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To: Education

HOUSE BILL NO. 419
(As Passed the House)

1 AN ACT TO AMEND SECTION 37-3-2, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE THE STATE BOARD OF EDUCATION TO ISSUE A STANDARD LICENSE
3 TO TEACH IN PUBLIC PREKINDERGARTEN THROUGH KINDERGARTEN CLASSROOMS
4 TO PERSONS HOLDING A BACHELOR OF SCIENCE DEGREE WITH CHILD
5 DEVELOPMENT EMPHASIS FROM A PROGRAM ACCREDITED BY THE AMERICAN
6 ASSOCIATION OF FAMILY AND CONSUMER SCIENCES; AND FOR RELATED
7 PURPOSES.

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

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

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

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

29 Association of Independent Colleges; one (1) representative from
30 public community and junior colleges located within the state to
31 be recommended by the State Board for Community and Junior
32 Colleges; one (1) local school board member; and four (4) lay
33 persons. All appointments shall be made by the State Board of
34 Education after consultation with the State Superintendent of
35 Public Education. The first appointments by the State Board of
36 Education shall be made as follows: five (5) members shall be
37 appointed for a term of one (1) year; five (5) members shall be
38 appointed for a term of two (2) years; and five (5) members shall
39 be appointed for a term of three (3) years. Thereafter, all
40 members shall be appointed for a term of four (4) years.

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

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

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

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

58 (b) Recommend to the State Board of Education each year
59 approval or disapproval of each educator preparation program in
60 the state;

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

64 (d) Establish, subject to the approval of the State
65 Board of Education, standards for the renewal of teacher licenses

66 in all fields;

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

70 (f) Review all existing requirements for certification
71 and licensure;

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

74 (h) Prepare reports from time to time on current
75 practices and issues in the general area of teacher education and
76 certification and licensure;

77 (i) Hold hearings concerning standards for teachers'
78 and administrators' education and certification and licensure with
79 approval of the State Board of Education;

80 (j) Hire expert consultants with approval of the State
81 Board of Education;

82 (k) Set up ad hoc committees to advise on specific
83 areas; and

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

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

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

99 individual is completing student teaching requirements.

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

101 (i) An application on a department form;

102 (ii) An official transcript of completion of a

103 teacher education program or a bachelor of science degree with

104 child development emphasis from a program accredited by the

105 American Association of Family and Consumer Sciences (AAFCS)

106 approved by the department or a nationally accredited program,

107 subject to the following: Licensure to teach in Mississippi

108 prekindergarten through kindergarten classrooms shall require

109 completion of a teacher education program or a bachelor of science

110 degree with child development emphasis from a program accredited

111 by the American Association of Family and Consumer Sciences

112 (AAFCS). Licensure to teach in Mississippi kindergarten, for

113 those applicants who have completed a teacher education program,

114 and in Grade 1 through Grade 4 shall require the completion of an

115 interdisciplinary program of studies. Licenses for Grades 4

116 through 8 shall require the completion of an interdisciplinary

117 program of studies with two (2) or more areas of concentration.

118 Licensure to teach in Mississippi Grades 7 through 12 shall

119 require a major in an academic field other than education, or a

120 combination of disciplines other than education. Students

121 preparing to teach a subject shall complete a major in the

122 respective subject discipline. All applicants for standard

123 licensure shall demonstrate that such person's college preparation

124 in those fields was in accordance with the standards set forth by

125 the National Council for Accreditation of Teacher Education

126 (NCATE) or the National Association of State Directors of Teacher

127 Education and Certification (NASDTEC) or, for those applicants who

128 have a bachelor of Science degree with child development emphasis,

129 the American Association of Family and Consumer Sciences (AAFCS);

130 (iii) A copy of test scores evidencing

131 satisfactory completion of nationally administered examinations of

132 achievement, such as the Educational Testing Service's teacher
133 testing examinations * * *; and

134 (iv) Any other document required by the State
135 Board of Education.

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

137 Applicants for a standard license-alternate teaching route shall
138 submit to the department:

139 (i) An application on a department form;

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

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

145 (iv) An official transcript evidencing appropriate
146 credit hours or a copy of test scores evidencing successful
147 completion of tests as required by the State Board of Education;
148 and

149 (v) Any other document required by the State Board
150 of Education.

151 A Standard License-Approved Program Route and a Standard
152 License-Alternate Teaching Route shall be issued for a five-year
153 period, and may be renewed. Recognizing teaching as a profession,
154 a hiring preference shall be granted to persons holding a Standard
155 License-Approved Program Route or Standard License-Alternate
156 Teaching Route over persons holding any other license.

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

165 and licensure by the Mississippi Department of Education. The
166 board shall adopt rules and regulations to administer the expert
167 citizen-teacher license. A special license-expert citizen may be
168 renewed in accordance with the established rules and regulations
169 of the State Department of Education.

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

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

187 (f) In the event any school district meets Level 4 or 5
188 accreditation standards, the State Board of Education * * *, in
189 its discretion, may exempt such school district from any
190 restrictions in paragraph (e) relating to the employment of
191 nonlicensed teaching personnel.

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

198 (a) **Administrator License - Nonpracticing.** Those
199 educators holding administrative endorsement but have no
200 administrative experience or not serving in an administrative
201 position on January 15, 1997.

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

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

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

221 Beginning with the 1997-1998 school year, individuals seeking
222 school administrator licensure under paragraph (b), (c) or (d)
223 shall successfully complete a training program and an assessment
224 process prescribed by the State Board of Education. Applicants
225 seeking school administrator licensure prior to June 30, 1997, and
226 completing all requirements for provisional or standard
227 administrator certification and who have never practiced, shall be
228 exempt from taking the Mississippi Assessment Battery Phase I.
229 Applicants seeking school administrator licensure during the
230 period beginning July 1, 1997, through June 30, 1998, shall

231 participate in the Mississippi Assessment Battery, and upon
232 request of the applicant, the department shall reimburse the
233 applicant for the cost of the assessment process required. After
234 June 30, 1998, all applicants for school administrator licensure
235 shall meet all requirements prescribed by the department under
236 paragraph (b), (c) or (d), and the cost of the assessment process
237 required shall be paid by the applicant.

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

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

252 (9) **Renewal and Reinstatement of Licenses.** The State Board
253 of Education is authorized to establish rules and regulations for
254 the renewal and reinstatement of educator and administrator
255 licenses.

256 (10) All controversies involving the issuance, revocation,
257 suspension or any change whatsoever in the licensure of an
258 educator required to hold a license shall be initially heard in a
259 hearing de novo, by the commission or by a subcommittee
260 established by the commission and composed of commission members
261 for the purpose of holding hearings. Any complaint seeking the
262 denial of issuance, revocation or suspension of a license shall be
263 by sworn affidavit filed with the Commission of Teacher and

264 Administrator Education, Certification and Licensure and
265 Development. The decision thereon by the commission or its
266 subcommittee shall be final, unless the aggrieved party shall
267 appeal to the State Board of Education, within ten (10) days, of
268 the decision of the committee or its subcommittee. An appeal to
269 the State Board of Education shall be on the record previously
270 made before the commission or its subcommittee unless otherwise
271 provided by rules and regulations adopted by the board. The State
272 Board of Education in its authority may reverse, or remand with
273 instructions, the decision of the committee or its subcommittee.
274 The decision of the State Board of Education shall be final.

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

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

280 (b) The applicant has a physical, emotional or mental
281 disability that renders the applicant unfit to perform the duties
282 authorized by the license, as certified by a licensed psychologist
283 or psychiatrist;

284 (c) The applicant is actively addicted to or actively
285 dependent on alcohol or other habit-forming drugs or is a habitual
286 user of narcotics, barbiturates, amphetamines, hallucinogens, or
287 other drugs having similar effect, at the time of application for
288 a license;

289 (d) Revocation of an applicant's certificate or license
290 by another state;

291 (e) * * * Fraud or deceit committed by the applicant in
292 securing or attempting to secure such certification and license;

293 (f) Failing or refusing to furnish reasonable evidence
294 of identification;

295 (g) The applicant has been convicted, has pled guilty
296 or entered a plea of nolo contendere to a felony, as defined by

297 federal or state law; or

298 (h) The applicant has been convicted, has pled guilty
299 or entered a plea of nolo contendere to a sex offense as defined
300 by federal or state law.

301 (12) The State Board of Education, acting on the
302 recommendation of the commission, may revoke or suspend any
303 teacher or administrator license for specified periods of time for
304 one or more of the following:

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

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

311 (c) Suspension or revocation of a certificate or
312 license by another state shall result in immediate suspension or
313 revocation and shall continue until records in the prior state
314 have been cleared;

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

318 (e) The license holder has been convicted, has pled
319 guilty or entered a plea of nolo contendere to a sex offense, as
320 defined by federal or state law; or

321 (f) The license holder knowingly and willfully
322 committing any of the acts affecting validity of mandatory uniform
323 test results as provided in Section 37-16-4(1).

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

329 (b) Any offense committed or attempted in any other

330 state shall result in the same penalty as if committed or
331 attempted in this state.

332 (c) A person may voluntarily surrender a license. The
333 surrender of such license may result in the commission
334 recommending any of the above penalties without the necessity of a
335 hearing. However, any such license which has voluntarily been
336 surrendered by a licensed employee may be reinstated by a
337 unanimous vote of all members of the commission.

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

353 (15) Reporting procedures and hearing procedures for dealing
354 with infractions under this section shall be promulgated by the
355 commission, subject to the approval of the State Board of
356 Education. The revocation or suspension of a license shall be
357 effected at the time indicated on the notice of suspension or
358 revocation. The commission shall immediately notify the
359 superintendent of the school district or school board where the
360 teacher or administrator is employed of any disciplinary action
361 and also notify the teacher or administrator of such revocation or
362 suspension and shall maintain records of action taken. The State

363 Board of Education may reverse or remand with instructions any
364 decision of the commission regarding a petition for reinstatement
365 of a license, and any such decision of the State Board of
366 Education shall be final.

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

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

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

396 (19) In addition to the reasons specified in subsections
397 (12) and (13) of this section, the board shall be authorized to
398 suspend the license of any licensee for being out of compliance
399 with an order for support, as defined in Section 93-11-153. The
400 procedure for suspension of a license for being out of compliance
401 with an order for support, and the procedure for the reissuance or
402 reinstatement of a license suspended for that purpose, and the
403 payment of any fees for the reissuance or reinstatement of a
404 license suspended for that purpose, shall be governed by Section
405 93-11-157 or 93-11-163, as the case may be. Actions taken by the
406 board in suspending a license when required by Section 93-11-157
407 or 93-11-163 are not actions from which an appeal may be taken
408 under this section. Any appeal of a license suspension that is
409 required by Section 93-11-157 or 93-11-163 shall be taken in
410 accordance with the appeal procedure specified in Section
411 93-11-157 or 93-11-163, as the case may be, rather than the
412 procedure specified in this section. If there is any conflict
413 between any provision of Section 93-11-157 or 93-11-163 and any
414 provision of this chapter, the provisions of Section 93-11-157 or
415 93-11-163, as the case may be, shall control.

416 SECTION 2. This act shall take effect and be in force from
417 and after July 1, 2000.