

By: Senator(s) White (29th)

To: Judiciary

SENATE BILL NO. 2008

1 AN ACT TO AMEND SECTION 37-3-2, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE THAT A PERSON CONVICTED OF CHILD ABUSE OR CHILD SEXUAL  
3 ABUSE IS INELIGIBLE TO BE LICENSED AS A TEACHER AND TO MANDATE  
4 THAT THE STATE DEPARTMENT OF EDUCATION REVOKE AN EXISTING LICENSE  
5 OR REFUSE TO ISSUE A LICENSE UPON APPLICATION BY SUCH PERSON; 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 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           Beginning with the 1997-1998 school year, individuals seeking  
222 school administrator licensure under paragraph (b), (c) or (d)  
223 shall successfully complete a training program and an assessment  
224 process prescribed by the State Board of Education. Applicants  
225 seeking school administrator licensure prior to June 30, 1997, and  
226 completing all requirements for provisional or standard  
227 administrator certification and who have never practiced, shall be



228 exempt from taking the Mississippi Assessment Battery Phase I.  
229 Applicants seeking school administrator licensure during the  
230 period beginning July 1, 1997, through June 30, 1998, shall  
231 participate in the Mississippi Assessment Battery, and upon  
232 request of the applicant, the department shall reimburse the  
233 applicant for the cost of the assessment process required. After  
234 June 30, 1998, all applicants for school administrator licensure  
235 shall meet all requirements prescribed by the department under  
236 paragraph (b), (c) or (d), and the cost of the assessment process  
237 required shall be paid by the applicant.

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

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

252       (9) **Renewal and Reinstatement of Licenses.** The State Board  
253 of Education is authorized to establish rules and regulations for  
254 the renewal and reinstatement of educator and administrator  
255 licenses. Effective May 15, 1997, the valid standard license held  
256 by an educator shall be extended five (5) years beyond the  
257 expiration date of the license in order to afford the educator  
258 adequate time to fulfill new renewal requirements established  
259 pursuant to this subsection. An educator completing a master of  
260 education, educational specialist or doctor of education degree in





261 May 1997 for the purpose of upgrading the educator's license to a  
262 higher class shall be given this extension of five (5) years plus  
263 five (5) additional years for completion of a higher degree.

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

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

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

288 (b) The applicant has a physical, emotional or mental  
289 disability that renders the applicant unfit to perform the duties  
290 authorized by the license, as certified by a licensed psychologist  
291 or psychiatrist;

292 (c) The applicant is actively addicted to or actively  
293 dependent on alcohol or other habit-forming drugs or is a habitual



294 user of narcotics, barbiturates, amphetamines, hallucinogens, or  
295 other drugs having similar effect, at the time of application for  
296 a license;

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

346 The State Board of Education, acting through the commission,  
347 shall refuse to issue, refuse to renew, or automatically revoke a  
348 teacher's license to teach without the right to a hearing upon  
349 receiving a certified copy of a conviction showing that the  
350 teacher has been convicted of felonious child abuse or neglect, as  
351 defined in Section 97-5-39, Mississippi Code of 1972, or a sex  
352 offense as defined in Section 45-33-23, Mississippi Code of 1972,  
353 where the victim is under the age of eighteen (18), or under a  
354 similar law of another state or the United States. The State  
355 Board of Education, acting through the commission, shall send  
356 notice of this licensing action to the superintendent of the  
357 school district in which the teacher is currently employed. A  
358 person whose license to teach has been revoked, not issued, or not



359 renewed under this subsection may petition the board to reconsider  
360 the licensing action if the person's conviction for child abuse or  
361 sexual abuse is reversed by a final decision of the Mississippi  
362 Court of Appeals or the Mississippi Supreme Court or if the person  
363 has received a pardon for the offense. The petitioner shall  
364 attach a certified copy of the appellate court's final decision or  
365 the pardon to the petition, and the board acting through the  
366 commission shall schedule and hold a disciplinary hearing on the  
367 matter unless the petitioner waives the right to a hearing. If  
368 the board finds that, notwithstanding the reversal of the criminal  
369 conviction or the issuance of a pardon, the petitioner is  
370 disqualified from teaching, the board shall affirm its previous  
371 licensing action. If the board finds that the petitioner is not  
372 disqualified from teaching under this subsection, it shall reverse  
373 its previous licensing action.

374 (14) A person whose license has been suspended on any  
375 grounds except criminal grounds may petition for reinstatement of  
376 the license after one (1) year from the date of suspension, or  
377 after one-half (1/2) of the suspended time has lapsed, whichever  
378 is greater. A license suspended on the criminal grounds may be  
379 reinstated upon petition to the commission filed after expiration  
380 of the sentence and parole or probationary period imposed upon  
381 conviction. A revoked license may be reinstated upon satisfactory  
382 showing of evidence of rehabilitation. The commission shall  
383 require all who petition for reinstatement to furnish evidence  
384 satisfactory to the commission of good character, good mental,  
385 emotional and physical health and such other evidence as the  
386 commission may deem necessary to establish the petitioner's  
387 rehabilitation and fitness to perform the duties authorized by the  
388 license.

389 (15) Reporting procedures and hearing procedures for dealing  
390 with infractions under this section shall be promulgated by the  
391 commission, subject to the approval of the State Board of



392 Education. The revocation or suspension of a license shall be  
393 effected at the time indicated on the notice of suspension or  
394 revocation. The commission shall immediately notify the  
395 superintendent of the school district or school board where the  
396 teacher or administrator is employed of any disciplinary action  
397 and also notify the teacher or administrator of such revocation or  
398 suspension and shall maintain records of action taken. The State  
399 Board of Education may reverse or remand with instructions any  
400 decision of the commission regarding a petition for reinstatement  
401 of a license, and any such decision of the State Board of  
402 Education shall be final.

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

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

424 (18) The granting of a license shall not be deemed a



425 property right nor a guarantee of employment in any public school  
426 district. A license is a privilege indicating minimal eligibility  
427 for teaching in the public schools of Mississippi. This section  
428 shall in no way alter or abridge the authority of local school  
429 districts to require greater qualifications or standards of  
430 performance as a prerequisite of initial or continued employment  
431 in such districts.

432 (19) In addition to the reasons specified in subsections  
433 (12) and (13) of this section, the board shall be authorized to  
434 suspend the license of any licensee for being out of compliance  
435 with an order for support, as defined in Section 93-11-153. The  
436 procedure for suspension of a license for being out of compliance  
437 with an order for support, and the procedure for the reissuance or  
438 reinstatement of a license suspended for that purpose, and the  
439 payment of any fees for the reissuance or reinstatement of a  
440 license suspended for that purpose, shall be governed by Section  
441 93-11-157 or 93-11-163, as the case may be. Actions taken by the  
442 board in suspending a license when required by Section 93-11-157  
443 or 93-11-163 are not actions from which an appeal may be taken  
444 under this section. Any appeal of a license suspension that is  
445 required by Section 93-11-157 or 93-11-163 shall be taken in  
446 accordance with the appeal procedure specified in Section  
447 93-11-157 or 93-11-163, as the case may be, rather than the  
448 procedure specified in this section. If there is any conflict  
449 between any provision of Section 93-11-157 or 93-11-163 and any  
450 provision of this chapter, the provisions of Section 93-11-157 or  
451 93-11-163, as the case may be, shall control.

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

