

By: Representative Blackmon

To: Education

## HOUSE BILL NO. 967

1 AN ACT TO AMEND SECTION 37-3-2, MISSISSIPPI CODE OF 1972, TO  
2 AUTHORIZE NONLICENSED TEACHERS TO TEACH ON A FULL-TIME BASIS, TO  
3 AUTHORIZE SUCH TEACHERS TO ASSIST LICENSED PERSONNEL FOR THE  
4 PURPOSE OF DECREASING SCHOOL VIOLENCE, AND TO INCREASE THE  
5 PERCENTAGE OF NONLICENSED TEACHERS ALLOWED IN A SINGLE SCHOOL; AND  
6 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 on a full-time basis in a public school or a  
183 nonpublic school accredited/approved by the state. Such person  
184 shall submit to the department a transcript or record of his  
185 education and experience which substantiates his preparation for  
186 the subject to be taught and shall meet other qualifications  
187 specified by the commission and approved by the State Board of  
188 Education. In addition to teaching in the specific subject area  
189 for which the nonlicensed person is hired, the person may be  
190 required to assist licensed classroom teachers for the purpose of  
191 decreasing school violence. In no case shall any local school  
192 board hire nonlicensed personnel as authorized under this paragraph  
193 in excess of ten percent (10%) of the total number of licensed  
194 personnel in any single school.

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

374 Education shall be final.

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

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

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

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

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

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