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To: Education

HOUSE BILL NO. 419
(As Sent to Governor)

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 TO REQUIRE THE
7 STATE BOARD OF EDUCATION TO EXTEND THE LICENSES OF CERTAIN
8 EDUCATORS WHO HAVE COMPLETED A MASTER'S, SPECIALIST OR DOCTORATE
9 DEGREE IN ORDER TO AFFORD SUCH EDUCATORS ADEQUATE TIME TO FULFILL
10 NEW RENEWAL REQUIREMENTS ESTABLISHED BY THE BOARD; AND FOR RELATED
11 PURPOSES.

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

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

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

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

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

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

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

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

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

62 (b) Recommend to the State Board of Education each year
63 approval or disapproval of each educator preparation program in
64 the state;

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

68 (d) Establish, subject to the approval of the State
69 Board of Education, standards for the renewal of teacher licenses
70 in all fields;

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

74 (f) Review all existing requirements for certification
75 and licensure;

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

78 (h) Prepare reports from time to time on current
79 practices and issues in the general area of teacher education and
80 certification and licensure;

81 (i) Hold hearings concerning standards for teachers'
82 and administrators' education and certification and licensure with
83 approval of the State Board of Education;

84 (j) Hire expert consultants with approval of the State
85 Board of Education;

86 (k) Set up ad hoc committees to advise on specific
87 areas; and

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

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

95 Persons who possess two (2) years of classroom experience as an
96 assistant teacher or who have taught for one (1) year in an
97 accredited public or private school shall be allowed to fulfill
98 student teaching requirements under the supervision of a qualified
99 participating teacher approved by an accredited college of
100 education. The local school district in which the assistant

101 teacher is employed shall compensate such assistant teachers at
102 the required salary level during the period of time such
103 individual is completing student teaching requirements.
104 Applicants for a standard license shall submit to the department:
105 (i) An application on a department form;
106 (ii) An official transcript of completion of a
107 teacher education program or a bachelor of science degree with
108 child development emphasis from a program accredited by the
109 American Association of Family and Consumer Sciences (AAFCS)
110 approved by the department or a nationally accredited program,
111 subject to the following: Licensure to teach in Mississippi
112 prekindergarten through kindergarten classrooms shall require
113 completion of a teacher education program or a bachelor of science
114 degree with child development emphasis from a program accredited
115 by the American Association of Family and Consumer Sciences
116 (AAFCS). Licensure to teach in Mississippi kindergarten, for
117 those applicants who have completed a teacher education program,
118 and in Grade 1 through Grade 4 shall require the completion of an
119 interdisciplinary program of studies. Licenses for Grades 4
120 through 8 shall require the completion of an interdisciplinary
121 program of studies with two (2) or more areas of concentration.
122 Licensure to teach in Mississippi Grades 7 through 12 shall
123 require a major in an academic field other than education, or a
124 combination of disciplines other than education. Students
125 preparing to teach a subject shall complete a major in the
126 respective subject discipline. All applicants for standard
127 licensure shall demonstrate that such person's college preparation
128 in those fields was in accordance with the standards set forth by
129 the National Council for Accreditation of Teacher Education
130 (NCATE) or the National Association of State Directors of Teacher
131 Education and Certification (NASDTEC) or, for those applicants who
132 have a bachelor of science degree with child development emphasis,
133 the American Association of Family and Consumer Sciences (AAFCS);

134 (iii) A copy of test scores evidencing
135 satisfactory completion of nationally administered examinations of
136 achievement, such as the Educational Testing Service's teacher
137 testing examinations * * *; and

138 (iv) Any other document required by the State
139 Board of Education.

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

141 Applicants for a standard license-alternate teaching route shall
142 submit to the department:

143 (i) An application on a department form;

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

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

149 (iv) An official transcript evidencing appropriate
150 credit hours or a copy of test scores evidencing successful
151 completion of tests as required by the State Board of Education;
152 and

153 (v) Any other document required by the State Board
154 of Education.

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

161 (c) **Special License - Expert Citizen.** In order to
162 allow a school district to offer specialized or technical courses,
163 the State Department of Education, in accordance with rules and
164 regulations established by the State Board of Education, may grant
165 a one-year expert citizen-teacher license to local business or
166 other professional personnel to teach in a public school or

167 nonpublic school accredited or approved by the state. Such person
168 may begin teaching upon his employment by the local school board
169 and licensure by the Mississippi Department of Education. The
170 board shall adopt rules and regulations to administer the expert
171 citizen-teacher license. A special license-expert citizen may be
172 renewed in accordance with the established rules and regulations
173 of the State Department of Education.

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

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

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

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

200 licensure with exceptions only through special approval of the
201 State Board of Education.

202 (a) **Administrator License - Nonpracticing.** Those
203 educators holding administrative endorsement but have no
204 administrative experience or not serving in an administrative
205 position on January 15, 1997.

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

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

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

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

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

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

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

256 (9) **Renewal and Reinstatement of Licenses.** The State Board
257 of Education is authorized to establish rules and regulations for
258 the renewal and reinstatement of educator and administrator
259 licenses. Effective May 15, 1997, the valid standard license held
260 by an educator shall be extended five (5) years beyond the
261 expiration date of the license in order to afford the educator
262 adequate time to fulfill new renewal requirements established
263 pursuant to this subsection. An educator completing a master of
264 education, educational specialist or doctor of education degree in
265 May 1997 for the purpose of upgrading the educator's license to a

266 higher class shall be given this extension of five (5) years plus
267 five (5) additional years for completion of a higher degree.

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

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

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

292 (b) The applicant has a physical, emotional or mental
293 disability that renders the applicant unfit to perform the duties
294 authorized by the license, as certified by a licensed psychologist
295 or psychiatrist;

296 (c) The applicant is actively addicted to or actively
297 dependent on alcohol or other habit-forming drugs or is a habitual
298 user of narcotics, barbiturates, amphetamines, hallucinogens, or

299 other drugs having similar effect, at the time of application for
300 a license;

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

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

305 (f) Failing or refusing to furnish reasonable evidence
306 of identification;

307 (g) The applicant has been convicted, has pled guilty
308 or entered a plea of nolo contendere to a felony, as defined by
309 federal or state law; or

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

313 (12) The State Board of Education, acting on the
314 recommendation of the commission, may revoke or suspend any
315 teacher or administrator license for specified periods of time for
316 one or more of the following:

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

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

323 (c) Suspension or revocation of a certificate or
324 license by another state shall result in immediate suspension or
325 revocation and shall continue until records in the prior state
326 have been cleared;

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

330 (e) The license holder has been convicted, has pled
331 guilty or entered a plea of nolo contendere to a sex offense, as

332 defined by federal or state law; or

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

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

341 (b) Any offense committed or attempted in any other
342 state shall result in the same penalty as if committed or
343 attempted in this state.

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

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

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

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

396 (17) All such programs, rules, regulations, standards and
397 criteria recommended or authorized by the commission shall become

398 effective upon approval by the State Board of Education as
399 designated by appropriate orders entered upon the minutes thereof.

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

408 (19) In addition to the reasons specified in subsections
409 (12) and (13) of this section, the board shall be authorized to
410 suspend the license of any licensee for being out of compliance
411 with an order for support, as defined in Section 93-11-153. The
412 procedure for suspension of a license for being out of compliance
413 with an order for support, and the procedure for the reissuance or
414 reinstatement of a license suspended for that purpose, and the
415 payment of any fees for the reissuance or reinstatement of a
416 license suspended for that purpose, shall be governed by Section
417 93-11-157 or 93-11-163, as the case may be. Actions taken by the
418 board in suspending a license when required by Section 93-11-157
419 or 93-11-163 are not actions from which an appeal may be taken
420 under this section. Any appeal of a license suspension that is
421 required by Section 93-11-157 or 93-11-163 shall be taken in
422 accordance with the appeal procedure specified in Section
423 93-11-157 or 93-11-163, as the case may be, rather than the
424 procedure specified in this section. If there is any conflict
425 between any provision of Section 93-11-157 or 93-11-163 and any
426 provision of this chapter, the provisions of Section 93-11-157 or
427 93-11-163, as the case may be, shall control.

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