

By: Representative Flaggs

To: Education

## HOUSE BILL NO. 31

1 AN ACT TO AMEND SECTION 37-3-2, MISSISSIPPI CODE OF 1972, TO  
2 DELETE THE REQUIREMENT THAT APPLICANTS PASS AN EXAMINATION AS A  
3 PREREQUISITE TO TEACHER LICENSURE; TO REPEAL SECTION 37-9-11,  
4 MISSISSIPPI CODE OF 1972, WHICH AUTHORIZES THE STATE BOARD OF  
5 EDUCATION TO REQUIRE TESTING OF APPLICANTS FOR TEACHER LICENSURE;  
6 AND FOR RELATED PURPOSES.

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

8 SECTION 1. Section 37-3-2, Mississippi Code of 1972, is  
9 amended as follows:

10 37-3-2. (1) There is hereby established within the State  
11 Department of Education the Commission on Teacher and  
12 Administrator Education, Certification and Licensure and  
13 Development. It shall be the purpose and duty of the commission  
14 to make recommendations to the State Board of Education regarding  
15 standards for the certification and licensure and continuing  
16 professional development of those who teach or perform tasks of an  
17 educational nature in the public schools of Mississippi.

18 (2) The commission shall be composed of fifteen (15)  
19 qualified members. The membership of the commission shall be  
20 composed of the following members to be appointed three (3) from  
21 each congressional district: four (4) classroom teachers; three  
22 (3) school administrators; one (1) representative of schools of  
23 education of institutions of higher learning located within the  
24 state to be recommended by the Board of Trustees of State  
25 Institutions of Higher Learning; one (1) representative from the  
26 schools of education of independent institutions of higher  
27 learning to be recommended by the Board of the Mississippi  
28 Association of Independent Colleges; one (1) representative from  
29 public community and junior colleges located within the state to

30 be recommended by the State Board for Community and Junior  
31 Colleges; one (1) local school board member; and four (4) lay  
32 persons. All appointments shall be made by the State Board of  
33 Education after consultation with the State Superintendent of  
34 Public Education. The first appointments by the State Board of  
35 Education shall be made as follows: five (5) members shall be  
36 appointed for a term of one (1) year; five (5) members shall be  
37 appointed for a term of two (2) years; and five (5) members shall  
38 be appointed for a term of three (3) years. Thereafter, all  
39 members shall be appointed for a term of four (4) years.

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

46 (4) An appropriate staff member of the State Department of  
47 Education shall be designated and assigned by the State  
48 Superintendent of Public Education to serve as executive secretary  
49 and coordinator for the commission. No less than two (2) other  
50 appropriate staff members of the State Department of Education  
51 shall be designated and assigned by the State Superintendent of  
52 Public Education to serve on the staff of the commission.

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

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

57 (b) Recommend to the State Board of Education each year  
58 approval or disapproval of each educator preparation program in  
59 the state;

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

63 (d) Establish, subject to the approval of the State  
64 Board of Education, standards for the renewal of teacher licenses  
65 in all fields;

66 (e) Review and evaluate objective measures of teacher  
67 performance \* \* \* which may form part of the licensure process,

68 and to make recommendations for their use;

69 (f) Review all existing requirements for certification  
70 and licensure;

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

73 (h) Prepare reports from time to time on current  
74 practices and issues in the general area of teacher education and  
75 certification and licensure;

76 (i) Hold hearings concerning standards for teachers'  
77 and administrators' education and certification and licensure with  
78 approval of the State Board of Education;

79 (j) Hire expert consultants with approval of the State  
80 Board of Education;

81 (k) Set up ad hoc committees to advise on specific  
82 areas; and

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

86 (6) (a) **Standard License - Approved Program Route.** An  
87 educator entering the school system of Mississippi for the first  
88 time and meeting all requirements as established by the State  
89 Board of Education shall be granted a standard five-year license.

90 Persons who possess two (2) years of classroom experience as an  
91 assistant teacher or who have taught for one (1) year in an  
92 accredited public or private school shall be allowed to fulfill  
93 student teaching requirements under the supervision of a qualified  
94 participating teacher approved by an accredited college of  
95 education. The local school district in which the assistant  
96 teacher is employed shall compensate such assistant teachers at  
97 the required salary level during the period of time such  
98 individual is completing student teaching requirements.

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

100 (i) An application on a department form;

101 (ii) An official transcript of completion of a

102 teacher education program approved by the department or a  
103 nationally accredited program, subject to the following:  
104 Licensure to teach in Mississippi kindergarten through Grade 4  
105 shall require the completion of an interdisciplinary program of  
106 studies. Licenses for Grades 4 through 8 shall require the  
107 completion of an interdisciplinary program of studies with two (2)  
108 or more areas of concentration. Licensure to teach in Mississippi  
109 Grades 7 through 12 shall require a major in an academic field  
110 other than education, or a combination of disciplines other than  
111 education. Students preparing to teach a subject shall complete a  
112 major in the respective subject discipline. All applicants for  
113 standard licensure shall demonstrate that such person's college  
114 preparation in those fields was in accordance with the standards  
115 set forth by the National Council for Accreditation of Teacher  
116 Education (NCATE) or the National Association of State Directors  
117 of Teacher Education and Certification (NASDTEC); and

118 \* \* \*

119 (iii) Any other document required by the State  
120 Board of Education.

121 (b) **Standard License - Alternate Teaching Route.**

122 Applicants for a standard license-alternate teaching route shall  
123 submit to the department:

124 (i) An application on a department form;

125 (ii) An official transcript evidencing a bachelors  
126 degree from an accredited institution of higher learning;

127 \* \* \*

128 (iii) An official transcript evidencing  
129 appropriate credit hours \* \* \* as required by the State Board of  
130 Education; and

131 (iv) Any other document required by the State  
132 Board of Education.

133 A Standard License-Approved Program Route and a Standard  
134 License-Alternate Teaching Route shall be issued for a five-year  
135 period, and may be renewed. Recognizing teaching as a profession,

136 a hiring preference shall be granted to persons holding a Standard  
137 License-Approved Program Route or Standard License-Alternate  
138 Teaching Route over persons holding any other license.

139 (c) **Special License - Expert Citizen.** In order to  
140 allow a school district to offer specialized or technical courses,  
141 the State Department of Education, in accordance with rules and  
142 regulations established by the State Board of Education, may grant  
143 a one-year expert citizen-teacher license to local business or  
144 other professional personnel to teach in a public school or  
145 nonpublic school accredited or approved by the state. Such person  
146 may begin teaching upon his employment by the local school board  
147 and licensure by the Mississippi Department of Education. The  
148 board shall adopt rules and regulations to administer the expert  
149 citizen-teacher license. A special license-expert citizen may be  
150 renewed in accordance with the established rules and regulations  
151 of the State Department of Education.

152 (d) **Special License - Nonrenewable.** The State Board of  
153 Education is authorized to establish rules and regulations to  
154 allow those educators not meeting requirements in subsection  
155 (6)(a), (b) or (c) to be licensed for a period of not more than  
156 three (3) years, except by special approval of the State Board of  
157 Education.

158 (e) **Nonlicensed Teaching Personnel.** A nonlicensed  
159 person may teach for a maximum of three (3) periods per teaching  
160 day in a public school or a nonpublic school accredited/approved by  
161 the state. Such person shall submit to the department a transcript  
162 or record of his education and experience which substantiates his  
163 preparation for the subject to be taught and shall meet other  
164 qualifications specified by the commission and approved by the  
165 State Board of Education. In no case shall any local school board  
166 hire nonlicensed personnel as authorized under this paragraph in  
167 excess of five percent (5%) of the total number of licensed  
168 personnel in any single school.

169 (f) In the event any school district meets Level 4 or 5

170 accreditation standards, the State Board of Education may, in its  
171 discretion, exempt such school district from any restrictions in  
172 paragraph (e) relating to the employment of nonlicensed teaching  
173 personnel.

174       (7) **Administrator License.** The State Board of Education is  
175 authorized to establish rules and regulations and to administer  
176 the licensure process of the school administrators in the State of  
177 Mississippi. There will be four (4) categories of administrator  
178 licensure with exceptions only through special approval of the  
179 State Board of Education.

180           (a) **Administrator License - Nonpracticing.** Those  
181 educators holding administrative endorsement but have no  
182 administrative experience or not serving in an administrative  
183 position on January 15, 1997.

184           (b) **Administrator License - Entry Level.** Those  
185 educators holding administrative endorsement and having met the  
186 department's qualifications to be eligible for employment in a  
187 Mississippi school district. Administrator license - entry level  
188 shall be issued for a five-year period and shall be nonrenewable.

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

192           (d) **Administrator License - Alternate Route.** The board  
193 may establish an alternate route for licensing administrative  
194 personnel. Such alternate route for administrative licensure  
195 shall be available for persons holding, but not limited to, a  
196 masters of business administration degree, a masters of public  
197 administration degree or a masters of public planning and policy  
198 degree from an accredited college or university, with five (5)  
199 years of administrative or supervisory experience. Successful  
200 completion of the requirements of alternate route licensure for  
201 administrators shall qualify the person for a standard  
202 administrator license.

203       Beginning with the 1997-1998 school year, individuals seeking

204 school administrator licensure under paragraph (b), (c) or (d)  
205 shall successfully complete a training program and an assessment  
206 process prescribed by the State Board of Education. Applicants  
207 seeking school administrator licensure prior to June 30, 1997, and  
208 completing all requirements for provisional or standard  
209 administrator certification and who have never practiced, shall be  
210 exempt from taking the Mississippi Assessment Battery Phase I.  
211 Applicants seeking school administrator licensure during the  
212 period beginning July 1, 1997, through June 30, 1998, shall  
213 participate in the Mississippi Assessment Battery, and upon  
214 request of the applicant, the department shall reimburse the  
215 applicant for the cost of the assessment process required. After  
216 June 30, 1998, all applicants for school administrator licensure  
217 shall meet all requirements prescribed by the department under  
218 paragraph (b), (c) or (d), and the cost of the assessment process  
219 required shall be paid by the applicant.

220       (8) **Reciprocity.** (a) The department shall grant a standard  
221 license to any individual who possesses a valid standard license  
222 from another state and has a minimum of two (2) years of full-time  
223 teaching or administrator experience.

224       (b) The department shall grant a nonrenewable special  
225 license to any individual who possesses a credential which is less  
226 than a standard license or certification from another state, or  
227 who possesses a standard license from another state but has less  
228 than two (2) years of full-time teaching or administration  
229 experience. Such special license shall be valid for the current  
230 school year plus one (1) additional school year to expire on June  
231 30 of the second year, not to exceed a total period of twenty-four  
232 (24) months, during which time the applicant shall be required to  
233 complete the requirements for a standard license in Mississippi.

234       (9) **Renewal and Reinstatement of Licenses.** The State Board  
235 of Education is authorized to establish rules and regulations for  
236 the renewal and reinstatement of educator and administrator  
237 licenses.

238           (10) All controversies involving the issuance, revocation,  
239 suspension or any change whatsoever in the licensure of an  
240 educator required to hold a license shall be initially heard in a  
241 hearing de novo, by the commission or by a subcommittee  
242 established by the commission and composed of commission members  
243 for the purpose of holding hearings. Any complaint seeking the  
244 denial of issuance, revocation or suspension of a license shall be  
245 by sworn affidavit filed with the Commission of Teacher and  
246 Administrator Education, Certification and Licensure and  
247 Development. The decision thereon by the commission or its  
248 subcommittee shall be final, unless the aggrieved party shall  
249 appeal to the State Board of Education, within ten (10) days, of  
250 the decision of the committee or its subcommittee. An appeal to  
251 the State Board of Education shall be on the record previously  
252 made before the commission or its subcommittee unless otherwise  
253 provided by rules and regulations adopted by the board. The State  
254 Board of Education in its authority may reverse, or remand with  
255 instructions, the decision of the committee or its subcommittee.  
256 The decision of the State Board of Education shall be final.

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

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

262                   (b) Has a physical, emotional or mental disability that  
263 renders the applicant unfit to perform the duties authorized by  
264 the license, as certified by a licensed psychologist or  
265 psychiatrist;

266                   (c) Is actively addicted to or actively dependent on  
267 alcohol or other habit-forming drugs or is a habitual user of  
268 narcotics, barbiturates, amphetamines, hallucinogens, or other  
269 drugs having similar effect, at the time of application for a  
270 license;

271                   (d) Revocation of a certificate or license by another



272 state;

273 (e) Committed fraud or deceit in securing or attempting  
274 to secure such certification and license;

275 (f) Fails or refuses to furnish reasonable evidence of  
276 identification;

277 (g) Has been convicted, has pled guilty or entered a  
278 plea of nolo contendere to a felony, as defined by federal or  
279 state law; or

280 (h) Has been convicted, has pled guilty or entered a  
281 plea of nolo contendere to a sex offense as defined by federal or  
282 state law.

283 (12) The State Board of Education, acting on the  
284 recommendation of the commission, may revoke or suspend any  
285 teacher or administrator license for specified periods of time for  
286 one or more of the following:

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

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

293 (c) Suspension or revocation of a certificate or  
294 license by another state shall result in immediate suspension or  
295 revocation and shall continue until records in the prior state  
296 have been cleared;

297 (d) Has been convicted, has pled guilty or entered a  
298 plea of nolo contendere to a felony, as defined by federal or  
299 state law;

300 (e) Has been convicted, has pled guilty or entered a  
301 plea of nolo contendere to a sex offense, as defined by federal or  
302 state law; or

303 (f) Knowingly and willfully committing any of the acts  
304 affecting validity of mandatory uniform test results as provided  
305 in Section 37-16-4(1).

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

311           (b) Any offense committed or attempted in any other  
312 state shall result in the same penalty as if committed or  
313 attempted in this state.

314           (c) A person may voluntarily surrender a license. The  
315 surrender of such license may result in the commission  
316 recommending any of the above penalties without the necessity of a  
317 hearing. However, any such license which has voluntarily been  
318 surrendered by a licensed employee may be reinstated by a  
319 unanimous vote of all members of the commission.

320           (14) A person whose license has been suspended on any  
321 grounds except criminal grounds may petition for reinstatement of  
322 the license after one (1) year from the date of suspension, or  
323 after one-half (1/2) of the suspended time has lapsed, whichever  
324 is greater. A license suspended on the criminal grounds may be  
325 reinstated upon petition to the commission filed after expiration  
326 of the sentence and parole or probationary period imposed upon  
327 conviction. A revoked license may be reinstated upon satisfactory  
328 showing of evidence of rehabilitation. The commission shall  
329 require all who petition for reinstatement to furnish evidence  
330 satisfactory to the commission of good character, good mental,  
331 emotional and physical health and such other evidence as the  
332 commission may deem necessary to establish the petitioner's  
333 rehabilitation and fitness to perform the duties authorized by the  
334 license.

335           (15) Reporting procedures and hearing procedures for dealing  
336 with infractions under this section shall be promulgated by the  
337 commission, subject to the approval of the State Board of  
338 Education. The revocation or suspension of a license shall be  
339 effected at the time indicated on the notice of suspension or

340 revocation. The commission shall immediately notify the  
341 superintendent of the school district or school board where the  
342 teacher or administrator is employed of any disciplinary action  
343 and also notify the teacher or administrator of such revocation or  
344 suspension and shall maintain records of action taken. The State  
345 Board of Education may reverse or remand with instructions any  
346 decision of the commission regarding a petition for reinstatement  
347 of a license, and any such decision of the State Board of  
348 Education shall be final.

349 (16) An appeal from the action of the State Board of  
350 Education in denying an application, revoking or suspending a  
351 license or otherwise disciplining any person under the provisions  
352 of this section, shall be filed in the Chancery Court of the First  
353 Judicial District of Hinds County on the record made, including a  
354 verbatim transcript of the testimony at the hearing. The appeal  
355 shall be filed within thirty (30) days after notification of the  
356 action of the board is mailed or served and the proceedings in  
357 chancery court shall be conducted as other matters coming before  
358 the court. The appeal shall be perfected upon filing notice of  
359 the appeal and by the prepayment of all costs, including the cost  
360 of preparation of the record of the proceedings by the State Board  
361 of Education, and the filing of a bond in the sum of Two Hundred  
362 Dollars (\$200.00) conditioned that if the action of the board be  
363 affirmed by the chancery court, the applicant or license holder  
364 shall pay the costs of the appeal and the action of the chancery  
365 court.

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

370 (18) The granting of a license shall not be deemed a  
371 property right nor a guarantee of employment in any public school  
372 district. A license is a privilege indicating minimal eligibility  
373 for teaching in the public schools of Mississippi. This section

374 shall in no way alter or abridge the authority of local school  
375 districts to require greater qualifications or standards of  
376 performance as a prerequisite of initial or continued employment  
377 in such districts.

378 (19) In addition to the reasons specified in subsection (8)  
379 of this section, the board shall be authorized to suspend the  
380 license of any licensee for being out of compliance with an order  
381 for support, as defined in Section 93-11-153. The procedure for  
382 suspension of a license for being out of compliance with an order  
383 for support, and the procedure for the reissuance or reinstatement  
384 of a license suspended for that purpose, and the payment of any  
385 fees for the reissuance or reinstatement of a license suspended  
386 for that purpose, shall be governed by Section 93-11-157 or  
387 93-11-163, as the case may be. Actions taken by the board in  
388 suspending a license when required by Section 93-11-157 or  
389 93-11-163 are not actions from which an appeal may be taken under  
390 this section. Any appeal of a license suspension that is required  
391 by Section 93-11-157 or 93-11-163 shall be taken in accordance  
392 with the appeal procedure specified in Section 93-11-157 or  
393 93-11-163, as the case may be, rather than the procedure specified  
394 in this section. If there is any conflict between any provision  
395 of Section 93-11-157 or 93-11-163 and any provision of this  
396 chapter, the provisions of Section 93-11-157 or 93-11-163, as the  
397 case may be, shall control.

398 SECTION 2. Section 37-9-11, Mississippi Code of 1972, which  
399 authorizes the State Board of Education to require testing of  
400 applicants for teacher licensure, is repealed.

401 SECTION 3. This act shall take effect and be in force from  
402 and after July 1, 1999.