

By: Senator(s) Dearing

To: Education

SENATE BILL NO. 2245

1 AN ACT TO AMEND SECTION 37-3-2, MISSISSIPPI CODE OF 1972, TO
2 ESTABLISH AND EMPOWER A COMMISSION ON PROFESSIONAL EDUCATORS'
3 STANDARDS AND PRACTICES, TO TRANSFER ALL RESPONSIBILITIES
4 REGARDING TEACHER PREPARATION, CERTIFICATION, DEVELOPMENT,
5 CERTIFICATE RENEWAL AND LICENSURE FROM THE STATE BOARD OF
6 EDUCATION TO THE SAID COMMISSION, TO PROHIBIT THE COMMISSION FROM
7 ISSUING TEMPORARY TEACHER CERTIFICATION AFTER JULY 1, 1999, AND TO
8 AUTHORIZE LOCAL SCHOOL DISTRICTS AND THE COMMISSION TO EXPEND
9 FUNDS FOR REQUIRED COURSEWORK AND/OR STAFF DEVELOPMENT FOR PERSONS
10 HOLDING TEMPORARY CERTIFICATION; TO AMEND SECTION 37-9-11,
11 MISSISSIPPI CODE OF 1972, TO TRANSFER THE RULEMAKING AUTHORITY OF
12 THE STATE BOARD OF EDUCATION REGARDING THE ISSUANCE OF TEACHERS'
13 CERTIFICATES AND TEACHER EXAMINATION REQUIREMENTS TO THE SAID
14 COMMISSION ON PROFESSIONAL EDUCATORS' STANDARDS AND PRACTICES; TO
15 AMEND SECTION 37-17-8, MISSISSIPPI CODE OF 1972, TO TRANSFER THE
16 RESPONSIBILITY FOR APPROVING IN-SERVICE STAFF DEVELOPMENT PLANS
17 FROM THE STATE BOARD OF EDUCATION TO THE COMMISSION ON
18 PROFESSIONAL EDUCATORS' STANDARDS AND PRACTICES; AND FOR RELATED
19 PURPOSES.

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

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

23 37-3-2. (1) There is hereby established * * * the
24 Commission on Professional Educators' Standards and Practices,
25 hereinafter "commission." It shall be the purpose and duty of the
26 commission to make * * * standards for the certification and
27 continuing professional development of those who teach or perform
28 tasks of an educational nature in the public schools of
29 Mississippi.

30 (2) The Commission on Professional Educators' Standards and
31 Practices shall consist of seventeen (17) members appointed by the
32 Governor, with the advice and consent of the Senate. The
33 commission shall consist of the following members:

34 (a) Nine (9) persons employed as teachers. At least
35 two (2) shall be engaged in classroom teaching assigned within

36 Grades pre-kindergarten through 4; at least two (2) shall be
37 engaged in classroom teaching assigned within Grades 5 through 9;
38 at least two (2) shall be engaged in classroom teaching assigned
39 within Grades 10 through 12; at least one (1) shall be a teacher
40 not assigned specifically to the classroom, such as a speech
41 therapist, librarian or guidance counselor; and at least one (1)
42 shall be a teacher assigned to a vocational-technical school.

43 (b) Four (4) persons employed as members of the faculty
44 or administration in an approved teacher preparation program.

45 (c) Two (2) persons employed as administrators. One
46 (1) shall be an elementary school administrator; the other shall
47 be a secondary school administrator.

48 (d) Two (2) representatives of the public. These
49 representatives shall not be members of a local school board, nor
50 shall they now be, or ever in the past have been, employed as a
51 teacher or administrator or in a professional position in any
52 institution of postsecondary education.

53 Except for those members appointed as representatives of the
54 public, members shall have been employed as teachers or
55 administrators, or as faculty in an approved teacher preparation
56 program, for a period of five (5) years prior to appointment and
57 actively employed in such capacity for the two (2) years
58 immediately prior to appointment, provided that one (1) of the
59 teacher members may be exempted from this time requirement.

60 All members of the commission shall be residents of this
61 state. The number of professional educator members from any
62 single school district, when compared to the total number of
63 professional educator members on the commission, shall not exceed
64 the ratio of that school district's professional educators to the
65 total number of professional educators employed in all school
66 districts in this state. Not more than one (1) member of the
67 commission may be appointed from the same college or university
68 campus. The Governor shall attempt to achieve appropriate
69 geographical, racial and sexual representation in appointments to

70 the commission.

71 Before filling any designated teacher position on the
72 commission, the Governor shall invite nominations from teachers'
73 organizations and certificated teachers in this state. In
74 addition, one (1) nomination may be submitted to fill a particular
75 vacancy or expiring term if supported by a petition signed by one
76 hundred (100) persons holding valid certificates to teach in the
77 schools of this state.

78 Nominations to fill a vacancy should be submitted within
79 sixty (60) days after the vacancy occurs. Nominations to fill an
80 expiring term should be submitted at least thirty (30) days before
81 the expiration of such term. The Governor shall appoint teacher
82 members from among the nominations submitted pursuant to this
83 subsection, unless (a) no timely nominations are received; or (b)
84 the nominations received do not include a sufficient number of
85 qualified candidates, in which case the Governor may appoint any
86 qualified person. A person nominated shall remain eligible for
87 appointment for one (1) year from the date his or her nomination
88 is submitted, unless the nomination is withdrawn. Nominations may
89 be withdrawn by the persons or organizations that made them, in
90 the same manner in which they were made.

91 The State Superintendent of Education may appoint one (1)
92 representative to serve as ex officio participant without vote in
93 proceedings of the commission.

94 The term of office for members of the commission shall be
95 three (3) years, except that the initial appointments shall be:
96 five (5) members for one (1) year; six (6) members for two (2)
97 years; and six (6) members for three (3) years, to be designated
98 by the Governor at the time of appointment. No person shall be
99 appointed by the Governor to serve more than two (2) full terms.
100 Service on the commission for a term of two (2) years or more
101 resulting from an initial appointment or an appointment for the
102 remainder of an unexpired term shall be counted as a full term.

103 Any member of the commission who through change of employment

104 status or residence, or for other reasons, no longer meets the
105 criteria for the position to which he or she was appointed shall
106 no longer be eligible to serve in that position, and the position
107 shall become vacant sixty (60) days following the member's change
108 in circumstances. The Governor may remove any member from the
109 commission for ineligibility, misconduct or malfeasance in office,
110 incapacity, or neglect of duty, but for no other reason.
111 Vacancies shall be filled for an unexpired term in the same manner
112 as the original appointments.

113 All members of the commission shall serve without
114 compensation but shall be reimbursed for actual and necessary
115 expenses incurred in the performance of commission business, and
116 mileage as authorized in Section 25-3-41, Mississippi Code of
117 1972.

118 A member of the commission who is an employee of this state
119 or any of its political subdivisions, including a school district,
120 shall be permitted to attend commission meetings and perform other
121 commission business without loss of income or other benefits. A
122 member of the commission who is not an employee of this state or
123 any of its political subdivisions, and who loses income or
124 benefits as a result of time spent on commission business shall
125 receive the uniform per diem compensation authorized in Section
126 25-3-69, Mississippi Code of 1972.

127 A state agency or any political subdivision of this state,
128 including a school district, required to employ a substitute for a
129 member of the commission who is absent from his or her employment
130 while performing commission business, shall be reimbursed from the
131 State Treasury for the actual amount of any costs so incurred.

132 The Governor shall designate one (1) member of the commission
133 to serve as chairperson until the first regular meeting of the
134 commission, at which time the commission shall, by a majority vote
135 of its members, elect a chairperson and a vice-chairperson from
136 among said membership. Thereafter, the chairperson and
137 vice-chairperson shall be elected at the last regular meeting of

138 each calendar year, or as soon thereafter as practicable. They
139 shall hold office for a one-year term and may be reelected up to
140 two (2) times. No member may serve as chairperson or
141 vice-chairperson for more than three (3) consecutive years. The
142 chairperson and vice-chairperson may be removed from office at any
143 time by a majority of the commission's members, in which event the
144 vacancy shall be filled for the unexpired term in the same manner
145 as the original selection.

146 The chairperson shall be the presiding officer at meetings of
147 the commission and shall be an ex officio member of all committees
148 established within the commission. In the absence of the
149 chairperson, or if he or she is unable to act, the
150 vice-chairperson shall have the powers and perform the duties of
151 the chairperson. The chairperson and vice-chairperson shall have
152 such powers and duties as may be necessary for the performance of
153 the functions of their offices as the commission shall determine.

154 If both the chairperson and vice-chairperson are absent from
155 or unable to act at a meeting, the commission shall elect for that
156 meeting a chairperson pro tempore.

157 The commission by a vote of two-thirds (2/3) of its members
158 shall employ an executive director who shall perform and discharge
159 under the direction and control of the commission those duties and
160 responsibilities vested in the commission and delegated to the
161 executive director by the commission. The executive director may
162 be dismissed by a majority vote of the members. The commission
163 may employ a general counsel approved by the Attorney General who
164 shall serve at the discretion of the commission.

165 The executive director, with the approval of the commission,
166 may employ such additional professional and clerical personnel as
167 may be necessary to carry out his duties and responsibilities,
168 subject to the rules and regulations of the State Personnel Board.

169 The commission shall hold regular meetings at least once each
170 month, in no fewer than ten (10) months each year, and shall hold
171 such other special meetings as may be necessary. The commission's

172 headquarters shall be in Jackson, Mississippi; meetings shall be
173 held primarily in Jackson, Mississippi, but may be held at any
174 place in this state designated by the commission. The chairperson
175 may call a special meeting of the commission at any time and shall
176 call a special meeting upon the written request of seven (7) or
177 more members of the commission. Members shall be mailed written
178 notice of the time and place of all regular meetings at least
179 fourteen (14) days prior to each such meeting; they shall be
180 mailed written notice of the time, place and purpose of all
181 special meetings at least seven (7) days prior to each such
182 meeting whenever practicable.

183 The presence of a majority of the members of the commission
184 shall constitute a quorum for transaction of business. All
185 meetings of the commission shall be open and public, unless the
186 commission calls for an executive session and publicly sets forth
187 a written statement of reasons for such session. Unofficial
188 minutes of each commission meeting shall be prepared and mailed to
189 each member of the commission at least fourteen (14) days prior to
190 the next regular meeting. An agenda shall be prepared for each
191 meeting by or at the direction of the chairperson. Members shall
192 be mailed the agenda for each regular meeting at least seven (7)
193 days prior to each such meeting; they shall be mailed the agenda
194 for each special meeting at least three (3) days prior to each
195 such meeting whenever practicable. The commission shall have an
196 official seal, which shall be judicially noticed.

197 Written and oral presentations may be made to the commission
198 in accordance with regulations promulgated by the commission.
199 These regulations shall be made available to any interested
200 person.

201 No member of the commission shall participate in any matter
202 before the commission in which he has a pecuniary interest,
203 personal bias or other conflict of interest.

204 * * *

205 (3) It shall be the duty of the commission to:

- 206 (a) Set standards and criteria * * * for all educator
207 preparation programs in the state;
- 208 (b) * * * Approve or disapprove * * * each educator
209 preparation program in the state;
- 210 (c) Establish * * * standards for initial teacher
211 certification and licensure in all fields;
- 212 (d) Establish * * * standards for the renewal of
213 teacher licenses in all fields;
- 214 (e) Review and evaluate objective measures of teacher
215 performance, such as test scores, which may form part of the
216 licensure process, and to make recommendations for their use;
- 217 (f) Review all existing requirements for certification
218 and licensure;
- 219 (g) Consult with groups whose work may be affected by
220 the commission's decisions;
- 221 (h) Prepare reports from time to time on current
222 practices and issues in the general area of teacher education and
223 certification and licensure;
- 224 (i) Hold hearings concerning standards for teachers'
225 and administrators' education and certification * * *;
- 226 (j) Hire expert consultants * * *;
- 227 (k) Set up ad hoc committees to advise on specific
228 areas; and
- 229 (l) Perform such other functions as may fall within
230 their general charge * * *.

231 (4) (a) **Standard License - Approved Program Route.** An
232 educator entering the school system of Mississippi for the first
233 time and meeting all requirements as established by the Commission
234 on Professional Educators' Standards and Practices shall be
235 granted a standard five-year license. Persons who possess two (2)
236 years of classroom experience as an assistant teacher or who have
237 taught for one (1) year in an accredited public or private school
238 shall be allowed to fulfill student teaching requirements under
239 the supervision of a qualified participating teacher approved by

240 an accredited college of education. The local school district in
241 which the assistant teacher is employed shall compensate such
242 assistant teachers at the required salary level during the period
243 of time such individual is completing student teaching
244 requirements. Applicants for a standard license shall submit to
245 the commission:

246 (i) An application on a commission form;

247 (ii) An official transcript of completion of a
248 teacher education program approved by the commission or a
249 nationally accredited program, subject to the following:

250 Licensure to teach in Mississippi kindergarten through Grade 4
251 shall require the completion of an interdisciplinary program of
252 studies. Licenses for Grades 4 through 8 shall require the
253 completion of an interdisciplinary program of studies with two (2)
254 or more areas of concentration. Licensure to teach in Mississippi
255 Grades 7 through 12 shall require a major in an academic field
256 other than education, or a combination of disciplines other than
257 education. Students preparing to teach a subject shall complete a
258 major in the respective subject discipline. All applicants for
259 standard licensure shall demonstrate that such person's college
260 preparation in those fields was in accordance with the standards
261 set forth by the National Council for Accreditation of Teacher
262 Education (NCATE) or the National Association of State Directors
263 of Teacher Education and Certification (NASDTEC);

264 (iii) A copy of test scores evidencing
265 satisfactory completion of nationally administered examinations of
266 achievement, such as the Educational Testing Service's teacher
267 testing examinations. The State Board of Education is directed to
268 study and develop a report on the progress of the nationally
269 administered examination of achievement for students in an
270 approved teacher education program. This report shall develop
271 data for the period beginning July 1, 1997, and ending June 30,
272 1998. The state board, with the assistance of the commission,
273 shall prepare the results of the study and make a report thereon

274 to the Education Committees of the Legislature utilizing the
275 following components:

- 276 1. Collect data on entrance and exit
277 performance of students in a teacher education program;
- 278 2. Report on student performance as compared
279 to the required examination score;
- 280 3. Develop and make recommendations on
281 necessary requirement revisions as may be appropriate based on
282 student performance results;
- 283 4. Include other such formats as may best
284 describe the profile of the student examination results; and
285 (iv) Any other document required by the Commission
286 on Professional Educators' Standards and Practices.

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

288 Applicants for a standard license-alternate teaching route shall
289 submit to the commission:

- 290 (i) An application on a commission form;
- 291 (ii) An official transcript evidencing a bachelors
292 degree from an accredited institution of higher learning;
- 293 (iii) A copy of test scores evidencing
294 satisfactory completion of an examination of achievement specified
295 by the commission * * *;
- 296 (iv) An official transcript evidencing appropriate
297 credit hours or a copy of test scores evidencing successful
298 completion of tests as required by the commission; and
299 (v) Any other document required by the commission.

300 A Standard License-Approved Program Route and a Standard
301 License-Alternate Teaching Route shall be issued for a five-year
302 period, and may be renewed. Recognizing teaching as a profession,
303 a hiring preference shall be granted to persons holding a Standard
304 License-Approved Program Route or Standard License-Alternate
305 Teaching Route over persons holding any other license.

306 (c) **Special License - Expert Citizen.** Until June 30,
307 1999, in order to allow a school district to offer specialized or

308 technical courses, the commission * * * may grant a one-year
309 expert citizen-teacher license to local business or other
310 professional personnel to teach in a public school or nonpublic
311 school accredited or approved by the state. Such person may begin
312 teaching upon his employment by the local school board and
313 licensure by the commission. The board shall adopt rules and
314 regulations to administer the expert citizen-teacher license. A
315 special license-expert citizen may be renewed in accordance with
316 the established rules and regulations of the commission. The
317 commission shall not grant temporary certification to any person
318 after July 1, 1999. Local school districts and the commission are
319 hereby authorized to expend funds to defray the cost of required
320 coursework and/or staff development for teacher certification for
321 any person teaching with temporary certification prior to July 1,
322 1999.

323 (d) **Special License - Non-Renewable.** The commission is
324 authorized to establish rules and regulations to allow those
325 educators not meeting requirements in subsection (4)(a), (b) or
326 (c) to be licensed for a period of not more than three (3) years,
327 except by special approval of the commission.

328 (e) **Non-Licensed Teaching Personnel.** A non-licensed
329 person may teach for a maximum of three (3) periods per teaching
330 day in a public school or a nonpublic school accredited/approved by
331 the state. Such person shall submit to the commission a transcript
332 or record of his education and experience which substantiates his
333 preparation for the subject to be taught and shall meet other
334 qualifications specified by the commission * * *. In no case shall
335 any local school board hire non-licensed personnel as authorized
336 under this paragraph in excess of five percent (5%) of the total
337 number of licensed personnel in any single school.

338 (f) In the event any school district meets Level 4 or 5
339 accreditation standards, the commission may, in its discretion,
340 exempt such school district from any restrictions in paragraph (e)
341 relating to the employment of non-licensed teaching personnel.

342 (5) Administrator License. The commission is authorized to
343 establish rules and regulations and to administer the licensure
344 process of the school administrators in the State of Mississippi.

345 There will be four (4) categories of administrator licensure with
346 exceptions only through special approval of the commission.

347 (a) **Administrator License - Non-practicing.** Those
348 educators holding administrative endorsement but have no
349 administrative experience or not serving in an administrative
350 position on January 15, 1997.

351 (b) **Administrator License - Entry Level.** Those
352 educators holding administrative endorsement and having met the
353 commission's qualifications to be eligible for employment in a
354 Mississippi school district. Administrator license - entry level
355 shall be issued for a five-year period and shall be non-renewable.

356 (c) **Standard Administrator License - Career Level.** An
357 administrator who has met all the requirements of the commission
358 for standard administrator licensure.

359 (d) **Administrator License - Alternate Route.** The
360 commission may establish an alternate route for licensing
361 administrative personnel. Such alternate route for administrative
362 licensure shall be available for persons holding, but not limited
363 to, a master's of Business Administration degree, a master's of
364 Public Administration degree or a master's of Public Planning and
365 Policy degree from an accredited college or university, with five
366 (5) years of administrative or supervisory experience. Successful
367 completion of the requirements of alternate route licensure for
368 administrators shall qualify the person for a standard
369 administrator license.

370 Beginning with the 1997-1998 school year, individuals seeking
371 school administrator licensure under paragraph (b), (c) or (d)
372 shall successfully complete a training program and an assessment
373 process prescribed by the commission. Applicants seeking school
374 administrator licensure prior to June 30, 1997, and completing all
375 requirements for provisional or standard administrator

376 certification and who have never practiced, shall be exempt from
377 taking the Mississippi Assessment Battery Phase I. Applicants
378 seeking school administrator licensure during the period beginning
379 July 1, 1997, through June 30, 1998, shall participate in the
380 Mississippi Assessment Battery, and upon request of the applicant,
381 the commission shall reimburse the applicant for the cost of the
382 assessment process required. After June 30, 1998, all applicants
383 for school administrator licensure shall meet all requirements
384 prescribed by the commission under paragraph (b), (c) or (d), and
385 the cost of the assessment process required shall be paid by the
386 applicant.

387 **(6) Reciprocity.** (a) The commission shall grant a standard
388 license to any individual who possesses a valid standard license
389 from another state and has a minimum of two (2) years of full-time
390 teaching or administrator experience.

391 (b) The commission shall grant a nonrenewable special
392 license to any individual who possesses a credential which is less
393 than a standard license or certification from another state, or
394 who possesses a standard license from another state but has less
395 than two (2) years of full-time teaching or administration
396 experience. Such special license shall be valid for the current
397 school year plus one (1) additional school year to expire on June
398 30 of the second year, not to exceed a total period of twenty-four
399 (24) months, during which time the applicant shall be required to
400 complete the requirements for a standard license in Mississippi.

401 **(7) Renewal and Reinstatement of Licenses.** The commission
402 is authorized to establish rules and regulations for the renewal
403 and reinstatement of educator and administrator licenses.

404 **(8)** All controversies involving the issuance, revocation,
405 suspension or any change whatsoever in the licensure of an
406 educator required to hold a license shall be initially heard in a
407 hearing de novo, by the commission or by a subcommittee
408 established by the commission and composed of commission members
409 for the purpose of holding hearings. Any complaint seeking the

410 denial of issuance, revocation or suspension of a license shall be
411 by sworn affidavit filed with the Commission on Professional
412 Educators' Standards and Practices * * * shall be
413 final * * *. * * *

414 (9) The * * * commission may deny an application for any
415 teacher or administrator license for one or more of the following:

416 (a) Lack of qualifications which are prescribed by law
417 or regulations adopted by the commission;

418 (b) Has a physical, emotional or mental disability that
419 renders the applicant unfit to perform the duties authorized by
420 the license, as certified by a licensed psychologist or
421 psychiatrist;

422 (c) Is actively addicted to or actively dependent on
423 alcohol or other habit-forming drugs or is a habitual user of
424 narcotics, barbiturates, amphetamines, hallucinogens, or other
425 drugs having similar effect, at the time of application for a
426 license;

427 (d) Revocation of a certificate or license by another
428 state;

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

431 (f) Fails or refuses to furnish reasonable evidence of
432 identification;

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

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

439 (10) The * * * commission may revoke or suspend any teacher
440 or administrator license for specified periods of time for one or
441 more of the following:

442 (a) Breach of contract or abandonment of employment may
443 result in the suspension of the license for one (1) school year as

444 provided in Section 37-9-57, Mississippi Code of 1972;

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

448 (c) Suspension or revocation of a certificate or
449 license by another state shall result in immediate suspension or
450 revocation and shall continue until records in the prior state
451 have been cleared;

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

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

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

461 (11) (a) Dismissal or suspension of a licensed employee by
462 a local school board pursuant to Section 37-9-59, Mississippi Code
463 of 1972, may result in the suspension or revocation of a license
464 for a length of time which shall be determined by the commission
465 and based upon the severity of the offense.

466 (b) Any offense committed or attempted in any other
467 state shall result in the same penalty as if committed or
468 attempted in this state.

469 (c) A person may voluntarily surrender a license. The
470 surrender of such license may result in the commission
471 recommending any of the above penalties without the necessity of a
472 hearing. However, any such license which has voluntarily been
473 surrendered by a licensed employee may be reinstated by a
474 unanimous vote of all members of the commission.

475 (12) A person whose license has been suspended on any
476 grounds except criminal grounds may petition for reinstatement of
477 the license after one (1) year from the date of suspension, or

478 after one-half (1/2) of the suspended time has lapsed, whichever
479 is greater. A license suspended on the criminal grounds may be
480 reinstated upon petition to the commission filed after expiration
481 of the sentence and parole or probationary period imposed upon
482 conviction. A revoked license may be reinstated upon satisfactory
483 showing of evidence of rehabilitation. The commission shall
484 require all who petition for reinstatement to furnish evidence
485 satisfactory to the commission of good character, good mental,
486 emotional and physical health and such other evidence as the
487 commission may deem necessary to establish the petitioner's
488 rehabilitation and fitness to perform the duties authorized by the
489 license.

490 (13) Reporting procedures and hearing procedures for dealing
491 with infractions under this section shall be promulgated by the
492 commission * * *. The revocation or suspension of a license shall
493 be effected at the time indicated on the notice of suspension or
494 revocation. The commission shall immediately notify the
495 superintendent of the school district or school board where the
496 teacher or administrator is employed of any disciplinary action
497 and also notify the teacher or administrator of such revocation or
498 suspension and shall maintain records of action taken. * * *

499 (14) An appeal from the action of the Commission on
500 Professional Educators' Standards and Practices in denying an
501 application, revoking or suspending a license or otherwise
502 disciplining any person under the provisions of this section,
503 shall be filed in the Chancery Court of the First Judicial
504 District of Hinds County on the record made, including a verbatim
505 transcript of the testimony at the hearing. The appeal shall be
506 filed within thirty (30) days after notification of the action of
507 the commission is mailed or served and the proceedings in chancery
508 court shall be conducted as other matters coming before the court.

509 The appeal shall be perfected upon filing notice of the appeal
510 and by the prepayment of all costs, including the cost of
511 preparation of the record of the proceedings by the commission,

512 and the filing of a bond in the sum of Two Hundred Dollars
513 (\$200.00) conditioned that if the action of the board be affirmed
514 by the chancery court, the applicant or license holder shall pay
515 the costs of the appeal and the action of the chancery court.

516 (15) All such programs, rules, regulations, standards and
517 criteria recommended or authorized by the commission shall become
518 effective * * * as designated by appropriate orders entered upon
519 the minutes thereof.

520 (16) The granting of a license shall not be deemed a
521 property right nor a guarantee of employment in any public school
522 district. A license is a privilege indicating minimal eligibility
523 for teaching in the public schools of Mississippi. This section
524 shall in no way alter or abridge the authority of local school
525 districts to require greater qualifications or standards of
526 performance as a prerequisite of initial or continued employment
527 in such districts.

528 (17) In addition to the reasons specified in subsection (8)
529 of this section, the commission shall be authorized to suspend the
530 license of any licensee for being out of compliance with an order
531 for support, as defined in Section 93-11-153. The procedure for
532 suspension of a license for being out of compliance with an order
533 for support, and the procedure for the reissuance or reinstatement
534 of a license suspended for that purpose, and the payment of any
535 fees for the reissuance or reinstatement of a license suspended
536 for that purpose, shall be governed by Section 93-11-157 or
537 93-11-163, as the case may be. Actions taken by the commission in
538 suspending a license when required by Section 93-11-157 or
539 93-11-163 are not actions from which an appeal may be taken under
540 this section. Any appeal of a license suspension that is required
541 by Section 93-11-157 or 93-11-163 shall be taken in accordance
542 with the appeal procedure specified in Section 93-11-157 or
543 93-11-163, as the case may be, rather than the procedure specified
544 in this section. If there is any conflict between any provision
545 of Section 93-11-157 or 93-11-163 and any provision of this

546 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
547 case may be, shall control.

548 SECTION 2. Section 37-9-11, Mississippi Code of 1972, is
549 amended as follows:

550 37-9-11. The Commission on Professional Educators' Standards
551 and Practices is authorized and directed to require tests or an
552 examination of achievement as one of the requirements for the
553 issuance of public school professional licenses issued after July
554 1, 1997, to any person applying for the first time for a
555 professional license.

556 Scores on said test or tests shall be made a part of the
557 record of the applicant and maintained in the files of the
558 commission.

559 The commission is further authorized, at its discretion, to
560 make determinations of minimum scores required of a person
561 applying for the first time for a professional certificate.

562 The commission shall, at its discretion, determine conditions
563 that would prevail should a person desire to take said test or
564 tests more than once.

565 SECTION 3. Section 37-17-8, Mississippi Code of 1972, is
566 amended as follows:

567 37-17-8. (1) The * * * Commission on Professional
568 Educators' Standards and Practices shall establish criteria for
569 comprehensive in-service staff development plans. These criteria
570 shall: (a) include, but not be limited to, formula and guidelines
571 for allocating available state funds for in-service training to
572 local school districts; (b) require that a portion of the plans be
573 devoted exclusively for the purpose of providing staff development
574 training for beginning teachers within that local school district
575 and for no other purpose; and (c) require that a portion of the
576 school district's in-service training for administrators and
577 teachers be dedicated to the application and utilization of
578 various disciplinary techniques. The commission shall each year
579 make recommendations to the Legislature concerning the amount of

580 funds which shall be appropriated for this purpose.

581 (2) Beginning with the 1998-1999 school year, school
582 districts shall not be required to submit staff development plans
583 to the Commission on Professional Educators' Standards and
584 Practices for approval. However, any school district accredited
585 at Level 1 or Level 2 shall include, as a part of any required
586 corrective action plan, provisions to address staff development in
587 accordance with commission requirements. All school districts,
588 unless specifically exempt from this section, must maintain on
589 file staff development plans as required under this section. The
590 plan shall have been prepared by a district committee appointed by
591 the district superintendent and consisting of teachers,
592 administrators, school board members and lay people, and it shall
593 have been approved by the district superintendent.

594 (3) In order to insure that teachers are not overburdened
595 with paperwork and written reports, local school districts and the
596 State Board of Education and the Commission on Professional
597 Educators' Standards and Practices shall take such steps as may be
598 necessary to further the reduction of paperwork requirements on
599 teachers.

600 (4) If any school district meets Level 4 or 5 accreditation
601 standards, the commission, in its discretion, may exempt such
602 school district from the provisions of this section.

603 SECTION 4. This act shall take effect and be in force from
604 and after July 1, 1999.