f) Contact the home or place of residence of a
142 compulsory-school-age child and any other place in which the
143 officer is likely to find any compulsory-school-age child when the
144 child is absent from school during school hours without a valid
145 written excuse from school officials, and when the child is found,

146 the officer shall notify the parents and school officials as to
147 where the child was physically located;

148 (g) Contact promptly the home of each
149 compulsory-school-age child in the school district within the
150 officer's jurisdiction who is not enrolled in school or is not in
151 attendance at public school and is without a valid written excuse
152 from school officials; if no valid reason is found for the
153 nonenrollment or absence from the school, the school attendance
154 officer shall give written notice to the parent, guardian or
155 custodian of the requirement for the child's enrollment or
156 attendance;

157 (h) Collect and maintain information concerning
158 absenteeism, dropouts and other attendance-related problems, as
159 may be required by law or the Office of Compulsory School
160 Attendance Enforcement; * * *

161 (i) Report to the local school district superintendent
162 and the school principal the name of any child between the ages of
163 fifteen (15) and seventeen (17) who has accumulated twelve (12)
164 unlawful absences in a single school year; and

165 (j) Perform all other duties relating to compulsory
166 school attendance established by the State Department of Education
167 or district school attendance supervisor, or both.

168 (5) While engaged in the performance of his duties, each
169 school attendance officer shall carry on his person a badge
170 identifying him as a school attendance officer under the Office of
171 Compulsory School Attendance Enforcement of the State Department
172 of Education and an identification card designed by the State
173 Superintendent of Public Education and issued by the school
174 attendance officer supervisor. Neither the badge nor the
175 identification card shall bear the name of any elected public
176 official.

177 (6) The State Personnel Board shall develop a salary scale
178 for school attendance officers as part of the variable

179 compensation plan. The various pay ranges of the salary scale
180 shall be based upon factors including, but not limited to,
181 education, professional certification and licensure, and number of
182 years of experience. School attendance officers shall be paid in
183 accordance with this salary scale. The minimum salaries under the
184 scale shall be no less than the following:

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

190	Years of Experience	Salary
191	0 - 4 years	\$19,650.00
192	5 - 8 years	21,550.00
193	9 - 12 years	23,070.00
194	13 - 16 years	24,590.00
195	Over 17 years	26,110.00

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

200	Years of Experience	Salary
201	0 - 4 years	\$20,650.00
202	5 - 8 years	22,950.00
203	9 - 12 years	24,790.00
204	13 - 16 years	26,630.00
205	17 - 20 years	28,470.00
206	Over 21 years	30,310.00

207 (c) For school attendance officers holding a master's
208 degree in a behavioral science or a related field, the annual
209 salary shall be based on years of experience as a school
210 attendance officer or related field of service or employment, no
211 less than as follows:

212	Years of Experience	Salary
213	0 - 4 years	\$21,450.00
214	5 - 8 years	24,000.00
215	9 - 12 years	26,040.00
216	13 - 16 years	28,080.00
217	17 - 20 years	30,120.00
218	Over 21 years	32,160.00

219 (7) (a) Each school attendance officer employed by a
220 district attorney on June 30, 1998, who became an employee of the
221 State Department of Education on July 1, 1998, shall be awarded
222 credit for personal leave and major medical leave for his
223 continuous service as a school attendance officer under the
224 district attorney, and if applicable, the youth or family court or
225 a state agency. The credit for personal leave shall be in an
226 amount equal to one-third (1/3) of the maximum personal leave the
227 school attendance officer could have accumulated had he been
228 credited with such leave under Section 25-3-93 during his
229 employment with the district attorney, and if applicable, the
230 youth or family court or a state agency. The credit for major
231 medical leave shall be in an amount equal to one-half (1/2) of the
232 maximum major medical leave the school attendance officer could
233 have accumulated had he been credited with such leave under
234 Section 25-3-95 during his employment with the district attorney,
235 and if applicable, the youth or family court or a state agency.
236 However, if a district attorney who employed a school attendance
237 officer on June 30, 1998, certifies, in writing, to the State
238 Department of Education that the school attendance officer had
239 accumulated, pursuant to a personal leave policy or major medical
240 leave policy lawfully adopted by the district attorney, a number
241 of days of unused personal leave or major medical leave, or both,
242 which is greater than the number of days to which the school
243 attendance officer is entitled under this paragraph, the State
244 Department of Education shall authorize the school attendance

245 officer to retain the actual unused personal leave or major
246 medical leave, or both, certified by the district attorney,
247 subject to the maximum amount of personal leave and major medical
248 leave the school attendance officer could have accumulated had he
249 been credited with such leave under Sections 25-3-93 and 25-3-95.

250 (b) For the purpose of determining the accrual rate for
251 personal leave under Section 25-3-93 and major medical leave under
252 Section 25-3-95, the State Department of Education shall give
253 consideration to all continuous service rendered by a school
254 attendance officer before July 1, 1998, in addition to the service
255 rendered by the school attendance officer as an employee of the
256 department.

257 (c) In order for a school attendance officer to be
258 awarded credit for personal leave and major medical leave or to
259 retain the actual unused personal leave and major medical leave
260 accumulated by him before July 1, 1998, the district attorney who
261 employed the school attendance officer must certify, in writing,
262 to the State Department of Education the hire date of the school
263 attendance officer. For each school attendance officer employed
264 by the youth or family court or a state agency before being
265 designated an employee of the district attorney who has not had a
266 break in continuous service, the hire date shall be the date that
267 the school attendance officer was hired by the youth or family
268 court or state agency. The department shall prescribe the date by
269 which the certification must be received by the department and
270 shall provide written notice to all district attorneys of the
271 certification requirement and the date by which the certification
272 must be received.

273 (8) (a) School attendance officers shall maintain regular
274 office hours on a year-round basis; however, during the school
275 term, on those days that teachers in all of the school districts
276 served by a school attendance officer are not required to report
277 to work, the school attendance officer also shall not be required

278 to report to work. (For purposes of this subsection, a school
279 district's school term is that period of time identified as the
280 school term in contracts entered into by the district with
281 licensed personnel.) A school attendance officer shall be
282 required to report to work on any day recognized as an official
283 state holiday if teachers in any school district served by that
284 school attendance officer are required to report to work on that
285 day, regardless of the school attendance officer's status as an
286 employee of the State Department of Education, and compensatory
287 leave may not be awarded to the school attendance officer for
288 working during that day. However, a school attendance officer may
289 be allowed by the school attendance officer's supervisor to use
290 earned leave on such days.

291 (b) The State Department of Education annually shall
292 designate a period of two (2) consecutive weeks in the summer
293 between school years during which school attendance officers shall
294 not be required to report to work. A school attendance officer
295 who elects to work at any time during that period may not be
296 awarded compensatory leave for such work and may not opt to be
297 absent from work at any time other than during the two (2) weeks
298 designated by the department unless the school attendance officer
299 uses personal leave or major medical leave accrued under Section
300 25-3-93 or 25-3-95 for such absence.

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

305 **SECTION 2.** Section 37-13-91, Mississippi Code of 1972, is
306 amended as follows:

307 37-13-91. (1) This section shall be referred to as the
308 "Mississippi Compulsory School Attendance Law."

309 (2) The following terms as used in this section are defined
310 as follows:

311 (a) "Parent" means the father or mother to whom a child
312 has been born, or the father or mother by whom a child has been
313 legally adopted.

314 (b) "Guardian" means a guardian of the person of a
315 child, other than a parent, who is legally appointed by a court of
316 competent jurisdiction.

317 (c) "Custodian" means any person having the present
318 care or custody of a child, other than a parent or guardian of the
319 child.

320 (d) "School day" means not less than five (5) and not
321 more than eight (8) hours of actual teaching in which both
322 teachers and pupils are in regular attendance for scheduled
323 schoolwork.

324 (e) "School" means any public school in this state or
325 any nonpublic school in this state which is in session each school
326 year for at least one hundred eighty (180) school days, except
327 that the "nonpublic" school term shall be the number of days that
328 each school shall require for promotion from grade to grade.

329 (f) "Compulsory-school-age child" means a child who has
330 attained or will attain the age of six (6) years on or before
331 September 1 of the calendar year and who has not attained the age
332 of seventeen (17) years on or before September 1 of the calendar
333 year; and shall include any child who has attained or will attain
334 the age of five (5) years on or before September 1 and has
335 enrolled in a full-day public school kindergarten program.
336 Provided, however, that the parent or guardian of any child
337 enrolled in a full-day public school kindergarten program shall be
338 allowed to disenroll the child from the program on a one-time
339 basis, and such child shall not be deemed a compulsory-school-age
340 child until the child attains the age of six (6) years.

341 (g) "School attendance officer" means a person employed
342 by the State Department of Education pursuant to Section 37-13-89.

343 (h) "Appropriate school official" means the
344 superintendent of the school district, or his designee, or, in the
345 case of a nonpublic school, the principal or the headmaster.

346 (i) "Nonpublic school" means an institution for the
347 teaching of children, consisting of a physical plant, whether
348 owned or leased, including a home, instructional staff members and
349 students, and which is in session each school year. This
350 definition shall include, but not be limited to, private, church,
351 parochial and home instruction programs.

352 (3) A parent, guardian or custodian of a
353 compulsory-school-age child in this state shall cause the child to
354 enroll in and attend a public school or legitimate nonpublic
355 school for the period of time that the child is of compulsory
356 school age, except under the following circumstances:

357 (a) When a compulsory-school-age child is physically,
358 mentally or emotionally incapable of attending school as
359 determined by the appropriate school official based upon
360 sufficient medical documentation.

361 (b) When a compulsory-school-age child is enrolled in
362 and pursuing a course of special education, remedial education or
363 education for handicapped or physically or mentally disadvantaged
364 children.

365 (c) When a compulsory-school-age child is being
366 educated in a legitimate home instruction program.

367 The parent, guardian or custodian of a compulsory-school-age
368 child described in this subsection, or the parent, guardian or
369 custodian of a compulsory-school-age child attending any nonpublic
370 school, or the appropriate school official for any or all children
371 attending a nonpublic school shall complete a "certificate of
372 enrollment" in order to facilitate the administration of this
373 section.

374 The form of the certificate of enrollment shall be prepared
375 by the Office of Compulsory School Attendance Enforcement of the

376 State Department of Education and shall be designed to obtain the
377 following information only:

378 (i) The name, address, telephone number and date
379 of birth of the compulsory-school-age child;

380 (ii) The name, address and telephone number of the
381 parent, guardian or custodian of the compulsory-school-age child;

382 (iii) A simple description of the type of
383 education the compulsory-school-age child is receiving and, if the
384 child is enrolled in a nonpublic school, the name and address of
385 the school; and

386 (iv) The signature of the parent, guardian or
387 custodian of the compulsory-school-age child or, for any or all
388 compulsory-school-age child or children attending a nonpublic
389 school, the signature of the appropriate school official and the
390 date signed.

391 The certificate of enrollment shall be returned to the school
392 attendance officer where the child resides on or before September
393 15 of each year. Any parent, guardian or custodian found by the
394 school attendance officer to be in noncompliance with this section
395 shall comply, after written notice of the noncompliance by the
396 school attendance officer, with this subsection within ten (10)
397 days after the notice or be in violation of this section.

398 However, in the event the child has been enrolled in a public
399 school within fifteen (15) calendar days after the first day of
400 the school year as required in subsection (6), the parent or
401 custodian may, at a later date, enroll the child in a legitimate
402 nonpublic school or legitimate home instruction program and send
403 the certificate of enrollment to the school attendance officer and
404 be in compliance with this subsection.

405 For the purposes of this subsection, a legitimate nonpublic
406 school or legitimate home instruction program shall be those not
407 operated or instituted for the purpose of avoiding or
408 circumventing the compulsory attendance law.

409 (4) An "unlawful absence" is an absence during a school day
410 by a compulsory-school-age child, which absence is not due to a
411 valid excuse for temporary nonattendance. Days missed from school
412 due to disciplinary suspension shall not be considered an
413 "excused" absence under this section. This subsection shall not
414 apply to children enrolled in a nonpublic school.

415 Each of the following shall constitute a valid excuse for
416 temporary nonattendance of a compulsory-school-age child enrolled
417 in a public school, provided satisfactory evidence of the excuse
418 is provided to the superintendent of the school district, or his
419 designee:

420 (a) An absence is excused when the absence results from
421 the compulsory-school-age child's attendance at an authorized
422 school activity with the prior approval of the superintendent of
423 the school district, or his designee. These activities may
424 include field trips, athletic contests, student conventions,
425 musical festivals and any similar activity.

426 (b) An absence is excused when the absence results from
427 illness or injury which prevents the compulsory-school-age child
428 from being physically able to attend school.

429 (c) An absence is excused when isolation of a
430 compulsory-school-age child is ordered by the county health
431 officer, by the State Board of Health or appropriate school
432 official.

433 (d) An absence is excused when it results from the
434 death or serious illness of a member of the immediate family of a
435 compulsory-school-age child. The immediate family members of a
436 compulsory-school-age child shall include children, spouse,
437 grandparents, parents, brothers and sisters, including
438 stepbrothers and stepsisters.

439 (e) An absence is excused when it results from a
440 medical or dental appointment of a compulsory-school-age child
441 where an approval of the superintendent of the school district, or

442 his designee, is gained before the absence, except in the case of
443 emergency.

444 (f) An absence is excused when it results from the
445 attendance of a compulsory-school-age child at the proceedings of
446 a court or an administrative tribunal if the child is a party to
447 the action or under subpoena as a witness.

448 (g) An absence may be excused if the religion to which
449 the compulsory-school-age child or the child's parents adheres,
450 requires or suggests the observance of a religious event. The
451 approval of the absence is within the discretion of the
452 superintendent of the school district, or his designee, but
453 approval should be granted unless the religion's observance is of
454 such duration as to interfere with the education of the child.

455 (h) An absence may be excused when it is demonstrated
456 to the satisfaction of the superintendent of the school district,
457 or his designee, that the purpose of the absence is to take
458 advantage of a valid educational opportunity such as travel,
459 including vacations or other family travel. Approval of the
460 absence must be gained from the superintendent of the school
461 district, or his designee, before the absence, but the approval
462 shall not be unreasonably withheld.

463 (i) An absence may be excused when it is demonstrated
464 to the satisfaction of the superintendent of the school district,
465 or his designee, that conditions are sufficient to warrant the
466 compulsory-school-age child's nonattendance. However, no absences
467 shall be excused by the school district superintendent, or his
468 designee, when any student suspensions or expulsions circumvent
469 the intent and spirit of the compulsory attendance law.

470 (5) Any parent, guardian or custodian of a
471 compulsory-school-age child subject to this section who refuses or
472 willfully fails to perform any of the duties imposed upon him or
473 her under this section or who intentionally falsifies any
474 information required to be contained in a certificate of

475 enrollment, shall be guilty of contributing to the neglect of a
476 child and, upon conviction, shall be punished in accordance with
477 Section 97-5-39.

478 Upon prosecution of a parent, guardian or custodian of a
479 compulsory-school-age child for violation of this section, the
480 presentation of evidence by the prosecutor that shows that the
481 child has not been enrolled in school within eighteen (18)
482 calendar days after the first day of the school year of the public
483 school which the child is eligible to attend, or that the child
484 has accumulated twelve (12) unlawful absences during the school
485 year at the public school in which the child has been enrolled,
486 shall establish a prima facie case that the child's parent,
487 guardian or custodian is responsible for the absences and has
488 refused or willfully failed to perform the duties imposed upon him
489 or her under this section. However, no proceedings under this
490 section shall be brought against a parent, guardian or custodian
491 of a compulsory-school-age child unless the school attendance
492 officer has contacted promptly the home of the child and has
493 provided written notice to the parent, guardian or custodian of
494 the requirement for the child's enrollment or attendance.

495 (6) If a compulsory-school-age child has not been enrolled
496 in a school within fifteen (15) calendar days after the first day
497 of the school year of the school which the child is eligible to
498 attend or the child has accumulated five (5) unlawful absences
499 during the school year of the public school in which the child is
500 enrolled, the school district superintendent shall report, within
501 two (2) school days or within five (5) calendar days, whichever is
502 less, the absences to the school attendance officer. The State
503 Department of Education shall prescribe a uniform method for
504 schools to utilize in reporting the unlawful absences to the
505 school attendance officer. If a child accumulates twelve (12)
506 unlawful absences during a single school year, the superintendent
507 shall report the absences to the Commissioner of Public Safety for

508 suspension of the child's driver's license according to Section
509 63-1-51. The superintendent, or his designee, also shall report
510 any student suspensions or student expulsions to the school
511 attendance officer when they occur.

512 (7) When a school attendance officer has made all attempts
513 to secure enrollment and/or attendance of a compulsory-school-age
514 child and is unable to effect the enrollment and/or attendance,
515 the attendance officer shall file a petition with the youth court
516 under Section 43-21-451 or shall file a petition in a court of
517 competent jurisdiction as it pertains to parent or child.
518 Sheriffs, deputy sheriffs and municipal law enforcement officers
519 shall be fully authorized to investigate all cases of
520 nonattendance and unlawful absences by compulsory-school-age
521 children, and shall be authorized to file a petition with the
522 youth court under Section 43-21-451 or file a petition or
523 information in the court of competent jurisdiction as it pertains
524 to parent or child for violation of this section. The youth court
525 shall expedite a hearing to make an appropriate adjudication and a
526 disposition to ensure compliance with the Compulsory School
527 Attendance Law, and may order the child to enroll or re-enroll in
528 school. The superintendent of the school district to which the
529 child is ordered may assign, in his discretion, the child to the
530 alternative school program of the school established pursuant to
531 Section 37-13-92. The court shall suspend the driver's license of
532 the child by taking and keeping the license in the custody of the
533 court for not more than one (1) year. The court shall notify the
534 Commissioner of Public Safety of the suspension of the child's
535 driver's license.

536 (8) The State Board of Education shall adopt rules and
537 regulations for the purpose of reprimanding any school
538 superintendents who fail to timely report unexcused absences under
539 the provisions of this section.

540 (9) Notwithstanding any provision or implication herein to
541 the contrary, it is not the intention of this section to impair
542 the primary right and the obligation of the parent or parents, or
543 person or persons in loco parentis to a child, to choose the
544 proper education and training for such child, and nothing in this
545 section shall ever be construed to grant, by implication or
546 otherwise, to the State of Mississippi, any of its officers,
547 agencies or subdivisions any right or authority to control,
548 manage, supervise or make any suggestion as to the control,
549 management or supervision of any private or parochial school or
550 institution for the education or training of children, of any kind
551 whatsoever that is not a public school according to the laws of
552 this state; and this section shall never be construed so as to
553 grant, by implication or otherwise, any right or authority to any
554 state agency or other entity to control, manage, supervise,
555 provide for or affect the operation, management, program,
556 curriculum, admissions policy or discipline of any such school or
557 home instruction program.

558 **SECTION 3.** Section 43-21-621, Mississippi Code of 1972, is
559 amended as follows:

560 43-21-621. (1) The youth court may order, in compliance
561 with the laws governing the education of children, * * * any
562 state-supported public school in its jurisdiction after notice and
563 hearing to enroll or re-enroll any compulsory-school-age child in
564 school, and further order appropriate educational services. * * *
565 However, * * * the youth court shall not order the enrollment or
566 re-enrollment of a student who has been suspended or expelled by a
567 public school pursuant to Section 37-9-71 or 37-7-301 for
568 possession of a weapon on school grounds, for an offense involving
569 a threat to the safety of other persons or for the commission of a
570 violent act. For the purpose of this section, "violent act" means
571 any action which results in death or physical harm to another or
572 an attempt to cause death or physical harm to another. The

573 superintendent of the school district to which such child is
574 ordered may assign, in his discretion, * * * such child to the
575 alternative school program of such school established pursuant to
576 Section 37-13-92. The court shall have jurisdiction to enforce
577 school and education laws. Nothing in this section shall be
578 construed to affect the attendance of a child in a legitimate home
579 instruction program.

580 (2) The youth court may specify the following conditions of
581 probation related to any juvenile ordered to enroll or re-enroll
582 in school: That the juvenile maintain passing grades in up to
583 four (4) courses during each grading period and meet with the
584 court counselor and a representative of the school to make a plan
585 for how to maintain those passing grades.

586 (3) If the adjudication of delinquency was for an offense
587 involving a threat to the safety of the juvenile or others and
588 school attendance is a condition of probation, the youth court
589 judge shall make a finding that the principal of the juvenile's
590 school should be notified. If the judge orders that the principal
591 be notified, the youth court counselor shall notify, within five
592 (5) days or before the juvenile begins to attend school, whichever
593 occurs first, * * * the principal of the juvenile's school in
594 writing of the nature of the offense and the probation
595 requirements related to school attendance. A principal notified
596 by a juvenile court counselor shall handle the report according to
597 the guidelines and rules adopted by the State Board of Education.

598 (4) The youth court shall suspend the driver's license of a
599 child ordered to enroll or re-enroll in school by taking and
600 keeping the license in the custody of the court for not more than
601 one (1) year. The youth court shall notify the Commissioner of
602 Public Safety of the suspension of the child's driver's license.

603 **SECTION 4.** Section 63-1-9, Mississippi Code of 1972, is
604 amended as follows:

605 63-1-9. (1) No driver's license, intermediate license or
606 temporary learning permit shall be issued pursuant to this
607 article:

608 (a) To any person under the age of eighteen (18) years
609 except as provided in this article.

610 (b) To any person whose license to operate a motor
611 vehicle on the highways of Mississippi has been previously revoked
612 or suspended by this state or any other state and/or territory of
613 the United States or the District of Columbia, and such revocation
614 or suspension period has not expired.

615 (c) To any person who is an habitual drunkard or who is
616 addicted to the use of other narcotic drugs.

617 (d) To any person who would not be able by reason of
618 physical or mental disability, in the opinion of the commissioner
619 or other person authorized to grant an operator's license, to
620 operate a motor vehicle on the highways with safety. However,
621 persons who have one (1) arm or leg, or have arms or legs
622 deformed, and have their car provided with mechanical devices
623 whereby they are able to drive in a safe manner over the highways,
624 if otherwise qualified, shall receive an operator's license the
625 same as other persons. Moreover, deafness shall not be a bar to
626 obtaining a license.

627 (e) To any person who is under the age of seventeen
628 (17) years to drive any motor vehicle while in use as a school bus
629 for the transportation of pupils to or from school, or to drive
630 any motor vehicle while in use as a public or common carrier of
631 persons or property.

632 (f) To any person as an operator who has previously
633 been adjudged to be afflicted with and suffering from any mental
634 disability and who has not at time of application been restored to
635 mental competency.

636 (g) To any unmarried person under the age of eighteen
637 (18) years who does not at the time of application present a

638 diploma or other certificate of high school graduation or a
639 general education development certificate issued to the person in
640 this state or any other state, or documentation that the person:

641 (i) Is enrolled and making satisfactory progress
642 in a course leading to a general education development
643 certificate;

644 (ii) Is enrolled in school in this state or any
645 other state and has not accumulated twelve (12) or more unlawful
646 absences during that school year or the preceding school year if
647 the application is made during the period between two (2)
648 successive school years;

649 (iii) Is enrolled in a "nonpublic school," as such
650 term is defined in Section 37-13-91(2)(i), and has not accumulated
651 twelve (12) or more unlawful absences during that school year or
652 the preceding school year if the application is made during the
653 period between two (2) successive school years; or

654 (iv) Is unable to attend any school program due to
655 circumstances deemed acceptable as set out in Section 63-1-10.

656 (h) To any person under the age of eighteen (18) years
657 who has been convicted under Section 63-11-30.

658 (2) All permits and licenses issued on or before June 30,
659 2000, shall be valid according to the terms upon which issued.
660 From and after July 1, 2000:

661 (a) A temporary driving permit may be issued to any
662 person who is at least fifteen (15) years of age who otherwise
663 meets the requirements of this article.

664 (b) An intermediate license may be issued to any person
665 who is at least fifteen (15) years of age who otherwise meets the
666 requirements of this article and who has held a temporary driving
667 permit for at least six (6) months without any conviction under
668 Section 63-11-30 or of a moving violation. Any conviction under
669 Section 63-11-30 or of a moving violation shall restart the
670 six-month requirement for the holding of a temporary driving

671 permit before an applicant can qualify for an intermediate
672 license.

673 (c) A driver's license may be issued to any person who
674 is at least sixteen (16) years of age who otherwise meets the
675 requirements of this article and who has held an intermediate
676 license for at least six (6) months without any conviction under
677 Section 63-11-30 or of a moving violation. Any conviction under
678 Section 63-11-30 or of a moving violation shall restart the
679 six-month requirement for the holding of an intermediate license
680 before an applicant can qualify for a driver's license. However,
681 a person who is at least seventeen (17) years of age who has been
682 issued a temporary driving permit and who has never been convicted
683 under Section 63-11-30 or of a moving violation shall not be
684 required to have held an intermediate license.

685 (d) An applicant for a Mississippi driver's license
686 who, at the time of application, is at least sixteen (16) years of
687 age and who has held a valid motor vehicle driver's license issued
688 by another state for at least six (6) months shall not be required
689 to hold a temporary driving permit or an intermediate license
690 before being issued a driver's license.

691 (3) The commissioner shall ensure that the temporary driving
692 permit, intermediate license and driver's license issued under
693 this article are clear, distinct and easily distinguishable from
694 one another.

695 **SECTION 5.** Section 63-1-10, Mississippi Code of 1972, is
696 amended as follows:

697 63-1-10. (1) Any applicant for a license under eighteen
698 (18) years of age must submit with the application documentation
699 from the appropriate authority that the applicant is in compliance
700 with Section 63-1-9(1)(g). The appropriate authority shall be the
701 school principal of a public or private school or his designee,
702 or, in the case of a home study program, the parent, or the adult
703 education supervisor of the General Education Development Program

704 or his designee. Documentation of the applicant's enrollment
705 status shall be on a form designed by the State Department of
706 Education as approved by the Department of Public Safety in a
707 manner that insures the authenticity of the form and any
708 information or signature contained thereon. Any student who is
709 eligible to apply for a license and who is properly enrolled in a
710 school under the jurisdiction of the authority is entitled to
711 receive the documentation for presentation to the Department of
712 Public Safety to accompany the application. The forms required
713 under this section to provide documentation shall be made
714 available to public schools, private schools approved by the State
715 Board of Elementary and Secondary Education, and adult education
716 supervisors at school board offices and shall be made available to
717 others through the Department of Public Safety.

718 (2) (a) Whenever an applicant who is under eighteen (18)
719 years of age is unable to attend any school program due to
720 acceptable circumstances, the appropriate authority where the
721 student last attended shall provide the student with documentation
722 to present to the department to excuse such student from the
723 provisions of Section 63-1-9(1)(g). The appropriate authority
724 shall be the sole judge of whether withdrawal of a student or
725 failure of a student to attend is due to acceptable circumstances.
726 Suspension or expulsion from school or incarceration in a
727 correctional institution is not an acceptable circumstance for a
728 person being unable to attend school.

729 (b) An applicant under eighteen (18) years of age who
730 has accumulated twelve (12) unlawful absences during that school
731 year, or the preceding school year if the application is made
732 during the period between two (2) successive school years, may not
733 be granted a license until documentation from the appropriate
734 authority stating that the applicant is in compliance with Section
735 63-1-9(1)(g) is submitted.

736 (3) Any person denied a license for failure to satisfy the
737 education requirements of Section 63-1-9(1)(g) shall have the
738 right to file a request within thirty (30) days thereafter for a
739 hearing before the Department of Public Safety to determine
740 whether the person is entitled to a license or is subject to the
741 cancellation of his license under the provisions of this section.
742 The hearing shall be held within ten (10) days of the receipt by
743 the department of the request. Appeal from the decision of the
744 department may be taken under Section 63-1-31.

745 **SECTION 6.** Section 63-1-51, Mississippi Code of 1972, is
746 amended as follows:

747 63-1-51. (1) It shall be the duty of the trial judge, upon
748 conviction of any person holding a license issued pursuant to this
749 article where the penalty for a traffic violation is as much as
750 Ten Dollars (\$10.00), to mail a copy of abstract of the court
751 record or provide an electronically or computer generated copy of
752 abstract of the court record immediately to the commissioner at
753 Jackson, Mississippi, showing the date of conviction, penalty,
754 etc., so that a record of same may be made by the Department of
755 Public Safety. The commissioner shall * * * revoke the license of
756 any person for a period of one (1) year upon receiving a duly
757 certified record of each person's convictions of any of the
758 following offenses when such conviction has become final:

759 (a) Manslaughter or negligent homicide resulting from
760 the operation of a motor vehicle;

761 (b) Any felony in the commission of which a motor
762 vehicle is used;

763 (c) Failure to stop and render aid as required under
764 the laws of this state in event of a motor vehicle accident
765 resulting in the death or personal injury of another;

766 (d) Perjury or the willful making of a false affidavit
767 or statement under oath to the department under this article or

768 under any other law relating to the ownership or operation of
769 motor vehicles;

770 (e) Conviction, or forfeiture of bail not vacated, upon
771 three (3) charges of reckless driving committed within a period of
772 twelve (12) months;

773 (f) Contempt for failure to pay a fine or fee or to
774 respond to a summons or citation pursuant to a charge of a
775 violation of this title.

776 (2) The commissioner shall revoke the license issued
777 pursuant to this article of any person convicted of negligent
778 homicide, in addition to any penalty now provided by law.

779 (3) In addition to the reasons specified in this section,
780 the commissioner shall be authorized to suspend the license issued
781 to any person pursuant to this article for being out of compliance
782 with an order for support, as defined in Section 93-11-153. The
783 procedure for suspension of a license for being out of compliance
784 with an order for support, and the procedure for the reissuance or
785 reinstatement of a license suspended for that purpose, and the
786 payment of any fees for the reissuance or reinstatement of a
787 license suspended for that purpose, shall be governed by Section
788 93-11-157 or 93-11-163, as the case may be. If there is any
789 conflict between any provision of Section 93-11-157 or 93-11-163
790 and any provision of this article, the provisions of Section
791 93-11-157 or 93-11-163, as the case may be, shall control.

792 (4) The commissioner shall suspend the driver's license of a
793 child who accumulates twelve (12) unlawful absences during a
794 single school year, as reported to the commissioner by the
795 superintendent of a school district according to Section
796 37-13-91(6).

797 **SECTION 7.** Section 37-13-83, Mississippi Code of 1972, is
798 amended as follows:

799 37-13-83. The State Superintendent of Public Education shall
800 appoint a director for the Office of Compulsory School Attendance

801 Enforcement, who shall meet all qualifications established for
802 school attendance officer supervisors and any additional
803 qualifications that may be established by the State Superintendent
804 of Public Education or State Personnel Board. The director shall
805 be responsible for the proper administration of the Office of
806 Compulsory School Attendance Enforcement in conformity with the
807 Mississippi Compulsory School Attendance Law and any other
808 regulations or policies that may be adopted by the State Board of
809 Education. The director shall be responsible for student dropout
810 prevention in the public schools and shall report directly to the
811 Director of the Office of Dropout Prevention.

812 **SECTION 8.** Section 37-13-85, Mississippi Code of 1972, is
813 amended as follows:

814 37-13-85. The Office of Compulsory School Attendance
815 Enforcement shall have the following powers and duties, in
816 addition to all others imposed or granted by law:

817 (a) To establish any policies or guidelines concerning
818 the employment of school attendance officers which serve to
819 effectuate a uniform system of enforcement under the Mississippi
820 Compulsory School Attendance Law throughout the state, and to
821 designate the number of school attendance officers which shall be
822 employed to serve in each school district area;

823 (b) To supervise and assist school attendance officer
824 supervisors in the performance of their duties;

825 (c) To establish minimum standards for enrollment and
826 attendance for the state and each individual school district, and
827 to monitor the success of the state and districts in achieving the
828 required levels of performance;

829 (d) To provide to school districts failing to meet the
830 established standards for enrollment and attendance assistance in
831 reducing absenteeism or the dropout rates in those districts;

832 (e) To establish any qualifications, in addition to
833 those required under Section 37-13-89, for school attendance

834 officers as the office deems necessary to further the purposes of
835 the Mississippi Compulsory School Attendance Law;

836 (f) To develop and implement a system under which
837 school districts are required to maintain accurate records that
838 document enrollment and attendance in such a manner that the
839 records reflect all changes in enrollment and attendance, and to
840 require school attendance officers to submit information
841 concerning public school attendance on a monthly basis to the
842 office;

843 (g) To prepare the form of the certificate of
844 enrollment required under the Mississippi Compulsory School
845 Attendance Law and to furnish a sufficient number of the
846 certificates of enrollment to each school attendance officer in
847 the state;

848 (h) To publish a report each year on the work of school
849 attendance officers in each school district concerning enforcement
850 of the Mississippi Compulsory School Attendance Law. The report
851 shall include: figures reflecting school attendance violations
852 and reductions or increases in the school dropout rates;
853 information describing attendance-related problems and proposed
854 solutions for those problems; and any other information that the
855 State Department of Education may require. The report shall be
856 submitted to the State Board of Education and the Education
857 Committees of the Senate and House of Representatives before the
858 first day of July for the immediately preceding school year;

859 (i) To provide to the State Board of Education
860 statistical information concerning absenteeism, dropouts and other
861 attendance-related problems as requested by the State Board of
862 Education;

863 (j) To provide for the certification of school
864 attendance officers;

865 (k) To provide for a course of training and education
866 for school attendance officers, and to require successful

867 completion of the course as a prerequisite to certification by the
868 office as school attendance officers;

869 (l) To adopt any guidelines or policies the office
870 deems necessary to effectuate an orderly transition from the
871 supervision of school attendance officers by district attorneys to
872 the supervision by the school attendance officer supervisors;

873 (m) Beginning on July 1, 1998, to require school
874 attendance officer supervisors to employ persons employed by
875 district attorneys before July 1, 1998, as school attendance
876 officers without requiring such persons to submit an application
877 or interview for employment with the State Department of
878 Education;

879 (n) To adopt policies or guidelines linking the duties
880 of school attendance officers to the appropriate courts, law
881 enforcement agencies and community service providers; * * *

882 (o) To be responsible for the administration of a
883 statewide dropout prevention program in the public schools of the
884 state;

885 (p) To provide a written report on the following issues
886 related to dropout prevention to the Governor and the Education
887 Committees of the House of Representatives and Senate before
888 December 1, 2007:

889 (i) School counselor effectiveness in dropout
890 prevention, including the following information:

891 1. A summary of school districts' dropout
892 prevention services in middle schools, with the number of
893 counselors per middle school and the responsibilities of the
894 counselors;

895 2. The salaries of the school counselors and
896 the source of funding for the salaries; and

897 3. The number of counselors that have
898 received a National Certified School Counselor (NCSC) endorsement

899 from the National Board of Certified Counselors by grade and its
900 impact on dropout prevention;

901 (ii) Scientifically based methods of reducing
902 dropouts, especially in high-poverty school districts, including
903 the following information:

904 1. Examples of best practices from states
905 with low dropout rates; and

906 2. Effective practices and policies relating
907 to: career and technical education in the curriculum; early
908 intervention of middle-aged students; supplemental services for
909 at-risk students; school size; discipline in the school
910 environment; and adolescent literacy programs;

911 (iii) Best practices in the utilization of local
912 community resources in this state and other states, including
913 specific examples of local resources that are being used and how
914 such resources are being used;

915 (iv) The effect of raising the
916 compulsory-school-attendance age, including, the following
917 information:

918 1. The social and economic impact on the
919 State of Mississippi caused by students dropping out of school and
920 the ability of dropout students to comprehend the effect and
921 consequences of dropping out of school;

922 2. Research supporting variables that
923 contribute to and detract from student persistence in school;

924 3. A strategy formulated by the State
925 Department of Education for raising the
926 compulsory-school-attendance age;

927 4. The financial impact of raising the
928 compulsory-school-attendance age on school districts;

929 5. Examples of other states that have raised
930 their compulsory-school-attendance age; and

931 6. Qualitative reports from school district
932 administrators on the impact of raising the
933 compulsory-school-attendance age on the dropout crisis; and

934 (v) The potential for partnerships among the
935 state's regional education service agencies in developing and
936 implementing dropout prevention plans for the state in their
937 respective regions; and

938 (q) To adopt any other policies or guidelines that the
939 office deems necessary for the enforcement of the Mississippi
940 Compulsory School Attendance Law; however, the policies or
941 guidelines shall not add to or contradict with the requirements of
942 Section 37-13-91.

943 **SECTION 9.** Section 37-17-6, Mississippi Code of 1972, is
944 amended as follows:

945 37-17-6. (1) The State Board of Education, acting through
946 the Commission on School Accreditation, shall establish and
947 implement a permanent performance-based accreditation system, and
948 all public elementary and secondary schools shall be accredited
949 under this system.

950 (2) * * * The State Board of Education, acting through the
951 Commission on School Accreditation, shall require school districts
952 to provide school classroom space that is air conditioned as a
953 minimum requirement for accreditation.

954 (3) (a) * * * The State Board of Education, acting through
955 the Commission on School Accreditation, shall require that school
956 districts employ certified school librarians according to the
957 following formula:

958 Number of Students	Number of Certified
959 Per School Library	School Librarians
960 0 - 499 Students	½ Full-time Equivalent
961	Certified Librarian
962 500 or More Students	1 Full-time Certified
963	Librarian

964 (b) The State Board of Education, however, may increase
965 the number of positions beyond the above requirements.

966 (c) The assignment of such school librarians to the
967 particular schools shall be at the discretion of the local school
968 district. No individual shall be employed as a certified school
969 librarian without appropriate training and certification as a
970 school librarian by the State Department of Education.

971 (d) School librarians in such district shall spend at
972 least fifty percent (50%) of direct work time in a school library
973 and shall devote no more than one-fourth (1/4) of the workday to
974 administrative activities which are library related.

975 (e) Nothing in this subsection shall prohibit any
976 school district from employing more certified school librarians
977 than are provided for in this section.

978 (f) Any additional mileage levied to fund school
979 librarians required for accreditation under this subsection shall
980 be included in the tax increase limitation set forth in Sections
981 37-57-105 and 37-57-107 and shall not be deemed a new program for
982 purposes of the limitation.

983 (4) On or before December 31, 2002, the State Board of
984 Education shall implement the performance-based accreditation
985 system for school districts and for individual schools which shall
986 include the following:

987 (a) High expectations for students and high standards
988 for all schools, with a focus on the basic curriculum;

989 (b) Strong accountability for results with appropriate
990 local flexibility for local implementation;

991 (c) A process to implement accountability at both the
992 school district level and the school level;

993 (d) Individual schools shall be held accountable for
994 student growth and performance;

995 (e) Set annual performance standards for each of the
996 schools of the state and measure the performance of each school
997 against itself through the standard that has been set for it;

998 (f) A determination of which schools exceed their
999 standards and a plan for providing recognition and rewards to such
1000 schools;

1001 (g) A determination of which schools are failing to
1002 meet their standards and a determination of the appropriate role
1003 of the State Board of Education and the State Department of
1004 Education in providing assistance and initiating possible
1005 intervention;

1006 (h) Development of a comprehensive student assessment
1007 system to implement these requirements; and

1008 (i) The State Board of Education may, based on a
1009 written request that contains specific reasons for requesting a
1010 waiver from the school districts affected by Hurricane Katrina of
1011 2005, hold harmless school districts from assignment of district
1012 and school level accountability ratings for the 2005-2006 school
1013 year. The State Board of Education upon finding an extreme
1014 hardship in the school district may grant the request. It is the
1015 intent of the Legislature that all school districts maintain the
1016 highest possible academic standards and instructional programs in
1017 all schools as required by law and the State Board of Education.

1018 The State Board of Education may continue to assign school
1019 district performance levels by using a number classification and
1020 may assign individual school performance levels by using a number
1021 classification to be consistent with school district performance
1022 levels.

1023 (5) Nothing in this section shall be deemed to require a
1024 nonpublic school which receives no local, state or federal funds
1025 for support to become accredited by the State Board of Education.

1026 (6) The State Board of Education shall create an
1027 accreditation audit unit under the Commission on School

1028 Accreditation to determine whether schools are complying with
1029 accreditation standards.

1030 (7) The State Board of Education shall be specifically
1031 authorized and empowered to withhold adequate minimum education
1032 program or adequate education program fund allocations, whichever
1033 is applicable, to any public school district for failure to timely
1034 report student, school personnel and fiscal data necessary to meet
1035 state and/or federal requirements.

1036 (8) Deleted.

1037 (9) The State Board of Education shall establish, for those
1038 school districts failing to meet accreditation standards, a
1039 program of development to be complied with in order to receive
1040 state funds, except as otherwise provided in subsection (14) of
1041 this section when the Governor has declared a state of emergency
1042 in a school district or as otherwise provided in Section 206,
1043 Mississippi Constitution of 1890. The state board, in
1044 establishing these standards, shall provide for notice to schools
1045 and sufficient time and aid to enable schools to attempt to meet
1046 these standards, unless procedures under subsection (14) of this
1047 section have been invoked.

1048 (10) * * * The State Board of Education shall be charged with
1049 the implementation of the program of development in each
1050 applicable school district as follows:

1051 (a) Develop an impairment report for each district
1052 failing to meet accreditation standards in conjunction with school
1053 district officials;

1054 (b) Notify any applicable school district failing to
1055 meet accreditation standards that it is on probation until
1056 corrective actions are taken or until the deficiencies have been
1057 removed. The local school district shall develop a corrective
1058 action plan to improve its deficiencies. For district academic
1059 deficiencies, the corrective action plan for each such school
1060 district shall be based upon a complete analysis of the following:

1061 student test data, student grades, student attendance reports,
1062 student dropout data, existence and other relevant data. The
1063 corrective action plan shall describe the specific measures to be
1064 taken by the particular school district and school to improve:
1065 (a) instruction; (b) curriculum; (c) professional development; (d)
1066 personnel and classroom organization; (e) student incentives for
1067 performance; (f) process deficiencies; and (g) reporting to the
1068 local school board, parents and the community. The corrective
1069 action plan shall describe the specific individuals responsible
1070 for implementing each component of the recommendation and how each
1071 will be evaluated. All corrective action plans shall be provided
1072 to the State Board of Education as may be required. The decision
1073 of the State Board of Education establishing the probationary
1074 period of time shall be final;

1075 (c) Offer, during the probationary period, technical
1076 assistance to the school district in making corrective
1077 actions. * * * Subject to the availability of funds, the State
1078 Department of Education shall provide technical and/or financial
1079 assistance to all such school districts in order to implement each
1080 measure identified in that district's corrective action plan
1081 through professional development and on-site assistance. Each
1082 such school district shall apply for and utilize all available
1083 federal funding in order to support its corrective action plan in
1084 addition to state funds made available under this paragraph;

1085 (d) Contract, in its discretion, with the institutions
1086 of higher learning or other appropriate private entities to assist
1087 school districts;

1088 (e) Provide for publication of public notice at least
1089 one (1) time during the probationary period, in a newspaper
1090 published within the jurisdiction of the school district failing
1091 to meet accreditation standards, or if no newspaper is published
1092 therein, then in a newspaper having a general circulation therein.
1093 The publication shall include the following: declaration of

1094 school system's status as being on probation; all details relating
1095 to the impairment report, and other information as the State Board
1096 of Education deems appropriate. Public notices issued under this
1097 section shall be subject to Section 13-3-31 and not contrary to
1098 other laws regarding newspaper publication.

1099 (11) (a) If the recommendations for corrective action are
1100 not taken by the local school district or if the deficiencies are
1101 not removed by the end of the probationary period, the Commission
1102 on School Accreditation shall conduct a hearing to allow such
1103 affected school district to present evidence or other reasons why
1104 its accreditation should not be withdrawn. Subsequent to its
1105 consideration of the results of such hearing, the Commission on
1106 School Accreditation shall be authorized, with the approval of the
1107 State Board of Education, to withdraw the accreditation of a
1108 public school district, and issue a request to the Governor that a
1109 state of emergency be declared in that district.

1110 (b) If the State Board of Education and the Commission
1111 on School Accreditation determine that an extreme emergency
1112 situation exists in a school district which jeopardizes the
1113 safety, security or educational interests of the children enrolled
1114 in the schools in that district and such emergency situation is
1115 believed to be related to a serious violation or violations of
1116 accreditation standards or state or federal law, the State Board
1117 of Education may request the Governor to declare a state of
1118 emergency in that school district. For purposes of this
1119 paragraph, such declarations of a state of emergency shall not be
1120 limited to those instances when a school district's impairments
1121 are related to a lack of financial resources, but also shall
1122 include serious failure to meet minimum academic standards, as
1123 evidenced by a continued pattern of poor student performance.

1124 (c) Whenever the Governor declares a state of emergency
1125 in a school district in response to a request made under paragraph

1126 (a) or (b) of this subsection, the State Board of Education may
1127 take one or more of the following actions:

1128 (i) Declare a state of emergency, under which some
1129 or all of state funds can be escrowed except as otherwise provided
1130 in Section 206, Constitution of 1890, until the board determines
1131 corrective actions are being taken or the deficiencies have been
1132 removed, or that the needs of students warrant the release of
1133 funds. Such funds may be released from escrow for any program
1134 which the board determines to have been restored to standard even
1135 though the state of emergency may not as yet be terminated for the
1136 district as a whole;

1137 (ii) Override any decision of the local school
1138 board or superintendent of education, or both, concerning the
1139 management and operation of the school district, or initiate and
1140 make decisions concerning the management and operation of the
1141 school district;

1142 (iii) Assign an interim conservator who will have
1143 those powers and duties prescribed in subsection (14) of this
1144 section;

1145 (iv) Grant transfers to students who attend this
1146 school district so that they may attend other accredited schools
1147 or districts in a manner which is not in violation of state or
1148 federal law;

1149 (v) For states of emergency declared under
1150 paragraph (a) only, if the accreditation deficiencies are related
1151 to the fact that the school district is too small, with too few
1152 resources, to meet the required standards and if another school
1153 district is willing to accept those students, abolish that
1154 district and assign that territory to another school district or
1155 districts. If the school district has proposed a voluntary
1156 consolidation with another school district or districts, then if
1157 the State Board of Education finds that it is in the best interest
1158 of the pupils of the district for such consolidation to proceed,

1159 the voluntary consolidation shall have priority over any such
1160 assignment of territory by the State Board of Education;

1161 (vi) For states of emergency declared under
1162 paragraph (b) only, reduce local supplements paid to school
1163 district employees, including, but not limited to, instructional
1164 personnel, assistant teachers and extracurricular activities
1165 personnel, if the district's impairment is related to a lack of
1166 financial resources, but only to an extent which will result in
1167 the salaries being comparable to districts similarly situated, as
1168 determined by the State Board of Education;

1169 (vii) For states of emergency declared under
1170 paragraph (b) only, the State Board of Education must take such
1171 action as prescribed in Section 37-17-13.

1172 (d) At such time as satisfactory corrective action has
1173 been taken in a school district in which a state of emergency has
1174 been declared, the State Board of Education may request the
1175 Governor to declare that the state of emergency no longer exists
1176 in the district.

1177 (e) Not later than July 1 of each year, the State
1178 Department of Education shall develop an itemized accounting of
1179 the expenditures associated with the management of the conservator
1180 process with regard to each school district in which a conservator
1181 has been appointed, and an assessment as to the extent to which
1182 the conservator has achieved, or failed to achieve, the goals for
1183 which the conservator was appointed to guide the local school
1184 district.

1185 (12) Upon the declaration of a state of emergency in a
1186 school district under subsection (11) of this section, the
1187 Commission on School Accreditation shall be responsible for public
1188 notice at least once a week for at least three (3) consecutive
1189 weeks in a newspaper published within the jurisdiction of the
1190 school district failing to meet accreditation standards, or if no
1191 newspaper is published therein, then in a newspaper having a

1192 general circulation therein. The size of such notice shall be no
1193 smaller than one-fourth (1/4) of a standard newspaper page and
1194 shall be printed in bold print. If a conservator has been
1195 appointed for the school district, such notice shall begin as
1196 follows: "By authority of Section 37-17-6, Mississippi Code of
1197 1972, as amended, adopted by the Mississippi Legislature during
1198 the 1991 Regular Session, this school district (name of school
1199 district) is hereby placed under the jurisdiction of the State
1200 Department of Education acting through its appointed conservator
1201 (name of conservator)."

1202 The notice also shall include, in the discretion of the State
1203 Board of Education, any or all details relating to the school
1204 district's emergency status, including the declaration of a state
1205 of emergency in the school district and a description of the
1206 district's impairment deficiencies, conditions of any
1207 conservatorship and corrective actions recommended and being
1208 taken. Public notices issued under this section shall be subject
1209 to Section 13-3-31 and not contrary to other laws regarding
1210 newspaper publication.

1211 Upon termination of the state of emergency in a school
1212 district, the Commission on School Accreditation shall cause
1213 notice to be published in the school district in the same manner
1214 provided in this section, to include any or all details relating
1215 to the corrective action taken in the school district which
1216 resulted in the termination of the state of emergency.

1217 (13) The State Board of Education or the Commission on
1218 School Accreditation shall have the authority to require school
1219 districts to produce the necessary reports, correspondence,
1220 financial statements, and any other documents and information
1221 necessary to fulfill the requirements of this section.

1222 Nothing in this section shall be construed to grant any
1223 individual, corporation, board or conservator the authority to

1224 levy taxes except in accordance with presently existing statutory
1225 provisions.

1226 (14) (a) Whenever the Governor declares a state of
1227 emergency in a school district in response to a request made under
1228 subsection (11) of this section, the State Board of Education, in
1229 its discretion, may assign an interim conservator to the school
1230 district who will be responsible for the administration,
1231 management and operation of the school district, including, but
1232 not limited to, the following activities:

1233 (i) Approving or disapproving all financial
1234 obligations of the district, including, but not limited to, the
1235 employment, termination, nonrenewal and reassignment of all
1236 certified and noncertified personnel, contractual agreements and
1237 purchase orders, and approving or disapproving all claim dockets
1238 and the issuance of checks; in approving or disapproving
1239 employment contracts of superintendents, assistant superintendents
1240 or principals, the interim conservator shall not be required to
1241 comply with the time limitations prescribed in Sections 37-9-15
1242 and 37-9-105;

1243 (ii) Supervising the day-to-day activities of the
1244 district's staff, including reassigning the duties and
1245 responsibilities of personnel in a manner which, in the
1246 determination of the conservator, will best suit the needs of the
1247 district;

1248 (iii) Reviewing the district's total financial
1249 obligations and operations and making recommendations to the
1250 district for cost savings, including, but not limited to,
1251 reassigning the duties and responsibilities of staff;

1252 (iv) Attending all meetings of the district's
1253 school board and administrative staff;

1254 (v) Approving or disapproving all athletic, band
1255 and other extracurricular activities and any matters related to
1256 those activities;

1257 (vi) Maintaining a detailed account of
1258 recommendations made to the district and actions taken in response
1259 to those recommendations;

1260 (vii) Reporting periodically to the State Board of
1261 Education on the progress or lack of progress being made in the
1262 district to improve the district's impairments during the state of
1263 emergency; and

1264 (viii) Appointing a parent advisory committee,
1265 comprised of parents of students in the school district, which may
1266 make recommendations to the conservator concerning the
1267 administration, management and operation of the school district.

1268 Except when, in the determination of the State Board of
1269 Education, the school district's impairment is related to a lack
1270 of financial resources, the cost of the salary of the conservator
1271 and any other actual and necessary costs related to the
1272 conservatorship paid by the State Department of Education shall be
1273 reimbursed by the local school district from nonminimum program
1274 funds. The department shall submit an itemized statement to the
1275 superintendent of the local school district for reimbursement
1276 purposes, and any unpaid balance may be withheld from the
1277 district's minimum or adequate education program funds.

1278 At such time as the Governor, pursuant to the request of the
1279 State Board of Education, declares that the state of emergency no
1280 longer exists in a school district, the powers and
1281 responsibilities of the interim conservator assigned to such
1282 district shall cease.

1283 (b) In order to provide loans to school districts under
1284 a state of emergency which have impairments related to a lack of
1285 financial resources, the School District Emergency Assistance Fund
1286 is created as a special fund in the State Treasury into which
1287 monies may be transferred or appropriated by the Legislature from
1288 any available public education funds. The maximum amount that may
1289 be appropriated or transferred to the School District Emergency

1290 Assistance Fund for any one (1) emergency shall be Two Million
1291 Dollars (\$2,000,000.00), and the maximum amount that may be
1292 appropriated during any fiscal year shall be Three Million Dollars
1293 (\$3,000,000.00).

1294 The State Board of Education may loan monies from the School
1295 District Emergency Assistance Fund to a school district that is
1296 under a state of emergency in such amounts, as determined by the
1297 board, which are necessary to correct the district's impairments
1298 related to a lack of financial resources. The loans shall be
1299 evidenced by an agreement between the school district and the
1300 State Board of Education and shall be repayable in principal,
1301 without necessity of interest, to the State General Fund or the
1302 Education Enhancement Fund, depending on the source of funding for
1303 such loan, by the school district from any allowable funds that
1304 are available. The total amount loaned to the district shall be
1305 due and payable within five (5) years after the impairments
1306 related to a lack of financial resources are corrected. If a
1307 school district fails to make payments on the loan in accordance
1308 with the terms of the agreement between the district and the State
1309 Board of Education, the State Department of Education, in
1310 accordance with rules and regulations established by the State
1311 Board of Education, may withhold that district's minimum program
1312 funds in an amount and manner that will effectuate repayment
1313 consistent with the terms of the agreement; such funds withheld by
1314 the department shall be deposited into the State General Fund or
1315 the Education Enhancement Fund, as the case may be.

1316 If the State Board of Education determines that an extreme
1317 emergency exists, simultaneous with the powers exercised in this
1318 subsection, it shall take immediate action against all parties
1319 responsible for the affected school districts having been
1320 determined to be in an extreme emergency. Such action shall
1321 include, but not be limited to, initiating civil actions to
1322 recover funds and criminal actions to account for criminal

1323 activity. Any funds recovered by the State Auditor or the State
1324 Board of Education from the surety bonds of school officials or
1325 from any civil action brought under this subsection shall be
1326 applied toward the repayment of any loan made to a school district
1327 hereunder.

1328 (15) In the event a majority of the membership of the school
1329 board of any school district resigns from office, the State Board
1330 of Education shall be authorized to assign an interim conservator,
1331 who shall be responsible for the administration, management and
1332 operation of the school district until such time as new board
1333 members are selected or the Governor declares a state of emergency
1334 in that school district under subsection (11), whichever occurs
1335 first. In such case, the State Board of Education, acting through
1336 the interim conservator, shall have all powers which were held by
1337 the previously existing school board, and may take such action as
1338 prescribed in Section 37-17-13 and/or one or more of the actions
1339 authorized in this section.

1340 (16) * * * The State Board of Education, acting through the
1341 Commission on School Accreditation, shall require each school
1342 district to comply with standards established by the State
1343 Department of Audit for the verification of fixed assets and the
1344 auditing of fixed assets records as a minimum requirement for
1345 accreditation.

1346 (17) * * * The State Superintendent of Education and the
1347 State Board of Education also shall develop a comprehensive
1348 accountability plan to ensure that local school boards,
1349 superintendents, principals and teachers are held accountable for
1350 student achievement. * * *

1351 (18) (a) Beginning with the 2007-2008 school year, a school
1352 with a student dropout rate greater than ten percent (10%) may not
1353 receive a Level 3 accreditation rating or above as defined by the
1354 Mississippi Commission on School Accreditation.

1355 (b) Beginning with the 2008-2009 school year, the State
1356 Board of Education, acting through the Mississippi Commission on
1357 School Accreditation, shall develop accreditation standards that
1358 require a high school having a student dropout rate that is higher
1359 than fifteen percent (15%) over a period of three (3) successive
1360 school years to be converted to an attendance center with a
1361 smaller student enrollment or to a charter school as authorized
1362 under Chapter 28, Title 37, Mississippi Code of 1972.

1363 (c) Beginning with the 2007-2008 school year, the State
1364 Department of Education shall provide, upon a school district's
1365 request, technical assistance to the school district for the
1366 development of a school district student dropout prevention plan
1367 for students in the middle and high school grades. Each local
1368 school district student dropout prevention plan must include a
1369 team of local citizens from the business, law enforcement and
1370 education communities.

1371 (d) Any school or school district with a Level 4 or 5
1372 accreditation rating is exempt from the requirements of this
1373 subsection.

1374 **SECTION 10.** Section 37-11-53, Mississippi Code of 1972, is
1375 amended as follows:

1376 37-11-53. (1) A copy of the school district's discipline
1377 plan shall be distributed to each student enrolled in the
1378 district, and the parents, guardian or custodian of such student
1379 shall sign a statement verifying that they have been given notice
1380 of the discipline policies of their respective school district.
1381 The school board shall have its official discipline plan and code
1382 of student conduct legally audited on an annual basis to insure
1383 that its policies and procedures are currently in compliance with
1384 applicable statutes, case law and state and federal constitutional
1385 provisions. As part of the first legal audit occurring after July
1386 1, 2001, the provisions of this section, Section 37-11-55 and

1387 Section 37-11-18.1 shall be fully incorporated into the school
1388 district's discipline plan and code of student conduct.

1389 (2) All discipline plans of school districts shall include,
1390 but not be limited to, the following:

1391 (a) A parent, guardian or custodian of a
1392 compulsory-school-age child enrolled in a public school district
1393 shall be responsible financially for his or her minor child's
1394 destructive acts against school property or persons;

1395 (b) A parent, guardian or custodian of a
1396 compulsory-school-age child enrolled in a public school district
1397 may be requested to appear at school by the school attendance
1398 officer or an appropriate school official for a conference
1399 regarding acts of the child specified in paragraph (a) of this
1400 subsection, or for any other discipline conference regarding the
1401 acts of the child;

1402 (c) A parent, guardian or custodian of a
1403 compulsory-school-age child over the age of ten (10) years who is
1404 in violation of the compulsory school attendance law or who is
1405 considered as having excessive absenteeism from school may be
1406 requested to appear at school after working hours by the school
1407 attendance officer or an appropriate school official for a
1408 conference regarding the absenteeism of the child;

1409 (d) Any parent, guardian or custodian of a
1410 compulsory-school-age child enrolled in a school district who
1411 refuses or willfully fails to attend such discipline conference
1412 specified in paragraph (b) or paragraph (c) of this section may be
1413 summoned by proper notification by the superintendent of schools
1414 or the school attendance officer and be required to attend such
1415 discipline conference; and

1416 (e) A parent, guardian or custodian of a
1417 compulsory-school-age child enrolled in a public school district
1418 shall be responsible for any criminal fines brought against such

1419 student for unlawful activity occurring on school grounds or
1420 buses.

1421 (3) Any parent, guardian or custodian of a
1422 compulsory-school-age child who (a) fails to attend a discipline
1423 or student absenteeism conference within three (3) school days of
1424 official notification of the conference to which such parent,
1425 guardian or custodian has been summoned under * * * this section,
1426 or * * * (b) refuses or willfully fails to perform any other
1427 duties imposed upon him or her under * * * this section, shall be
1428 guilty of a misdemeanor and, upon conviction, shall be:

1429 (a) Fined an amount not to exceed Two Hundred Fifty
1430 Dollars (\$250.00);

1431 (b) Required to perform community service, not to
1432 exceed twenty-five (25) hours; and/or

1433 (c) With the consent of the student's teacher(s),
1434 required to attend class with the student for a period of time
1435 agreed upon by the court, in consultation with the reporting
1436 teacher and school principal. If the parent, guardian or
1437 custodian does not agree or fails to attend class with the
1438 student, the student must be suspended in accordance with the code
1439 of student conduct and discipline policies of the school district.

1440 (4) Any public school district shall be entitled to recover
1441 damages in an amount not to exceed Twenty Thousand Dollars
1442 (\$20,000.00), plus necessary court costs, from the parents of any
1443 minor under the age of eighteen (18) years and over the age of six
1444 (6) years, who maliciously and willfully damages or destroys
1445 property belonging to such school district. However, this section
1446 shall not apply to parents whose parental control of such child
1447 has been removed by court order or decree. The action authorized
1448 in this section shall be in addition to all other actions which
1449 the school district is entitled to maintain and nothing in this
1450 section shall preclude recovery in a greater amount from the minor

1451 or from a person, including the parents, for damages to which such
1452 minor or other person would otherwise be liable.

1453 * * *

1454 **SECTION 11.** This act shall take effect and be in force from
1455 and after July 1, 2007.