

By: Dearing

To: Education

SENATE BILL NO. 2132

1 AN ACT TO AMEND SECTION 37-3-2, MISSISSIPPI CODE OF 1972, TO
2 ESTABLISH AND EMPOWER A COMMISSION ON PROFESSIONAL EDUCATORS'
3 STANDARDS AND PRACTICES, TO TRANSFER ALL RESPONSIBILITIES
4 REGARDING TEACHER PREPARATION, CERTIFICATION, DEVELOPMENT,
5 CERTIFICATE RENEWAL AND LICENSURE FROM THE STATE BOARD OF
6 EDUCATION TO THE SAID COMMISSION, TO PROHIBIT THE COMMISSION FROM
7 ISSUING TEMPORARY TEACHER CERTIFICATION AFTER JULY 1, 2000, AND TO
8 AUTHORIZE LOCAL SCHOOL DISTRICTS AND THE COMMISSION TO EXPEND
9 FUNDS FOR REQUIRED COURSEWORK AND/OR STAFF DEVELOPMENT FOR PERSONS
10 HOLDING TEMPORARY CERTIFICATION; TO AMEND SECTION 37-9-11,
11 MISSISSIPPI CODE OF 1972, TO TRANSFER THE RULEMAKING AUTHORITY OF
12 THE STATE BOARD OF EDUCATION REGARDING THE ISSUANCE OF TEACHERS'
13 CERTIFICATES AND TEACHER EXAMINATION REQUIREMENTS TO THE SAID
14 COMMISSION ON PROFESSIONAL EDUCATORS' STANDARDS AND PRACTICES; TO
15 AMEND SECTION 37-17-8, MISSISSIPPI CODE OF 1972, TO TRANSFER THE
16 RESPONSIBILITY FOR APPROVING IN-SERVICE STAFF DEVELOPMENT PLANS
17 FROM THE STATE BOARD OF EDUCATION TO THE COMMISSION ON
18 PROFESSIONAL EDUCATORS' STANDARDS AND PRACTICES; AND FOR RELATED
19 PURPOSES.

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

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

23 37-3-2. (1) There is hereby established * * * the
24 Commission on Professional Educators' Standards and Practices,
25 hereinafter "commission." It shall be the purpose and duty of the
26 commission to make * * * standards for the certification and
27 licensure and continuing professional development of those who
28 teach or perform tasks of an educational nature in the public
29 schools of Mississippi.

(2) The Commission on Professional Educators' Standards and Practices shall consist of seventeen (17) members appointed by the Governor, with the advice and consent of the Senate. The commission shall consist of the following members:

(a) Nine (9) persons employed as teachers. At least two (2) shall be engaged in classroom teaching assigned within Grades pre-kindergarten through 4; at least two (2) shall be engaged in classroom teaching assigned within Grades 5 through 9; at least two (2) shall be engaged in classroom teaching assigned within Grades 10 through 12; at least one (1) shall be a teacher not assigned specifically to the classroom, such as a speech therapist, librarian or guidance counselor; and at least one (1) shall be a teacher assigned to a vocational-technical school.

(b) Four (4) persons employed as members of the faculty or administration in an approved teacher preparation program.

(c) Two (2) persons employed as administrators. One (1) shall be an elementary school administrator; the other shall be a secondary school administrator.

(d) Two (2) representatives of the public. These representatives shall not be members of a local school board, nor shall they now be, or ever in the past have been, employed as a teacher or administrator or in a professional position in any institution of postsecondary education.

Except for those members appointed as representatives of the public, members shall have been employed as teachers or administrators, or as faculty in an approved teacher preparation program, for a period of five (5) years prior to appointment and actively employed in such capacity for the two (2) years immediately prior to appointment, provided that one (1) of the teacher members may be exempted from this time requirement.

All members of the commission shall be residents of this

61 state. The number of professional educator members from any
62 single school district, when compared to the total number of
63 professional educator members on the commission, shall not exceed
64 the ratio of that school district's professional educators to the
65 total number of professional educators employed in all school
66 districts in this state. Not more than one (1) member of the
67 commission may be appointed from the same college or university
68 campus. The Governor shall attempt to achieve appropriate
69 geographical, racial and sexual representation in appointments to
70 the commission.

71 Before filling any designated teacher position on the
72 commission, the Governor shall invite nominations from teachers'
73 organizations and certificated teachers in this state. In
74 addition, one (1) nomination may be submitted to fill a particular
75 vacancy or expiring term if supported by a petition signed by one
76 hundred (100) persons holding valid certificates to teach in the
77 schools of this state.

78 Nominations to fill a vacancy should be submitted within
79 sixty (60) days after the vacancy occurs. Nominations to fill an
80 expiring term should be submitted at least thirty (30) days before
81 the expiration of such term. The Governor shall appoint teacher
82 members from among the nominations submitted pursuant to this
83 subsection, unless (a) no timely nominations are received; or (b)
84 the nominations received do not include a sufficient number of
85 qualified candidates, in which case the Governor may appoint any
86 qualified person. A person nominated shall remain eligible for
87 appointment for one (1) year from the date his or her nomination
88 is submitted, unless the nomination is withdrawn. Nominations may

89 be withdrawn by the persons or organizations that made them, in
90 the same manner in which they were made.

91 The State Superintendent of Education may appoint one (1)
92 representative to serve as ex officio participant without vote in
93 proceedings of the commission.

94 The term of office for members of the commission shall be
95 three (3) years, except that the initial appointments shall be:
96 five (5) members for one (1) year; six (6) members for two (2)
97 years; and six (6) members for three (3) years, to be designated
98 by the Governor at the time of appointment. No person shall be
99 appointed by the Governor to serve more than two (2) full terms.

100 Service on the commission for a term of two (2) years or more
101 resulting from an initial appointment or an appointment for the
102 remainder of an unexpired term shall be counted as a full term.

103 Any member of the commission who through change of employment
104 status or residence, or for other reasons, no longer meets the
105 criteria for the position to which he or she was appointed shall
106 no longer be eligible to serve in that position, and the position
107 shall become vacant sixty (60) days following the member's change
108 in circumstances. The Governor may remove any member from the
109 commission for ineligibility, misconduct or malfeasance in office,
110 incapacity, or neglect of duty, but for no other reason.

111 Vacancies shall be filled for an unexpired term in the same manner
112 as the original appointments.

113 All members of the commission shall serve without
114 compensation but shall be reimbursed for actual and necessary
115 expenses incurred in the performance of commission business, and
116 mileage as authorized in Section 25-3-41, Mississippi Code of

117 1972.

118 A member of the commission who is an employee of this state
119 or any of its political subdivisions, including a school district,
120 shall be permitted to attend commission meetings and perform other
121 commission business without loss of income or other benefits. A
122 member of the commission who is not an employee of this state or
123 any of its political subdivisions, and who loses income or
124 benefits as a result of time spent on commission business shall
125 receive the uniform per diem compensation authorized in Section
126 25-3-69, Mississippi Code of 1972.

127 A state agency or any political subdivision of this state,
128 including a school district, required to employ a substitute for a
129 member of the commission who is absent from his or her employment
130 while performing commission business, shall be reimbursed from the
131 State Treasury for the actual amount of any costs so incurred.

132 The Governor shall designate one (1) member of the commission
133 to serve as chairperson until the first regular meeting of the
134 commission, at which time the commission shall, by a majority vote
135 of its members, elect a chairperson and a vice chairperson from
136 among said membership. Thereafter, the chairperson and vice
137 chairperson shall be elected at the last regular meeting of each
138 calendar year, or as soon thereafter as practicable. They shall
139 hold office for a one-year term and may be reelected up to two (2)
140 times. No member may serve as chairperson or vice chairperson for
141 more than three (3) consecutive years. The chairperson and vice
142 chairperson may be removed from office at any time by a majority
143 of the commission's members, in which event the vacancy shall be
144 filled for the unexpired term in the same manner as the original

145 selection.

146 The chairperson shall be the presiding officer at meetings of
147 the commission and shall be an ex officio member of all committees
148 established within the commission. In the absence of the
149 chairperson, or if he or she is unable to act, the vice
150 chairperson shall have the powers and perform the duties of the
151 chairperson. The chairperson and vice chairperson shall have such
152 powers and duties as may be necessary for the performance of the
153 functions of their offices as the commission shall determine.

154 If both the chairperson and vice chairperson are absent from
155 or unable to act at a meeting, the commission shall elect for that
156 meeting a chairperson pro tempore.

157 The commission by a vote of two-thirds (2/3) of its members
158 shall employ an executive director who shall perform and discharge
159 under the direction and control of the commission those duties and
160 responsibilities vested in the commission and delegated to the
161 executive director by the commission. The executive director may
162 be dismissed by a majority vote of the members. The commission
163 may employ a general counsel approved by the Attorney General who
164 shall serve at the discretion of the commission.

165 The executive director, with the approval of the commission,
166 may employ such additional professional and clerical personnel as
167 may be necessary to carry out his duties and responsibilities,
168 subject to the rules and regulations of the State Personnel Board.

169 The commission shall hold regular meetings at least once each
170 month, in no fewer than ten (10) months each year, and shall hold
171 such other special meetings as may be necessary. The commission's
172 headquarters shall be in Jackson, Mississippi; meetings shall be

173 held primarily in Jackson, Mississippi, but may be held at any
174 place in this state designated by the commission. The chairperson
175 may call a special meeting of the commission at any time and shall
176 call a special meeting upon the written request of seven (7) or
177 more members of the commission. Members shall be mailed written
178 notice of the time and place of all regular meetings at least
179 fourteen (14) days prior to each such meeting; they shall be
180 mailed written notice of the time, place and purpose of all
181 special meetings at least seven (7) days prior to each such
182 meeting whenever practicable.

183 The presence of a majority of the members of the commission
184 shall constitute a quorum for transaction of business. All
185 meetings of the commission shall be open and public, unless the
186 commission calls for an executive session and publicly sets forth
187 a written statement of reasons for such session. Unofficial
188 minutes of each commission meeting shall be prepared and mailed to
189 each member of the commission at least fourteen (14) days prior to
190 the next regular meeting. An agenda shall be prepared for each
191 meeting by or at the direction of the chairperson. Members shall
192 be mailed the agenda for each regular meeting at least seven (7)
193 days prior to each such meeting; they shall be mailed the agenda
194 for each special meeting at least three (3) days prior to each
195 such meeting whenever practicable. The commission shall have an
196 official seal, which shall be judicially noticed.

197 Written and oral presentations may be made to the commission
198 in accordance with regulations promulgated by the commission.
199 These regulations shall be made available to any interested
200 person.

No member of the commission shall participate in any matter before the commission in which he has a pecuniary interest, personal bias or other conflict of interest.

* * *

(3) It shall be the duty of the commission to:

(a) Set standards and criteria * * * for all educator preparation programs in the state;

(b) * * * Approve or disapprove * * * each educator preparation program in the state;

(c) Establish * * * standards for initial teacher certification and licensure in all fields;

(d) Establish * * * standards for the renewal of teacher licenses in all fields;

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

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

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

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

(i) Hold hearings concerning standards for teachers' and administrators' education and certification * * *;

(j) Hire expert consultants * * *;

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

(1) Perform such other functions as may fall within their general charge * * *.

(4) (a) **Standard License - Approved Program Route.** An educator entering the school system of Mississippi for the first time and meeting all requirements as established by the Commission on Professional Educators' Standards and Practices shall be granted a standard five-year license. Persons who possess two (2) years of classroom experience as an assistant teacher or who have taught for one (1) year in an accredited public or private school shall be allowed to fulfill student teaching requirements under the supervision of a qualified participating teacher approved by an accredited college of education. The local school district in which the assistant teacher is employed shall compensate such assistant teachers at the required salary level during the period of time such individual is completing student teaching requirements. Applicants for a standard license shall submit to the commission:

(i) An application on a commission form;

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

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

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

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

1. Collect data on entrance and exit performance of students in a teacher education program;
2. Report on student performance as compared to the required examination score;
3. Develop and make recommendations on necessary requirement revisions as may be appropriate based on student performance results;
4. Include other such formats as may best describe the profile of the student examination results; and

(iv) Any other document required by the Commission on Professional Educators' Standards and Practices.

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

Applicants for a standard license-alternate teaching route shall submit to the commission:

(i) An application on a commission form;

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

(iii) A copy of test scores evidencing satisfactory completion of an examination of achievement specified by the commission * * *;

(iv) An official transcript evidencing appropriate credit hours or a copy of test scores evidencing successful completion of tests as required by the commission; and

(v) Any other document required by the commission.

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

(c) **Special License - Expert Citizen.** Until June 30, 2000, in order to allow a school district to offer specialized or technical courses, the commission * * * may grant a one-year expert citizen-teacher license to local business or other professional personnel to teach in a public school or nonpublic school accredited or approved by the state. Such person may begin teaching upon his employment by the local school board and

313 licensure by the commission. The board shall adopt rules and
314 regulations to administer the expert citizen-teacher license. A
315 special license-expert citizen may be renewed in accordance with
316 the established rules and regulations of the commission. The
317 commission shall not grant temporary certification to any person
318 after July 1, 2000. Local school districts and the commission are
319 hereby authorized to expend funds to defray the cost of required
320 coursework and/or staff development for teacher certification for
321 any person teaching with temporary certification prior to July 1,
322 2000.

323 (d) **Special License - Nonrenewable.** The commission is
324 authorized to establish rules and regulations to allow those
325 educators not meeting requirements in subsection (4)(a), (b) or
326 (c) to be licensed for a period of not more than three (3) years,
327 except by special approval of the commission.

328 (e) **Nonlicensed Teaching Personnel.** A nonlicensed
329 person may teach for a maximum of three (3) periods per teaching
330 day in a public school or a nonpublic school accredited/approved
331 by the state. Such person shall submit to the commission a
332 transcript or record of his education and experience which
333 substantiates his preparation for the subject to be taught and
334 shall meet other qualifications specified by the commission * * *.

335 In no case shall any local school board hire nonlicensed
336 personnel as authorized under this paragraph in excess of five
337 percent (5%) of the total number of licensed personnel in any
338 single school.

339 (f) In the event any school district meets Level 4 or 5
340 accreditation standards, the commission may, in its discretion,

exempt such school district from any restrictions in paragraph (e) relating to the employment of nonlicensed teaching personnel.

(5) Administrator License. The commission is authorized to establish rules and regulations and to administer the licensure process of the school administrators in the State of Mississippi.

There will be four (4) categories of administrator licensure with exceptions only through special approval of the commission.

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

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

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

(d) **Administrator License - Alternate Route.** The commission may establish an alternate route for licensing administrative personnel. Such alternate route for administrative licensure shall be available for persons holding, but not limited to, a master's of Business Administration degree, a master's of Public Administration degree or a master's of Public Planning and Policy degree from an accredited college or university, with five (5) years of administrative or supervisory experience. Successful completion of the requirements of alternate route licensure for

administrators shall qualify the person for a standard administrator license.

Beginning with the 1997-1998 school year, individuals seeking school administrator licensure under paragraph (b), (c) or (d) shall successfully complete a training program and an assessment process prescribed by the commission. Applicants seeking school administrator licensure prior to June 30, 1997, and completing all requirements for provisional or standard administrator certification and who have never practiced, shall be exempt from taking the Mississippi Assessment Battery Phase I. Applicants seeking school administrator licensure during the period beginning July 1, 1997, through June 30, 1998, shall participate in the Mississippi Assessment Battery, and upon request of the applicant, the commission shall reimburse the applicant for the cost of the assessment process required. After June 30, 1998, all applicants for school administrator licensure shall meet all requirements prescribed by the commission under paragraph (b), (c) or (d), and the cost of the assessment process required shall be paid by the applicant.

(6) Reciprocity. (a) The commission shall grant a standard license to any individual who possesses a valid standard license from another state and has a minimum of two (2) years of full-time teaching or administrator experience.

(b) The commission shall grant a nonrenewable special license to any individual who possesses a credential which is less than a standard license or certification from another state, or who possesses a standard license from another state but has less than two (2) years of full-time teaching or administration

experience. Such special license shall be valid for the current school year plus one (1) additional school year to expire on June 30 of the second year, not to exceed a total period of twenty-four (24) months, during which time the applicant shall be required to complete the requirements for a standard license in Mississippi.

(7) Renewal and Reinstatement of Licenses. The commission is authorized to establish rules and regulations for the renewal and reinstatement of educator and administrator licenses.

(8) All controversies involving the issuance, revocation, suspension or any change whatsoever in the licensure of an educator required to hold a license shall be initially heard in a hearing de novo, by the commission or by a subcommittee established by the commission and composed of commission members for the purpose of holding hearings. Any complaint seeking the denial of issuance, revocation or suspension of a license shall be by sworn affidavit filed with the Commission on Professional Educators' Standards and Practices * * * shall be final * * *. * * *

(9) The * * * commission may deny an application for any teacher or administrator license for one or more of the following:

(a) Lack of qualifications which are prescribed by law or regulations adopted by the commission;

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

(c) Is actively addicted to or actively dependent on alcohol or other habit-forming drugs or is a habitual user of

425 narcotics, barbiturates, amphetamines, hallucinogens, or other
426 drugs having similar effect, at the time of application for a
427 license;

428 (d) Revocation of a certificate or license by another
429 state;

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

432 (f) Fails or refuses to furnish reasonable evidence of
433 identification;

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

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

440 (10) The * * * commission may revoke or suspend any teacher
441 or administrator license for specified periods of time for one or
442 more of the following:

443 (a) Breach of contract or abandonment of employment may
444 result in the suspension of the license for one (1) school year as
445 provided in Section 37-9-57, Mississippi Code of 1972;

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

449 (c) Suspension or revocation of a certificate or
450 license by another state shall result in immediate suspension or
451 revocation and shall continue until records in the prior state
452 have been cleared;

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

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

(f) Knowingly and willfully committing any of the acts affecting validity of mandatory uniform test results as provided in Section 37-16-4(1), Mississippi Code of 1972.

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

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

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

(12) A person whose license has been suspended on any grounds except criminal grounds may petition for reinstatement of the license after one (1) year from the date of suspension, or after one-half (1/2) of the suspended time has lapsed, whichever is greater. A license suspended on the criminal grounds may be

481 reinstated upon petition to the commission filed after expiration
482 of the sentence and parole or probationary period imposed upon
483 conviction. A revoked license may be reinstated upon satisfactory
484 showing of evidence of rehabilitation. The commission shall
485 require all who petition for reinstatement to furnish evidence
486 satisfactory to the commission of good character, good mental,
487 emotional and physical health and such other evidence as the
488 commission may deem necessary to establish the petitioner's
489 rehabilitation and fitness to perform the duties authorized by the
490 license.

491 (13) Reporting procedures and hearing procedures for dealing
492 with infractions under this section shall be promulgated by the
493 commission * * *. The revocation or suspension of a license shall
494 be effected at the time indicated on the notice of suspension or
495 revocation. The commission shall immediately notify the
496 superintendent of the school district or school board where the
497 teacher or administrator is employed of any disciplinary action
498 and also notify the teacher or administrator of such revocation or
499 suspension and shall maintain records of action taken. * * *

500 (14) An appeal from the action of the Commission on
501 Professional Educators' Standards and Practices in denying an
502 application, revoking or suspending a license or otherwise
503 disciplining any person under the provisions of this section,
504 shall be filed in the Chancery Court of the First Judicial
505 District of Hinds County on the record made, including a verbatim
506 transcript of the testimony at the hearing. The appeal shall be
507 filed within thirty (30) days after notification of the action of
508 the commission is mailed or served and the proceedings in chancery

509 court shall be conducted as other matters coming before the court.

510 The appeal shall be perfected upon filing notice of the appeal
511 and by the prepayment of all costs, including the cost of
512 preparation of the record of the proceedings by the commission,
513 and the filing of a bond in the sum of Two Hundred Dollars
514 (\$200.00) conditioned that if the action of the board be affirmed
515 by the chancery court, the applicant or license holder shall pay
516 the costs of the appeal and the action of the chancery court.

517 (15) All such programs, rules, regulations, standards and
518 criteria recommended or authorized by the commission shall become
519 effective * * * as designated by appropriate orders entered upon
520 the minutes thereof.

521 (16) The granting of a license shall not be deemed a
522 property right nor a guarantee of employment in any public school
523 district. A license is a privilege indicating minimal eligibility
524 for teaching in the public schools of Mississippi. This section
525 shall in no way alter or abridge the authority of local school
526 districts to require greater qualifications or standards of
527 performance as a prerequisite of initial or continued employment
528 in such districts.

529 (17) In addition to the reasons specified in subsection (8)
530 of this section, the commission shall be authorized to suspend the
531 license of any licensee for being out of compliance with an order
532 for support, as defined in Section 93-11-153. The procedure for
533 suspension of a license for being out of compliance with an order
534 for support, and the procedure for the reissuance or reinstatement
535 of a license suspended for that purpose, and the payment of any
536 fees for the reissuance or reinstatement of a license suspended

for that purpose, shall be governed by Section 93-11-157 or 93-11-163, as the case may be. Actions taken by the commission in suspending a license when required by Section 93-11-157 or 93-11-163 are not actions from which an appeal may be taken under this section. Any appeal of a license suspension that is required by Section 93-11-157 or 93-11-163 shall be taken in accordance with the appeal procedure specified in Section 93-11-157 or 93-11-163, as the case may be, rather than the procedure specified in this section. If there is any conflict between any provision of Section 93-11-157 or 93-11-163 and any provision of this chapter, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control.

SECTION 2. Section 37-9-11, Mississippi Code of 1972, is amended as follows:

37-9-11. The Commission on Professional Educators' Standards and Practices is authorized and directed to require tests or an examination of achievement as one of the requirements for the issuance of public school professional licenses issued after July 1, 1997, to any person applying for the first time for a professional license.

Scores on said test or tests shall be made a part of the record of the applicant and maintained in the files of the commission.

The commission is further authorized, at its discretion, to make determinations of minimum scores required of a person applying for the first time for a professional license.

The commission shall, at its discretion, determine conditions that would prevail should a person desire to take said test or

565 tests more than once.

566 SECTION 3. Section 37-17-8, Mississippi Code of 1972, is
567 amended as follows:

568 37-17-8. (1) The * * * Commission on Professional
569 Educators' Standards and Practices shall establish criteria for
570 comprehensive in-service staff development plans. These criteria
571 shall: (a) include, but not be limited to, formula and guidelines
572 for allocating available state funds for in-service training to
573 local school districts; (b) require that a portion of the plans be
574 devoted exclusively for the purpose of providing staff development
575 training for beginning teachers within that local school district
576 and for no other purpose; and (c) require that a portion of the
577 school district's in-service training for administrators and
578 teachers be dedicated to the application and utilization of
579 various disciplinary techniques. The commission shall each year
580 make recommendations to the Legislature concerning the amount of
581 funds which shall be appropriated for this purpose.

582 (2) Beginning with the 1998-1999 school year, school
583 districts shall not be required to submit staff development plans
584 to the Commission on Professional Educators' Standards and
585 Practices for approval. However, any school district accredited
586 at Level 1 or Level 2 shall include, as a part of any required
587 corrective action plan, provisions to address staff development in
588 accordance with commission requirements. All school districts,
589 unless specifically exempt from this section, must maintain on
590 file staff development plans as required under this section. The
591 plan shall have been prepared by a district committee appointed by
592 the district superintendent and consisting of teachers,

593 administrators, school board members and lay people, and it shall
594 have been approved by the district superintendent.

595 (3) In order to insure that teachers are not overburdened
596 with paperwork and written reports, local school districts and the
597 State Board of Education and the Commission on Professional
598 Educators' Standards and Practices shall take such steps as may be
599 necessary to further the reduction of paperwork requirements on
600 teachers.

601 (4) If any school district meets Level 4 or 5 accreditation
602 standards, the commission, in its discretion, may exempt such
603 school district from the provisions of this section.

604 SECTION 4. This act shall take effect and be in force from
605 and after July 1, 2000.