

By: Representative Warren

To: Education

HOUSE BILL NO. 987

1 AN ACT TO AMEND SECTION 37-3-2, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE PERSONS SEEKING LICENSURE AS AN ELEMENTARY SCHOOL TEACHER
3 AFTER JULY 1, 2004, TO HAVE COMPLETED SIX HOURS OF UNITED STATES
4 HISTORY IN COLLEGE; 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, which program must include
113 at least six (6) semester hours, or an equivalent number of
114 quarter hours, of United States History. Licenses for Grades 4
115 through 8 shall require the completion of an interdisciplinary
116 program of studies with two (2) or more areas of concentration.
117 Licensure to teach in Mississippi Grades 7 through 12 shall
118 require a major in an academic field other than education, or a
119 combination of disciplines other than education. Students
120 preparing to teach a subject shall complete a major in the
121 respective subject discipline. All applicants for standard
122 licensure shall demonstrate that such person's college preparation
123 in those fields was in accordance with the standards set forth by
124 the National Council for Accreditation of Teacher Education
125 (NCATE) or the National Association of State Directors of Teacher
126 Education and Certification (NASDTEC) or, for those applicants who



127 have a bachelor of science degree with child development emphasis,
128 the American Association of Family and Consumer Sciences (AAFCS);

129 (iii) A copy of test scores evidencing
130 satisfactory completion of nationally administered examinations of
131 achievement, such as the Educational Testing Service's teacher
132 testing examinations; and

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

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

136 Applicants for a Standard License - Alternate Teaching Route shall
137 submit to the department:

138 (i) An application on a department form;

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

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

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

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

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

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



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

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

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

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



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

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

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

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

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

221 * * * Individuals seeking school administrator
222 licensure * * * shall successfully complete a training program and
223 an assessment process prescribed by the State Board of
224 Education. * * * All applicants for school administrator



225 licensure shall meet all requirements prescribed by the department
226 under paragraph (b), (c) or (d), and the cost of the assessment
227 process required shall be paid by the applicant.

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

232 (b) The department shall grant a nonrenewable special
233 license to any individual who possesses a credential which is less
234 than a standard license or certification from another state, or
235 who possesses a standard license from another state but has less
236 than two (2) years of full-time teaching or administration
237 experience. Such special license shall be valid for the current
238 school year plus one (1) additional school year to expire on June
239 30 of the second year, not to exceed a total period of twenty-four
240 (24) months, during which time the applicant shall be required to
241 complete the requirements for a standard license in Mississippi.

242 (9) **Renewal and Reinstatement of Licenses.** The State Board
243 of Education is authorized to establish rules and regulations for
244 the renewal and reinstatement of educator and administrator
245 licenses. Effective May 15, 1997, the valid standard license held
246 by an educator shall be extended five (5) years beyond the
247 expiration date of the license in order to afford the educator
248 adequate time to fulfill new renewal requirements established
249 pursuant to this subsection. An educator completing a master of
250 education, educational specialist or doctor of education degree in
251 May 1997 for the purpose of upgrading the educator's license to a
252 higher class shall be given this extension of five (5) years plus
253 five (5) additional years for completion of a higher degree.

254 (10) All controversies involving the issuance, revocation,
255 suspension or any change whatsoever in the licensure of an
256 educator required to hold a license shall be initially heard in a
257 hearing de novo, by the commission or by a subcommittee



258 established by the commission and composed of commission members
259 for the purpose of holding hearings. Any complaint seeking the
260 denial of issuance, revocation or suspension of a license shall be
261 by sworn affidavit filed with the Commission of Teacher and
262 Administrator Education, Certification and Licensure and
263 Development. The decision thereon by the commission or its
264 subcommittee shall be final, unless the aggrieved party shall
265 appeal to the State Board of Education, within ten (10) days, of
266 the decision of the committee or its subcommittee. An appeal to
267 the State Board of Education shall be on the record previously
268 made before the commission or its subcommittee unless otherwise
269 provided by rules and regulations adopted by the board. The State
270 Board of Education in its authority may reverse, or remand with
271 instructions, the decision of the committee or its subcommittee.
272 The decision of the State Board of Education shall be final.

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

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

278 (b) The applicant has a physical, emotional or mental
279 disability that renders the applicant unfit to perform the duties
280 authorized by the license, as certified by a licensed psychologist
281 or psychiatrist;

282 (c) The applicant is actively addicted to or actively
283 dependent on alcohol or other habit-forming drugs or is a habitual
284 user of narcotics, barbiturates, amphetamines, hallucinogens, or
285 other drugs having similar effect, at the time of application for
286 a license;

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

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



291 (f) Failing or refusing to furnish reasonable evidence
292 of identification;

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

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

299 (12) The State Board of Education, acting on the
300 recommendation of the commission, may revoke or suspend any
301 teacher or administrator license for specified periods of time for
302 one or more of the following:

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

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

309 (c) Suspension or revocation of a certificate or
310 license by another state shall result in immediate suspension or
311 revocation and shall continue until records in the prior state
312 have been cleared;

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

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

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

322 (13) (a) Dismissal or suspension of a licensed employee by
323 a local school board pursuant to Section 37-9-59 may result in the



324 suspension or revocation of a license for a length of time which
325 shall be determined by the commission and based upon the severity
326 of the offense.

327 (b) Any offense committed or attempted in any other
328 state shall result in the same penalty as if committed or
329 attempted in this state.

330 (c) A person may voluntarily surrender a license. The
331 surrender of such license may result in the commission
332 recommending any of the above penalties without the necessity of a
333 hearing. However, any such license which has voluntarily been
334 surrendered by a licensed employee may be reinstated by a
335 unanimous vote of all members of the commission.

336 (14) A person whose license has been suspended on any
337 grounds except criminal grounds may petition for reinstatement of
338 the license after one (1) year from the date of suspension, or
339 after one-half (1/2) of the suspended time has lapsed, whichever
340 is greater. A license suspended on the criminal grounds may be
341 reinstated upon petition to the commission filed after expiration
342 of the sentence and parole or probationary period imposed upon
343 conviction. A revoked license may be reinstated upon satisfactory
344 showing of evidence of rehabilitation. The commission shall
345 require all who petition for reinstatement to furnish evidence
346 satisfactory to the commission of good character, good mental,
347 emotional and physical health and such other evidence as the
348 commission may deem necessary to establish the petitioner's
349 rehabilitation and fitness to perform the duties authorized by the
350 license.

351 (15) Reporting procedures and hearing procedures for dealing
352 with infractions under this section shall be promulgated by the
353 commission, subject to the approval of the State Board of
354 Education. The revocation or suspension of a license shall be
355 effected at the time indicated on the notice of suspension or
356 revocation. The commission shall immediately notify the



357 superintendent of the school district or school board where the
358 teacher or administrator is employed of any disciplinary action
359 and also notify the teacher or administrator of such revocation or
360 suspension and shall maintain records of action taken. The State
361 Board of Education may reverse or remand with instructions any
362 decision of the commission regarding a petition for reinstatement
363 of a license, and any such decision of the State Board of
364 Education shall be final.

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

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

386 (18) The granting of a license shall not be deemed a
387 property right nor a guarantee of employment in any public school
388 district. A license is a privilege indicating minimal eligibility
389 for teaching in the public schools of Mississippi. This section



390 shall in no way alter or abridge the authority of local school
391 districts to require greater qualifications or standards of
392 performance as a prerequisite of initial or continued employment
393 in such districts.

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

414 **SECTION 2.** This act shall take effect and be in force from
415 and after July 1, 2002.

