

*****Adopted*****

AMENDMENT No. 1 PROPOSED TO

House Bill NO. 419

By Senator(s) Committee

11 Amend by striking all after the enacting clause and inserting
12 in lieu thereof the following:

13

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

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

24 (2) The commission shall be composed of fifteen (15)
25 qualified members. The membership of the commission shall be
26 composed of the following members to be appointed three (3) from
27 each congressional district: four (4) classroom teachers; three
28 (3) school administrators; one (1) representative of schools of
29 education of institutions of higher learning located within the
30 state to be recommended by the Board of Trustees of State
31 Institutions of Higher Learning; one (1) representative from the
32 schools of education of independent institutions of higher
33 learning to be recommended by the Board of the Mississippi

34 Association of Independent Colleges; one (1) representative from
35 public community and junior colleges located within the state to
36 be recommended by the State Board for Community and Junior
37 Colleges; one (1) local school board member; and four (4) lay
38 persons. All appointments shall be made by the State Board of
39 Education after consultation with the State Superintendent of
40 Public Education. The first appointments by the State Board of
41 Education shall be made as follows: five (5) members shall be
42 appointed for a term of one (1) year; five (5) members shall be
43 appointed for a term of two (2) years; and five (5) members shall
44 be appointed for a term of three (3) years. Thereafter, all
45 members shall be appointed for a term of four (4) years.

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

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

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

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

63 (b) Recommend to the State Board of Education each year
64 approval or disapproval of each educator preparation program in
65 the state;

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

69 (d) Establish, subject to the approval of the State
70 Board of Education, standards for the renewal of teacher licenses
71 in all fields;

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

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

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

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

82 (i) Hold hearings concerning standards for teachers'
83 and administrators' education and certification and licensure with
84 approval of the State Board of Education;

85 (j) Hire expert consultants with approval of the State
86 Board of Education;

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

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

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

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

104 the required salary level during the period of time such
105 individual is completing student teaching requirements.
106 Applicants for a standard license shall submit to the department:
107 (i) An application on a department form;
108 (ii) An official transcript of completion of a
109 teacher education program or a bachelor of science degree with
110 child development emphasis from a program accredited by the
111 American Association of Family and Consumer Sciences (AAFCS)
112 approved by the department or a nationally accredited program,
113 subject to the following: Licensure to teach in Mississippi
114 pre-kindergarten through kindergarten classrooms shall require
115 completion of a teacher education program or a bachelor of science
116 degree with child development emphasis from a program accredited
117 by the American Association of Family and Consumer Sciences
118 (AAFCS). Licensure to teach in Mississippi kindergarten, for
119 those applicants who have completed a teacher education program,
120 and in Grade 1 through Grade 4 shall require the completion of an
121 interdisciplinary program of studies. Licenses for Grades 4
122 through 8 shall require the completion of an interdisciplinary
123 program of studies with two (2) or more areas of concentration.
124 Licensure to teach in Mississippi Grades 7 through 12 shall
125 require a major in an academic field other than education, or a
126 combination of disciplines other than education. Students
127 preparing to teach a subject shall complete a major in the
128 respective subject discipline. All applicants for standard
129 licensure shall demonstrate that such person's college preparation
130 in those fields was in accordance with the standards set forth by
131 the National Council for Accreditation of Teacher Education
132 (NCATE) or the National Association of State Directors of Teacher
133 Education and Certification (NASDTEC) or, for those applicants who
134 have a bachelor of Science degree with child development emphasis,
135 the American Association of Family and Consumer Sciences (AAFCS);
136 (iii) A copy of test scores evidencing
137 satisfactory completion of nationally administered examinations of
138 achievement, such as the Educational Testing Service's teacher

139 testing examinations * * *; and

140 (iv) Any other document required by the State
141 Board of Education.

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

143 Applicants for a standard license-alternate teaching route shall
144 submit to the department:

145 (i) An application on a department form;

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

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

151 (iv) An official transcript evidencing appropriate
152 credit hours or a copy of test scores evidencing successful
153 completion of tests as required by the State Board of Education;
154 and

155 (v) Any other document required by the State Board
156 of Education.

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

163 (c) **Special License - Expert Citizen.** In order to
164 allow a school district to offer specialized or technical courses,
165 the State Department of Education, in accordance with rules and
166 regulations established by the State Board of Education, may grant
167 a one-year expert citizen-teacher license to local business or
168 other professional personnel to teach in a public school or
169 nonpublic school accredited or approved by the state. Such person
170 may begin teaching upon his employment by the local school board
171 and licensure by the Mississippi Department of Education. The
172 board shall adopt rules and regulations to administer the expert
173 citizen-teacher license. A special license-expert citizen may be

174 renewed in accordance with the established rules and regulations
175 of the State Department of Education.

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

182 (e) **Nonlicensed Teaching Personnel.** A nonlicensed
183 person may teach for a maximum of three (3) periods per teaching
184 day in a public school or a nonpublic school accredited/approved
185 by the state. Such person shall submit to the department a
186 transcript or record of his education and experience which
187 substantiates his preparation for the subject to be taught and
188 shall meet other qualifications specified by the commission and
189 approved by the State Board of Education. In no case shall any
190 local school board hire nonlicensed personnel as authorized under
191 this paragraph in excess of five percent (5%) of the total number
192 of licensed personnel in any single school.

193 (f) In the event any school district meets Level 4 or 5
194 accreditation standards, the State Board of Education * * *, in
195 its discretion, may exempt such school district from any
196 restrictions in paragraph (e) relating to the employment of
197 nonlicensed teaching personnel.

198 (7) **Administrator License.** The State Board of Education is
199 authorized to establish rules and regulations and to administer
200 the licensure process of the school administrators in the State of
201 Mississippi. There will be four (4) categories of administrator
202 licensure with exceptions only through special approval of the
203 State Board of Education.

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

208 (b) **Administrator License - Entry Level.** Those

209 educators holding administrative endorsement and having met the
210 department's qualifications to be eligible for employment in a
211 Mississippi school district. Administrator license - entry level
212 shall be issued for a five-year period and shall be nonrenewable.

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

216 (d) **Administrator License - Alternate Route.** The board
217 may establish an alternate route for licensing administrative
218 personnel. Such alternate route for administrative licensure
219 shall be available for persons holding, but not limited to, a
220 master of business administration degree, a master of public
221 administration degree or a master of public planning and policy
222 degree from an accredited college or university, with five (5)
223 years of administrative or supervisory experience. Successful
224 completion of the requirements of alternate route licensure for
225 administrators shall qualify the person for a standard
226 administrator license.

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

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

248 (b) The department shall grant a nonrenewable special
249 license to any individual who possesses a credential which is less
250 than a standard license or certification from another state, or
251 who possesses a standard license from another state but has less
252 than two (2) years of full-time teaching or administration
253 experience. Such special license shall be valid for the current
254 school year plus one (1) additional school year to expire on June
255 30 of the second year, not to exceed a total period of twenty-four
256 (24) months, during which time the applicant shall be required to
257 complete the requirements for a standard license in Mississippi.

258 (9) **Renewal and Reinstatement of Licenses.** The State Board
259 of Education is authorized to establish rules and regulations for
260 the renewal and reinstatement of educator and administrator
261 licenses.

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

279 instructions, the decision of the committee or its subcommittee.
280 The decision of the State Board of Education shall be final.

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

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

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

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

295 (d) Revocation of an applicant's certificate or license
296 by another state;

297 (e) * * * Fraud or deceit committed by the applicant in
298 securing or attempting to secure such certification and license;

299 (f) Failing or refusing to furnish reasonable evidence
300 of identification;

301 (g) The applicant has been convicted, has pled guilty
302 or entered a plea of nolo contendere to a felony, as defined by
303 federal or state law; or

304 (h) The applicant has been convicted, has pled guilty
305 or entered a plea of nolo contendere to a sex offense as defined
306 by federal or state law.

307 (12) The State Board of Education, acting on the
308 recommendation of the commission, may revoke or suspend any
309 teacher or administrator license for specified periods of time for
310 one or more of the following:

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

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

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

321 (d) The license holder has been convicted, has pled
322 guilty or entered a plea of nolo contendere to a felony, as
323 defined by federal or state law;

324 (e) The license holder has been convicted, has pled
325 guilty or entered a plea of nolo contendere to a sex offense, as
326 defined by federal or state law; or

327 (f) The license holder knowingly and willfully
328 committing any of the acts affecting validity of mandatory uniform
329 test results as provided in Section 37-16-4(1).

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

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

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

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

349 reinstated upon petition to the commission filed after expiration
350 of the sentence and parole or probationary period imposed upon
351 conviction. A revoked license may be reinstated upon satisfactory
352 showing of evidence of rehabilitation. The commission shall
353 require all who petition for reinstatement to furnish evidence
354 satisfactory to the commission of good character, good mental,
355 emotional and physical health and such other evidence as the
356 commission may deem necessary to establish the petitioner's
357 rehabilitation and fitness to perform the duties authorized by the
358 license.

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

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

384 of preparation of the record of the proceedings by the State Board
385 of Education, and the filing of a bond in the sum of Two Hundred
386 Dollars (\$200.00) conditioned that if the action of the board be
387 affirmed by the chancery court, the applicant or license holder
388 shall pay the costs of the appeal and the action of the chancery
389 court.

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

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

402 (19) In addition to the reasons specified in subsections
403 (12) and (13) of this section, the board shall be authorized to
404 suspend the license of any licensee for being out of compliance
405 with an order for support, as defined in Section 93-11-153. The
406 procedure for suspension of a license for being out of compliance
407 with an order for support, and the procedure for the reissuance or
408 reinstatement of a license suspended for that purpose, and the
409 payment of any fees for the reissuance or reinstatement of a
410 license suspended for that purpose, shall be governed by Section
411 93-11-157 or 93-11-163, as the case may be. Actions taken by the
412 board in suspending a license when required by Section 93-11-157
413 or 93-11-163 are not actions from which an appeal may be taken
414 under this section. Any appeal of a license suspension that is
415 required by Section 93-11-157 or 93-11-163 shall be taken in
416 accordance with the appeal procedure specified in Section
417 93-11-157 or 93-11-163, as the case may be, rather than the
418 procedure specified in this section. If there is any conflict

419 between any provision of Section 93-11-157 or 93-11-163 and any
420 provision of this chapter, the provisions of Section 93-11-157 or
421 93-11-163, as the case may be, shall control.

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

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 37-3-2, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE THE STATE BOARD OF EDUCATION TO ISSUE A STANDARD LICENSE
3 TO TEACH IN PUBLIC PRE-KINDERGARTEN THROUGH KINDERGARTEN
4 CLASSROOMS TO PERSONS HOLDING A BACHELOR OF SCIENCE DEGREE WITH
5 CHILD DEVELOPMENT EMPHASIS FROM A PROGRAM ACCREDITED BY THE
6 AMERICAN ASSOCIATION OF FAMILY AND CONSUMER SCIENCES; TO AUTHORIZE
7 SUBSTITUTE TEACHERS WITH CERTAIN EXPERIENCE TO BE COMPENSATED
8 WHILE COMPLETING STUDENT TEACHING REQUIREMENT; AND FOR RELATED
9 PURPOSES.