

By: Representative Grist

To: Education

HOUSE BILL NO. 1241

1 AN ACT TO AMEND SECTION 37-3-2, MISSISSIPPI CODE OF 1972, TO
2 ESTABLISH AN ALTERNATIVE METHOD OF TEACHER LICENSURE FOR PERSONS
3 FAILING THE NATIONALLY ADMINISTERED EXAMINATION OF ACHIEVEMENT;
4 AND FOR RELATED PURPOSES.

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

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

8 37-3-2. (1) There is established within the State
9 Department of Education the Commission on Teacher and
10 Administrator Education, Certification and Licensure and
11 Development. It shall be the purpose and duty of the commission
12 to make recommendations to the State Board of Education regarding
13 standards for the certification and licensure and continuing
14 professional development of those who teach or perform tasks of an
15 educational nature in the public schools of Mississippi.

16 (2) The commission shall be composed of fifteen (15)
17 qualified members. The membership of the commission shall be
18 composed of the following members to be appointed, three (3) from
19 each congressional district: four (4) classroom teachers; three
20 (3) school administrators; one (1) representative of schools of
21 education of institutions of higher learning located within the
22 state to be recommended by the Board of Trustees of State
23 Institutions of Higher Learning; one (1) representative from the
24 schools of education of independent institutions of higher
25 learning to be recommended by the Board of the Mississippi
26 Association of Independent Colleges; one (1) representative from
27 public community and junior colleges located within the state to

28 be recommended by the State Board for Community and Junior
29 Colleges; one (1) local school board member; and four (4) lay
30 persons. All appointments shall be made by the State Board of
31 Education after consultation with the State Superintendent of
32 Public Education. The first appointments by the State Board of
33 Education shall be made as follows: five (5) members shall be
34 appointed for a term of one (1) year; five (5) members shall be
35 appointed for a term of two (2) years; and five (5) members shall
36 be appointed for a term of three (3) years. Thereafter, all
37 members shall be appointed for a term of four (4) years.

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

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

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

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

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

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

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

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

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

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

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

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

77 (j) Hire expert consultants with approval of the State
78 Board of Education;

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

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

84 (6) (a) **Standard License - Approved Program Route.** An
85 educator entering the school system of Mississippi for the first
86 time and meeting all requirements as established by the State
87 Board of Education shall be granted a standard five-year license.
88 Persons who possess two (2) years of classroom experience as an
89 assistant teacher or who have taught for one (1) year in an
90 accredited public or private school shall be allowed to fulfill
91 student teaching requirements under the supervision of a qualified
92 participating teacher approved by an accredited college of
93 education. The local school district in which the assistant

94 teacher is employed shall compensate such assistant teachers at
95 the required salary level during the period of time such
96 individual is completing student teaching requirements.
97 Applicants for a standard license shall submit to the department:
98 (i) An application on a department form;
99 (ii) An official transcript of completion of a
100 teacher education program or a bachelor of science degree with
101 child development emphasis from a program accredited by the
102 American Association of Family and Consumer Sciences (AAFCS)
103 approved by the department or a nationally accredited program,
104 subject to the following: Licensure to teach in Mississippi
105 prekindergarten through kindergarten classrooms shall require
106 completion of a teacher education program or a bachelor of science
107 degree with child development emphasis from a program accredited
108 by the American Association of Family and Consumer Sciences
109 (AAFCS). Licensure to teach in Mississippi kindergarten, for
110 those applicants who have completed a teacher education program,
111 and in Grade 1 through Grade 4 shall require the completion of an
112 interdisciplinary program of studies. Licenses for Grades 4
113 through 8 shall require the completion of an interdisciplinary
114 program of studies with two (2) or more areas of concentration.
115 Licensure to teach in Mississippi Grades 7 through 12 shall
116 require a major in an academic field other than education, or a
117 combination of disciplines other than education. Students
118 preparing to teach a subject shall complete a major in the
119 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, for those applicants who
125 have a bachelor of science degree with child development emphasis,
126 the American Association of Family and Consumer Sciences (AAFCS);

127 (iii) A copy of test scores evidencing
128 satisfactory completion of nationally administered examinations of
129 achievement, such as the Educational Testing Service's teacher
130 testing examinations. If an applicant who is required to take the
131 nationally administered examination of achievement does not
132 achieve a satisfactory score, as established by the State Board of
133 Education, as an alternative requirement for licensure, the
134 applicant may teach under the supervision of a local
135 superintendent of education and school principal for one (1)
136 school year, after which the principal shall determine whether or
137 not the applicant has demonstrated a minimum level of proficiency
138 through such methods that the State Board of Education deems
139 sufficient to measure teacher competencies. If the principal
140 determines that the applicant has demonstrated a sufficient
141 proficiency level, he shall recommend licensure of that applicant
142 to the school superintendent, who shall recommend such licensure
143 to the State Board of Education. The State Board of Education, in
144 establishing or revising the qualifications for licensure, shall
145 not reduce the level of proficiency required for licensure before
146 July 1, 2001, under the nationally administered examination of
147 achievement; and

148 (iv) Any other document required by the State
149 Board of Education.

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

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

153 (i) An application on a department form;

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

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

159 (iv) An official transcript evidencing appropriate
160 credit hours or a copy of test scores evidencing successful
161 completion of tests as required by the State Board of Education;
162 and

163 (v) Any other document required by the State Board
164 of Education.

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

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

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

190 (e) **Nonlicensed Teaching Personnel.** A nonlicensed
191 person may teach for a maximum of three (3) periods per teaching

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

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

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

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

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

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

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

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

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

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

266 (9) **Renewal and Reinstatement of Licenses.** The State Board
267 of Education is authorized to establish rules and regulations for
268 the renewal and reinstatement of educator and administrator
269 licenses. Effective May 15, 1997, the valid standard license held
270 by an educator shall be extended five (5) years beyond the
271 expiration date of the license in order to afford the educator
272 adequate time to fulfill new renewal requirements established
273 pursuant to this subsection. An educator completing a master of
274 education, educational specialist or doctor of education degree in
275 May 1997 for the purpose of upgrading the educator's license to a
276 higher class shall be given this extension of five (5) years plus
277 five (5) additional years for completion of a higher degree.

278 (10) All controversies involving the issuance, revocation,
279 suspension or any change whatsoever in the licensure of an
280 educator required to hold a license shall be initially heard in a
281 hearing de novo, by the commission or by a subcommittee
282 established by the commission and composed of commission members
283 for the purpose of holding hearings. Any complaint seeking the
284 denial of issuance, revocation or suspension of a license shall be
285 by sworn affidavit filed with the Commission of Teacher and
286 Administrator Education, Certification and Licensure and
287 Development. The decision thereon by the commission or its
288 subcommittee shall be final, unless the aggrieved party shall

289 appeal to the State Board of Education, within ten (10) days, of
290 the decision of the committee or its subcommittee. An appeal to
291 the State Board of Education shall be on the record previously
292 made before the commission or its subcommittee unless otherwise
293 provided by rules and regulations adopted by the board. The State
294 Board of Education in its authority may reverse, or remand with
295 instructions, the decision of the committee or its subcommittee.
296 The decision of the State Board of Education shall be final.

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

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

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

306 (c) The applicant is actively addicted to or actively
307 dependent on alcohol or other habit-forming drugs or is a habitual
308 user of narcotics, barbiturates, amphetamines, hallucinogens, or
309 other drugs having similar effect, at the time of application for
310 a license;

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

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

315 (f) Failing or refusing to furnish reasonable evidence
316 of identification;

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

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

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

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

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

333 (c) Suspension or revocation of a certificate or
334 license by another state shall result in immediate suspension or
335 revocation and shall continue until records in the prior state
336 have been cleared;

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

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

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

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

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

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

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

375 (15) Reporting procedures and hearing procedures for dealing
376 with infractions under this section shall be promulgated by the
377 commission, subject to the approval of the State Board of
378 Education. The revocation or suspension of a license shall be
379 effected at the time indicated on the notice of suspension or
380 revocation. The commission shall immediately notify the
381 superintendent of the school district or school board where the
382 teacher or administrator is employed of any disciplinary action
383 and also notify the teacher or administrator of such revocation or

384 suspension and shall maintain records of action taken. The State
385 Board of Education may reverse or remand with instructions any
386 decision of the commission regarding a petition for reinstatement
387 of a license, and any such decision of the State Board of
388 Education shall be final.

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

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

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

416 performance as a prerequisite of initial or continued employment
417 in such districts.

418 (19) In addition to the reasons specified in subsections
419 (12) and (13) of this section, the board shall be authorized to
420 suspend the license of any licensee for being out of compliance
421 with an order for support, as defined in Section 93-11-153. The
422 procedure for suspension of a license for being out of compliance
423 with an order for support, and the procedure for the reissuance or
424 reinstatement of a license suspended for that purpose, and the
425 payment of any fees for the reissuance or reinstatement of a
426 license suspended for that purpose, shall be governed by Section
427 93-11-157 or 93-11-163, as the case may be. Actions taken by the
428 board in suspending a license when required by Section 93-11-157
429 or 93-11-163 are not actions from which an appeal may be taken
430 under this section. Any appeal of a license suspension that is
431 required by Section 93-11-157 or 93-11-163 shall be taken in
432 accordance with the appeal procedure specified in Section
433 93-11-157 or 93-11-163, as the case may be, rather than the
434 procedure specified in this section. If there is any conflict
435 between any provision of Section 93-11-157 or 93-11-163 and any
436 provision of this chapter, the provisions of Section 93-11-157 or
437 93-11-163, as the case may be, shall control.

438 SECTION 2. This act shall take effect and be in force from
439 and after July 1, 2001.