

By: Representatives Grist, Gadd, Henderson
(26th)

To: Education

HOUSE BILL NO. 1022

1 AN ACT TO AMEND SECTION 37-3-2, MISSISSIPPI CODE OF 1972, TO
2 ESTABLISH AN ALTERNATIVE METHOD TO BE LICENSED AS A TEACHER FOR
3 PERSONS FAILING THE NATIONALLY ADMINISTERED EXAMINATION OF
4 ACHIEVEMENT; AND FOR RELATED PURPOSES.

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

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

8 37-3-2. (1) There is hereby established within the State
9 Department of Education the Commission on Teacher and
10 Administrator Education, Certification and Licensure and
11 Development. It shall be the purpose and duty of the commission
12 to make recommendations to the State Board of Education regarding
13 standards for the certification and licensure and continuing
14 professional development of those who teach or perform tasks of an
15 educational nature in the public schools of Mississippi.

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

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

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

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

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

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

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

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

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

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

67 (f) Review all existing requirements for certification
68 and licensure;

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

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

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

77 (j) Hire expert consultants with approval of the State
78 Board of Education;

79 (k) Set up ad hoc committees to advise on specific
80 areas; and

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

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

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

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

98 (i) An application on a department form;

99 (ii) An official transcript of completion of a

100 teacher education program approved by the department or a

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

116 (iii) A copy of test scores evidencing
117 satisfactory completion of nationally administered examinations of
118 achievement, such as the Educational Testing Service's teacher
119 testing examinations. If an applicant who is required to take the
120 nationally administered examination of achievement does not
121 achieve a satisfactory score, as established by the State Board of
122 Education, as an alternative requirement for licensure, the
123 applicant may teach under the supervision of a local
124 superintendent of education and school principal for one (1)
125 school year, after which the principal shall determine whether or
126 not the applicant has demonstrated a minimum level of proficiency
127 through such methods that the State Board of Education deems
128 sufficient to measure teacher competencies. If the principal
129 determines that the applicant has demonstrated a sufficient
130 proficiency level, he shall recommend licensure of that applicant
131 to the school superintendent, who shall recommend such licensure
132 to the State Board of Education. The State Board of Education, in
133 establishing or revising the qualifications for licensure, shall
134 not reduce the level of proficiency required for licensure before

135 July 1, 1999, under the nationally administered examination of
136 achievement. The State Board of Education is directed to study
137 and develop a report on the progress of the nationally
138 administered examination of achievement for students in an
139 approved teacher education program. This report shall develop
140 data for the period beginning July 1, 1997, and ending June 30,
141 1998. The state board, with the assistance of the commission,
142 shall prepare the results of the study and make a report thereon
143 to the Education Committees of the Legislature utilizing the
144 following components:

- 145 1. Collect data on entrance and exit
146 performance of students in a teacher education program;
- 147 2. Report on student performance as compared
148 to the required examination score;
- 149 3. Develop and make recommendations on
150 necessary requirement revisions as may be appropriate based on
151 student performance results;
- 152 4. Include other such formats as may best
153 describe the profile of the student examination results; and
154 (iv) Any other document required by the State
155 Board of Education.

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

157 Applicants for a standard license-alternate teaching route shall
158 submit to the department:

- 159 (i) An application on a department form;
- 160 (ii) An official transcript evidencing a bachelors
161 degree from an accredited institution of higher learning;
- 162 (iii) A copy of test scores evidencing
163 satisfactory completion of an examination of achievement specified
164 by the commission and approved by the State Board of Education;
- 165 (iv) An official transcript evidencing appropriate
166 credit hours or a copy of test scores evidencing successful
167 completion of tests as required by the State Board of Education;

168 and

169 (v) Any other document required by the State Board
170 of Education.

171 A Standard License - Approved Program Route and a Standard
172 License - Alternate Teaching Route shall be issued for a five-year
173 period, and may be renewed. Recognizing teaching as a profession,
174 a hiring preference shall be granted to persons holding a Standard
175 License - Approved Program Route or Standard License - Alternate
176 Teaching Route over persons holding any other license.

177 (c) **Special License - Expert Citizen.** In order to
178 allow a school district to offer specialized or technical courses,
179 the State Department of Education, in accordance with rules and
180 regulations established by the State Board of Education, may grant
181 a one-year expert citizen-teacher license to local business or
182 other professional personnel to teach in a public school or
183 nonpublic school accredited or approved by the state. Such person
184 may begin teaching upon his employment by the local school board
185 and licensure by the Mississippi Department of Education. The
186 board shall adopt rules and regulations to administer the expert
187 citizen-teacher license. A special license-expert citizen may be
188 renewed in accordance with the established rules and regulations
189 of the State Department of Education.

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

196 (e) **Nonlicensed Teaching Personnel.** A nonlicensed
197 person may teach for a maximum of three (3) periods per teaching
198 day in a public school or a nonpublic school accredited/approved by
199 the state. Such person shall submit to the department a transcript
200 or record of his education and experience which substantiates his
201 preparation for the subject to be taught and shall meet other
202 qualifications specified by the commission and approved by the

203 State Board of Education. In no case shall any local school board
204 hire nonlicensed personnel as authorized under this paragraph in
205 excess of five percent (5%) of the total number of licensed
206 personnel in any single school.

207 (f) In the event any school district meets Level 4 or 5
208 accreditation standards, the State Board of Education may, in its
209 discretion, exempt such school district from any restrictions in
210 paragraph (e) relating to the employment of nonlicensed teaching
211 personnel.

212 (7) **Administrator License.** The State Board of Education is
213 authorized to establish rules and regulations and to administer
214 the licensure process of the school administrators in the State of
215 Mississippi. There will be four (4) categories of administrator
216 licensure with exceptions only through special approval of the
217 State Board of Education.

218 (a) **Administrator License - Nonpracticing.** Those
219 educators holding administrative endorsement but have no
220 administrative experience or not serving in an administrative
221 position on January 15, 1997.

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

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

230 (d) **Administrator License - Alternate Route.** The board
231 may establish an alternate route for licensing administrative
232 personnel. Such alternate route for administrative licensure
233 shall be available for persons holding, but not limited to, a
234 masters of business administration degree, a masters of public
235 administration degree or a masters of public planning and policy
236 degree from an accredited college or university, with five (5)

237 years of administrative or supervisory experience. Successful
238 completion of the requirements of alternate route licensure for
239 administrators shall qualify the person for a standard
240 administrator license.

241 Beginning with the 1997-1998 school year, individuals seeking
242 school administrator licensure under paragraph (b), (c) or (d)
243 shall successfully complete a training program and an assessment
244 process prescribed by the State Board of Education. Applicants
245 seeking school administrator licensure prior to June 30, 1997, and
246 completing all requirements for provisional or standard
247 administrator certification and who have never practiced, shall be
248 exempt from taking the Mississippi Assessment Battery Phase I.
249 Applicants seeking school administrator licensure during the
250 period beginning July 1, 1997, through June 30, 1998, shall
251 participate in the Mississippi Assessment Battery, and upon
252 request of the applicant, the department shall reimburse the
253 applicant for the cost of the assessment process required. After
254 June 30, 1998, all applicants for school administrator licensure
255 shall meet all requirements prescribed by the department under
256 paragraph (b), (c) or (d), and the cost of the assessment process
257 required shall be paid by the applicant.

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

262 (b) The department shall grant a nonrenewable special
263 license to any individual who possesses a credential which is less
264 than a standard license or certification from another state, or
265 who possesses a standard license from another state but has less
266 than two (2) years of full-time teaching or administration
267 experience. Such special license shall be valid for the current
268 school year plus one (1) additional school year to expire on June
269 30 of the second year, not to exceed a total period of twenty-four
270 (24) months, during which time the applicant shall be required to

271 complete the requirements for a standard license in Mississippi.

272 (9) **Renewal and Reinstatement of Licenses.** The State Board
273 of Education is authorized to establish rules and regulations for
274 the renewal and reinstatement of educator and administrator
275 licenses.

276 (10) All controversies involving the issuance, revocation,
277 suspension or any change whatsoever in the licensure of an
278 educator required to hold a license shall be initially heard in a
279 hearing de novo, by the commission or by a subcommittee
280 established by the commission and composed of commission members
281 for the purpose of holding hearings. Any complaint seeking the
282 denial of issuance, revocation or suspension of a license shall be
283 by sworn affidavit filed with the Commission of Teacher and
284 Administrator Education, Certification and Licensure and
285 Development. The decision thereon by the commission or its
286 subcommittee shall be final, unless the aggrieved party shall
287 appeal to the State Board of Education, within ten (10) days, of
288 the decision of the committee or its subcommittee. An appeal to
289 the State Board of Education shall be on the record previously
290 made before the commission or its subcommittee unless otherwise
291 provided by rules and regulations adopted by the board. The State
292 Board of Education in its authority may reverse, or remand with
293 instructions, the decision of the committee or its subcommittee.
294 The decision of the State Board of Education shall be final.

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

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

300 (b) Has a physical, emotional or mental disability that
301 renders the applicant unfit to perform the duties authorized by
302 the license, as certified by a licensed psychologist or
303 psychiatrist;

304 (c) Is actively addicted to or actively dependent on

305 alcohol or other habit-forming drugs or is a habitual user of
306 narcotics, barbiturates, amphetamines, hallucinogens, or other
307 drugs having similar effect, at the time of application for a
308 license;

309 (d) Revocation of a certificate or license by another
310 state;

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

313 (f) Fails or refuses to furnish reasonable evidence of
314 identification;

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

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

321 (12) The State Board of Education, acting on the
322 recommendation of the commission, may revoke or suspend any
323 teacher or administrator license for specified periods of time for
324 one or more of the following:

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

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

331 (c) Suspension or revocation of a certificate or
332 license by another state shall result in immediate suspension or
333 revocation and shall continue until records in the prior state
334 have been cleared;

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

338 (e) Has been convicted, has pled guilty or entered a

339 plea of nolo contendere to a sex offense, as defined by federal or
340 state law; or

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

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

349 (b) Any offense committed or attempted in any other
350 state shall result in the same penalty as if committed or
351 attempted in this state.

352 (c) A person may voluntarily surrender a license. The
353 surrender of such license may result in the commission
354 recommending any of the above penalties without the necessity of a
355 hearing. However, any such license which has voluntarily been
356 surrendered by a licensed employee may be reinstated by a
357 unanimous vote of all members of the commission.

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

373 (15) Reporting procedures and hearing procedures for dealing
374 with infractions under this section shall be promulgated by the
375 commission, subject to the approval of the State Board of
376 Education. The revocation or suspension of a license shall be
377 effected at the time indicated on the notice of suspension or
378 revocation. The commission shall immediately notify the
379 superintendent of the school district or school board where the
380 teacher or administrator is employed of any disciplinary action
381 and also notify the teacher or administrator of such revocation or
382 suspension and shall maintain records of action taken. The State
383 Board of Education may reverse or remand with instructions any
384 decision of the commission regarding a petition for reinstatement
385 of a license, and any such decision of the State Board of
386 Education shall be final.

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

404 (17) All such programs, rules, regulations, standards and
405 criteria recommended or authorized by the commission shall become
406 effective upon approval by the State Board of Education as

407 designated by appropriate orders entered upon the minutes thereof.

408 (18) The granting of a license shall not be deemed a
409 property right nor a guarantee of employment in any public school
410 district. A license is a privilege indicating minimal eligibility
411 for teaching in the public schools of Mississippi. This section
412 shall in no way alter or abridge the authority of local school
413 districts to require greater qualifications or standards of
414 performance as a prerequisite of initial or continued employment
415 in such districts.

416 (19) In addition to the reasons specified in subsection (8)
417 of this section, the board shall be authorized to suspend the
418 license of any licensee for being out of compliance with an order
419 for support, as defined in Section 93-11-153. The procedure for
420 suspension of a license for being out of compliance with an order
421 for support, and the procedure for the reissuance or reinstatement
422 of a license suspended for that purpose, and the payment of any
423 fees for the reissuance or reinstatement of a license suspended
424 for that purpose, shall be governed by Section 93-11-157 or
425 93-11-163, as the case may be. Actions taken by the board in
426 suspending a license when required by Section 93-11-157 or
427 93-11-163 are not actions from which an appeal may be taken under
428 this section. Any appeal of a license suspension that is required
429 by Section 93-11-157 or 93-11-163 shall be taken in accordance
430 with the appeal procedure specified in Section 93-11-157 or
431 93-11-163, as the case may be, rather than the procedure specified
432 in this section. If there is any conflict between any provision
433 of Section 93-11-157 or 93-11-163 and any provision of this
434 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
435 case may be, shall control.

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