

By: Representatives Gunn, Wilson, Haney,
Baker, Powell, Patterson

To: Education

HOUSE BILL NO. 1224

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 AND
 10 37-43-31, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE
 11 PROVISIONS OF THIS ACT; TO AMEND SECTION 37-13-89, MISSISSIPPI
 12 CODE OF 1972, TO REQUIRE SCHOOL ATTENDANCE OFFICERS TO VISIT THE
 13 HOME OR PLACE OF RESIDENCE OF A COMPULSORY-SCHOOL-AGE CHILD WITHIN
 14 72 HOURS OF AN UNEXCUSED ABSENCE FOR CONSULTATION WITH THE PARENT
 15 OR LEGAL GUARDIAN OF THAT CHILD; AND FOR RELATED PURPOSES.

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

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

19 37-17-12. (1) * * * Except as otherwise provided by law,
 20 school districts with "A" and "B" accountability ratings, as
 21 defined by the State Board of Education, are exempt from certain
 22 statutes applicable to public schools and school districts and the
 23 rules, regulations, policies and procedures of the State Board of
 24 Education. School districts with "A" and "B" accountability



25 ratings and the licensed employees of those districts are exempt
26 from the following requirements:

27 * * *

28 (a) Reporting student grades to the State Department of
29 Education;

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

33 (c) Submitting reports regarding the type and amount of
34 work done in each grade of their respective school to the
35 superintendent of the school district, as required in Section
36 37-13-41;

37 (d) Participating in the process of selecting textbooks
38 by the State Board of Education, as prescribed in Section
39 37-43-31;

40 (e) Completing surveys from the State Department of
41 Education; and

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

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

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



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

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

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

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

64 * * *

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

67 37-1-3. (1) The State Board of Education shall adopt rules
68 and regulations and set standards and policies for the
69 organization, operation, management, planning, budgeting and
70 programs of the State Department of Education.

71 (a) The board is directed to identify all functions of
72 the department that contribute to or comprise a part of the state
73 system of educational accountability and to establish and maintain



74 within the department the necessary organizational structure,
75 policies and procedures for effectively coordinating such
76 functions. Such policies and procedures shall clearly fix and
77 delineate responsibilities for various aspects of the system and
78 for overall coordination of the total system and its effective
79 management.

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

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

86 (d) The board shall establish and maintain a central
87 budget policy.

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

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

96 (g) The board shall develop a grant program exclusively
97 for school districts with "A" and "B" accountability ratings, as



98 defined by the board, to receive funds for the implementation of
99 innovative educational programs.

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

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

- 114 (i) Opening a bank account and assessing the
115 quality of a bank's services;
- 116 (ii) Balancing a checkbook;
- 117 (iii) Managing debt, including retail and credit
118 card debt;
- 119 (iv) Completing a loan application;
- 120 (v) The implications of an inheritance;
- 121 (vi) The basics of personal insurance policies;
- 122 (vii) Consumer rights and responsibilities;



- 123 (viii) Dealing with salesmen and merchants;
124 (ix) Computing state and federal income taxes;
125 (x) Local tax assessments;
126 (xi) Computing interest rates by various
127 mechanisms;
128 (xii) Understanding simple contracts; and
129 (xiii) Contesting an incorrect billing statement.

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

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

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

146 37-3-2. (1) There is established within the State
147 Department of Education the Commission on Teacher and



148 Administrator Education, Certification and Licensure and
149 Development. It shall be the purpose and duty of the commission
150 to make recommendations to the State Board of Education regarding
151 standards for the certification and licensure and continuing
152 professional development of those who teach or perform tasks of an
153 educational nature in the public schools of Mississippi.

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



173 two (2) years; and five (5) members shall be appointed for a term
174 of three (3) years. Thereafter, all members shall be appointed
175 for a term of four (4) years.

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

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

189 (b) An Office of Educator Misconduct Evaluations shall
190 be established within the State Department of Education to assist
191 the commission in responding to infractions and violations, and in
192 conducting hearings and enforcing the provisions of * * *
193 subsections (11), (12), (13), (14) and (15) * * * of this section,
194 and violations of the Mississippi Educator Code of Ethics.

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



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

199 (b) Recommend to the State Board of Education each year
200 approval or disapproval of each educator preparation program in
201 the state, subject to a process and schedule determined by the
202 State Board of Education;

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

206 (d) Establish, subject to the approval of the State
207 Board of Education, standards for the renewal of teacher licenses
208 in all fields;

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

212 (f) Review all existing requirements for certification
213 and licensure;

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

216 (h) Prepare reports from time to time on current
217 practices and issues in the general area of teacher education and
218 certification and licensure;



219 (i) Hold hearings concerning standards for teachers'
220 and administrators' education and certification and licensure with
221 approval of the State Board of Education;

222 (j) Hire expert consultants with approval of the State
223 Board of Education;

224 (k) Set up ad hoc committees to advise on specific
225 areas; and

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

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

242 Applicants for a standard license shall submit to the department:

243 (i) An application on a department form;



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



269 Education and Certification (NASDTEC) or, for those applicants who
270 have a Bachelor of Science degree with child development emphasis,
271 the American Association of Family and Consumer Sciences (AAFCS).
272 Effective July 1, 2016, for initial elementary education
273 licensure, a teacher candidate must earn a passing score on a
274 rigorous test of scientifically research-based reading instruction
275 and intervention and data-based decision-making principles as
276 approved by the State Board of Education;

277 (iii) A copy of test scores evidencing
278 satisfactory completion of nationally administered examinations of
279 achievement, such as the Educational Testing Service's teacher
280 testing examinations;

281 (iv) Any other document required by the State
282 Board of Education; and

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

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

290 2. No less than 2.75 GPA on pre-major
291 coursework of the institution's approved teacher education program
292 provided that the accepted cohort of candidates meets or exceeds a
293 3.0 GPA on pre-major coursework.



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

295 From and after September 30, 2015, no teacher candidate shall be
296 licensed to teach in Mississippi under the alternate route who did
297 not meet the following criteria:

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

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

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

317 (i) The Teach Mississippi Institute (TMI) shall
318 include an intensive eight-week, nine-semester-hour summer program



319 or a curriculum of study in which the student matriculates in the
320 fall or spring semester, which shall include, but not be limited
321 to, instruction in education, effective teaching strategies,
322 classroom management, state curriculum requirements, planning and
323 instruction, instructional methods and pedagogy, using test
324 results to improve instruction, and a one (1) semester three-hour
325 supervised internship to be completed while the teacher is
326 employed as a full-time teacher intern in a local school district.
327 The TMI shall be implemented on a pilot program basis, with
328 courses to be offered at up to four (4) locations in the state,
329 with one (1) TMI site to be located in each of the three (3)
330 Mississippi Supreme Court districts.

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

342 (iii) Upon completion of the nine-semester-hour
343 TMI or the fall or spring semester option, the individual shall



344 submit his transcript to the commission for provisional licensure
345 of the intern teacher, and the intern teacher shall be issued a
346 provisional teaching license by the commission, which will allow
347 the individual to legally serve as a teacher while the person
348 completes a nontraditional teacher preparation internship program.

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

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



368 (vi) Upon successful completion of the TMI and the
369 internship provisional license period, applicants for a Standard
370 License - Nontraditional Route shall submit to the commission a
371 transcript of successful completion of the twelve (12) semester
372 hours required in the internship program, and the employing school
373 district shall submit to the commission a recommendation for
374 standard licensure of the intern. If the school district
375 recommends licensure, the applicant shall be issued a Standard
376 License - Nontraditional Route which shall be valid for a
377 five-year period and be renewable.

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

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

390 Implementation of the TMI program provided for under this
391 paragraph (b) shall be contingent upon the availability of funds
392 appropriated specifically for such purpose by the Legislature.



393 Such implementation of the TMI program may not be deemed to
394 prohibit the State Board of Education from developing and
395 implementing additional alternative route teacher licensure
396 programs, as deemed appropriate by the board. The emergency
397 certification program in effect prior to July 1, 2002, shall
398 remain in effect.

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

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



418 (d) **Special License - Nonrenewable.** The State Board of
419 Education is authorized to establish rules and regulations to
420 allow those educators not meeting requirements in * * * paragraph
421 (a), (b) or (c) of this subsection (6) to be licensed for a period
422 of not more than three (3) years, except by special approval of
423 the State Board of Education.

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

435 (f) **Special License - Transitional Bilingual Education.**
436 Beginning July 1, 2003, the commission shall grant special
437 licenses to teachers of transitional bilingual education who
438 possess such qualifications as are prescribed in this section.
439 Teachers of transitional bilingual education shall be compensated
440 by local school boards at not less than one (1) step on the
441 regular salary schedule applicable to permanent teachers licensed
442 under this section. The commission shall grant special licenses



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

464 (g) In the event any school district meets the highest
465 accreditation standards as defined by the State Board of Education
466 in the accountability system, the State Board of Education, in its
467 discretion, may exempt such school district from any restrictions



468 in paragraph (e) relating to the employment of nonlicensed
469 teaching personnel.

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

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

481 (a) **Administrator License - Nonpracticing.** Those
482 educators holding administrative endorsement but having no
483 administrative experience or not serving in an administrative
484 position on January 15, 1997.

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

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



493 (d) **Administrator License - Nontraditional Route.** The
494 board may establish a nontraditional route for licensing
495 administrative personnel. Such nontraditional route for
496 administrative licensure shall be available for persons holding,
497 but not limited to, a master of business administration degree, a
498 master of public administration degree, a master of public
499 planning and policy degree or a doctor of jurisprudence degree
500 from an accredited college or university, with five (5) years of
501 administrative or supervisory experience. Successful completion
502 of the requirements of alternate route licensure for
503 administrators shall qualify the person for a standard
504 administrator license.

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

512 (8) **Reciprocity.** (a) The department shall grant a standard
513 license to any individual who possesses a valid standard license
514 from another state and meets minimum Mississippi license
515 requirements or equivalent requirements as determined by the State
516 Board of Education. The issuance of a license by reciprocity to a



517 military-trained applicant or military spouse shall be subject to
518 the provisions of Section 73-50-1.

519 (b) The department shall grant a nonrenewable special
520 license to any individual who possesses a credential which is less
521 than a standard license or certification from another state. Such
522 special license shall be valid for the current school year plus
523 one (1) additional school year to expire on June 30 of the second
524 year, not to exceed a total period of twenty-four (24) months,
525 during which time the applicant shall be required to complete the
526 requirements for a standard license in Mississippi.

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

540 (b) A licensed teacher who is employed in a school with
541 an "A" or "B" accountability rating, as defined by the State Board



542 of Education, is exempt from any continuing education requirements
543 that may be established as a condition for renewal of the
544 teacher's license.

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

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



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

569 (b) The applicant has a physical, emotional or mental
570 disability that renders the applicant unfit to perform the duties
571 authorized by the license, as certified by a licensed psychologist
572 or psychiatrist;

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

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

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

585 (f) Failing or refusing to furnish reasonable evidence
586 of identification;

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

590 (h) The applicant has been convicted, has pled guilty
591 or entered a plea of nolo contendere to a sex offense as defined



592 by federal or state law. For purposes of this paragraph (h) and
593 paragraph (g) of this subsection, a "guilty plea" includes a plea
594 of guilty, entry of a plea of nolo contendere, or entry of an
595 order granting pretrial or judicial diversion; or

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

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

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

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

613 (c) Suspension or revocation of a certificate or
614 license by another state shall result in immediate suspension or
615 revocation and shall continue until records in the prior state
616 have been cleared;



617 (d) The license holder has been convicted, has pled
618 guilty or entered a plea of nolo contendere to a felony, as
619 defined by federal or state law. For purposes of this paragraph,
620 a "guilty plea" includes a plea of guilty, entry of a plea of nolo
621 contendere, or entry of an order granting pretrial or judicial
622 diversion;

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

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

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

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

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



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

644 (k) The license holder served as superintendent or
645 principal in a school district during the time preceding and/or
646 that resulted in the Governor declaring a state of emergency and
647 the State Board of Education appointing a conservator;

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

652 (m) The license holder has failed to comply with the
653 Procedures for Reporting Infractions as promulgated by the
654 commission and approved by the State Board of Education pursuant
655 to subsection (15) of this section.

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

661 (b) Any offense committed or attempted in any other
662 state shall result in the same penalty as if committed or
663 attempted in this state.

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



666 recommending any of the above penalties without the necessity of a
667 hearing. However, any such license which has voluntarily been
668 surrendered by a licensed employee may only be reinstated by a
669 majority vote of all members of the commission present at the
670 meeting called for such purpose.

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



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

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

709 (16) An appeal from the action of the State Board of
710 Education in denying an application, revoking or suspending a
711 license or otherwise disciplining any person under the provisions
712 of this section shall be filed in the Chancery Court of the First
713 Judicial District of Hinds County, Mississippi, on the record
714 made, including a verbatim transcript of the testimony at the
715 hearing. The appeal shall be filed within thirty (30) days after



716 notification of the action of the board is mailed or served and
717 the proceedings in chancery court shall be conducted as other
718 matters coming before the court. The appeal shall be perfected
719 upon filing notice of the appeal and by the prepayment of all
720 costs, including the cost of preparation of the record of the
721 proceedings by the State Board of Education, and the filing of a
722 bond in the sum of Two Hundred Dollars (\$200.00) conditioned that
723 if the action of the board be affirmed by the chancery court, the
724 applicant or license holder shall pay the costs of the appeal and
725 the action of the chancery court.

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

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

738 (19) In addition to the reasons specified in subsections
739 (12) and (13) of this section, the board shall be authorized to
740 suspend the license of any licensee for being out of compliance



741 with an order for support, as defined in Section 93-11-153. The
742 procedure for suspension of a license for being out of compliance
743 with an order for support, and the procedure for the reissuance or
744 reinstatement of a license suspended for that purpose, and the
745 payment of any fees for the reissuance or reinstatement of a
746 license suspended for that purpose, shall be governed by Section
747 93-11-157 or 93-11-163, as the case may be. Actions taken by the
748 board in suspending a license when required by Section 93-11-157
749 or 93-11-163 are not actions from which an appeal may be taken
750 under this section. Any appeal of a license suspension that is
751 required by Section 93-11-157 or 93-11-163 shall be taken in
752 accordance with the appeal procedure specified in Section
753 93-11-157 or 93-11-163, as the case may be, rather than the
754 procedure specified in this section. If there is any conflict
755 between any provision of Section 93-11-157 or 93-11-163 and any
756 provision of this chapter, the provisions of Section 93-11-157 or
757 93-11-163, as the case may be, shall control.

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

760 37-11-53. (1) A copy of the school district's discipline
761 plan shall be distributed to each student enrolled in the
762 district, and the parents, guardian or custodian of such student
763 shall sign a statement verifying that they have been given notice
764 of the discipline policies of their respective school district.
765 The school board, except in those school districts with "A" and



766 "B" accountability ratings, as defined by the State Board of
767 Education, shall have its official discipline plan and code of
768 student conduct legally audited on an annual basis to insure that
769 its policies and procedures are currently in compliance with
770 applicable statutes, case law and state and federal constitutional
771 provisions. * * * This section, Section 37-11-55 and Section
772 37-11-18.1 shall be fully incorporated into the school district's
773 discipline plan and code of student conduct.

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

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

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

787 (c) Any parent, guardian or custodian of a
788 compulsory-school-age child enrolled in a school district who
789 refuses or willfully fails to attend such discipline conference
790 specified in paragraph (b) of this * * * subsection may be



791 summoned by proper notification by the superintendent of schools
792 or the school attendance officer and be required to attend such
793 discipline conference; and

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

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

807 (4) Any public school district shall be entitled to recover
808 damages in an amount not to exceed Twenty Thousand Dollars
809 (\$20,000.00), plus necessary court costs, from the parents of any
810 minor under the age of eighteen (18) years and over the age of six
811 (6) years, who maliciously and willfully damages or destroys
812 property belonging to such school district. However, this section
813 shall not apply to parents whose parental control of such child
814 has been removed by court order or decree. The action authorized
815 in this section shall be in addition to all other actions which



816 the school district is entitled to maintain and nothing in this
817 section shall preclude recovery in a greater amount from the minor
818 or from a person, including the parents, for damages to which such
819 minor or other person would otherwise be liable.

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

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

832 37-13-41. Except in school districts with "A" and "B"
833 accountability ratings, as defined by the State Board of
834 Education, all principals and/or superintendents of public schools
835 in all school districts in Mississippi shall report to their * * *
836 superintendent of education upon forms prepared and sent to
837 the * * * superintendent of education by the director of the
838 division of instruction, giving the type and amount of work done
839 in each grade of their respective school, with other information
840 that may be desired by the director. The * * * superintendents of



841 education shall compile this information on forms sent out by the
842 director. This shall be made in duplicate, one (1) copy to be
843 sent to the director, and the other filed as other public records
844 are filed in the * * * superintendents' offices. This report
845 shall be made to the director by the * * * superintendents of
846 education not later than the first of June each year.

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

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

862 (2) (a) The State Department of Education shall obtain
863 current criminal records background checks and current child abuse
864 registry checks on all persons applying for the position of school
865 attendance officer * * *. The criminal records information and



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

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



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

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

914 (3) Each school attendance officer shall possess a college
915 degree with a major in a behavioral science or a related field or



916 shall have no less than three (3) years combined actual experience
917 as a school teacher, school administrator, law enforcement officer
918 possessing such degree, and/or social worker; however, these
919 requirements shall not apply to persons employed as school
920 attendance officers before January 1, 1987. School attendance
921 officers also shall satisfy any additional requirements that may
922 be established by the State Personnel Board for the position of
923 school attendance officer.

924 (4) It shall be the duty of each school attendance officer
925 to:

926 (a) Cooperate with any public agency to locate and
927 identify all compulsory-school-age children who are not attending
928 school;

929 (b) Cooperate with all courts of competent
930 jurisdiction;

931 (c) Investigate all cases of nonattendance and unlawful
932 absences by compulsory-school-age children not enrolled in a
933 nonpublic school;

934 (d) Provide appropriate counseling to encourage all
935 school-age children to attend school until they have completed
936 high school;

937 (e) Attempt to secure the provision of social or
938 welfare services that may be required to enable any child to
939 attend school;



940 * * * (f) (i) Contact, through actual visitation,
941 the home or place of residence of a compulsory-school-age child
942 and any other place in which the officer is likely to find any
943 compulsory-school-age child * * *, for consultation with the
944 parent or legal guardian of a compulsory-school-age child within
945 seventy-two (72) hours of the child's * * * absence from school
946 during school hours without a valid written excuse from school
947 officials. The school shall report all absences to the school
948 attendance officer by the end of each school day * * *; and

949 (ii) When the child is found, if in any place
950 other than the home or place of residence, the officer shall
951 notify the parents * * *, school officials or local law
952 enforcement officers if appropriate as to where the child was
953 physically located;

954 (g) Contact promptly the home of each
955 compulsory-school-age child in the school district within the
956 officer's jurisdiction who is not enrolled in school or is not in
957 attendance at public school and is without a valid written excuse
958 from school officials; if no valid reason is found for the
959 nonenrollment or absence from the school, the school attendance
960 officer shall give written notice to the parent, guardian or
961 custodian of the requirement for the child's enrollment or
962 attendance;

963 (h) Collect and maintain information concerning
964 absenteeism, dropouts and other attendance-related problems, as



965 may be required by law or the Office of Compulsory School
966 Attendance Enforcement; and

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

970 (5) While engaged in the performance of his duties, each
971 school attendance officer shall carry on his person a badge
972 identifying him as a school attendance officer under the Office of
973 Compulsory School Attendance Enforcement of the State Department
974 of Education and an identification card designed by the State
975 Superintendent of Public Education and issued by the school
976 attendance officer supervisor. Neither the badge nor the
977 identification card shall bear the name of any elected public
978 official.

979 (6) The State Personnel Board shall develop a salary scale
980 for school attendance officers as part of the variable
981 compensation plan. The various pay ranges of the salary scale
982 shall be based upon factors including, but not limited to,
983 education, professional certification and licensure, and number of
984 years of experience. School attendance officers shall be paid in
985 accordance with this salary scale. The minimum salaries under the
986 scale shall be no less than the following:

987 (a) For school attendance officers holding a bachelor's
988 degree or any other attendance officer who does not hold such a
989 degree, the annual salary shall be based on years of experience as



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

992	Years of Experience	Salary
993	0 - 4 years	\$19,650.00
994	5 - 8 years	21,550.00
995	9 - 12 years	23,070.00
996	13 - 16 years	24,590.00
997	Over 17 years	26,110.00

998 (b) For school attendance officers holding a license as
999 a social worker, the annual salary shall be based on years of
1000 experience as a school attendance officer or related field of
1001 service or employment, no less than as follows:

1002	Years of Experience	Salary
1003	0 - 4 years	\$20,650.00
1004	5 - 8 years	22,950.00
1005	9 - 12 years	24,790.00
1006	13 - 16 years	26,630.00
1007	17 - 20 years	28,470.00
1008	Over 21 years	30,310.00

1009 (c) For school attendance officers holding a master's
1010 degree in a behavioral science or a related field, the annual
1011 salary shall be based on years of experience as a school
1012 attendance officer or related field of service or employment, no
1013 less than as follows:

1014	Years of Experience	Salary
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1015	0 - 4 years	\$21,450.00
1016	5 - 8 years	24,000.00
1017	9 - 12 years	26,040.00
1018	13 - 16 years	28,080.00
1019	17 - 20 years	30,120.00
1020	Over 21 years	32,160.00

1021 (7) (a) Each school attendance officer employed by a
1022 district attorney on June 30, 1998, who became an employee of the
1023 State Department of Education on July 1, 1998, shall be awarded
1024 credit for personal leave and major medical leave for his
1025 continuous service as a school attendance officer under the
1026 district attorney, and if applicable, the youth or family court or
1027 a state agency. The credit for personal leave shall be in an
1028 amount equal to one-third (1/3) of the maximum personal leave the
1029 school attendance officer could have accumulated had he been
1030 credited with such leave under Section 25-3-93 during his
1031 employment with the district attorney, and if applicable, the
1032 youth or family court or a state agency. The credit for major
1033 medical leave shall be in an amount equal to one-half (1/2) of the
1034 maximum major medical leave the school attendance officer could
1035 have accumulated had he been credited with such leave under
1036 Section 25-3-95 during his employment with the district attorney,
1037 and if applicable, the youth or family court or a state agency.
1038 However, if a district attorney who employed a school attendance
1039 officer on June 30, 1998, certifies, in writing, to the State



1040 Department of Education that the school attendance officer had
1041 accumulated, pursuant to a personal leave policy or major medical
1042 leave policy lawfully adopted by the district attorney, a number
1043 of days of unused personal leave or major medical leave, or both,
1044 which is greater than the number of days to which the school
1045 attendance officer is entitled under this paragraph, the State
1046 Department of Education shall authorize the school attendance
1047 officer to retain the actual unused personal leave or major
1048 medical leave, or both, certified by the district attorney,
1049 subject to the maximum amount of personal leave and major medical
1050 leave the school attendance officer could have accumulated had he
1051 been credited with such leave under Sections 25-3-93 and 25-3-95.

1052 (b) For the purpose of determining the accrual rate for
1053 personal leave under Section 25-3-93 and major medical leave under
1054 Section 25-3-95, the State Department of Education shall give
1055 consideration to all continuous service rendered by a school
1056 attendance officer before July 1, 1998, in addition to the service
1057 rendered by the school attendance officer as an employee of the
1058 department.

1059 (c) In order for a school attendance officer to be
1060 awarded credit for personal leave and major medical leave or to
1061 retain the actual unused personal leave and major medical leave
1062 accumulated by him before July 1, 1998, the district attorney who
1063 employed the school attendance officer must certify, in writing,
1064 to the State Department of Education the hire date of the school



1065 attendance officer. For each school attendance officer employed
1066 by the youth or family court or a state agency before being
1067 designated an employee of the district attorney who has not had a
1068 break in continuous service, the hire date shall be the date that
1069 the school attendance officer was hired by the youth or family
1070 court or state agency. The department shall prescribe the date by
1071 which the certification must be received by the department and
1072 shall provide written notice to all district attorneys of the
1073 certification requirement and the date by which the certification
1074 must be received.

1075 (8) (a) School attendance officers shall maintain regular
1076 office hours on a year-round basis; however, during the school
1077 term, on those days that teachers in all of the school districts
1078 served by a school attendance officer are not required to report
1079 to work, the school attendance officer also shall not be required
1080 to report to work. (For purposes of this subsection, a school
1081 district's school term is that period of time identified as the
1082 school term in contracts entered into by the district with
1083 licensed personnel.) A school attendance officer shall be
1084 required to report to work on any day recognized as an official
1085 state holiday if teachers in any school district served by that
1086 school attendance officer are required to report to work on that
1087 day, regardless of the school attendance officer's status as an
1088 employee of the State Department of Education, and compensatory
1089 leave may not be awarded to the school attendance officer for



1090 working during that day. However, a school attendance officer may
1091 be allowed by the school attendance officer's supervisor to use
1092 earned leave on such days.

1093 (b) The State Department of Education annually shall
1094 designate a period of six (6) consecutive weeks in the summer
1095 between school years during which school attendance officers shall
1096 not be required to report to work. A school attendance officer
1097 who elects to work at any time during that period may not be
1098 awarded compensatory leave for such work and may not opt to be
1099 absent from work at any time other than during the six (6) weeks
1100 designated by the department unless the school attendance officer
1101 uses personal leave or major medical leave accrued under Section
1102 25-3-93 or 25-3-95 for such absence.

1103 (9) The State Department of Education shall provide all
1104 continuing education and training courses that school attendance
1105 officers are required to complete under state law or rules and
1106 regulations of the department.

1107 **SECTION 7.** Section 37-43-31, Mississippi Code of 1972, is
1108 amended as follows:

1109 37-43-31. (1) The State Board of Education shall adopt and
1110 furnish textbooks only for use in those courses set up in the
1111 state course of study as recommended by the State Accreditation
1112 Commission and adopted by such board, or courses established by
1113 acts of the Legislature. In all subjects the board, in its
1114 discretion, may adopt textbooks and/or series from those



1115 recommended by the textbook rating committees. The board may
1116 adopt a plan which permits the local school districts to choose
1117 the book or books to be requisitioned from those adopted,
1118 provided:

1119 (a) That, when a book is furnished by the state, it
1120 shall remain in use during the period of its adoption;

1121 (b) That the average per pupil cost of textbooks so
1122 furnished any unit shall not exceed that allowed for all other
1123 units in the state;

1124 (c) That nothing herein provided shall be construed as
1125 giving any school the authority to discard or replace usable
1126 copies of textbooks now being furnished by the state;

1127 (d) That the State Department of Education is
1128 authorized to disburse the annual textbook appropriation directly
1129 to the public school districts in accordance with * * * paragraph
1130 (b) of this subsection. The textbooks procured through this
1131 chapter, as well as textbooks which are on hand on June 30, 1994,
1132 which were previously purchased through the provisions of this
1133 statute, shall become the property of the public school district
1134 which purchased them, unless the State Department of Education
1135 authorizes the transfer of unneeded textbooks to another location
1136 in accordance with rules and regulations promulgated by the State
1137 Board of Education;

1138 (e) That textbooks which are on loan to other than
1139 public schools as referenced in Section 37-43-1, shall remain the



1140 property of the State of Mississippi. All requisitions for
1141 textbooks from these schools shall be submitted to the State
1142 Department of Education to be processed and subsequently shipped
1143 to the requesting school. No funds shall be disbursed directly
1144 from the State Department of Education to the schools in this
1145 category for the purpose of procuring textbooks; and

1146 (f) That funds made available through this chapter may
1147 be used to purchase any state-adopted or * * * nonadopted textbook
1148 from any state depository, directly from the publisher, or in
1149 accordance with the provisions of Sections 37-43-21(5) and
1150 37-43-31(3). For purchases made directly from the publisher, the
1151 public school district, or the State Department of Education when
1152 purchasing for other than public schools, shall not pay a higher
1153 price for a textbook than that listed on the current state-adopted
1154 list.

1155 (2) Whenever any book under contract is displaced by a new
1156 adoption, the board may continue to require the schools to use the
1157 recently purchased books from any previous adoption; however, such
1158 period of use shall not exceed four (4) years.

1159 (3) If five (5) or more school boards petition the State
1160 Board of Education to add a book, or a series of books, to the
1161 approved list of state adoptions in a given subject area, then the
1162 State Superintendent of Public Education shall have sixty (60)
1163 days to show cause to the State Board of Education why the books
1164 in question should or should not be purchased with state funds.



1165 If the petition is not acted upon within the sixty-day period, the
1166 petition shall be deemed to be approved. Once a textbook has been
1167 approved through the petition process, any public school district
1168 or eligible other school may procure the said textbook utilizing
1169 funds appropriated through this chapter.

1170 (4) If new and innovative textbooks that would improve a
1171 particular course of study become available between adoption
1172 cycles, a school board may petition the State Board of Education
1173 for permission to purchase these books out of sequence to be paid
1174 for with state textbook funds.

1175 (5) The State Board of Education shall not allow previously
1176 rejected textbooks to be used if such textbooks were rejected for
1177 any of the following reasons:

- 1178 (a) Obscene, lewd, sexist or vulgar material;
- 1179 (b) Advocating prejudicial behavior or actions; or
- 1180 (c) Encouraging acts determined to be * * * antisocial
1181 or derogatory to any race, sex or religion.

1182 (6) All books or series of books adopted under the petition
1183 procedures of this chapter shall be purchased under the provisions
1184 for bidding, pricing and distribution as prescribed in Section
1185 37-43-23.

1186 (7) Petition procedure books or series of books adopted
1187 under this section shall be considered only until the date of the
1188 next regular adoption series in the applicable subject area.
1189 Petition procedure books shall be submitted for formal adoption at



1190 the next applicable regular textbook adoption as prescribed under
1191 the provisions of Chapter 43, Title 37, Mississippi Code of 1972;
1192 otherwise, such books adopted under the petition procedures which
1193 do not receive formal adoption approval as recommended by the
1194 textbook rating committee shall be dropped from the state textbook
1195 petition adoption list. Provided, however, this provision shall
1196 in no way prohibit a school district from using other funds,
1197 federal or local, for the purchase of such books.

1198 (8) School districts with "A" and "B" accountability
1199 ratings, as defined by the State Board of Education, are not
1200 required to participate in the textbook selection process set
1201 forth in this section.

1202 **SECTION 8.** This act shall take effect and be in force from
1203 and after July 1, 2017.

