

By: Representative Blackmon

To: Education

HOUSE BILL NO. 1439

1 AN ACT TO AMEND SECTION 37-3-2, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE NONLICENSED TEACHERS TO TEACH ON A FULL-TIME BASIS, TO
3 AUTHORIZE SUCH TEACHERS TO ASSIST LICENSED PERSONNEL FOR THE
4 PURPOSE OF DECREASING SCHOOL VIOLENCE, AND TO INCREASE THE
5 PERCENTAGE OF NONLICENSED TEACHERS ALLOWED IN A SINGLE SCHOOL; AND
6 FOR RELATED PURPOSES.

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

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

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

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



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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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



96 teacher is employed shall compensate such assistant teachers at
97 the required salary level during the period of time such
98 individual is completing student teaching requirements.
99 Applicants for a standard license shall submit to the department:
100 (i) An application on a department form;
101 (ii) An official transcript of completion of a
102 teacher education program or a bachelor of science degree with
103 child development emphasis from a program accredited by the
104 American Association of Family and Consumer Sciences (AAFCS)
105 approved by the department or a nationally accredited program,
106 subject to the following: Licensure to teach in Mississippi
107 prekindergarten through kindergarten classrooms shall require
108 completion of a teacher education program or a bachelor of science
109 degree with child development emphasis from a program accredited
110 by the American Association of Family and Consumer Sciences
111 (AAFCS). Licensure to teach in Mississippi kindergarten, for
112 those applicants who have completed a teacher education program,
113 and in Grade 1 through Grade 4 shall require the completion of an
114 interdisciplinary program of studies. 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 on a full-time basis in a public school or a
178 nonpublic school accredited/approved by the state. Such person
179 shall submit to the department a transcript or record of his
180 education and experience which substantiates his preparation for
181 the subject to be taught and shall meet other qualifications
182 specified by the commission and approved by the State Board of
183 Education. In addition to teaching in the specific subject area
184 for which the nonlicensed person is hired, the person may be
185 required to assist licensed classroom teachers for the purpose of
186 decreasing school violence. In no case shall any local school
187 board hire nonlicensed personnel as authorized under this
188 paragraph in excess of ten percent (10%) of the total number of
189 licensed personnel in any single school.

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



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

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

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

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

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

224 Beginning with the 1997-1998 school year, individuals seeking
225 school administrator licensure under paragraph (b), (c) or (d)
226 shall successfully complete a training program and an assessment
227 process prescribed by the State Board of Education. * * * After



228 June 30, 1998, all applicants for school administrator licensure
229 shall meet all requirements prescribed by the department under
230 paragraph (b), (c) or (d), and the cost of the assessment process
231 required shall be paid by the applicant.

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

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

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

258 (10) All controversies involving the issuance, revocation,
259 suspension or any change whatsoever in the licensure of an
260 educator required to hold a license shall be initially heard in a



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

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

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

282 (b) The applicant has a physical, emotional or mental
283 disability that renders the applicant unfit to perform the duties
284 authorized by the license, as certified by a licensed psychologist
285 or psychiatrist;

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

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



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

295 (f) Failing or refusing to furnish reasonable evidence
296 of identification;

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

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

303 (12) The State Board of Education, acting on the
304 recommendation of the commission, may revoke or suspend any
305 teacher or administrator license for specified periods of time for
306 one or more of the following:

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

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

313 (c) Suspension or revocation of a certificate or
314 license by another state shall result in immediate suspension or
315 revocation and shall continue until records in the prior state
316 have been cleared;

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

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

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



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

331 (b) Any offense committed or attempted in any other
332 state shall result in the same penalty as if committed or
333 attempted in this state.

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

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

355 (15) Reporting procedures and hearing procedures for dealing
356 with infractions under this section shall be promulgated by the
357 commission, subject to the approval of the State Board of
358 Education. The revocation or suspension of a license shall be



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

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

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

390 (18) The granting of a license shall not be deemed a
391 property right nor a guarantee of employment in any public school



392 district. A license is a privilege indicating minimal eligibility
393 for teaching in the public schools of Mississippi. This section
394 shall in no way alter or abridge the authority of local school
395 districts to require greater qualifications or standards of
396 performance as a prerequisite of initial or continued employment
397 in such districts.

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

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

