

By: Grist

To: Education

HOUSE BILL NO. 822

1 AN ACT TO AMEND SECTION 37-3-2, MISSISSIPPI CODE OF 1972, TO  
2 ESTABLISH AN ALTERNATIVE METHOD OF TEACHER LICENSURE FOR PERSONS  
3 FAILING THE NATIONALLY ADMINISTERED EXAMINATION OF ACHIEVEMENT;  
4 AND FOR RELATED PURPOSES.

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

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

8 37-3-2. (1) There is \* \* \* established within the State  
9 Department of Education the Commission on Teacher and  
10 Administrator Education, Certification and Licensure and  
11 Development. It shall be the purpose and duty of the commission  
12 to make recommendations to the State Board of Education regarding  
13 standards for the certification and licensure and continuing  
14 professional development of those who teach or perform tasks of an  
15 educational nature in the public schools of Mississippi.

16 (2) The commission shall be composed of fifteen (15)  
17 qualified members. The membership of the commission shall be  
18 composed of the following members to be appointed three (3) from  
19 each congressional district: four (4) classroom teachers; three  
20 (3) school administrators; one (1) representative of schools of  
21 education of institutions of higher learning located within the  
22 state to be recommended by the Board of Trustees of State

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

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

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

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

52 (a) Set standards and criteria, subject to the approval  
53 of the State Board of Education, for all educator preparation

54 programs in the state;

55           (b) Recommend to the State Board of Education each year  
56 approval or disapproval of each educator preparation program in  
57 the state;

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

61           (d) Establish, subject to the approval of the State  
62 Board of Education, standards for the renewal of teacher licenses  
63 in all fields;

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

67           (f) Review all existing requirements for certification  
68 and licensure;

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

71           (h) Prepare reports from time to time on current  
72 practices and issues in the general area of teacher education and  
73 certification and licensure;

74           (i) Hold hearings concerning standards for teachers'  
75 and administrators' education and certification and licensure with  
76 approval of the State Board of Education;

77           (j) Hire expert consultants with approval of the State  
78 Board of Education;

79           (k) Set up ad hoc committees to advise on specific  
80 areas; and

81           (l) Perform such other functions as may fall within

82 their general charge and which may be delegated to them by the  
83 State Board of Education.

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

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

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

98 (i) An application on a department form;

99 (ii) An official transcript of completion of a

100 teacher education program approved by the department or a  
101 nationally accredited program, subject to the following:

102 Licensure to teach in Mississippi kindergarten through Grade 4

103 shall require the completion of an interdisciplinary program of

104 studies. Licenses for Grades 4 through 8 shall require the

105 completion of an interdisciplinary program of studies with two (2)

106 or more areas of concentration. Licensure to teach in Mississippi

107 Grades 7 through 12 shall require a major in an academic field

108 other than education, or a combination of disciplines other than

109 education. Students preparing to teach a subject shall complete a

110 major in the respective subject discipline. All applicants for  
111 standard licensure shall demonstrate that such person's college  
112 preparation in those fields was in accordance with the standards  
113 set forth by the National Council for Accreditation of Teacher  
114 Education (NCATE) or the National Association of State Directors  
115 of Teacher Education and Certification (NASDTEC);

116 (iii) A copy of test scores evidencing  
117 satisfactory completion of nationally administered examinations of  
118 achievement, such as the Educational Testing Service's teacher  
119 testing examinations. If an applicant who is required to take the  
120 nationally administered examination of achievement does not  
121 achieve a satisfactory score, as established by the State Board of  
122 Education, as an alternative requirement for licensure, the  
123 applicant may teach under the supervision of a local  
124 superintendent of education and school principal for one (1)  
125 school year, after which the principal shall determine whether or  
126 not the applicant has demonstrated a minimum level of proficiency  
127 through such methods that the State Board of Education deems  
128 sufficient to measure teacher competencies. If the principal  
129 determines that the applicant has demonstrated a sufficient  
130 proficiency level, he shall recommend licensure of that applicant  
131 to the school superintendent, who shall recommend such licensure  
132 to the State Board of Education. The State Board of Education, in  
133 establishing or revising the qualifications for licensure, shall  
134 not reduce the level of proficiency required for licensure before  
135 July 1, 2000, under the nationally administered examination of  
136 achievement; and

137 \* \* \*

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  
172 be renewed in accordance with the established rules and  
173 regulations 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 may, in its  
193 discretion, exempt such school district from any restrictions in

194 paragraph (e) relating to the employment of nonlicensed teaching  
195 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 masters of business administration degree, a masters of public  
219 administration degree or a masters 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.

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

278 The decision of the State Board of Education shall be final.

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

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

284 (b) Has a physical, emotional or mental disability that  
285 renders the applicant unfit to perform the duties authorized by  
286 the license, as certified by a licensed psychologist or  
287 psychiatrist;

288 (c) Is actively addicted to or actively dependent on  
289 alcohol or other habit-forming drugs or is a habitual user of  
290 narcotics, barbiturates, amphetamines, hallucinogens, or other  
291 drugs having similar effect, at the time of application for a  
292 license;

293 (d) Revocation of a certificate or license by another  
294 state;

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

297 (f) Fails or refuses to furnish reasonable evidence of  
298 identification;

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

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

305 (12) The State Board of Education, acting on the

306 recommendation of the commission, may revoke or suspend any  
307 teacher or administrator license for specified periods of time for  
308 one or more of the following:

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

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

315           (c) Suspension or revocation of a certificate or  
316 license by another state shall result in immediate suspension or  
317 revocation and shall continue until records in the prior state  
318 have been cleared;

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

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

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

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

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

334 state shall result in the same penalty as if committed or  
335 attempted in this state.

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

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

357 (15) Reporting procedures and hearing procedures for dealing  
358 with infractions under this section shall be promulgated by the  
359 commission, subject to the approval of the State Board of  
360 Education. The revocation or suspension of a license shall be  
361 effected at the time indicated on the notice of suspension or

362 revocation. The commission shall immediately notify the  
363 superintendent of the school district or school board where the  
364 teacher or administrator is employed of any disciplinary action  
365 and also notify the teacher or administrator of such revocation or  
366 suspension and shall maintain records of action taken. The State  
367 Board of Education may reverse or remand with instructions any  
368 decision of the commission regarding a petition for reinstatement  
369 of a license, and any such decision of the State Board of  
370 Education shall be final.

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

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

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

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

400 (19) In addition to the reasons specified in subsection (8)  
401 of this section, the board shall be authorized to suspend the  
402 license of any licensee for being out of compliance with an order  
403 for support, as defined in Section 93-11-153. The procedure for  
404 suspension of a license for being out of compliance with an order  
405 for support, and the procedure for the reissuance or reinstatement  
406 of a license suspended for that purpose, and the payment of any  
407 fees for the reissuance or reinstatement of a license suspended  
408 for that purpose, shall be governed by Section 93-11-157 or  
409 93-11-163, as the case may be. Actions taken by the board in  
410 suspending a license when required by Section 93-11-157 or  
411 93-11-163 are not actions from which an appeal may be taken under  
412 this section. Any appeal of a license suspension that is required  
413 by Section 93-11-157 or 93-11-163 shall be taken in accordance  
414 with the appeal procedure specified in Section 93-11-157 or  
415 93-11-163, as the case may be, rather than the procedure specified  
416 in this section. If there is any conflict between any provision  
417 of Section 93-11-157 or 93-11-163 and any provision of this

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

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