

By: Nunnelee

To: Education;
Appropriations

SENATE BILL NO. 2041

1 AN ACT TO AMEND SECTION 37-3-2, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE SUBSTITUTE TEACHERS WITH CERTAIN EXPERIENCE TO BE
3 COMPENSATED WHILE COMPLETING STUDENT TEACHING REQUIREMENT; AND FOR
4 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:[RDD1]

8 37-3-2. (1) There is hereby 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 substitute teacher or who have taught for one
90 (1) year in an accredited public or private school shall be
91 allowed to fulfill student teaching requirements under the
92 supervision of a qualified participating teacher approved by an
93 accredited college of education. The local school district in
94 which the assistant teacher or substitute teacher is employed
95 shall compensate such assistant teachers or substitute teachers at
96 the required salary level during the period of time such
97 individual is completing student teaching requirements.

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

99 (i) An application on a department form;

100 (ii) An official transcript of completion of a
101 teacher education program approved by the department or a
102 nationally accredited program, subject to the following:

103 Licensure to teach in Mississippi kindergarten through Grade 4
104 shall require the completion of an interdisciplinary program of
105 studies. Licenses for Grades 4 through 8 shall require the
106 completion of an interdisciplinary program of studies with two (2)
107 or more areas of concentration. Licensure to teach in Mississippi
108 Grades 7 through 12 shall require a major in an academic field
109 other than education, or a combination of disciplines other than

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

117 (iii) A copy of test scores evidencing
118 satisfactory completion of nationally administered examinations of
119 achievement, such as the Educational Testing Service's teacher
120 testing examinations. The State Board of Education is directed to
121 study and develop a report on the progress of the nationally
122 administered examination of achievement for students in an
123 approved teacher education program. This report shall develop
124 data for the period beginning July 1, 1997, and ending June 30,
125 1998. The state board, with the assistance of the commission,
126 shall prepare the results of the study and make a report thereon
127 to the Education Committees of the Legislature utilizing the
128 following components:

- 129 1. Collect data on entrance and exit
130 performance of students in a teacher education program;
- 131 2. Report on student performance as compared
132 to the required examination score;
- 133 3. Develop and make recommendations on
134 necessary requirement revisions as may be appropriate based on
135 student performance results;
- 136 4. Include other such formats as may best
137 describe the profile of the student examination results; 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
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, Mississippi Code of 1972;

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), Mississippi Code of 1972.

328 (13) (a) Dismissal or suspension of a licensed employee by
329 a local school board pursuant to Section 37-9-59, Mississippi Code
330 of 1972, may result in the suspension or revocation of a license
331 for a length of time which shall be determined by the commission
332 and based upon the severity 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.