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To: Education

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1534

1 AN ACT TO AMEND SECTION 37-17-12, MISSISSIPPI CODE OF 1972,
2 TO EXEMPT SCHOOL DISTRICTS WITH "A" AND "B" ACCOUNTABILITY
3 RATINGS, AS DEFINED BY THE STATE BOARD OF EDUCATION, FROM
4 PERFORMING CERTAIN DUTIES IMPOSED ON SCHOOL DISTRICTS; TO AMEND
5 SECTION 37-1-3, MISSISSIPPI CODE OF 1972, TO REQUIRE THE STATE
6 BOARD OF EDUCATION TO DEVELOP A GRANT PROGRAM EXCLUSIVELY FOR
7 SCHOOL DISTRICTS WITH "A" AND "B" ACCOUNTABILITY RATINGS TO
8 RECEIVE FUNDS FOR THE IMPLEMENTATION OF INNOVATIVE EDUCATIONAL
9 PROGRAMS; TO AMEND SECTIONS 37-3-2, 37-11-53, 37-13-41, 37-13-89
10 AND 37-43-31, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE
11 PROVISIONS OF THIS 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,
16 school districts with "A" and "B" accountability ratings, as
17 defined by the State Board of Education, are exempt from certain
18 statutes applicable to public schools and school districts and the
19 rules, regulations, policies and procedures of the State Board of
20 Education. School districts with "A" and "B" accountability
21 ratings and the licensed employees of those districts are exempt
22 from the following requirements:



23 * * *

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

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

29 (c) Submitting reports regarding the type and amount of
30 work done in each grade of their respective school to the
31 superintendent of the school district, as required in Section
32 37-13-41;

33 (d) Participating in the process of selecting textbooks
34 by the State Board of Education, as prescribed in Section
35 37-43-31;

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

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

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

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

45 (b) Certain incentives for eligible teachers, such as
46 forgiveness of state student educational loans, housing assistance



47 and moving expenses in the same manner as provided for in the
48 Critical Needs Teacher Shortage Act.

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

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

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

60 * * *

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

63 37-1-3. (1) The State Board of Education shall adopt rules
64 and regulations and set standards and policies for the
65 organization, operation, management, planning, budgeting and
66 programs of the State Department of Education.

67 (a) The board is directed to identify all functions of
68 the department that contribute to or comprise a part of the state
69 system of educational accountability and to establish and maintain
70 within the department the necessary organizational structure,
71 policies and procedures for effectively coordinating such



72 functions. Such policies and procedures shall clearly fix and
73 delineate responsibilities for various aspects of the system and
74 for overall coordination of the total system and its effective
75 management.

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

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

82 (d) The board shall establish and maintain a central
83 budget policy.

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

87 (f) The board, with recommendations from the
88 superintendent, shall design and maintain a five-year plan and
89 program for educational improvement that shall set forth
90 objectives for system performance and development and be the basis
91 for budget requests and legislative initiatives.

92 (g) The board shall develop a grant program exclusively
93 for school districts with "A" and "B" accountability ratings, as
94 defined by the board, to receive funds for the implementation of
95 innovative educational programs.



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

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

- 110 (i) Opening a bank account and assessing the
111 quality of a bank's services;
- 112 (ii) Balancing a checkbook;
- 113 (iii) Managing debt, including retail and credit
114 card debt;
- 115 (iv) Completing a loan application;
- 116 (v) The implications of an inheritance;
- 117 (vi) The basics of personal insurance policies;
- 118 (vii) Consumer rights and responsibilities;
- 119 (viii) Dealing with salesmen and merchants;
- 120 (ix) Computing state and federal income taxes;



- 121 (x) Local tax assessments;
- 122 (xi) Computing interest rates by various
- 123 mechanisms;
- 124 (xii) Understanding simple contracts; and
- 125 (xiii) Contesting an incorrect billing statement.

126 (3) The State Board of Education shall have authority to

127 expend any available federal funds, or any other funds expressly

128 designated, to pay training, educational expenses, salary

129 incentives and salary supplements to licensed teachers employed in

130 local school districts or schools administered by the State Board

131 of Education. Such incentive payments shall not be considered

132 part of a school district's local supplement as defined in Section

133 37-151-5(o), nor shall the incentives be considered part of the

134 local supplement paid to an individual teacher for the purposes of

135 Section 37-19-7(1). MAEP funds or any other state funds shall not

136 be used to provide such incentives unless specifically authorized

137 by law.

138 (4) The State Board of Education shall through its actions

139 seek to implement the policies set forth in Section 37-1-2.

140 **SECTION 3.** Section 37-3-2, Mississippi Code of 1972, is

141 amended as follows:

142 37-3-2. (1) There is established within the State

143 Department of Education the Commission on Teacher and

144 Administrator Education, Certification and Licensure and

145 Development. It shall be the purpose and duty of the commission



146 to make recommendations to the State Board of Education regarding
147 standards for the certification and licensure and continuing
148 professional development of those who teach or perform tasks of an
149 educational nature in the public schools of Mississippi.

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



170 of three (3) years. Thereafter, all members shall be appointed
171 for a term of four (4) years.

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

178 (4) (a) An appropriate staff member of the State Department
179 of Education shall be designated and assigned by the State
180 Superintendent of Public Education to serve as executive secretary
181 and coordinator for the commission. No less than two (2) other
182 appropriate staff members of the State Department of Education
183 shall be designated and assigned by the State Superintendent of
184 Public Education to serve on the staff of the commission.

185 (b) An Office of Educator Misconduct Evaluations shall
186 be established within the State Department of Education to assist
187 the commission in responding to infractions and violations, and in
188 conducting hearings and enforcing the provisions of Section
189 37-3-2(11), (12), (13), (14) and (15), Mississippi Code of 1972,
190 and violations of the Mississippi Educator Code of Ethics.

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

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



195 (b) Recommend to the State Board of Education each year
196 approval or disapproval of each educator preparation program in
197 the state, subject to a process and schedule determined by the
198 State Board of Education;

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

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

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

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

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

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

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

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



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

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

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

239 (i) An application on a department form;

240 (ii) An official transcript of completion of a
241 teacher education program approved by the department or a
242 nationally accredited program, subject to the following:
243 Licensure to teach in Mississippi prekindergarten through
244 kindergarten classrooms shall require completion of a teacher



245 education program or a Bachelor of Science degree with child
246 development emphasis from a program accredited by the American
247 Association of Family and Consumer Sciences (AAFCS) or by the
248 National Association for Education of Young Children (NAEYC) or by
249 the National Council for Accreditation of Teacher Education
250 (NCATE). Licensure to teach in Mississippi kindergarten, for
251 those applicants who have completed a teacher education program,
252 and in Grade 1 through Grade 4 shall require the completion of an
253 interdisciplinary program of studies. Licenses for Grades 4
254 through 8 shall require the completion of an interdisciplinary
255 program of studies with two (2) or more areas of concentration.
256 Licensure to teach in Mississippi Grades 7 through 12 shall
257 require a major in an academic field other than education, or a
258 combination of disciplines other than education. Students
259 preparing to teach a subject shall complete a major in the
260 respective subject discipline. All applicants for standard
261 licensure shall demonstrate that such person's college preparation
262 in those fields was in accordance with the standards set forth by
263 the National Council for Accreditation of Teacher Education
264 (NCATE) or the National Association of State Directors of Teacher
265 Education and Certification (NASDTEC) or, for those applicants who
266 have a Bachelor of Science degree with child development emphasis,
267 the American Association of Family and Consumer Sciences (AAFCS).
268 Effective July 1, 2016, for initial elementary education
269 licensure, a teacher candidate must earn a passing score on a



270 rigorous test of scientifically research-based reading instruction
271 and intervention and data-based decision-making principles as
272 approved by the State Board of Education;

273 (iii) A copy of test scores evidencing
274 satisfactory completion of nationally administered examinations of
275 achievement, such as the Educational Testing Service's teacher
276 testing examinations;

277 (iv) Any other document required by the State
278 Board of Education; and

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

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

286 2. No less than 2.75 GPA on pre-major
287 coursework of the institution's approved teacher education program
288 provided that the accepted cohort of candidates meets or exceeds a
289 3.0 GPA on pre-major coursework.

290 (b) **Standard License - Nontraditional Teaching Route.**
291 From and after September 30, 2015, no teacher candidate shall be
292 licensed to teach in Mississippi under the alternate route who did
293 not meet the following criteria:



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

297 (ii) No less than 2.75 GPA on content coursework
298 in the requested area of certification or passing Praxis II scores
299 at or above the national recommended score provided that the
300 accepted cohort of candidates of the institution's teacher
301 education program meets or exceeds a 3.0 GPA on pre-major
302 coursework.

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

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



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

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

338 (iii) Upon completion of the nine-semester-hour
339 TMI or the fall or spring semester option, the individual shall
340 submit his transcript to the commission for provisional licensure
341 of the intern teacher, and the intern teacher shall be issued a
342 provisional teaching license by the commission, which will allow



343 the individual to legally serve as a teacher while the person
344 completes a nontraditional teacher preparation internship program.

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

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

364 (vi) Upon successful completion of the TMI and the
365 internship provisional license period, applicants for a Standard
366 License - Nontraditional Route shall submit to the commission a
367 transcript of successful completion of the twelve (12) semester



368 hours required in the internship program, and the employing school
369 district shall submit to the commission a recommendation for
370 standard licensure of the intern. If the school district
371 recommends licensure, the applicant shall be issued a Standard
372 License - Nontraditional Route which shall be valid for a
373 five-year period and be renewable.

374 (vii) At the discretion of the teacher preparation
375 institution, the individual shall be allowed to credit the twelve
376 (12) semester hours earned in the nontraditional teacher
377 internship program toward the graduate hours required for a Master
378 of Arts in Teacher (MAT) Degree.

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

386 Implementation of the TMI program provided for under this
387 paragraph (b) shall be contingent upon the availability of funds
388 appropriated specifically for such purpose by the Legislature.
389 Such implementation of the TMI program may not be deemed to
390 prohibit the State Board of Education from developing and
391 implementing additional alternative route teacher licensure
392 programs, as deemed appropriate by the board. The emergency



393 certification program in effect prior to July 1, 2002, shall
394 remain in effect.

395 A Standard License - Approved Program Route shall be issued
396 for a five-year period, and may be renewed. Recognizing teaching
397 as a profession, a hiring preference shall be granted to persons
398 holding a Standard License - Approved Program Route or Standard
399 License - Nontraditional Teaching Route over persons holding any
400 other license.

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

414 (d) **Special License - Nonrenewable.** The State Board of
415 Education is authorized to establish rules and regulations to
416 allow those educators not meeting requirements in subsection
417 (6) (a), (b) or (c) to be licensed for a period of not more than



418 three (3) years, except by special approval of the State Board of
419 Education.

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

431 (f) **Special License - Transitional Bilingual Education.**
432 Beginning July 1, 2003, the commission shall grant special
433 licenses to teachers of transitional bilingual education who
434 possess such qualifications as are prescribed in this section.
435 Teachers of transitional bilingual education shall be compensated
436 by local school boards at not less than one (1) step on the
437 regular salary schedule applicable to permanent teachers licensed
438 under this section. The commission shall grant special licenses
439 to teachers of transitional bilingual education who present the
440 commission with satisfactory evidence that they (i) possess a
441 speaking and reading ability in a language, other than English, in
442 which bilingual education is offered and communicative skills in



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

460 (g) In the event any school district meets the highest
461 accreditation standards as defined by the State Board of Education
462 in the accountability system, the State Board of Education, in its
463 discretion, may exempt such school district from any restrictions
464 in paragraph (e) relating to the employment of nonlicensed
465 teaching personnel.

466 (h) **Highly Qualified Teachers.** Beginning July 1, 2006,
467 any teacher from any state meeting the federal definition of



468 highly qualified, as described in the No Child Left Behind Act,
469 must be granted a standard five-year license by the State
470 Department of Education.

471 (7) **Administrator License.** The State Board of Education is
472 authorized to establish rules and regulations and to administer
473 the licensure process of the school administrators in the State of
474 Mississippi. There will be four (4) categories of administrator
475 licensure with exceptions only through special approval of the
476 State Board of Education.

477 (a) **Administrator License - Nonpracticing.** Those
478 educators holding administrative endorsement but having no
479 administrative experience or not serving in an administrative
480 position on January 15, 1997.

481 (b) **Administrator License - Entry Level.** Those
482 educators holding administrative endorsement and having met the
483 department's qualifications to be eligible for employment in a
484 Mississippi school district. Administrator License - Entry Level
485 shall be issued for a five-year period and shall be nonrenewable.

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

489 (d) **Administrator License - Nontraditional Route.** The
490 board may establish a nontraditional route for licensing
491 administrative personnel. Such nontraditional route for
492 administrative licensure shall be available for persons holding,



493 but not limited to, a master of business administration degree, a
494 master of public administration degree, a master of public
495 planning and policy degree or a doctor of jurisprudence degree
496 from an accredited college or university, with five (5) years of
497 administrative or supervisory experience. Successful completion
498 of the requirements of alternate route licensure for
499 administrators shall qualify the person for a standard
500 administrator license.

501 Individuals seeking school administrator licensure under
502 paragraph (b), (c) or (d) shall successfully complete a training
503 program and an assessment process prescribed by the State Board of
504 Education. All applicants for school administrator licensure
505 shall meet all requirements prescribed by the department under
506 paragraph (b), (c) or (d), and the cost of the assessment process
507 required shall be paid by the applicant.

508 (8) **Reciprocity.** (a) The department shall grant a standard
509 license to any individual who possesses a valid standard license
510 from another state and meets minimum Mississippi license
511 requirements or equivalent requirements as determined by the State
512 Board of Education. The issuance of a license by reciprocity to a
513 military-trained applicant or military spouse shall be subject to
514 the provisions of Section 73-50-1.

515 (b) The department shall grant a nonrenewable special
516 license to any individual who possesses a credential which is less
517 than a standard license or certification from another state. Such



518 special license shall be valid for the current school year plus
519 one (1) additional school year to expire on June 30 of the second
520 year, not to exceed a total period of twenty-four (24) months,
521 during which time the applicant shall be required to complete the
522 requirements for a standard license in Mississippi.

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

536 (b) A licensed teacher who is employed in a school with
537 an "A" or "B" accountability rating, as defined by the State Board
538 of Education, is exempt from any continuing education requirements
539 that may be established as a condition for renewal of the
540 teacher's license.

541 (10) All controversies involving the issuance, revocation,
542 suspension or any change whatsoever in the licensure of an



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

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

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

565 (b) The applicant has a physical, emotional or mental
566 disability that renders the applicant unfit to perform the duties



567 authorized by the license, as certified by a licensed psychologist
568 or psychiatrist;

569 (c) The applicant is actively addicted to or actively
570 dependent on alcohol or other habit-forming drugs or is a habitual
571 user of narcotics, barbiturates, amphetamines, hallucinogens or
572 other drugs having similar effect, at the time of application for
573 a license;

574 (d) Revocation, suspension or surrender of an
575 applicant's certificate or license by another state shall result
576 in immediate denial of licensure until such time that the records
577 predicated the revocation, suspension or surrender in the prior
578 state have been cleared;

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

581 (f) Failing or refusing to furnish reasonable evidence
582 of identification;

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

586 (h) The applicant has been convicted, has pled guilty
587 or entered a plea of nolo contendere to a sex offense as defined
588 by federal or state law. For purposes of this paragraph (h) and
589 paragraph (g) of this subsection, a "guilty plea" includes a plea
590 of guilty, entry of a plea of nolo contendere, or entry of an
591 order granting pretrial or judicial diversion; or



592 (i) Probation or post-release supervision for a felony
593 or sex offense conviction, as defined by federal or state law,
594 shall result in the immediate denial of licensure application
595 until expiration of the probationary or post-release supervision
596 period.

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

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

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

609 (c) Suspension or revocation of a certificate or
610 license by another state shall result in immediate suspension or
611 revocation and shall continue until records in the prior state
612 have been cleared;

613 (d) The license holder has been convicted, has pled
614 guilty or entered a plea of nolo contendere to a felony, as
615 defined by federal or state law. For purposes of this paragraph,
616 a "guilty plea" includes a plea of guilty, entry of a plea of nolo



617 contendere, or entry of an order granting pretrial or judicial
618 diversion;

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

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

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

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

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

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

640 (k) The license holder served as superintendent or
641 principal in a school district during the time preceding and/or



642 that resulted in the Governor declaring a state of emergency and
643 the State Board of Education appointing a conservator;

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

648 (m) The license holder has failed to comply with the
649 Procedures for Reporting Infractions as promulgated by the
650 commission and approved by the State Board of Education pursuant
651 to * * * subsection (15) of this section.

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

657 (b) Any offense committed or attempted in any other
658 state shall result in the same penalty as if committed or
659 attempted in this state.

660 (c) A person may voluntarily surrender a license. The
661 surrender of such license may result in the commission
662 recommending any of the above penalties without the necessity of a
663 hearing. However, any such license which has voluntarily been
664 surrendered by a licensed employee may only be reinstated by a
665 majority vote of all members of the commission present at the
666 meeting called for such purpose.



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

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



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

705 (16) An appeal from the action of the State Board of
706 Education in denying an application, revoking or suspending a
707 license or otherwise disciplining any person under the provisions
708 of this section shall be filed in the Chancery Court of the First
709 Judicial District of Hinds County, Mississippi, on the record
710 made, including a verbatim transcript of the testimony at the
711 hearing. The appeal shall be filed within thirty (30) days after
712 notification of the action of the board is mailed or served and
713 the proceedings in chancery court shall be conducted as other
714 matters coming before the court. The appeal shall be perfected
715 upon filing notice of the appeal and by the prepayment of all



716 costs, including the cost of preparation of the record of the
717 proceedings by the State Board of Education, and the filing of a
718 bond in the sum of Two Hundred Dollars (\$200.00) conditioned that
719 if the action of the board be affirmed by the chancery court, the
720 applicant or license holder shall pay the costs of the appeal and
721 the action of the chancery court.

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

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

734 (19) In addition to the reasons specified in subsections
735 (12) and (13) of this section, the board shall be authorized to
736 suspend the license of any licensee for being out of compliance
737 with an order for support, as defined in Section 93-11-153. The
738 procedure for suspension of a license for being out of compliance
739 with an order for support, and the procedure for the reissuance or
740 reinstatement of a license suspended for that purpose, and the



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

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

756 37-11-53. (1) A copy of the school district's discipline
757 plan shall be distributed to each student enrolled in the
758 district, and the parents, guardian or custodian of such student
759 shall sign a statement verifying that they have been given notice
760 of the discipline policies of their respective school district.
761 The school board, except in those school districts with "A" and
762 "B" accountability ratings, as defined by the State Board of
763 Education, shall have its official discipline plan and code of
764 student conduct legally audited on an annual basis to insure that
765 its policies and procedures are currently in compliance with



766 applicable statutes, case law and state and federal constitutional
767 provisions. * * * This section, Section 37-11-55 and Section
768 37-11-18.1 shall be fully incorporated into the school district's
769 discipline plan and code of student conduct.

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

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

776 (b) A parent, guardian or custodian of a
777 compulsory-school-age child enrolled in a public school district
778 may be requested to appear at school by the school attendance
779 officer or an appropriate school official for a conference
780 regarding acts of the child specified in paragraph (a) of this
781 subsection, or for any other discipline conference regarding the
782 acts of the child;

783 (c) Any parent, guardian or custodian of a
784 compulsory-school-age child enrolled in a school district who
785 refuses or willfully fails to attend such discipline conference
786 specified in paragraph (b) of this * * * subsection may be
787 summoned by proper notification by the superintendent of schools
788 or the school attendance officer and be required to attend such
789 discipline conference; and



790 (d) A parent, guardian or custodian of a
791 compulsory-school-age child enrolled in a public school district
792 shall be responsible for any criminal fines brought against such
793 student for unlawful activity occurring on school grounds or
794 buses.

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

803 (4) Any public school district shall be entitled to recover
804 damages in an amount not to exceed Twenty Thousand Dollars
805 (\$20,000.00), plus necessary court costs, from the parents of any
806 minor under the age of eighteen (18) years and over the age of six
807 (6) years, who maliciously and willfully damages or destroys
808 property belonging to such school district. However, this section
809 shall not apply to parents whose parental control of such child
810 has been removed by court order or decree. The action authorized
811 in this section shall be in addition to all other actions which
812 the school district is entitled to maintain and nothing in this
813 section shall preclude recovery in a greater amount from the minor



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

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

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

828 37-13-41. Except in school districts with "A" and "B"
829 accountability ratings, as defined by the State Board of
830 Education, all principals and/or superintendents of public schools
831 in all school districts in Mississippi shall report to their * * *
832 superintendent of education upon forms prepared and sent to
833 the * * * superintendent of education by the director of the
834 division of instruction, giving the type and amount of work done
835 in each grade of their respective school, with other information
836 that may be desired by the director. The * * * superintendents of
837 education shall compile this information on forms sent out by the
838 director. This shall be made in duplicate, one (1) copy to be



839 sent to the director, and the other filed as other public records
840 are filed in the * * * superintendents' offices. This report
841 shall be made to the director by the * * * superintendents of
842 education not later than the first of June each year.

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

845 37-13-89. (1) In each school district within the state,
846 except in school districts with "A" and "B" accountability
847 ratings, as defined by the State Board of Education, there shall
848 be employed the number of school attendance officers determined by
849 the Office of Compulsory School Attendance Enforcement to be
850 necessary to adequately enforce the provisions of the Mississippi
851 Compulsory School Attendance Law; however, this number shall not
852 exceed one hundred fifty-three (153) school attendance officers at
853 any time. * * * All school attendance officers employed pursuant
854 to this section shall be employees of the State Department of
855 Education. * * * The first twelve (12) months of employment for
856 each school attendance officer shall be the probationary period of
857 state service.

858 (2) (a) The State Department of Education shall obtain
859 current criminal records background checks and current child abuse
860 registry checks on all persons applying for the position of school
861 attendance officer * * *. The criminal records information and
862 registry checks must be kept on file for any new hires. In order
863 to determine an applicant's suitability for employment as a school



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

879 (b) If the fingerprinting or criminal records check
880 discloses a felony conviction, guilty plea or plea of nolo
881 contendere to a felony of possession or sale of drugs, murder,
882 manslaughter, armed robbery, rape, sexual battery, sex offense
883 listed in Section 45-33-23(h), child abuse, arson, grand larceny,
884 burglary, gratification of lust or aggravated assault which has
885 not been reversed on appeal or for which a pardon has not been
886 granted, the applicant is not eligible to be employed as a school
887 attendance officer. Any employment of an applicant pending the
888 results of the fingerprinting and criminal records check is



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

905 (c) A member of the State Board of Education or
906 employee of the State Department of Education may not be held
907 liable in any employment discrimination suit in which an
908 allegation of discrimination is made regarding an employment
909 decision authorized under this section.

910 (3) Each school attendance officer shall possess a college
911 degree with a major in a behavioral science or a related field or
912 shall have no less than three (3) years combined actual experience
913 as a school teacher, school administrator, law enforcement officer



914 possessing such degree, and/or social worker; however, these
915 requirements shall not apply to persons employed as school
916 attendance officers before January 1, 1987. School attendance
917 officers also shall satisfy any additional requirements that may
918 be established by the State Personnel Board for the position of
919 school attendance officer.

920 (4) It shall be the duty of each school attendance officer
921 to:

922 (a) Cooperate with any public agency to locate and
923 identify all compulsory-school-age children who are not attending
924 school;

925 (b) Cooperate with all courts of competent
926 jurisdiction;

927 (c) Investigate all cases of nonattendance and unlawful
928 absences by compulsory-school-age children not enrolled in a
929 nonpublic school;

930 (d) Provide appropriate counseling to encourage all
931 school-age children to attend school until they have completed
932 high school;

933 (e) Attempt to secure the provision of social or
934 welfare services that may be required to enable any child to
935 attend school;

936 (f) Contact the home or place of residence of a
937 compulsory-school-age child and any other place in which the
938 officer is likely to find any compulsory-school-age child when the



939 child is absent from school during school hours without a valid
940 written excuse from school officials, and when the child is found,
941 the officer shall notify the parents and school officials as to
942 where the child was physically located;

943 (g) Contact promptly the home of each
944 compulsory-school-age child in the school district within the
945 officer's jurisdiction who is not enrolled in school or is not in
946 attendance at public school and is without a valid written excuse
947 from school officials; if no valid reason is found for the
948 nonenrollment or absence from the school, the school attendance
949 officer shall give written notice to the parent, guardian or
950 custodian of the requirement for the child's enrollment or
951 attendance;

952 (h) Collect and maintain information concerning
953 absenteeism, dropouts and other attendance-related problems, as
954 may be required by law or the Office of Compulsory School
955 Attendance Enforcement; and

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

959 (5) While engaged in the performance of his duties, each
960 school attendance officer shall carry on his person a badge
961 identifying him as a school attendance officer under the Office of
962 Compulsory School Attendance Enforcement of the State Department
963 of Education and an identification card designed by the State



964 Superintendent of Public Education and issued by the school
965 attendance officer supervisor. Neither the badge nor the
966 identification card shall bear the name of any elected public
967 official.

968 (6) The State Personnel Board shall develop a salary scale
969 for school attendance officers as part of the variable
970 compensation plan. The various pay ranges of the salary scale
971 shall be based upon factors including, but not limited to,
972 education, professional certification and licensure, and number of
973 years of experience. School attendance officers shall be paid in
974 accordance with this salary scale. The minimum salaries under the
975 scale shall be no less than the following:

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

981	Years of Experience	Salary
982	0 - 4 years	\$19,650.00
983	5 - 8 years	21,550.00
984	9 - 12 years	23,070.00
985	13 - 16 years	24,590.00
986	Over 17 years	26,110.00

987 (b) For school attendance officers holding a license as
988 a social worker, the annual salary shall be based on years of



989 experience as a school attendance officer or related field of
990 service or employment, no less than as follows:

991	Years of Experience	Salary
992	0 - 4 years	\$20,650.00
993	5 - 8 years	22,950.00
994	9 - 12 years	24,790.00
995	13 - 16 years	26,630.00
996	17 - 20 years	28,470.00
997	Over 21 years	30,310.00

998 (c) For school attendance officers holding a master's
999 degree in a behavioral science or a related field, the annual
1000 salary shall be based on years of experience as a school
1001 attendance officer or related field of service or employment, no
1002 less than as follows:

1003	Years of Experience	Salary
1004	0 - 4 years	\$21,450.00
1005	5 - 8 years	24,000.00
1006	9 - 12 years	26,040.00
1007	13 - 16 years	28,080.00
1008	17 - 20 years	30,120.00
1009	Over 21 years	32,160.00

1010 (7) (a) Each school attendance officer employed by a
1011 district attorney on June 30, 1998, who became an employee of the
1012 State Department of Education on July 1, 1998, shall be awarded
1013 credit for personal leave and major medical leave for his



1014 continuous service as a school attendance officer under the
1015 district attorney, and if applicable, the youth or family court or
1016 a state agency. The credit for personal leave shall be in an
1017 amount equal to one-third (1/3) of the maximum personal leave the
1018 school attendance officer could have accumulated had he been
1019 credited with such leave under Section 25-3-93 during his
1020 employment with the district attorney, and if applicable, the
1021 youth or family court or a state agency. The credit for major
1022 medical leave shall be in an amount equal to one-half (1/2) of the
1023 maximum major medical leave the school attendance officer could
1024 have accumulated had he been credited with such leave under
1025 Section 25-3-95 during his employment with the district attorney,
1026 and if applicable, the youth or family court or a state agency.
1027 However, if a district attorney who employed a school attendance
1028 officer on June 30, 1998, certifies, in writing, to the State
1029 Department of Education that the school attendance officer had
1030 accumulated, pursuant to a personal leave policy or major medical
1031 leave policy lawfully adopted by the district attorney, a number
1032 of days of unused personal leave or major medical leave, or both,
1033 which is greater than the number of days to which the school
1034 attendance officer is entitled under this paragraph, the State
1035 Department of Education shall authorize the school attendance
1036 officer to retain the actual unused personal leave or major
1037 medical leave, or both, certified by the district attorney,
1038 subject to the maximum amount of personal leave and major medical



1039 leave the school attendance officer could have accumulated had he
1040 been credited with such leave under Sections 25-3-93 and 25-3-95.

1041 (b) For the purpose of determining the accrual rate for
1042 personal leave under Section 25-3-93 and major medical leave under
1043 Section 25-3-95, the State Department of Education shall give
1044 consideration to all continuous service rendered by a school
1045 attendance officer before July 1, 1998, in addition to the service
1046 rendered by the school attendance officer as an employee of the
1047 department.

1048 (c) In order for a school attendance officer to be
1049 awarded credit for personal leave and major medical leave or to
1050 retain the actual unused personal leave and major medical leave
1051 accumulated by him before July 1, 1998, the district attorney who
1052 employed the school attendance officer must certify, in writing,
1053 to the State Department of Education the hire date of the school
1054 attendance officer. For each school attendance officer employed
1055 by the youth or family court or a state agency before being
1056 designated an employee of the district attorney who has not had a
1057 break in continuous service, the hire date shall be the date that
1058 the school attendance officer was hired by the youth or family
1059 court or state agency. The department shall prescribe the date by
1060 which the certification must be received by the department and
1061 shall provide written notice to all district attorneys of the
1062 certification requirement and the date by which the certification
1063 must be received.



1064 (8) (a) School attendance officers shall maintain regular
1065 office hours on a year-round basis; however, during the school
1066 term, on those days that teachers in all of the school districts
1067 served by a school attendance officer are not required to report
1068 to work, the school attendance officer also shall not be required
1069 to report to work. (For purposes of this subsection, a school
1070 district's school term is that period of time identified as the
1071 school term in contracts entered into by the district with
1072 licensed personnel.) A school attendance officer shall be
1073 required to report to work on any day recognized as an official
1074 state holiday if teachers in any school district served by that
1075 school attendance officer are required to report to work on that
1076 day, regardless of the school attendance officer's status as an
1077 employee of the State Department of Education, and compensatory
1078 leave may not be awarded to the school attendance officer for
1079 working during that day. However, a school attendance officer may
1080 be allowed by the school attendance officer's supervisor to use
1081 earned leave on such days.

1082 (b) The State Department of Education annually shall
1083 designate a period of six (6) consecutive weeks in the summer
1084 between school years during which school attendance officers shall
1085 not be required to report to work. A school attendance officer
1086 who elects to work at any time during that period may not be
1087 awarded compensatory leave for such work and may not opt to be
1088 absent from work at any time other than during the six (6) weeks



1089 designated by the department unless the school attendance officer
1090 uses personal leave or major medical leave accrued under Section
1091 25-3-93 or 25-3-95 for such absence.

1092 (9) The State Department of Education shall provide all
1093 continuing education and training courses that school attendance
1094 officers are required to complete under state law or rules and
1095 regulations of the department.

1096 **SECTION 7.** Section 37-43-31, Mississippi Code of 1972, is
1097 amended as follows:

1098 37-43-31. (1) The State Board of Education shall adopt and
1099 furnish textbooks only for use in those courses set up in the
1100 state course of study as recommended by the State Accreditation
1101 Commission and adopted by such board, or courses established by
1102 acts of the Legislature. In all subjects the board, in its
1103 discretion, may adopt textbooks and/or series from those
1104 recommended by the textbook rating committees. The board may
1105 adopt a plan which permits the local school districts to choose
1106 the book or books to be requisitioned from those adopted,
1107 provided:

1108 (a) That, when a book is furnished by the state, it
1109 shall remain in use during the period of its adoption;

1110 (b) That the average per pupil cost of textbooks so
1111 furnished any unit shall not exceed that allowed for all other
1112 units in the state;



1113 (c) That nothing herein provided shall be construed as
1114 giving any school the authority to discard or replace usable
1115 copies of textbooks now being furnished by the state;

1116 (d) That the State Department of Education is
1117 authorized to disburse the annual textbook appropriation directly
1118 to the public school districts in accordance with * * * paragraph
1119 (b) of this subsection. The textbooks procured through this
1120 chapter, as well as textbooks which are on hand on June 30, 1994,
1121 which were previously purchased through the provisions of this
1122 statute, shall become the property of the public school district
1123 which purchased them, unless the State Department of Education
1124 authorizes the transfer of unneeded textbooks to another location
1125 in accordance with rules and regulations promulgated by the State
1126 Board of Education;

1127 (e) That textbooks which are on loan to other than
1128 public schools as referenced in Section 37-43-1, shall remain the
1129 property of the State of Mississippi. All requisitions for
1130 textbooks from these schools shall be submitted to the State
1131 Department of Education to be processed and subsequently shipped
1132 to the requesting school. No funds shall be disbursed directly
1133 from the State Department of Education to the schools in this
1134 category for the purpose of procuring textbooks; and

1135 (f) That funds made available through this chapter may
1136 be used to purchase any state-adopted or * * * nonadopted textbook
1137 from any state depository, directly from the publisher, or in



1138 accordance with the provisions of Sections 37-43-21(5) and
1139 37-43-31(3). For purchases made directly from the publisher, the
1140 public school district, or the State Department of Education when
1141 purchasing for other than public schools, shall not pay a higher
1142 price for a textbook than that listed on the current state-adopted
1143 list.

1144 (2) Whenever any book under contract is displaced by a new
1145 adoption, the board may continue to require the schools to use the
1146 recently purchased books from any previous adoption; however, such
1147 period of use shall not exceed four (4) years.

1148 (3) If five (5) or more school boards petition the State
1149 Board of Education to add a book, or a series of books, to the
1150 approved list of state adoptions in a given subject area, then the
1151 State Superintendent of Public Education shall have sixty (60)
1152 days to show cause to the State Board of Education why the books
1153 in question should or should not be purchased with state funds.
1154 If the petition is not acted upon within the sixty-day period, the
1155 petition shall be deemed to be approved. Once a textbook has been
1156 approved through the petition process, any public school district
1157 or eligible other school may procure the said textbook utilizing
1158 funds appropriated through this chapter.

1159 (4) If new and innovative textbooks that would improve a
1160 particular course of study become available between adoption
1161 cycles, a school board may petition the State Board of Education



1162 for permission to purchase these books out of sequence to be paid
1163 for with state textbook funds.

1164 (5) The State Board of Education shall not allow previously
1165 rejected textbooks to be used if such textbooks were rejected for
1166 any of the following reasons:

- 1167 (a) Obscene, lewd, sexist or vulgar material;
- 1168 (b) Advocating prejudicial behavior or actions; or
- 1169 (c) Encouraging acts determined to be * * * antisocial
1170 or derogatory to any race, sex or religion.

1171 (6) All books or series of books adopted under the petition
1172 procedures of this chapter shall be purchased under the provisions
1173 for bidding, pricing and distribution as prescribed in Section
1174 37-43-23.

1175 (7) Petition procedure books or series of books adopted
1176 under this section shall be considered only until the date of the
1177 next regular adoption series in the applicable subject area.
1178 Petition procedure books shall be submitted for formal adoption at
1179 the next applicable regular textbook adoption as prescribed under
1180 the provisions of Chapter 43, Title 37, Mississippi Code of 1972;
1181 otherwise, such books adopted under the petition procedures which
1182 do not receive formal adoption approval as recommended by the
1183 textbook rating committee shall be dropped from the state textbook
1184 petition adoption list. Provided, however, this provision shall
1185 in no way prohibit a school district from using other funds,
1186 federal or local, for the purchase of such books.



1187 (8) School districts with "A" and "B" accountability
1188 ratings, as defined by the State Board of Education, are not
1189 required to participate in the textbook selection process set
1190 forth in this section.

1191 **SECTION 8.** This act shall take effect and be in force from
1192 and after July 1, 2016.

