

By: Blackmon

To: Education

HOUSE BILL NO. 812

1 AN ACT TO AMEND SECTION 37-3-2, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE NONLICENSED TEACHERS TO TEACH ON A FULL-TIME BASIS, TO
3 AUTHORIZE SUCH TEACHERS TO ASSIST LICENSED PERSONNEL FOR THE
4 PURPOSE OF DECREASING SCHOOL VIOLENCE, AND TO INCREASE THE
5 PERCENTAGE OF NONLICENSED TEACHERS ALLOWED IN A SINGLE SCHOOL; AND
6 FOR RELATED PURPOSES.

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

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

10 37-3-2. (1) There is * * * 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 (1) 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 * * *; and

122 (iv) Any other document required by the State
123 Board of Education.

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

125 Applicants for a Standard License - Alternate Teaching Route shall
126 submit to the department:

127 (i) An application on a department form;

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

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

133 (iv) An official transcript evidencing appropriate
134 credit hours or a copy of test scores evidencing successful
135 completion of tests as required by the State Board of Education;
136 and

137 (v) Any other document required by the State Board
138 of Education.

139 A Standard License - Approved Program Route and a Standard
140 License - Alternate Teaching Route shall be issued for a five-year
141 period, and may be renewed. Recognizing teaching as a profession,
142 a hiring preference shall be granted to persons holding a Standard
143 License - Approved Program Route or Standard License - Alternate
144 Teaching Route over persons holding any other license.

145 (c) **Special License - Expert Citizen.** In order to
146 allow a school district to offer specialized or technical courses,
147 the State Department of Education, in accordance with rules and
148 regulations established by the State Board of Education, may grant
149 a one-year expert citizen-teacher license to local business or
150 other professional personnel to teach in a public school or
151 nonpublic school accredited or approved by the state. Such person
152 may begin teaching upon his employment by the local school board
153 and licensure by the Mississippi Department of Education. The
154 board shall adopt rules and regulations to administer the expert
155 citizen-teacher license. A Special License - Expert Citizen may
156 be renewed in accordance with the established rules and
157 regulations of the State Department of Education.

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

164 (e) **Nonlicensed Teaching Personnel.** A nonlicensed
165 person may teach on a full-time basis in a public school or a
166 nonpublic school accredited/approved by the state. Such person

167 shall submit to the department a transcript or record of his
168 education and experience which substantiates his preparation for
169 the subject to be taught and shall meet other qualifications
170 specified by the commission and approved by the State Board of
171 Education. In addition to teaching in the specific subject area
172 for which the nonlicensed person is hired, the person may be
173 required to assist licensed classroom teachers for the purpose of
174 decreasing school violence. In no case shall any local school
175 board hire nonlicensed personnel as authorized under this
176 paragraph in excess of ten percent (10%) of the total number of
177 licensed personnel in any single school.

178 (f) In the event any school district meets Level 4 or 5
179 accreditation standards, the State Board of Education may, in its
180 discretion, exempt such school district from any restrictions in
181 paragraph (e) relating to the employment of nonlicensed teaching
182 personnel.

183 (7) **Administrator License.** The State Board of Education is
184 authorized to establish rules and regulations and to administer
185 the licensure process of the school administrators in the State of
186 Mississippi. There will be four (4) categories of administrator
187 licensure with exceptions only through special approval of the
188 State Board of Education.

189 (a) **Administrator License - Nonpracticing.** Those
190 educators holding administrative endorsement but have no
191 administrative experience or not serving in an administrative
192 position on January 15, 1997.

193 (b) **Administrator License - Entry Level.** Those
194 educators holding administrative endorsement and having met the

195 department's qualifications to be eligible for employment in a
196 Mississippi school district. Administrator License - Entry Level
197 shall be issued for a five-year period and shall be nonrenewable.

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

201 (d) **Administrator License - Alternate Route.** The board
202 may establish an alternate route for licensing administrative
203 personnel. Such alternate route for administrative licensure
204 shall be available for persons holding, but not limited to, a
205 masters of business administration degree, a masters of public
206 administration degree or a masters of public planning and policy
207 degree from an accredited college or university, with five (5)
208 years of administrative or supervisory experience. Successful
209 completion of the requirements of alternate route licensure for
210 administrators shall qualify the person for a standard
211 administrator license.

212 Beginning with the 1997-1998 school year, individuals seeking
213 school administrator licensure under paragraph (b), (c) or (d)
214 shall successfully complete a training program and an assessment
215 process prescribed by the State Board of Education. Applicants
216 seeking school administrator licensure prior to June 30, 1997, and
217 completing all requirements for provisional or standard
218 administrator certification and who have never practiced, shall be
219 exempt from taking the Mississippi Assessment Battery Phase I.
220 Applicants seeking school administrator licensure during the
221 period beginning July 1, 1997, through June 30, 1998, shall
222 participate in the Mississippi Assessment Battery, and upon

223 request of the applicant, the department shall reimburse the
224 applicant for the cost of the assessment process required. After
225 June 30, 1998, all applicants for school administrator licensure
226 shall meet all requirements prescribed by the department under
227 paragraph (b), (c) or (d), and the cost of the assessment process
228 required shall be paid by the applicant.

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

233 (b) The department shall grant a nonrenewable special
234 license to any individual who possesses a credential which is less
235 than a standard license or certification from another state, or
236 who possesses a standard license from another state but has less
237 than two (2) years of full-time teaching or administration
238 experience. Such special license shall be valid for the current
239 school year plus one (1) additional school year to expire on June
240 30 of the second year, not to exceed a total period of twenty-four
241 (24) months, during which time the applicant shall be required to
242 complete the requirements for a standard license in Mississippi.

243 (9) **Renewal and Reinstatement of Licenses.** The State Board
244 of Education is authorized to establish rules and regulations for
245 the renewal and reinstatement of educator and administrator
246 licenses.

247 (10) All controversies involving the issuance, revocation,
248 suspension or any change whatsoever in the licensure of an
249 educator required to hold a license shall be initially heard in a
250 hearing de novo, by the commission or by a subcommittee

251 established by the commission and composed of commission members
252 for the purpose of holding hearings. Any complaint seeking the
253 denial of issuance, revocation or suspension of a license shall be
254 by sworn affidavit filed with the Commission of Teacher and
255 Administrator Education, Certification and Licensure and
256 Development. The decision thereon by the commission or its
257 subcommittee shall be final, unless the aggrieved party shall
258 appeal to the State Board of Education, within ten (10) days, of
259 the decision of the committee or its subcommittee. An appeal to
260 the State Board of Education shall be on the record previously
261 made before the commission or its subcommittee unless otherwise
262 provided by rules and regulations adopted by the board. The State
263 Board of Education in its authority may reverse, or remand with
264 instructions, the decision of the committee or its subcommittee.
265 The decision of the State Board of Education shall be final.

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

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

271 (b) Has a physical, emotional or mental disability that
272 renders the applicant unfit to perform the duties authorized by
273 the license, as certified by a licensed psychologist or
274 psychiatrist;

275 (c) Is actively addicted to or actively dependent on
276 alcohol or other habit-forming drugs or is a habitual user of
277 narcotics, barbiturates, amphetamines, hallucinogens, or other
278 drugs having similar effect, at the time of application for a

279 license;

280 (d) Revocation of a certificate or license by another
281 state;

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

284 (f) Fails or refuses to furnish reasonable evidence of
285 identification;

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

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

292 (12) The State Board of Education, acting on the
293 recommendation of the commission, may revoke or suspend any
294 teacher or administrator license for specified periods of time for
295 one or more of the following:

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

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

302 (c) Suspension or revocation of a certificate or
303 license by another state shall result in immediate suspension or
304 revocation and shall continue until records in the prior state
305 have been cleared;

306 (d) Has been convicted, has pled guilty or entered a

307 plea of nolo contendere to a felony, as defined by federal or
308 state law;

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

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

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

320 (b) Any offense committed or attempted in any other
321 state shall result in the same penalty as if committed or
322 attempted in this state.

323 (c) A person may voluntarily surrender a license. The
324 surrender of such license may result in the commission
325 recommending any of the above penalties without the necessity of a
326 hearing. However, any such license which has voluntarily been
327 surrendered by a licensed employee may be reinstated by a
328 unanimous vote of all members of the commission.

329 (14) A person whose license has been suspended on any
330 grounds except criminal grounds may petition for reinstatement of
331 the license after one (1) year from the date of suspension, or
332 after one-half (1/2) of the suspended time has lapsed, whichever
333 is greater. A license suspended on the criminal grounds may be
334 reinstated upon petition to the commission filed after expiration

335 of the sentence and parole or probationary period imposed upon
336 conviction. A revoked license may be reinstated upon satisfactory
337 showing of evidence of rehabilitation. The commission shall
338 require all who petition for reinstatement to furnish evidence
339 satisfactory to the commission of good character, good mental,
340 emotional and physical health and such other evidence as the
341 commission may deem necessary to establish the petitioner's
342 rehabilitation and fitness to perform the duties authorized by the
343 license.

344 (15) Reporting procedures and hearing procedures for dealing
345 with infractions under this section shall be promulgated by the
346 commission, subject to the approval of the State Board of
347 Education. The revocation or suspension of a license shall be
348 effected at the time indicated on the notice of suspension or
349 revocation. The commission shall immediately notify the
350 superintendent of the school district or school board where the
351 teacher or administrator is employed of any disciplinary action
352 and also notify the teacher or administrator of such revocation or
353 suspension and shall maintain records of action taken. The State
354 Board of Education may reverse or remand with instructions any
355 decision of the commission regarding a petition for reinstatement
356 of a license, and any such decision of the State Board of
357 Education shall be final.

358 (16) An appeal from the action of the State Board of
359 Education in denying an application, revoking or suspending a
360 license or otherwise disciplining any person under the provisions
361 of this section, shall be filed in the Chancery Court of the First
362 Judicial District of Hinds County on the record made, including a

363 verbatim transcript of the testimony at the hearing. The appeal
364 shall be filed within thirty (30) days after notification of the
365 action of the board is mailed or served and the proceedings in
366 chancery court shall be conducted as other matters coming before
367 the court. The appeal shall be perfected upon filing notice of
368 the appeal and by the prepayment of all costs, including the cost
369 of preparation of the record of the proceedings by the State Board
370 of Education, and the filing of a bond in the sum of Two Hundred
371 Dollars (\$200.00) conditioned that if the action of the board be
372 affirmed by the chancery court, the applicant or license holder
373 shall pay the costs of the appeal and the action of the chancery
374 court.

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

379 (18) The granting of a license shall not be deemed a
380 property right nor a guarantee of employment in any public school
381 district. A license is a privilege indicating minimal eligibility
382 for teaching in the public schools of Mississippi. This section
383 shall in no way alter or abridge the authority of local school
384 districts to require greater qualifications or standards of
385 performance as a prerequisite of initial or continued employment
386 in such districts.

387 (19) In addition to the reasons specified in subsection (8)
388 of this section, the board shall be authorized to suspend the
389 license of any licensee for being out of compliance with an order
390 for support, as defined in Section 93-11-153. The procedure for

391 suspension of a license for being out of compliance with an order
392 for support, and the procedure for the reissuance or reinstatement
393 of a license suspended for that purpose, and the payment of any
394 fees for the reissuance or reinstatement of a license suspended
395 for that purpose, shall be governed by Section 93-11-157 or
396 93-11-163, as the case may be. Actions taken by the board in
397 suspending a license when required by Section 93-11-157 or
398 93-11-163 are not actions from which an appeal may be taken under
399 this section. Any appeal of a license suspension that is required
400 by Section 93-11-157 or 93-11-163 shall be taken in accordance
401 with the appeal procedure specified in Section 93-11-157 or
402 93-11-163, as the case may be, rather than the procedure specified
403 in this section. If there is any conflict between any provision
404 of Section 93-11-157 or 93-11-163 and any provision of this
405 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
406 case may be, shall control.

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