

By: Representative McInnis

To: Education

HOUSE BILL NO. 585

1 AN ACT TO AMEND SECTION 37-3-2, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE APPLICANTS FOR SCHOOL ADMINISTRATOR LICENSURE TO HAVE FIVE
3 YEARS OF TEACHING EXPERIENCE; TO AMEND SECTION 37-9-13,
4 MISSISSIPPI CODE OF 1972, TO REQUIRE SCHOOL DISTRICT
5 SUPERINTENDENTS TO HAVE TEN YEARS OF CLASSROOM OR ADMINISTRATIVE
6 EXPERIENCE; 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, such as test scores, which may form part of the

68 licensure process, 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);

118 (iii) A copy of test scores evidencing
119 satisfactory completion of nationally administered examinations of
120 achievement, such as the Educational Testing Service's teacher
121 testing examinations. The State Board of Education is directed to
122 study and develop a report on the progress of the nationally
123 administered examination of achievement for students in an
124 approved teacher education program. This report shall develop
125 data for the period beginning July 1, 1997, and ending June 30,
126 1998. The state board, with the assistance of the commission,
127 shall prepare the results of the study and make a report thereon
128 to the Education Committees of the Legislature utilizing the
129 following components:

- 130 1. Collect data on entrance and exit
131 performance of students in a teacher education program;
- 132 2. Report on student performance as compared
133 to the required examination score;
- 134 3. Develop and make recommendations on
135 necessary requirement revisions as may be appropriate based on

136 student performance results;

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

139 (iv) Any other document required by the State
140 Board of Education.

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

142 Applicants for a standard license-alternate teaching route shall
143 submit to the department:

144 (i) An application on a department form;

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

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

150 (iv) An official transcript evidencing appropriate
151 credit hours or a copy of test scores evidencing successful
152 completion of tests as required by the State Board of Education;
153 and

154 (v) Any other document required by the State Board
155 of Education.

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

162 (c) **Special License - Expert Citizen.** In order to
163 allow a school district to offer specialized or technical courses,
164 the State Department of Education, in accordance with rules and
165 regulations established by the State Board of Education, may grant
166 a one-year expert citizen-teacher license to local business or
167 other professional personnel to teach in a public school or
168 nonpublic school accredited or approved by the state. Such person
169 may begin teaching upon his employment by the local school board

170 and licensure by the Mississippi Department of Education. The
171 board shall adopt rules and regulations to administer the expert
172 citizen-teacher license. A special license-expert citizen may be
173 renewed in accordance with the established rules and regulations
174 of the State Department of Education.

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

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

192 (f) In the event any school district meets Level 4 or 5
193 accreditation standards, the State Board of Education may, in its
194 discretion, exempt such school district from any restrictions in
195 paragraph (e) relating to the employment of nonlicensed teaching
196 personnel.

197 (7) **Administrator License.** The State Board of Education is
198 authorized to establish rules and regulations and to administer
199 the licensure process of the school administrators in the State of
200 Mississippi. There will be four (4) categories of administrator
201 licensure with exceptions only through special approval of the
202 State Board of Education.

203 (a) **Administrator License - Nonpracticing.** Those

204 educators holding administrative endorsement but have no
205 administrative experience or not serving in an administrative
206 position on January 15, 1997.

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

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

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

226 Beginning with the 1997-1998 school year, individuals seeking
227 school administrator licensure under paragraph (b), (c) or (d)
228 shall successfully complete a training program and an assessment
229 process prescribed by the State Board of Education. Applicants
230 seeking school administrator licensure prior to June 30, 1997, and
231 completing all requirements for provisional or standard
232 administrator certification and who have never practiced, shall be
233 exempt from taking the Mississippi Assessment Battery Phase I.
234 Applicants seeking school administrator licensure during the
235 period beginning July 1, 1997, through June 30, 1998, shall
236 participate in the Mississippi Assessment Battery, and upon
237 request of the applicant, the department shall reimburse the

238 applicant for the cost of the assessment process required. After
239 June 30, 1998, all applicants for school administrator licensure
240 shall meet all requirements prescribed by the department under
241 paragraph (b), (c) or (d), and the cost of the assessment process
242 required shall be paid by the applicant; in addition, all
243 applicants for school administrator licensure must have no less
244 than five (5) years actual teaching experience.

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

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

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

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

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

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

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

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

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

296 (d) Revocation of a certificate or license by another
297 state;

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

300 (f) Fails or refuses to furnish reasonable evidence of
301 identification;

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

305 (h) Has been convicted, has pled guilty or entered a

306 plea of nolo contendere to a sex offense as defined by federal or
307 state law.

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

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

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

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

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

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

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

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

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

339 (c) A person may voluntarily surrender a license. The

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

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

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

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

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

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

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

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

423 SECTION 2. Section 37-9-13, Mississippi Code of 1972, is
424 amended as follows:

425 37-9-13. Each school district shall have a superintendent of
426 schools, selected in the manner provided by law. No person shall
427 be eligible to the office of superintendent of schools unless such
428 person shall hold a valid administrator's license issued by the
429 State Department of Education and shall have * * * not less than
430 ten (10) years of classroom or administrative experience, or a
431 combination of both; however, in no event shall the person have
432 less than five (5) years of actual classroom experience.

433 SECTION 3. The Attorney General of the State of Mississippi
434 is hereby directed to submit Section 2 of this act, immediately
435 upon approval by the Governor, or upon approval by the Legislature
436 subsequent to a veto, to the Attorney General of the United States
437 or to the United States District Court for the District of
438 Columbia in accordance with the provisions of the Voting Rights
439 Act of 1965, as amended and extended.

440 SECTION 4. Section 1 of this act shall take effect and be in
441 force from and after July 1, 1999. Section 2 of this act shall

442 take effect and be in force from and after July 1, 1999, or the
443 date it is effectuated under Section 5 of the Voting Rights Act of
444 1965, as amended and extended, whichever is later.