

By: Farris (By Request)

To: Education

SENATE BILL NO. 2663

1 AN ACT TO AMEND SECTION 37-3-2, MISSISSIPPI CODE OF 1972, TO  
2 AUTHORIZE A PERSON HOLDING A BACHELOR OF SCIENCE DEGREE WITH CHILD  
3 DEVELOPMENT EMPHASIS FROM A PROGRAM ACCREDITED BY THE AMERICAN  
4 ASSOCIATION OF FAMILY AND CONSUMER SCIENCES TO APPLY FOR A  
5 STANDARD LICENSE TO TEACH IN PUBLIC PRE-KINDERGARTEN THROUGH  
6 KINDERGARTEN CLASSROOMS; AND FOR RELATED PURPOSES.

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

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

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

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

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

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

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

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

54 (a) Set standards and criteria, subject to the approval

55 of the State Board of Education, for all educator preparation  
56 programs in the state;

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

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

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

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

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

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

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

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

79 (j) Hire expert consultants with approval of the State  
80 Board of Education;

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

83           (1) Perform such other functions as may fall within  
84 their general charge and which may be delegated to them by the  
85 State Board of Education.

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

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

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

100                   (i) An application on a department form;

101                   (ii) An official transcript of completion of a  
102 teacher education program or bachelor of science degree with child  
103 development emphasis from a program accredited by the American  
104 Association of Family and Consumer Sciences (AAFCS) approved by  
105 the department or a nationally accredited program, subject to the  
106 following: Licensure to teach in Mississippi pre-kindergarten  
107 through kindergarten classrooms shall require completion of a  
108 teacher education program or bachelor of science degree with child  
109 development emphasis from a program accredited with the American  
110 Association of Family and Consumer Sciences (AAFCS). Licensure to

111 teach in Mississippi kindergarten through Grade 4 shall require  
112 the completion of an interdisciplinary program of studies.  
113 Licenses for Grades 4 through 8 shall require the completion of an  
114 interdisciplinary program of studies with two (2) or more areas of  
115 concentration. Licensure to teach in Mississippi Grades 7 through  
116 12 shall require a major in an academic field other than  
117 education, or a combination of disciplines other than education.  
118 Students preparing to teach a subject shall complete a major in  
119 the respective subject discipline. All applicants for standard  
120 licensure shall demonstrate that such person's college preparation  
121 in those fields was in accordance with the standards set forth by  
122 the National Council for Accreditation of Teacher Education  
123 (NCATE) or the National Association of State Directors of Teacher  
124 Education and Certification (NASDTEC) or in the case of  
125 certification to teach in pre-kindergarten through kindergarten  
126 classrooms, the American Association of Family and Consumer  
127 Sciences (AAFCS);

128 (iii) A copy of test scores evidencing  
129 satisfactory completion of nationally administered examinations of  
130 achievement, such as the Educational Testing Service's teacher  
131 testing examinations. The State Board of Education is directed to  
132 study and develop a report on the progress of the nationally  
133 administered examination of achievement for students in an  
134 approved teacher education program. This report shall develop  
135 data for the period beginning July 1, 1997, and ending June 30,  
136 1998. The state board, with the assistance of the commission,  
137 shall prepare the results of the study and make a report thereon  
138 to the Education Committees of the Legislature utilizing the

139 following components:

- 140 1. Collect data on entrance and exit  
141 performance of students in a teacher education program;
- 142 2. Report on student performance as compared  
143 to the required examination score;
- 144 3. Develop and make recommendations on  
145 necessary requirement revisions as may be appropriate based on  
146 student performance results;
- 147 4. Include other such formats as may best  
148 describe the profile of the student examination results; and  
149 (iv) Any other document required by the State  
150 Board of Education.

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

152 Applicants for a standard license-alternate teaching route shall  
153 submit to the department:

- 154 (i) An application on a department form;
- 155 (ii) An official transcript evidencing a bachelors  
156 degree from an accredited institution of higher learning;
- 157 (iii) A copy of test scores evidencing  
158 satisfactory completion of an examination of achievement specified  
159 by the commission and approved by the State Board of Education;
- 160 (iv) An official transcript evidencing appropriate  
161 credit hours or a copy of test scores evidencing successful  
162 completion of tests as required by the State Board of Education;
- 163 and  
164 (v) Any other document required by the State Board  
165 of Education.

166 A Standard License-Approved Program Route and a Standard

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

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

185           (d) **Special License - Non-Renewable.** The State Board  
186 of Education is authorized to establish rules and regulations to  
187 allow those educators not meeting requirements in subsection  
188 (6)(a), (b) or (c) to be licensed for a period of not more than  
189 three (3) years, except by special approval of the State Board of  
190 Education.

191           (e) **Non-Licensed Teaching Personnel.** A non-licensed  
192 person may teach for a maximum of three (3) periods per teaching  
193 day in a public school or a nonpublic school accredited/approved  
194 by the state. Such person shall submit to the department a

195 transcript or record of his education and experience which  
196 substantiates his preparation for the subject to be taught and  
197 shall meet other qualifications specified by the commission and  
198 approved by the State Board of Education. In no case shall any  
199 local school board hire nonlicensed personnel as authorized under  
200 this paragraph in excess of five percent (5%) of the total number  
201 of licensed personnel in any single school.

202 (f) In the event any school district meets Level 4 or 5  
203 accreditation standards, the State Board of Education may, in its  
204 discretion, exempt such school district from any restrictions  
205 in paragraph (e) relating to the employment of nonlicensed  
206 teaching personnel.

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

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

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

222 (c) **Standard Administrator License - Career Level.** An

223 administrator who has met all the requirements of the department  
224 for standard administrator licensure.

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

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

251 paragraph (b), (c) or (d), and the cost of the assessment process  
252 required shall be paid by the applicant.

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

257       (b) The department shall grant a nonrenewable special  
258 license to any individual who possesses a credential which is less  
259 than a standard license or certification from another state, or  
260 who possesses a standard license from another state but has less  
261 than two (2) years of full-time teaching or administration  
262 experience. Such special license shall be valid for the current  
263 school year plus one (1) additional school year to expire on June  
264 30 of the second year, not to exceed a total period of twenty-four  
265 (24) months, during which time the applicant shall be required to  
266 complete the requirements for a standard license in Mississippi.

267       (9) **Renewal and Reinstatement of Licenses.** The State Board  
268 of Education is authorized to establish rules and regulations for  
269 the renewal and reinstatement of educator and administrator  
270 licenses.

271       (10) All controversies involving the issuance, revocation,  
272 suspension or any change whatsoever in the licensure of an  
273 educator required to hold a license shall be initially heard in a  
274 hearing de novo, by the commission or by a subcommittee  
275 established by the commission and composed of commission members  
276 for the purpose of holding hearings. Any complaint seeking the  
277 denial of issuance, revocation or suspension of a license shall be  
278 by sworn affidavit filed with the Commission of Teacher and

279 Administrator Education, Certification and Licensure and  
280 Development. The decision thereon by the commission or its  
281 subcommittee shall be final, unless the aggrieved party shall  
282 appeal to the State Board of Education, within ten (10) days, of  
283 the decision of the committee or its subcommittee. An appeal to  
284 the State Board of Education shall be on the record previously  
285 made before the commission or its subcommittee unless otherwise  
286 provided by rules and regulations adopted by the board. The State  
287 Board of Education in its authority may reverse, or remand with  
288 instructions, the decision of the committee or its subcommittee.  
289 The decision of the State Board of Education shall be final.

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

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

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

299 (c) Is actively addicted to or actively dependent on  
300 alcohol or other habit-forming drugs or is a habitual user of  
301 narcotics, barbiturates, amphetamines, hallucinogens, or other  
302 drugs having similar effect, at the time of application for a  
303 license;

304 (d) Revocation of a certificate or license by another  
305 state;

306 (e) Committed fraud or deceit in securing or attempting

307 to secure such certification and license;

308 (f) Fails or refuses to furnish reasonable evidence of  
309 identification;

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

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

316 (12) The State Board of Education, acting on the  
317 recommendation of the commission, may revoke or suspend any  
318 teacher or administrator license for specified periods of time for  
319 one or more of the following:

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

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

326 (c) Suspension or revocation of a certificate or  
327 license by another state shall result in immediate suspension or  
328 revocation and shall continue until records in the prior state  
329 have been cleared;

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

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

335 state law; or

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

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

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

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

353 (14) A person whose license has been suspended on any  
354 grounds except criminal grounds may petition for reinstatement of  
355 the license after one (1) year from the date of suspension, or  
356 after one-half (1/2) of the suspended time has lapsed, whichever  
357 is greater. A license suspended on the criminal grounds may be  
358 reinstated upon petition to the commission filed after expiration  
359 of the sentence and parole or probationary period imposed upon  
360 conviction. A revoked license may be reinstated upon satisfactory  
361 showing of evidence of rehabilitation. The commission shall  
362 require all who petition for reinstatement to furnish evidence

363 satisfactory to the commission of good character, good mental,  
364 emotional and physical health and such other evidence as the  
365 commission may deem necessary to establish the petitioner's  
366 rehabilitation and fitness to perform the duties authorized by the  
367 license.

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

382 (16) An appeal from the action of the State Board of  
383 Education in denying an application, revoking or suspending a  
384 license or otherwise disciplining any person under the provisions  
385 of this section, shall be filed in the Chancery Court of the First  
386 Judicial District of Hinds County on the record made, including a  
387 verbatim transcript of the testimony at the hearing. The appeal  
388 shall be filed within thirty (30) days after notification of the  
389 action of the board is mailed or served and the proceedings in  
390 chancery court shall be conducted as other matters coming before

391 the court. The appeal shall be perfected upon filing notice of  
392 the appeal and by the prepayment of all costs, including the cost  
393 of preparation of the record of the proceedings by the State Board  
394 of Education, and the filing of a bond in the sum of Two Hundred  
395 Dollars (\$200.00) conditioned that if the action of the board be  
396 affirmed by the chancery court, the applicant or license holder  
397 shall pay the costs of the appeal and the action of the chancery  
398 court.

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

403 (18) The granting of a license shall not be deemed a  
404 property right nor a guarantee of employment in any public school  
405 district. A license is a privilege indicating minimal eligibility  
406 for teaching in the public schools of Mississippi. This section  
407 shall in no way alter or abridge the authority of local school  
408 districts to require greater qualifications or standards of  
409 performance as a prerequisite of initial or continued employment  
410 in such districts.

411 (19) In addition to the reasons specified in subsection (8)  
412 of this section, the board shall be authorized to suspend the  
413 license of any licensee for being out of compliance with an order  
414 for support, as defined in Section 93-11-153. The procedure for  
415 suspension of a license for being out of compliance with an order  
416 for support, and the procedure for the reissuance or reinstatement  
417 of a license suspended for that purpose, and the payment of any  
418 fees for the reissuance or reinstatement of a license suspended

419 for that purpose, shall be governed by Section 93-11-157 or  
420 93-11-163, as the case may be. Actions taken by the board in  
421 suspending a license when required by Section 93-11-157 or  
422 93-11-163 are not actions from which an appeal may be taken under  
423 this section. Any appeal of a license suspension that is required  
424 by Section 93-11-157 or 93-11-163 shall be taken in accordance  
425 with the appeal procedure specified in Section 93-11-157 or  
426 93-11-163, as the case may be, rather than the procedure specified  
427 in this section. If there is any conflict between any provision  
428 of Section 93-11-157 or 93-11-163 and any provision of this  
429 chapter, the provisions of Section 93-11-157 or 93-11-163, as the  
430 case may be, shall control.

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