

By: Representative Scott (80th)

To: Education;
Appropriations

HOUSE BILL NO. 79

1 AN ACT TO AMEND SECTION 37-3-2, MISSISSIPPI CODE OF 1972, TO
2 DIRECT THE STATE DEPARTMENT OF EDUCATION TO DESIGN A
3 STATE-ADMINISTERED EXAMINATION OF ACHIEVEMENT SPECIFICALLY
4 DESIGNED TO PREDICT THE SUCCESS OF THE TEACHER IN THE CLASSROOM AS
5 A PREREQUISITE FOR STANDARD LICENSURE, AND TO DIRECT THE STATE
6 BOARD OF EDUCATION TO MAKE A STUDY OF THE NEW EXAMINATION AND A
7 REPORT THEREON TO THE LEGISLATURE; AND FOR RELATED PURPOSES.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:
9

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

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

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

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

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

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

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

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

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

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

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

68 (e) Review and evaluate objective measures of teacher

69 performance, such as test scores, which may form part of the
70 licensure process, and to make recommendations for their use;

71 (f) Review all existing requirements for certification
72 and licensure;

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

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

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

81 (j) Hire expert consultants with approval of the State
82 Board of Education;

83 (k) Set up ad hoc committees to advise on specific
84 areas; and

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

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

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

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

102 (i) An application on a department form;

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

120 (iii) A copy of test scores evidencing
121 satisfactory completion of a state-administered examination of
122 achievement specifically designed by the State Department of
123 Education to predict the success of the teacher in the classroom.
124 The examination shall not be racially biased, and shall utilize
125 norming standards representative of Mississippi's student teaching
126 population. The State Board of Education is directed to study and
127 develop a report on the progress of the new state-administered
128 examination of achievement for students in an approved teacher
129 education program. This report shall develop data for the period
130 beginning July 1, 1999, and ending June 30, 2000. The state
131 board, with the assistance of the commission, shall prepare the
132 results of the study and make a report thereon to the Education
133 Committees of the Legislature utilizing the following components:

- 134 1. Collect data on entrance and exit
135 performance of students in a teacher education program;
136 2. Report on student performance as compared

137 to the required examination score;

138 3. Develop and make recommendations on
139 necessary requirement revisions as may be appropriate based on
140 student performance results;

141 4. Include other such formats as may best
142 describe the profile of the student examination results; and

143 (iv) Any other document required by the State
144 Board of Education.

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

146 Applicants for a standard license-alternate teaching route shall
147 submit to the department:

148 (i) An application on a department form;

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

151 (iii) A copy of test scores evidencing
152 satisfactory completion of an examination of achievement specified
153 by the commission and approved by the State Board of Education;

154 (iv) An official transcript evidencing appropriate
155 credit hours or a copy of test scores evidencing successful
156 completion of tests as required by the State Board of Education;
157 and

158 (v) Any other document required by the State Board
159 of Education.

160 A Standard License-Approved Program Route and a Standard
161 License-Alternate Teaching Route shall be issued for a five-year
162 period, and may be renewed. Recognizing teaching as a profession,
163 a hiring preference shall be granted to persons holding a Standard
164 License-Approved Program Route or Standard License-Alternate
165 Teaching Route over persons holding any other license.

166 (c) **Special License - Expert Citizen.** In order to
167 allow a school district to offer specialized or technical courses,
168 the State Department of Education, in accordance with rules and
169 regulations established by the State Board of Education, may grant
170 a one-year expert citizen-teacher license to local business or

171 other professional personnel to teach in a public school or
172 nonpublic school accredited or approved by the state. Such person
173 may begin teaching upon his employment by the local school board
174 and licensure by the Mississippi Department of Education. The
175 board shall adopt rules and regulations to administer the expert
176 citizen-teacher license. A special license-expert citizen may be
177 renewed in accordance with the established rules and regulations
178 of the State Department of Education.

179 (d) **Special License - Non-Renewable.** The State Board
180 of Education is authorized to establish rules and regulations to
181 allow those educators not meeting requirements in subsection
182 (6)(a), (b) or (c) to be licensed for a period of not more than
183 three (3) years, except by special approval of the State Board of
184 Education.

185 (e) **Non-Licensed Teaching Personnel.** A non-licensed
186 person may teach for a maximum of three (3) periods per teaching
187 day in a public school or a nonpublic school accredited/approved
188 by the state. Such person shall submit to the department a
189 transcript or record of his education and experience which
190 substantiates his preparation for the subject to be taught and
191 shall meet other qualifications specified by the commission and
192 approved by the State Board of Education. In no case shall any
193 local school board hire non-licensed personnel as authorized under
194 this paragraph in excess of five percent (5%) of the total number
195 of licensed personnel in any single school.

196 (f) In the event any school district meets Level 4 or 5
197 accreditation standards, the State Board of Education may, in its
198 discretion, exempt such school district from any restrictions in
199 paragraph (e) relating to the employment of non-licensed teaching
200 personnel.

201 (7) **Administrator License.** The State Board of Education is
202 authorized to establish rules and regulations and to administer
203 the licensure process of the school administrators in the State of
204 Mississippi. There will be four (4) categories of administrator

205 licensure with exceptions only through special approval of the
206 State Board of Education.

207 (a) **Administrator License - Non-practicing.** Those
208 educators holding administrative endorsement but have no
209 administrative experience or not serving in an administrative
210 position on January 15, 1997.

211 (b) **Administrator License - Entry Level.** Those
212 educators holding administrative endorsement and having met the
213 department's qualifications to be eligible for employment in a
214 Mississippi school district. Administrator license - entry level
215 shall be issued for a five-year period and shall be non-renewable.

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

219 (d) **Administrator License - Alternate Route.** The board
220 may establish an alternate route for licensing administrative
221 personnel. Such alternate route for administrative licensure
222 shall be available for persons holding, but not limited to, a
223 masters of business administration degree, a masters of public
224 administration degree or a masters of public planning and policy
225 degree from an accredited college or university, with five (5)
226 years of administrative or supervisory experience. Successful
227 completion of the requirements of alternate route licensure for
228 administrators shall qualify the person for a standard
229 administrator license.

230 Beginning with the 1997-1998 school year, individuals seeking
231 school administrator licensure under paragraph (b), (c) or (d)
232 shall successfully complete a training program and an assessment
233 process prescribed by the State Board of Education. Applicants
234 seeking school administrator licensure prior to June 30, 1997, and
235 completing all requirements for provisional or standard
236 administrator certification and who have never practiced, shall be
237 exempt from taking the Mississippi Assessment Battery Phase I.
238 Applicants seeking school administrator licensure during the

239 period beginning July 1, 1997, through June 30, 1998, shall
240 participate in the Mississippi Assessment Battery, and upon
241 request of the applicant, the department shall reimburse the
242 applicant for the cost of the assessment process required. After
243 June 30, 1998, all applicants for school administrator licensure
244 shall meet all requirements prescribed by the department under
245 paragraph (b), (c) or (d), and the cost of the assessment process
246 required shall be paid by the applicant.

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

251 (b) The department shall grant a nonrenewable special
252 license to any individual who possesses a credential which is less
253 than a standard license or certification from another state, or
254 who possesses a standard license from another state but has less
255 than two (2) years of full-time teaching or administration
256 experience. Such special license shall be valid for the current
257 school year plus one (1) additional school year to expire on June
258 30 of the second year, not to exceed a total period of twenty-four
259 (24) months, during which time the applicant shall be required to
260 complete the requirements for a standard license in Mississippi.

261 (9) **Renewal and Reinstatement of Licenses.** The State Board
262 of Education is authorized to establish rules and regulations for
263 the renewal and reinstatement of educator and administrator
264 licenses.

265 (10) All controversies involving the issuance, revocation,
266 suspension or any change whatsoever in the licensure of an
267 educator required to hold a license shall be initially heard in a
268 hearing de novo, by the commission or by a subcommittee
269 established by the commission and composed of commission members
270 for the purpose of holding hearings. Any complaint seeking the
271 denial of issuance, revocation or suspension of a license shall be
272 by sworn affidavit filed with the Commission of Teacher and

273 Administrator Education, Certification and Licensure and
274 Development. The decision thereon by the commission or its
275 subcommittee shall be final, unless the aggrieved party shall
276 appeal to the State Board of Education, within ten (10) days, of
277 the decision of the committee or its subcommittee. An appeal to
278 the State Board of Education shall be on the record previously
279 made before the commission or its subcommittee unless otherwise
280 provided by rules and regulations adopted by the board. The State
281 Board of Education in its authority may reverse, or remand with
282 instructions, the decision of the committee or its subcommittee.
283 The decision of the State Board of Education shall be final.

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

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

289 (b) Has a physical, emotional or mental disability that
290 renders the applicant unfit to perform the duties authorized by
291 the license, as certified by a licensed psychologist or
292 psychiatrist;

293 (c) Is actively addicted to or actively dependent on
294 alcohol or other habit-forming drugs or is a habitual user of
295 narcotics, barbiturates, amphetamines, hallucinogens, or other
296 drugs having similar effect, at the time of application for a
297 license;

298 (d) Revocation of a certificate or license by another
299 state;

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

302 (f) Fails or refuses to furnish reasonable evidence of
303 identification;

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

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

310 (12) The State Board of Education, acting on the
311 recommendation of the commission, may revoke or suspend any
312 teacher or administrator license for specified periods of time for
313 one or more of the following:

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

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

320 (c) Suspension or revocation of a certificate or
321 license by another state shall result in immediate suspension or
322 revocation and shall continue until records in the prior state
323 have been cleared;

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

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

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

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

338 (b) Any offense committed or attempted in any other
339 state shall result in the same penalty as if committed or
340 attempted in this state.

341 (c) A person may voluntarily surrender a license. The
342 surrender of such license may result in the commission
343 recommending any of the above penalties without the necessity of a
344 hearing. However, any such license which has voluntarily been
345 surrendered by a licensed employee may be reinstated by a
346 unanimous vote of all members of the commission.

347 (14) A person whose license has been suspended on any
348 grounds except criminal grounds may petition for reinstatement of
349 the license after one (1) year from the date of suspension, or
350 after one-half (1/2) of the suspended time has lapsed, whichever
351 is greater. A license suspended on the criminal grounds may be
352 reinstated upon petition to the commission filed after expiration
353 of the sentence and parole or probationary period imposed upon
354 conviction. A revoked license may be reinstated upon satisfactory
355 showing of evidence of rehabilitation. The commission shall
356 require all who petition for reinstatement to furnish evidence
357 satisfactory to the commission of good character, good mental,
358 emotional and physical health and such other evidence as the
359 commission may deem necessary to establish the petitioner's
360 rehabilitation and fitness to perform the duties authorized by the
361 license.

362 (15) Reporting procedures and hearing procedures for dealing
363 with infractions under this section shall be promulgated by the
364 commission, subject to the approval of the State Board of
365 Education. The revocation or suspension of a license shall be
366 effected at the time indicated on the notice of suspension or
367 revocation. The commission shall immediately notify the
368 superintendent of the school district or school board where the
369 teacher or administrator is employed of any disciplinary action
370 and also notify the teacher or administrator of such revocation or
371 suspension and shall maintain records of action taken. The State
372 Board of Education may reverse or remand with instructions any
373 decision of the commission regarding a petition for reinstatement
374 of a license, and any such decision of the State Board of

375 Education shall be final.

376 (16) An appeal from the action of the State Board of
377 Education in denying an application, revoking or suspending a
378 license or otherwise disciplining any person under the provisions
379 of this section, shall be filed in the Chancery Court of the First
380 Judicial District of Hinds County on the record made, including a
381 verbatim transcript of the testimony at the hearing. The appeal
382 shall be filed within thirty (30) days after notification of the
383 action of the board is mailed or served and the proceedings in
384 chancery court shall be conducted as other matters coming before
385 the court. The appeal shall be perfected upon filing notice of
386 the appeal and by the prepayment of all costs, including the cost
387 of preparation of the record of the proceedings by the State Board
388 of Education, and the filing of a bond in the sum of Two Hundred
389 Dollars (\$200.00) conditioned that if the action of the board be
390 affirmed by the chancery court, the applicant or license holder
391 shall pay the costs of the appeal and the action of the chancery
392 court.

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

397 (18) The granting of a license shall not be deemed a
398 property right nor a guarantee of employment in any public school
399 district. A license is a privilege indicating minimal eligibility
400 for teaching in the public schools of Mississippi. This section
401 shall in no way alter or abridge the authority of local school
402 districts to require greater qualifications or standards of
403 performance as a prerequisite of initial or continued employment
404 in such districts.

405 (19) In addition to the reasons specified in subsection (8)
406 of this section, the board shall be authorized to suspend the
407 license of any licensee for being out of compliance with an order
408 for support, as defined in Section 93-11-153. The procedure for

409 suspension of a license for being out of compliance with an order
410 for support, and the procedure for the reissuance or reinstatement
411 of a license suspended for that purpose, and the payment of any
412 fees for the reissuance or reinstatement of a license suspended
413 for that purpose, shall be governed by Section 93-11-157 or
414 93-11-163, as the case may be. Actions taken by the board in
415 suspending a license when required by Section 93-11-157 or
416 93-11-163 are not actions from which an appeal may be taken under
417 this section. Any appeal of a license suspension that is required
418 by Section 93-11-157 or 93-11-163 shall be taken in accordance
419 with the appeal procedure specified in Section 93-11-157 or
420 93-11-163, as the case may be, rather than the procedure specified
421 in this section. If there is any conflict between any provision
422 of Section 93-11-157 or 93-11-163 and any provision of this
423 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
424 case may be, shall control.

425 SECTION 2. This act shall take effect and be in force from
426 and after July 1, 1999.