

By: Blackmon

To: Education

SENATE BILL NO. 2167

1 AN ACT TO AMEND SECTION 37-3-2 MISSISSIPPI CODE OF 1972, TO
 2 DIRECT THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER
 3 LEARNING TO DEVELOP AND IMPLEMENT A UNIFORM REQUIREMENT FOR
 4 COMPLETION OF THE PRAXIS II EXAMINATION BY TEACHER EDUCATION
 5 STUDENTS AS A PREREQUISITE FOR GRADUATION OR STUDENT TEACHING; TO
 6 PROVIDE THAT THE STATE DEPARTMENT OF EDUCATION SHALL GRANT A
 7 STANDARD TEACHER LICENSE UNDER RECIPROCITY ONLY IF THE FOREIGN
 8 STATE'S TESTING REQUIREMENTS ARE SIMILAR TO MISSISSIPPI'S; AND FOR
 9 RELATED PURPOSES.

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

11 SECTION 1. Section 37-3-2, Mississippi Code of 1972, is
 12 amended as follows:[RDD1]

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

21 (2) The commission shall be composed of fifteen (15)
 22 qualified members. The membership of the commission shall be
 23 composed of the following members to be appointed three (3) from
 24 each congressional district: four (4) classroom teachers; three

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

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

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

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

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

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

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

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

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

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

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

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

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

82 (j) Hire expert consultants with approval of the State
83 Board of Education;

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

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

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

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

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

103 (i) An application on a department form;

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

107 Licensure to teach in Mississippi kindergarten through Grade 4
108 shall require the completion of an interdisciplinary program of
109 studies. Licenses for Grades 4 through 8 shall require the
110 completion of an interdisciplinary program of studies with two (2)
111 or more areas of concentration. Licensure to teach in Mississippi

112 Grades 7 through 12 shall require a major in an academic field
113 other than education, or a combination of disciplines other than
114 education. Students preparing to teach a subject shall complete a
115 major in the respective subject discipline. All applicants for
116 standard licensure shall demonstrate that such person's college
117 preparation in those fields was in accordance with the standards
118 set forth by the National Council for Accreditation of Teacher
119 Education (NCATE) or the National Association of State Directors
120 of Teacher Education and Certification (NASDTEC);

121 (iii) A copy of test scores evidencing
122 satisfactory completion of nationally administered examinations of
123 achievement, such as the Educational Testing Service's teacher
124 testing examinations. Beginning with the 2000-2001 academic year,
125 the Board of Trustees of State Institutions of Higher Learning
126 shall develop and implement a uniform policy for all colleges of
127 education in the various universities under its control relative
128 to the satisfactory completion of all or part of the Praxis II
129 (Principles of Learning and Teaching) Examination by teacher
130 education students as a prerequisite for graduation or student
131 teaching, and from and after the 2000-2001 academic year, the same
132 requirements shall apply to all of the various universities. The
133 Board of Trustees of State Institutions of Higher Learning is
134 directed to study and develop a report on the progress of the
135 nationally administered examination of achievement for students in
136 an approved teacher education program. This report shall develop
137 data for the period beginning July 1, 2000, and ending June 30,
138 2001, * * * and shall prepare the results of the study and make a
139 report thereon to the Education Committees of the Legislature

140 utilizing the following components:

141 1. Report on the requirements of the various
142 state institutions of higher learning relative to the satisfactory
143 completion of the Praxis II Examination by teacher education
144 students for graduation or student teaching;

145 2. Collect data on entrance and exit
146 performance of students in a teacher education program;

147 3. Report on student performance as compared
148 to the required examination score;

149 4. Develop and make recommendations on
150 necessary requirement revisions as may be appropriate based on
151 student performance results;

152 5. Include other such formats as may best
153 describe the profile of the student examination results; and

154 (iv) Any other document required by the State
155 Board of Education.

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

157 Applicants for a standard license - alternate teaching route shall
158 submit to the department:

159 (i) An application on a department form;

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

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

165 (iv) An official transcript evidencing appropriate
166 credit hours or a copy of test scores evidencing successful
167 completion of tests as required by the State Board of Education;

168 and

169 (v) Any other document required by the State Board
170 of Education.

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

177 (c) **Special License - Expert Citizen.** In order to
178 allow a school district to offer specialized or technical courses,
179 the State Department of Education, in accordance with rules and
180 regulations established by the State Board of Education, may grant
181 a one-year expert citizen-teacher license to local business or
182 other professional personnel to teach in a public school or
183 nonpublic school accredited or approved by the state. Such person
184 may begin teaching upon his employment by the local school board
185 and licensure by the Mississippi Department of Education. The
186 board shall adopt rules and regulations to administer the expert
187 citizen-teacher license. A special license - expert citizen may
188 be renewed in accordance with the established rules and
189 regulations of the State Department of Education.

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

196 (e) **Nonlicensed Teaching Personnel.** A nonlicensed
197 person may teach for a maximum of three (3) periods per teaching
198 day in a public school or a nonpublic school accredited/approved
199 by the state. Such person shall submit to the department a
200 transcript or record of his education and experience which
201 substantiates his preparation for the subject to be taught and
202 shall meet other qualifications specified by the commission and
203 approved by the State Board of Education. In no case shall any
204 local school board hire nonlicensed personnel as authorized under
205 this paragraph in excess of five percent (5%) of the total number
206 of licensed personnel in any single school.

207 (f) In the event any school district meets Level 4 or 5
208 accreditation standards, the State Board of Education may, in its
209 discretion, exempt such school district from any restrictions in
210 paragraph (e) relating to the employment of nonlicensed teaching
211 personnel.

212 (7) **Administrator License.** The State Board of Education is
213 authorized to establish rules and regulations and to administer
214 the licensure process of the school administrators in the State of
215 Mississippi. There will be four (4) categories of administrator
216 licensure with exceptions only through special approval of the
217 State Board of Education.

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

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

224 department's qualifications to be eligible for employment in a
225 Mississippi school district. Administrator license - entry level
226 shall be issued for a five-year period and shall be nonrenewable.

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

230 (d) **Administrator License - Alternate Route.** The board
231 may establish an alternate route for licensing administrative
232 personnel. Such alternate route for administrative licensure
233 shall be available for persons holding, but not limited to, a
234 masters of business administration degree, a masters of public
235 administration degree or a masters of public planning and policy
236 degree from an accredited college or university, with five (5)
237 years of administrative or supervisory experience. Successful
238 completion of the requirements of alternate route licensure for
239 administrators shall qualify the person for a standard
240 administrator license.

241 Beginning with the 1997-1998 school year, individuals seeking
242 school administrator licensure under paragraph (b), (c) or (d)
243 shall successfully complete a training program and an assessment
244 process prescribed by the State Board of Education. Applicants
245 seeking school administrator licensure prior to June 30, 1997, and
246 completing all requirements for provisional or standard
247 administrator certification and who have never practiced, shall be
248 exempt from taking the Mississippi Assessment Battery Phase I.
249 Applicants seeking school administrator licensure during the
250 period beginning July 1, 1997, through June 30, 1998, shall
251 participate in the Mississippi Assessment Battery, and upon

252 request of the applicant, the department shall reimburse the
253 applicant for the cost of the assessment process required. After
254 June 30, 1998, all applicants for school administrator licensure
255 shall meet all requirements prescribed by the department under
256 paragraph (b), (c) or (d), and the cost of the assessment process
257 required shall be paid by the applicant.

258 (8) **Reciprocity.** (a) The department shall grant a standard
259 license to any individual who possesses a valid standard license
260 from another state and has a minimum of two (2) years of full-time
261 teaching or administrator experience, if the foreign state
262 requires satisfactory completion of nationally administered
263 examinations of achievement substantially similar to those
264 required in Mississippi.

265 (b) The department shall grant a nonrenewable special
266 license to any individual who possesses a credential which is less
267 than a standard license or certification from another state, or
268 who possesses a standard license from another state but has less
269 than two (2) years of full-time teaching or administration
270 experience. Such special license shall be valid for the current
271 school year plus one (1) additional school year to expire on June
272 30 of the second year, not to exceed a total period of twenty-four
273 (24) months, during which time the applicant shall be required to
274 complete the requirements for a standard license in Mississippi.

275 (9) **Renewal and Reinstatement of Licenses.** The State Board
276 of Education is authorized to establish rules and regulations for
277 the renewal and reinstatement of educator and administrator
278 licenses.

279 (10) All controversies involving the issuance, revocation,

280 suspension or any change whatsoever in the licensure of an
281 educator required to hold a license shall be initially heard in a
282 hearing de novo, by the commission or by a subcommittee
283 established by the commission and composed of commission members
284 for the purpose of holding hearings. Any complaint seeking the
285 denial of issuance, revocation or suspension of a license shall be
286 by sworn affidavit filed with the Commission of Teacher and
287 Administrator Education, Certification and Licensure and
288 Development. The decision thereon by the commission or its
289 subcommittee shall be final, unless the aggrieved party shall
290 appeal to the State Board of Education, within ten (10) days, of
291 the decision of the committee or its subcommittee. An appeal to
292 the State Board of Education shall be on the record previously
293 made before the commission or its subcommittee unless otherwise
294 provided by rules and regulations adopted by the board. The State
295 Board of Education in its authority may reverse, or remand with
296 instructions, the decision of the committee or its subcommittee.
297 The decision of the State Board of Education shall be final.

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

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

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

307 (c) Is actively addicted to or actively dependent on

308 alcohol or other habit-forming drugs or is a habitual user of
309 narcotics, barbiturates, amphetamines, hallucinogens, or other
310 drugs having similar effect, at the time of application for a
311 license;

312 (d) Revocation of a certificate or license by another
313 state;

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

316 (f) Fails or refuses to furnish reasonable evidence of
317 identification;

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

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

324 (12) The State Board of Education, acting on the
325 recommendation of the commission, may revoke or suspend any
326 teacher or administrator license for specified periods of time for
327 one or more of the following:

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

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

334 (c) Suspension or revocation of a certificate or
335 license by another state shall result in immediate suspension or

336 revocation and shall continue until records in the prior state
337 have been cleared;

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

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

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

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

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

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

361 (14) A person whose license has been suspended on any
362 grounds except criminal grounds may petition for reinstatement of
363 the license after one (1) year from the date of suspension, or

364 after one-half (1/2) of the suspended time has lapsed, whichever
365 is greater. A license suspended on the criminal grounds may be
366 reinstated upon petition to the commission filed after expiration
367 of the sentence and parole or probationary period imposed upon
368 conviction. A revoked license may be reinstated upon satisfactory
369 showing of evidence of rehabilitation. The commission shall
370 require all who petition for reinstatement to furnish evidence
371 satisfactory to the commission of good character, good mental,
372 emotional and physical health and such other evidence as the
373 commission may deem necessary to establish the petitioner's
374 rehabilitation and fitness to perform the duties authorized by the
375 license.

376 (15) Reporting procedures and hearing procedures for dealing
377 with infractions under this section shall be promulgated by the
378 commission, subject to the approval of the State Board of
379 Education. The revocation or suspension of a license shall be
380 effected at the time indicated on the notice of suspension or
381 revocation. The commission shall immediately notify the
382 superintendent of the school district or school board where the
383 teacher or administrator is employed of any disciplinary action
384 and also notify the teacher or administrator of such revocation or
385 suspension and shall maintain records of action taken. The State
386 Board of Education may reverse or remand with instructions any
387 decision of the commission regarding a petition for reinstatement
388 of a license, and any such decision of the State Board of
389 Education shall be final.

390 (16) An appeal from the action of the State Board of
391 Education in denying an application, revoking or suspending a

392 license or otherwise disciplining any person under the provisions
393 of this section, shall be filed in the Chancery Court of the First
394 Judicial District of Hinds County on the record made, including a
395 verbatim transcript of the testimony at the hearing. The appeal
396 shall be filed within thirty (30) days after notification of the
397 action of the board is mailed or served and the proceedings in
398 chancery court shall be conducted as other matters coming before
399 the court. The appeal shall be perfected upon filing notice of
400 the appeal and by the prepayment of all costs, including the cost
401 of preparation of the record of the proceedings by the State Board
402 of Education, and the filing of a bond in the sum of Two Hundred
403 Dollars (\$200.00) conditioned that if the action of the board be
404 affirmed by the chancery court, the applicant or license holder
405 shall pay the costs of the appeal and the action of the chancery
406 court.

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

411 (18) The granting of a license shall not be deemed a
412 property right nor a guarantee of employment in any public school
413 district. A license is a privilege indicating minimal eligibility
414 for teaching in the public schools of Mississippi. This section
415 shall in no way alter or abridge the authority of local school
416 districts to require greater qualifications or standards of
417 performance as a prerequisite of initial or continued employment
418 in such districts.

419 (19) In addition to the reasons specified in subsection (8)

420 of this section, the board shall be authorized to suspend the
421 license of any licensee for being out of compliance with an order
422 for support, as defined in Section 93-11-153. The procedure for
423 suspension of a license for being out of compliance with an order
424 for support, and the procedure for the reissuance or reinstatement
425 of a license suspended for that purpose, and the payment of any
426 fees for the reissuance or reinstatement of a license suspended
427 for that purpose, shall be governed by Section 93-11-157 or
428 93-11-163, as the case may be. Actions taken by the board in
429 suspending a license when required by Section 93-11-157 or
430 93-11-163 are not actions from which an appeal may be taken under
431 this section. Any appeal of a license suspension that is required
432 by Section 93-11-157 or 93-11-163 shall be taken in accordance
433 with the appeal procedure specified in Section 93-11-157 or
434 93-11-163, as the case may be, rather than the procedure specified
435 in this section. If there is any conflict between any provision
436 of Section 93-11-157 or 93-11-163 and any provision of this
437 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
438 case may be, shall control.

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