

By: Senator(s) Ferris

To: Education

SENATE BILL NO. 2193

1 AN ACT TO AMEND SECTION 37-3-2, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE A ONE-YEAR INTERIM PROBATIONARY LICENSE FOR TEACHERS IN
3 CRITICAL TEACHER SHORTAGE AREAS IN THE STATE, PURSUANT TO
4 APPLICATION THEREFOR BY THE SCHOOL DISTRICT, AND TO ESTABLISH
5 QUALIFICATIONS FOR SUCH LICENSE; AND FOR RELATED PURPOSES. BE IT
6 ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7
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 allow
163 a school district to offer specialized or technical courses, the
164 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 - Non-Renewable.** The State Board
176 of 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) **Non-Licensed Teaching Personnel.** A non-licensed
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 non-licensed 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 non-licensed teaching
196 personnel.

197 (g) **Interim Probationary License.** An educator entering
198 the school system of Mississippi for the first time and meeting
199 all requirements established by the State Board of Education for a
200 Standard License except for the satisfactory completion of
201 required nationally administered test scores may be issued a
202 one-year Interim Probationary License to teach in a geographical
203 area of the state where there exists a critical shortage of

204 teachers, as designated by the State Board of Education. All
205 candidates for probationary licensure must enter and complete a
206 state-approved teacher preparation program, and be recommended by
207 the dean of the applicable college of education. During the
208 probationary year, the individual performance of the educator
209 shall be evaluated by the local school district where the
210 individual is employed, through the use of a qualified mentor
211 teacher. All program requirements shall be monitored by the State
212 Department of Education. In order to participate in the Interim
213 Probationary Licensure program, a school district shall submit to
214 the State Department of Education the following: (a) a documented
215 need in difficulty in recruiting licensed educators; (b) the
216 ability to meet teacher mentoring qualifications and requirements;
217 and (c) a commitment to fulfill program requirements. An Interim
218 Probationary License may be renewed for one (1) year in accordance
219 with the established rules and regulations of the State Department
220 of Education. This paragraph (g) shall stand repealed from and
221 after July 1, 2003.

222 (7) **Administrator License.** The State Board of Education is
223 authorized to establish rules and regulations and to administer
224 the licensure process of the school administrators in the State of
225 Mississippi. There will be four (4) categories of administrator
226 licensure with exceptions only through special approval of the
227 State Board of Education.

228 (a) **Administrator License - Non-practicing.** Those
229 educators holding administrative endorsement but have no
230 administrative experience or not serving in an administrative
231 position on January 15, 1997.

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

237 (c) **Standard Administrator License - Career Level.** An

238 administrator who has met all the requirements of the department
239 for standard administrator licensure.

240 (d) **Administrator License-Alternate Route.** The board
241 may establish an alternate route for licensing administrative
242 personnel. Such alternate route for administrative licensure
243 shall be available for persons holding, but not limited to, a
244 masters of business administration degree, a masters of public
245 administration degree or a masters of public planning and policy
246 degree from an accredited college or university, with five (5)
247 years of administrative or supervisory experience. Successful
248 completion of the requirements of alternate route licensure for
249 administrators shall qualify the person for a standard
250 administrator license.

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

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

272 (b) The department shall grant a nonrenewable special
273 license to any individual who possesses a credential which is less
274 than a standard license or certification from another state, or
275 who possesses a standard license from another state but has less
276 than two (2) years of full-time teaching or administration
277 experience. Such special license shall be valid for the current
278 school year plus one (1) additional school year to expire on June
279 30 of the second year, not to exceed a total period of twenty-four
280 (24) months, during which time the applicant shall be required to
281 complete the requirements for a standard license in Mississippi.

282 (9) **Renewal and Reinstatement of Licenses.** The State Board
283 of Education is authorized to establish rules and regulations for
284 the renewal and reinstatement of educator and administrator
285 licenses.

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

305 (11) The State Board of Education, acting through the

306 commission, may deny an application for any teacher or
307 administrator license for one or more of the following:

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

310 (b) Has a physical, emotional or mental disability that
311 renders the applicant unfit to perform the duties authorized by
312 the license, as certified by a licensed psychologist or
313 psychiatrist;

314 (c) Is actively addicted to or actively dependent on
315 alcohol or other habit-forming drugs or is a habitual user of
316 narcotics, barbiturates, amphetamines, hallucinogens, or other
317 drugs having similar effect, at the time of application for a
318 license;

319 (d) Revocation of a certificate or license by another
320 state;

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

323 (f) Fails or refuses to furnish reasonable evidence of
324 identification;

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

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

331 (12) The State Board of Education, acting on the
332 recommendation of the commission, may revoke or suspend any
333 teacher or administrator license for specified periods of time for
334 one or more of the following:

335 (a) Breach of contract or abandonment of employment may
336 result in the suspension of the license for one (1) school year as
337 provided in Section 37-9-57, Mississippi Code of 1972;

338 (b) Obtaining a license by fraudulent means shall
339 result in immediate suspension and continued suspension for one

340 (1) year after correction is made;

341 (c) Suspension or revocation of a certificate or
342 license by another state shall result in immediate suspension or
343 revocation and shall continue until records in the prior state
344 have been cleared;

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

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

351 (f) Knowingly and willfully committing any of the acts
352 affecting validity of mandatory uniform test results as provided
353 in Section 37-16-4(1), Mississippi Code of 1972.

354 (13) (a) Dismissal or suspension of a licensed employee by
355 a local school board pursuant to Section 37-9-59, Mississippi Code
356 of 1972, may result in the suspension or revocation of a license
357 for a length of time which shall be determined by the commission
358 and based upon the severity of the offense.

359 (b) Any offense committed or attempted in any other
360 state shall result in the same penalty as if committed or
361 attempted in this state.

362 (c) A person may voluntarily surrender a license. The
363 surrender of such license may result in the commission
364 recommending any of the above penalties without the necessity of a
365 hearing. However, any such license which has voluntarily been
366 surrendered by a licensed employee may be reinstated by a
367 unanimous vote of all members of the commission.

368 (14) A person whose license has been suspended on any
369 grounds except criminal grounds may petition for reinstatement of
370 the license after one (1) year from the date of suspension, or
371 after one-half (1/2) of the suspended time has lapsed, whichever
372 is greater. A license suspended on the criminal grounds may be
373 reinstated upon petition to the commission filed after expiration

374 of the sentence and parole or probationary period imposed upon
375 conviction. A revoked license may be reinstated upon satisfactory
376 showing of evidence of rehabilitation. The commission shall
377 require all who petition for reinstatement to furnish evidence
378 satisfactory to the commission of good character, good mental,
379 emotional and physical health and such other evidence as the
380 commission may deem necessary to establish the petitioner's
381 rehabilitation and fitness to perform the duties authorized by the
382 license.

383 (15) Reporting procedures and hearing procedures for dealing
384 with infractions under this section shall be promulgated by the
385 commission, subject to the approval of the State Board of
386 Education. The revocation or suspension of a license shall be
387 effected at the time indicated on the notice of suspension or
388 revocation. The commission shall immediately notify the
389 superintendent of the school district or school board where the
390 teacher or administrator is employed of any disciplinary action
391 and also notify the teacher or administrator of such revocation or
392 suspension and shall maintain records of action taken. The State
393 Board of Education may reverse or remand with instructions any
394 decision of the commission regarding a petition for reinstatement
395 of a license, and any such decision of the State Board of
396 Education shall be final.

397 (16) An appeal from the action of the State Board of
398 Education in denying an application, revoking or suspending a
399 license or otherwise disciplining any person under the provisions
400 of this section, shall be filed in the Chancery Court of the First
401 Judicial District of Hinds County on the record made, including a
402 verbatim transcript of the testimony at the hearing. The appeal
403 shall be filed within thirty (30) days after notification of the
404 action of the board is mailed or served and the proceedings in
405 chancery court shall be conducted as other matters coming before
406 the court. The appeal shall be perfected upon filing notice of
407 the appeal and by the prepayment of all costs, including the cost

408 of preparation of the record of the proceedings by the State Board
409 of Education, and the filing of a bond in the sum of Two Hundred
410 Dollars (\$200.00) conditioned that if the action of the board be
411 affirmed by the chancery court, the applicant or license holder
412 shall pay the costs of the appeal and the action of the chancery
413 court.

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

418 (18) The granting of a license shall not be deemed a
419 property right nor a guarantee of employment in any public school
420 district. A license is a privilege indicating minimal eligibility
421 for teaching in the public schools of Mississippi. This section
422 shall in no way alter or abridge the authority of local school
423 districts to require greater qualifications or standards of
424 performance as a prerequisite of initial or continued employment
425 in such districts.

426 (19) In addition to the reasons specified in subsection (8)
427 of this section, the board shall be authorized to suspend the
428 license of any licensee for being out of compliance with an order
429 for support, as defined in Section 93-11-153. The procedure for
430 suspension of a license for being out of compliance with an order
431 for support, and the procedure for the reissuance or reinstatement
432 of a license suspended for that purpose, and the payment of any
433 fees for the reissuance or reinstatement of a license suspended
434 for that purpose, shall be governed by Section 93-11-157 or
435 93-11-163, as the case may be. Actions taken by the board in
436 suspending a license when required by Section 93-11-157 or
437 93-11-163 are not actions from which an appeal may be taken under
438 this section. Any appeal of a license suspension that is required
439 by Section 93-11-157 or 93-11-163 shall be taken in accordance
440 with the appeal procedure specified in Section 93-11-157 or
441 93-11-163, as the case may be, rather than the procedure specified

442 in this section. If there is any conflict between any provision
443 of Section 93-11-157 or 93-11-163 and any provision of this
444 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
445 case may be, shall control.

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