

By: Senator(s) Nunnelee

To: Education;  
Appropriations

SENATE BILL NO. 2124

1 AN ACT TO AMEND SECTION 37-3-2, MISSISSIPPI CODE OF 1972, TO  
2 AUTHORIZE SUBSTITUTE TEACHERS WITH CERTAIN EXPERIENCE TO BE  
3 COMPENSATED WHILE COMPLETING STUDENT TEACHING REQUIREMENTS; AND  
4 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 substitute teacher or who have taught for one  
90 (1) year in an accredited public or private school shall be  
91 allowed to fulfill student teaching requirements under the  
92 supervision of a qualified participating teacher approved by an  
93 accredited college of education. The local school district in



94 which the assistant teacher or substitute teacher is employed  
95 shall compensate such assistant teachers or substitute teachers at  
96 the required salary level during the period of time such  
97 individual is completing student teaching requirements.

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

- 99 (i) An application on a department form;
- 100 (ii) An official transcript of completion of a  
101 teacher education program or a bachelor of science degree with  
102 child development emphasis from a program accredited by the  
103 American Association of Family and Consumer Sciences (AAFCS)  
104 approved by the department or a nationally accredited program,  
105 subject to the following: Licensure to teach in Mississippi  
106 prekindergarten through kindergarten classrooms shall require  
107 completion of a teacher education program or a bachelor of science  
108 degree with child development emphasis from a program accredited  
109 by the American Association of Family and Consumer Sciences  
110 (AAFCS). Licensure to teach in Mississippi kindergarten, for  
111 those applicants who have completed a teacher education program,  
112 and in Grade 1 through Grade 4 shall require the completion of an  
113 interdisciplinary program of studies. Licenses for Grades 4  
114 through 8 shall require the completion of an interdisciplinary  
115 program of studies with two (2) or more areas of concentration.  
116 Licensure to teach in Mississippi Grades 7 through 12 shall  
117 require a major in an academic field other than education, or a  
118 combination of disciplines other than education. Students  
119 preparing to teach a subject shall complete a major in the  
120 respective subject discipline. All applicants for standard  
121 licensure shall demonstrate that such person's college preparation  
122 in those fields was in accordance with the standards set forth by  
123 the National Council for Accreditation of Teacher Education  
124 (NCATE) or the National Association of State Directors of Teacher  
125 Education and Certification (NASDTEC) or, for those applicants who



126 have a bachelor of science degree with child development emphasis,  
127 the American Association of Family and Consumer 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; and

132 (iv) Any other document required by the State  
133 Board of Education.

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

135 Applicants for a standard license-alternate teaching route shall  
136 submit to the department:

137 (i) An application on a department form;

138 (ii) An official transcript evidencing a  
139 bachelor's degree from an accredited institution of higher  
140 learning;

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

144 (iv) An official transcript evidencing appropriate  
145 credit hours or a copy of test scores evidencing successful  
146 completion of tests as required by the State Board of Education;  
147 and

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

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

156 (c) **Special License-Expert Citizen.** In order to allow  
157 a school district to offer specialized or technical courses, the  
158 State Department of Education, in accordance with rules and



159 regulations established by the State Board of Education, may grant  
160 a one-year expert citizen-teacher license to local business or  
161 other professional personnel to teach in a public school or  
162 nonpublic school accredited or approved by the state. Such person  
163 may begin teaching upon his employment by the local school board  
164 and licensure by the Mississippi Department of Education. The  
165 board shall adopt rules and regulations to administer the expert  
166 citizen-teacher license. A special license-expert citizen may be  
167 renewed in accordance with the established rules and regulations  
168 of the State Department of Education.

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

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

186           (f) In the event any school district meets Level 4 or 5  
187 accreditation standards, the State Board of Education, in its  
188 discretion, may exempt such school district from any restrictions  
189 in paragraph (e) relating to the employment of nonlicensed  
190 teaching personnel.



191           (7) **Administrator License.** The State Board of Education is  
192 authorized to establish rules and regulations and to administer  
193 the licensure process of the school administrators in the State of  
194 Mississippi. There will be four (4) categories of administrator  
195 licensure with exceptions only through special approval of the  
196 State Board of Education.

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

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

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

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

220           Beginning with the 1997-1998 school year, individuals seeking  
221 school administrator licensure under paragraph (b), (c) or (d)  
222 shall successfully complete a training program and an assessment  
223 process prescribed by the State Board of Education. Applicants



224 seeking school administrator licensure prior to June 30, 1997, and  
225 completing all requirements for provisional or standard  
226 administrator certification and who have never practiced, shall be  
227 exempt from taking the Mississippi Assessment Battery Phase I.  
228 Applicants seeking school administrator licensure during the  
229 period beginning July 1, 1997, through June 30, 1998, shall  
230 participate in the Mississippi Assessment Battery, and upon  
231 request of the applicant, the department shall reimburse the  
232 applicant for the cost of the assessment process required. After  
233 June 30, 1998, all applicants for school administrator licensure  
234 shall meet all requirements prescribed by the department under  
235 paragraph (b), (c) or (d), and the cost of the assessment process  
236 required shall be paid by the applicant.

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

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

251       (9) **Renewal and Reinstatement of Licenses.** The State Board  
252 of Education is authorized to establish rules and regulations for  
253 the renewal and reinstatement of educator and administrator  
254 licenses. Effective May 15, 1997, the valid standard license held  
255 by an educator shall be extended five (5) years beyond the  
256 expiration date of the license in order to afford the educator





257 adequate time to fulfill new renewal requirements established  
258 pursuant to this subsection. An educator completing a master of  
259 education, educational specialist or doctor of education degree in  
260 May 1997 for the purpose of upgrading the educator's license to a  
261 higher class shall be given this extension of five (5) years plus  
262 five (5) additional years for completion of a higher degree.

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

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

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

287 (b) The applicant has a physical, emotional or mental  
288 disability that renders the applicant unfit to perform the duties



289 authorized by the license, as certified by a licensed psychologist  
290 or psychiatrist;

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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



355 satisfactory to the commission of good character, good mental,  
356 emotional and physical health and such other evidence as the  
357 commission may deem necessary to establish the petitioner's  
358 rehabilitation and fitness to perform the duties authorized by the  
359 license.

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

374 (16) An appeal from the action of the State Board of  
375 Education in denying an application, revoking or suspending a  
376 license or otherwise disciplining any person under the provisions  
377 of this section, shall be filed in the Chancery Court of the First  
378 Judicial District of Hinds County on the record made, including a  
379 verbatim transcript of the testimony at the hearing. The appeal  
380 shall be filed within thirty (30) days after notification of the  
381 action of the board is mailed or served and the proceedings in  
382 chancery court shall be conducted as other matters coming before  
383 the court. The appeal shall be perfected upon filing notice of  
384 the appeal and by the prepayment of all costs, including the cost  
385 of preparation of the record of the proceedings by the State Board  
386 of Education, and the filing of a bond in the sum of Two Hundred  
387 Dollars (\$200.00) conditioned that if the action of the board be



388 affirmed by the chancery court, the applicant or license holder  
389 shall pay the costs of the appeal and the action of the chancery  
390 court.

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

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

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



421 provision of this chapter, the provisions of Section 93-11-157 or  
422 93-11-163, as the case may be, shall control.

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

