

By: Representatives Martinson, Formby,
Jennings, Moore (60th), Robertson, Wells-
Smith

To: Education

HOUSE BILL NO. 1478

1 AN ACT TO AMEND SECTION 37-3-2, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE TEACHER EDUCATION PROGRAMS IN THE STATE TO INCLUDE
3 INSTRUCTION IN THE TEACHING OF PHONICS; AND FOR RELATED PURPOSES.

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

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

7 37-3-2. (1) There is established within the State
8 Department of Education the Commission on Teacher and
9 Administrator Education, Certification and Licensure and
10 Development. It shall be the purpose and duty of the commission
11 to make recommendations to the State Board of Education regarding
12 standards for the certification and licensure and continuing
13 professional development of those who teach or perform tasks of an
14 educational nature in the public schools of Mississippi.

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



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

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

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

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

51 (a) Set standards and criteria, subject to the approval
52 of the State Board of Education, for all educator preparation
53 programs in the state. The standards shall require all teacher
54 education programs in the state to include instruction in the
55 delivery of the following research-based reading instruction:

56 (i) Direct systematic intensive instruction in
57 phonemic awareness;

58 (ii) Explicit instruction in sound-symbol
59 relationships (phonics);



60 (iii) Ample practice in decodable texts to
61 practice sound-spelling relationships;
62 (iv) Varied text to develop language comprehension
63 and fluency;
64 (v) Direct systematic intensive instruction in
65 word attack skills;
66 (vi) Age-appropriate direct systematic intensive
67 instruction in highly regular sound-spelling relationships;
68 (vii) Direct systematic intensive instruction in
69 vocabulary development and enhancement of background knowledge and
70 motivation; and
71 (viii) Direct systematic intensive instruction in
72 grammar, punctuation and capitalization;
73 (b) Recommend to the State Board of Education each year
74 approval or disapproval of each educator preparation program in
75 the state;
76 (c) Establish, subject to the approval of the State
77 Board of Education, standards for initial teacher certification
78 and licensure in all fields;
79 (d) Establish, subject to the approval of the State
80 Board of Education, standards for the renewal of teacher licenses
81 in all fields;
82 (e) Review and evaluate objective measures of teacher
83 performance, such as test scores, which may form part of the
84 licensure process, and to make recommendations for their use;
85 (f) Review all existing requirements for certification
86 and licensure;
87 (g) Consult with groups whose work may be affected by
88 the commission's decisions;
89 (h) Prepare reports from time to time on current
90 practices and issues in the general area of teacher education and
91 certification and licensure;



92 (i) Hold hearings concerning standards for teachers'
93 and administrators' education and certification and licensure with
94 approval of the State Board of Education;

95 (j) Hire expert consultants with approval of the State
96 Board of Education;

97 (k) Set up ad hoc committees to advise on specific
98 areas; and

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

102 (6) (a) **Standard License - Approved Program Route.** An
103 educator entering the school system of Mississippi for the first
104 time and meeting all requirements as established by the State
105 Board of Education shall be granted a standard five-year license.
106 Persons who possess two (2) years of classroom experience as an
107 assistant teacher or who have taught for one (1) year in an
108 accredited public or private school shall be allowed to fulfill
109 student teaching requirements under the supervision of a qualified
110 participating teacher approved by an accredited college of
111 education. The local school district in which the assistant
112 teacher is employed shall compensate such assistant teachers at
113 the required salary level during the period of time such
114 individual is completing student teaching requirements.
115 Applicants for a standard license shall submit to the department:

116 (i) An application on a department form;

117 (ii) An official transcript of completion of a
118 teacher education program or a bachelor of science degree with
119 child development emphasis from a program accredited by the
120 American Association of Family and Consumer Sciences (AAFCS)
121 approved by the department or a nationally accredited program,
122 subject to the following: Licensure to teach in Mississippi
123 prekindergarten through kindergarten classrooms shall require
124 completion of a teacher education program or a bachelor of science



125 degree with child development emphasis from a program accredited
126 by the American Association of Family and Consumer Sciences
127 (AAFCS). Licensure to teach in Mississippi kindergarten, for
128 those applicants who have completed a teacher education program,
129 and in Grade 1 through Grade 4 shall require the completion of an
130 interdisciplinary program of studies. Licenses for Grades 4
131 through 8 shall require the completion of an interdisciplinary
132 program of studies with two (2) or more areas of concentration.
133 Licensure to teach in Mississippi Grades 7 through 12 shall
134 require a major in an academic field other than education, or a
135 combination of disciplines other than education. Students
136 preparing to teach a subject shall complete a major in the
137 respective subject discipline. All applicants for standard
138 licensure shall demonstrate that such person's college preparation
139 in those fields was in accordance with the standards set forth by
140 the National Council for Accreditation of Teacher Education
141 (NCATE) or the National Association of State Directors of Teacher
142 Education and Certification (NASDTEC) or, for those applicants who
143 have a bachelor of science degree with child development emphasis,
144 the American Association of Family and Consumer Sciences (AAFCS);

145 (iii) A copy of test scores evidencing
146 satisfactory completion of nationally administered examinations of
147 achievement, such as the Educational Testing Service's teacher
148 testing examinations; and

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

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

152 Applicants for a Standard License - Alternate Teaching Route shall
153 submit to the department:

154 (i) An application on a department form;

155 (ii) An official transcript evidencing a
156 bachelor's degree from an accredited institution of higher
157 learning;



158 (iii) A copy of test scores evidencing
159 satisfactory completion of an examination of achievement specified
160 by the commission and approved by the State Board of Education;
161 (iv) An official transcript evidencing appropriate
162 credit hours or a copy of test scores evidencing successful
163 completion of tests as required by the State Board of Education;
164 and
165 (v) Any other document required by the State Board
166 of Education.

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

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

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



190 three (3) years, except by special approval of the State Board of
191 Education.

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

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

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

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

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



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

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

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

254 (8) **Reciprocity.** (a) The department shall grant a standard
255 license to any individual who possesses a valid standard license



256 from another state and has a minimum of two (2) years of full-time
257 teaching or administrator experience.

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

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

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



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

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

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

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

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

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

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

317 (f) Failing or refusing to furnish reasonable evidence
318 of identification;

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



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

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

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

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

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

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

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

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

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



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

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

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

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



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

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

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

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



418 performance as a prerequisite of initial or continued employment
419 in such districts.

420 (19) In addition to the reasons specified in subsections
421 (12) and (13) of this section, the board shall be authorized to
422 suspend the license of any licensee for being out of compliance
423 with an order for support, as defined in Section 93-11-153. The
424 procedure for suspension of a license for being out of compliance
425 with an order for support, and the procedure for the reissuance or
426 reinstatement of a license suspended for that purpose, and the
427 payment of any fees for the reissuance or reinstatement of a
428 license suspended for that purpose, shall be governed by Section
429 93-11-157 or 93-11-163, as the case may be. Actions taken by the
430 board in suspending a license when required by Section 93-11-157
431 or 93-11-163 are not actions from which an appeal may be taken
432 under this section. Any appeal of a license suspension that is
433 required by Section 93-11-157 or 93-11-163 shall be taken in
434 accordance with the appeal procedure specified in Section
435 93-11-157 or 93-11-163, as the case may be, rather than the
436 procedure specified in this section. If there is any conflict
437 between any provision of Section 93-11-157 or 93-11-163 and any
438 provision of this chapter, the provisions of Section 93-11-157 or
439 93-11-163, as the case may be, shall control.

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

