

By: Senator(s) Harden

To: Education;
Appropriations

SENATE BILL NO. 2199

1 AN ACT TO AMEND SECTION 37-7-307, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE SCHOOL DISTRICTS TO PAY SUBSTITUTE TEACHERS TWICE PER
3 MONTH; TO AMEND SECTION 37-3-2, MISSISSIPPI CODE OF 1972, TO
4 AUTHORIZE SUBSTITUTE TEACHERS WITH CERTAIN EXPERIENCE TO BE
5 COMPENSATED WHILE COMPLETING STUDENT TEACHING REQUIREMENTS; AND
6 FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 37-7-307, Mississippi Code of 1972, is
9 amended as follows:

10 37-7-307. (1) For purposes of this section, the term
11 "licensed employee" means any employee of a public school district
12 required to hold a valid license by the Commission on Teacher and
13 Administrator Education, Certification and Licensure and
14 Development.

15 (2) The school board of a school district shall establish by
16 rules and regulations a policy of sick leave with pay for licensed
17 employees employed in the school district, and such policy shall
18 include the following minimum provisions for sick and emergency
19 leave with pay:

20 (a) Each licensed employee, at the beginning of each
21 school year, shall be credited with a minimum sick leave
22 allowance, with pay, of seven (7) days for absences caused by
23 illness or physical disability of the employee during that school
24 year.

25 (b) Any unused portion of the total sick leave
26 allowance shall be carried over to the next school year and
27 credited to such licensed employee if the licensed employee
28 remains employed in the same school district. In the event any
29 public school licensed employee transfers from one public school



30 district in Mississippi to another, any unused portion of the
31 total sick leave allowance credited to such licensed employee
32 shall be credited to such licensed employee in the computation of
33 unused leave for retirement purposes under Section 25-11-109.
34 Accumulation of sick leave allowed under this section shall be
35 unlimited.

36 (c) No deduction from the pay of such licensed employee
37 may be made because of absence of such licensed employee caused by
38 illness or physical disability of the licensed employee until
39 after all sick leave allowance credited to such licensed employee
40 has been used.

41 (d) For the first ten (10) days of absence of a
42 licensed employee because of illness or physical disability, in
43 any school year, in excess of the sick leave allowance credited to
44 such licensed employee, there may be deducted from the pay of such
45 licensed employee the established substitute amount of licensed
46 employee compensation paid in that local school district,
47 necessitated because of the absence of the licensed employee as a
48 result of illness or physical disability. Thereafter, the regular
49 pay of such absent licensed employee may be suspended and withheld
50 in its entirety for any period of absence because of illness or
51 physical disability during that school year.

52 (3) Beginning with the school year 1983-1984, each licensed
53 employee at the beginning of each school year shall be credited
54 with a minimum personal leave allowance, with pay, of two (2) days
55 for absences caused by personal reasons during that school year.
56 Such personal leave shall not be taken on the first day of the
57 school term, the last day of the school term, on a day previous to
58 a holiday or a day after a holiday. Personal leave may be used
59 for professional purposes, including absences caused by attendance
60 of such licensed employee at a seminar, class, training program,
61 professional association or other functions designed for
62 educators. No deduction from the pay of such licensed employee



63 may be made because of absence of such licensed employee caused by
64 personal reasons until after all personal leave allowance credited
65 to such licensed employee has been used. However, the
66 superintendent of a school district, in his discretion, may allow
67 a licensed employee personal leave in addition to any minimum
68 personal leave allowance, under the condition that there shall be
69 deducted from the salary of such licensed employee the actual
70 amount of any compensation paid to any person as a substitute,
71 necessitated because of the absence of the licensed employee.

72 (4) Beginning with the school year 1992-1993, each licensed
73 employee shall be credited with a professional leave allowance,
74 with pay, for each day of absence caused by reason of such
75 employee's statutorily required membership and attendance at a
76 regular or special meeting held within the State of Mississippi of
77 the State Board of Education, the Commission on Teacher and
78 Administrator Education, Certification and Licensure and
79 Development, the Commission on School Accreditation, the
80 Mississippi Authority for Educational Television and the meetings
81 of the state textbook rating committees.

82 (5) Upon retirement from employment, each licensed and
83 nonlicensed employee shall be paid for not more than thirty (30)
84 days of unused accumulated leave earned while employed by the
85 school district in which the employee is last employed. Such
86 payment for licensed employees shall be made by the school
87 district at a rate equal to the amount paid to substitute teachers
88 and for nonlicensed employees, the payment shall be made by the
89 school district at a rate equal to the federal minimum wage. The
90 payment shall be treated in the same manner for retirement
91 purposes as a lump sum payment for personal leave as provided in
92 Section 25-11-103(e). Any remaining lawfully credited unused
93 leave, for which payment has not been made, shall be certified to
94 the Public Employees' Retirement System in the same manner and



95 subject to the same limitations as otherwise provided by law for
96 unused leave.

97 (6) The school board may adopt rules and regulations which
98 will reasonably aid to implement the policy of sick and personal
99 leave, including, but not limited to, rules and regulations having
100 the following general effect:

101 (a) Requiring the absent licensed employee to furnish
102 the certificate of a physician or dentist or other medical
103 practitioner as to the illness of the absent licensed employee,
104 where the absence is for four (4) or more consecutive school days,
105 or for two (2) consecutive school days immediately preceding or
106 following a nonschool day;

107 (b) Providing penalties, by way of full deduction from
108 salary, or entry on the work record of the licensed employee, or
109 other appropriate penalties, for any materially false statement by
110 the licensed employee as to the cause of absence;

111 (c) Forfeiture of accumulated or future sick leave, if
112 the absence of the licensed employee is caused by optional dental
113 or medical treatment or surgery which could, without medical risk,
114 have been provided, furnished or performed at a time when school
115 was not in session;

116 (d) Enlarging, increasing or providing greater sick or
117 personal leave allowances than the minimum standards established
118 by this section in the discretion of the school board of each
119 school district.

120 (7) School boards may include in their budgets provisions
121 for the payment of substitute teachers, necessitated because of
122 the absence of regular licensed employees. All such substitute
123 teachers shall be paid wholly from district funds other than
124 minimum education program funds, except as otherwise provided for
125 long-term substitute teachers in Section 37-19-20. Local school
126 boards may elect to pay substitute teachers twice per month. Such
127 school boards, in their discretion, also may pay, from district



128 funds other than minimum education program funds, the whole or any
129 part of the salaries of licensed employees granted leaves for the
130 purpose of special studies or training.

131 (8) The school board may further adopt rules and regulations
132 which will reasonably implement such leave policies for all other
133 nonlicensed school employees as the board deems appropriate.

134 (9) (a) For the purposes of this subsection, the following
135 words and phrases shall have the meaning ascribed in this
136 paragraph unless the context requires otherwise:

137 (i) "Catastrophic injury or illness" means a
138 severe condition or combination of conditions affecting the mental
139 or physical health of an employee or a member of an employee's
140 immediate family, including pregnancy, that requires the services
141 of a licensed physician for an extended period of time and that
142 forces the employee to exhaust all leave time accumulated by that
143 employee, thereby resulting in the loss of compensation from the
144 school district for the employee.

145 (ii) "Immediate family" means spouse, parent,
146 stepparent, sibling, child or stepchild.

147 (b) Any school district employee may donate a portion
148 of his or her unused accumulated personal leave or sick leave to
149 another employee of the same or another school district who is
150 suffering from a catastrophic injury or illness or who has a
151 member of his or her immediate family suffering from a
152 catastrophic injury or illness, in accordance with the following:

153 (i) The employee donating the leave (the "donor
154 employee") shall designate the employee who is to receive the
155 leave (the "recipient employee") and the amount of unused
156 accumulated personal leave and sick leave that is to be donated,
157 and shall notify the school district superintendent or his
158 designee of his or her designation.

159 (ii) The maximum amount of unused accumulated
160 personal leave that an employee may donate to any other employee



161 may not exceed a number of days that would leave the donor
162 employee with fewer than seven (7) days of personal leave
163 remaining, and the maximum amount of unused accumulated sick leave
164 that an employee may donate to any other employee may not exceed
165 fifty percent (50%) of the unused accumulated sick leave of the
166 donor employee.

167 (iii) An employee must have exhausted all of his
168 or her accumulated personal leave and sick leave before he or she
169 will be eligible to receive any leave donated by another employee.
170 Eligibility for donated leave shall be based upon review and
171 approval by the donor employee's supervisor.

172 (iv) Before an employee may receive donated leave,
173 he or she must provide the school district superintendent or his
174 designee with a physician's statement that states the beginning
175 date of the catastrophic injury or illness, a description of the
176 injury or illness, and a prognosis for recovery and the
177 anticipated date that the recipient employee will be able to
178 return to work.

179 (v) If the total amount of leave that is donated
180 to any employee is not used by the recipient employee, the whole
181 days of donated leave shall be returned to the donor employees on
182 a pro rata basis, based on the ratio of the number of days of
183 leave donated by each donor employee to the total number of days
184 of leave donated by all donor employees.

185 (vi) Donated leave shall not be used in lieu of
186 disability retirement.

187 **SECTION 2.** Section 37-3-2, Mississippi Code of 1972, is
188 amended as follows:

189 37-3-2. (1) There is established within the State
190 Department of Education the Commission on Teacher and
191 Administrator Education, Certification and Licensure and
192 Development. It shall be the purpose and duty of the commission
193 to make recommendations to the State Board of Education regarding



194 standards for the certification and licensure and continuing
195 professional development of those who teach or perform tasks of an
196 educational nature in the public schools of Mississippi.

197 (2) The commission shall be composed of fifteen (15)
198 qualified members. The membership of the commission shall be
199 composed of the following members to be appointed, three (3) from
200 each congressional district: four (4) classroom teachers; three
201 (3) school administrators; one (1) representative of schools of
202 education of institutions of higher learning located within the
203 state to be recommended by the Board of Trustees of State
204 Institutions of Higher Learning; one (1) representative from the
205 schools of education of independent institutions of higher
206 learning to be recommended by the Board of the Mississippi
207 Association of Independent Colleges; one (1) representative from
208 public community and junior colleges located within the state to
209 be recommended by the State Board for Community and Junior
210 Colleges; one (1) local school board member; and four (4) lay
211 persons. All appointments shall be made by the State Board of
212 Education after consultation with the State Superintendent of
213 Public Education. The first appointments by the State Board of
214 Education shall be made as follows: five (5) members shall be
215 appointed for a term of one (1) year; five (5) members shall be
216 appointed for a term of two (2) years; and five (5) members shall
217 be appointed for a term of three (3) years. Thereafter, all
218 members shall be appointed for a term of four (4) years.

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

225 (4) An appropriate staff member of the State Department of
226 Education shall be designated and assigned by the State



227 Superintendent of Public Education to serve as executive secretary
228 and coordinator for the commission. No less than two (2) other
229 appropriate staff members of the State Department of Education
230 shall be designated and assigned by the State Superintendent of
231 Public Education to serve on the staff of the commission.

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

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

236 (b) Recommend to the State Board of Education each year
237 approval or disapproval of each educator preparation program in
238 the state;

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

242 (d) Establish, subject to the approval of the State
243 Board of Education, standards for the renewal of teacher licenses
244 in all fields;

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

248 (f) Review all existing requirements for certification
249 and licensure;

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

252 (h) Prepare reports from time to time on current
253 practices and issues in the general area of teacher education and
254 certification and licensure;

255 (i) Hold hearings concerning standards for teachers'
256 and administrators' education and certification and licensure with
257 approval of the State Board of Education;

258 (j) Hire expert consultants with approval of the State
259 Board of Education;



260 (k) Set up ad hoc committees to advise on specific
261 areas; and

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

265 (6) (a) **Standard License - Approved Program Route.** An
266 educator entering the school system of Mississippi for the first
267 time and meeting all requirements as established by the State
268 Board of Education shall be granted a standard five-year license.
269 Persons who possess two (2) years of classroom experience as an
270 assistant teacher or substitute teacher or who have taught for one
271 (1) year in an accredited public or private school shall be
272 allowed to fulfill student teaching requirements under the
273 supervision of a qualified participating teacher approved by an
274 accredited college of education. The local school district in
275 which the assistant teacher or substitute teacher is employed
276 shall compensate such assistant teachers or substitute teachers at
277 the required salary level during the period of time such
278 individual is completing student teaching requirements.

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

280 (i) An application on a department form;

281 (ii) An official transcript of completion of a
282 teacher education program approved by the department or a
283 nationally accredited program, subject to the following:

284 Licensure to teach in Mississippi prekindergarten through
285 kindergarten classrooms shall require completion of a teacher
286 education program or a bachelor of science degree with child
287 development emphasis from a program accredited by the American
288 Association of Family and Consumer Sciences (AAFCS) or by the
289 National Association for Education of Young Children (NAEYC) or by
290 the National Council for Accreditation of Teacher Education
291 (NCATE). Licensure to teach in Mississippi kindergarten, for
292 those applicants who have completed a teacher education program,



293 and in Grade 1 through Grade 4 shall require the completion of an
294 interdisciplinary program of studies. Licenses for Grades 4
295 through 8 shall require the completion of an interdisciplinary
296 program of studies with two (2) or more areas of concentration.
297 Licensure to teach in Mississippi Grades 7 through 12 shall
298 require a major in an academic field other than education, or a
299 combination of disciplines other than education. Students
300 preparing to teach a subject shall complete a major in the
301 respective subject discipline. All applicants for standard
302 licensure shall demonstrate that such person's college preparation
303 in those fields was in accordance with the standards set forth by
304 the National Council for Accreditation of Teacher Education
305 (NCATE) or the National Association of State Directors of Teacher
306 Education and Certification (NASDTEC) or, for those applicants who
307 have a bachelor of science degree with child development emphasis,
308 the American Association of Family and Consumer Sciences (AAFCS);

309 (iii) A copy of test scores evidencing
310 satisfactory completion of nationally administered examinations of
311 achievement, such as the Educational Testing Service's teacher
312 testing examinations; and

313 (iv) Any other document required by the State
314 Board of Education.

315 (b) **Standard License - Nontraditional Teaching Route.**
316 Beginning January 1, 2003, an individual who possesses at least a
317 bachelor's degree from a nationally or regionally accredited
318 institution of higher learning, who has a passing score on the
319 Praxis I Basic Skills and Praxis II Specialty Area Test in the
320 requested area of endorsement may apply for the Teach Mississippi
321 Institute (TMI) program to teach students in Grades 7 through 12
322 if the individual meets the requirements of this paragraph (b).
323 The State Board of Education shall adopt rules requiring that
324 teacher preparation institutions which provide the Teach
325 Mississippi Institute (TMI) program for the preparation of



326 nontraditional teachers shall meet the standards and comply with
327 the provisions of this paragraph.

328 (i) The Teach Mississippi Institute (TMI) shall
329 include an intensive eight-week, nine-semester-hour summer
330 program, which shall include, but not be limited to, instruction
331 in education, effective teaching strategies, classroom management,
332 state curriculum requirements, planning and instruction,
333 instructional methods and pedagogy, using test results to improve
334 instruction, and a one (1) semester three-hour supervised
335 internship to be completed while the teacher is employed as a
336 full-time teacher intern in a local school district. The TMI
337 shall be implemented on a pilot program basis, with courses to be
338 offered at up to four (4) locations in the state, with one (1) TMI
339 site to be located in each of the three (3) Mississippi Supreme
340 Court districts.

341 (ii) The school sponsoring the teacher intern
342 shall enter into a written agreement with the institution
343 providing the Teach Mississippi Institute (TMI) program, under
344 terms and conditions as agreed upon by the contracting parties,
345 providing that the school district shall provide teacher interns
346 seeking a nontraditional provisional teaching license with a
347 one-year classroom teaching experience. The teacher intern shall
348 successfully complete the one (1) semester three-hour intensive
349 internship in the school district during the semester immediately
350 following successful completion of the TMI and prior to the end of
351 the one-year classroom teaching experience.

352 (iii) Upon completion of the nine-semester-hour
353 TMI, the individual shall submit his transcript to the commission
354 for provisional licensure of the intern teacher, and the intern
355 teacher shall be issued a provisional teaching license by the
356 commission, which will allow the individual to legally serve as a
357 teacher while the person completes a nontraditional teacher
358 preparation internship program.



359 (iv) During the semester of internship in the
360 school district, the teacher preparation institution shall monitor
361 the performance of the intern teacher. The school district that
362 employs the provisional teacher shall supervise the provisional
363 teacher during the teacher's intern year of employment under a
364 nontraditional provisional license, and shall, in consultation
365 with the teacher intern's mentor at the school district of
366 employment, submit to the commission a comprehensive evaluation of
367 the teacher's performance sixty (60) days prior to the expiration
368 of the nontraditional provisional license. If the comprehensive
369 evaluation establishes that the provisional teacher intern's
370 performance fails to meet the standards of the approved
371 nontraditional teacher preparation internship program, the
372 individual shall not be approved for a standard license.

373 (v) An individual issued a provisional teaching
374 license under this nontraditional route shall successfully
375 complete, at a minimum, a one-year beginning teacher mentoring and
376 induction program administered by the employing school district
377 with the assistance of the State Department of Education.

378 (vi) Upon successful completion of the TMI and the
379 internship provisional license period, applicants for a Standard
380 License-Nontraditional Route shall submit to the commission a
381 transcript of successful completion of the twelve (12) semester
382 hours required in the internship program, and the employing school
383 district shall submit to the commission a recommendation for
384 standard licensure of the intern. If the school district
385 recommends licensure, the applicant shall be issued a Standard
386 License-Nontraditional Route which shall be valid for a five-year
387 period and be renewable.

388 (vii) At the discretion of the teacher-preparation
389 institution, the individual shall be allowed to credit the twelve
390 (12) semester hours earned in the nontraditional teacher



391 internship program toward the graduate hours required for a Master
392 of Arts in Teacher (MAT) Degree.

393 (viii) The local school district in which the
394 nontraditional teacher intern or provisional licensee is employed
395 shall compensate such teacher interns at Step 1 of the required
396 salary level during the period of time such individual is
397 completing teacher internship requirements and shall compensate
398 such Standard License-Nontraditional Route teachers at Step 3 of
399 the required salary level when they complete license requirements.

400 Implementation of the TMI program provided for under this
401 paragraph (b) shall be contingent upon the availability of funds
402 appropriated specifically for such purpose by the Legislature.
403 Such implementation of the TMI program may not be deemed to
404 prohibit the State Board of Education from developing and
405 implementing additional alternative route teacher licensure
406 programs, as deemed appropriate by the board. The emergency
407 certification program in effect prior to July 1, 2002, shall
408 remain in effect.

409 The State Department of Education shall compile and report,
410 in consultation with the commission, information relating to
411 nontraditional teacher preparation internship programs, including
412 the number of programs available and geographic areas in which
413 they are available, the number of individuals who apply for and
414 possess a nontraditional conditional license, the subject areas in
415 which individuals who possess nontraditional conditional licenses
416 are teaching and where they are teaching, and shall submit its
417 findings and recommendations to the legislative committees on
418 education by December 1, 2004.

419 A Standard License - Approved Program Route shall be issued
420 for a five-year period, and may be renewed. Recognizing teaching
421 as a profession, a hiring preference shall be granted to persons
422 holding a Standard License - Approved Program Route or Standard



423 License - Nontraditional Teaching Route over persons holding any
424 other license.

425 (c) **Special License - Expert Citizen.** In order to
426 allow a school district to offer specialized or technical courses,
427 the State Department of Education, in accordance with rules and
428 regulations established by the State Board of Education, may grant
429 a one-year expert citizen-teacher license to local business or
430 other professional personnel to teach in a public school or
431 nonpublic school accredited or approved by the state. Such person
432 may begin teaching upon his employment by the local school board
433 and licensure by the Mississippi Department of Education. The
434 board shall adopt rules and regulations to administer the expert
435 citizen-teacher license. A special license - expert citizen may
436 be renewed in accordance with the established rules and
437 regulations of the State Department of Education.

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

444 (e) **Nonlicensed Teaching Personnel.** A nonlicensed
445 person may teach for a maximum of three (3) periods per teaching
446 day in a public school or a nonpublic school accredited/approved
447 by the state. Such person shall submit to the department a
448 transcript or record of his education and experience which
449 substantiates his preparation for the subject to be taught and
450 shall meet other qualifications specified by the commission and
451 approved by the State Board of Education. In no case shall any
452 local school board hire nonlicensed personnel as authorized under
453 this paragraph in excess of five percent (5%) of the total number
454 of licensed personnel in any single school.



455 (f) **Special License - Transitional Bilingual Education.**

456 Beginning July 1, 2003, the commission shall grant special
457 licenses to teachers of transitional bilingual education who
458 possess such qualifications as are prescribed in this section.
459 Teachers of transitional bilingual education shall be compensated
460 by local school boards at not less than one (1) step on the
461 regular salary schedule applicable to permanent teachers licensed
462 under this section. The commission shall grant special licenses
463 to teachers of transitional bilingual education who present the
464 commission with satisfactory evidence that they (i) possess a
465 speaking and reading ability in a language, other than English, in
466 which bilingual education is offered and communicative skills in
467 English; (ii) are in good health and sound moral character; (iii)
468 possess a bachelor's degree or an associate's degree in teacher
469 education from an accredited institution of higher education; (iv)
470 meet such requirements as to courses of study, semester hours
471 therein, experience and training as may be required by the
472 commission; and (v) are legally present in the United States and
473 possess legal authorization for employment. A teacher of
474 transitional bilingual education serving under a special license
475 shall be under an exemption from standard licensure if he achieves
476 the requisite qualifications therefor. Two (2) years of service
477 by a teacher of transitional bilingual education under such an
478 exemption shall be credited to the teacher in acquiring a Standard
479 Educator License. Nothing in this paragraph shall be deemed to
480 prohibit a local school board from employing a teacher licensed in
481 an appropriate field as approved by the State Department of
482 Education to teach in a program in transitional bilingual
483 education.

484 (g) In the event any school district meets Level 4 or 5
485 accreditation standards, the State Board of Education, in its
486 discretion, may exempt such school district from any restrictions



487 in paragraph (e) relating to the employment of nonlicensed
488 teaching personnel.

489 (7) **Administrator License.** The State Board of Education is
490 authorized to establish rules and regulations and to administer
491 the licensure process of the school administrators in the State of
492 Mississippi. There will be four (4) categories of administrator
493 licensure with exceptions only through special approval of the
494 State Board of Education.

495 (a) **Administrator License - Nonpracticing.** Those
496 educators holding administrative endorsement but have no
497 administrative experience or not serving in an administrative
498 position on January 15, 1997.

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

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

507 (d) **Administrator License - Nontraditional Route.** The
508 board may establish a nontraditional route for licensing
509 administrative personnel. Such nontraditional route for
510 administrative licensure shall be available for persons holding,
511 but not limited to, a master of business administration degree, a
512 master of public administration degree, a master of public
513 planning and policy degree or a doctor of jurisprudence degree
514 from an accredited college or university, with five (5) years of
515 administrative or supervisory experience. Successful completion
516 of the requirements of alternate route licensure for
517 administrators shall qualify the person for a standard
518 administrator license.



519 The State Department of Education shall compile and report,
520 in consultation with the commission, information relating to
521 nontraditional administrator preparation internship programs,
522 including the number of programs available and geographic areas in
523 which they are available, the number of individuals who apply for
524 and possess a nontraditional conditional license and where they
525 are employed, and shall submit its findings and recommendations to
526 the legislative committees on education by December 1, 2004.

527 Beginning with the 1997-1998 school year, individuals seeking
528 school administrator licensure under paragraph (b), (c) or (d)
529 shall successfully complete a training program and an assessment
530 process prescribed by the State Board of Education. Applicants
531 seeking school administrator licensure prior to June 30, 1997, and
532 completing all requirements for provisional or standard
533 administrator certification and who have never practiced, shall be
534 exempt from taking the Mississippi Assessment Battery Phase I.
535 Applicants seeking school administrator licensure during the
536 period beginning July 1, 1997, through June 30, 1998, shall
537 participate in the Mississippi Assessment Battery, and upon
538 request of the applicant, the department shall reimburse the
539 applicant for the cost of the assessment process required. After
540 June 30, 1998, all applicants for school administrator licensure
541 shall meet all requirements prescribed by the department under
542 paragraph (b), (c) or (d), and the cost of the assessment process
543 required shall be paid by the applicant.

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

548 (b) The department shall grant a nonrenewable special
549 license to any individual who possesses a credential which is less
550 than a standard license or certification from another state, or
551 who possesses a standard license from another state but has less



552 than two (2) years of full-time teaching or administration
553 experience. Such special license shall be valid for the current
554 school year plus one (1) additional school year to expire on June
555 30 of the second year, not to exceed a total period of twenty-four
556 (24) months, during which time the applicant shall be required to
557 complete the requirements for a standard license in Mississippi.

558 (9) **Renewal and Reinstatement of Licenses.** The State Board
559 of Education is authorized to establish rules and regulations for
560 the renewal and reinstatement of educator and administrator
561 licenses. Effective May 15, 1997, the valid standard license held
562 by an educator shall be extended five (5) years beyond the
563 expiration date of the license in order to afford the educator
564 adequate time to fulfill new renewal requirements established
565 pursuant to this subsection. An educator completing a master of
566 education, educational specialist or doctor of education degree in
567 May 1997 for the purpose of upgrading the educator's license to a
568 higher class shall be given this extension of five (5) years plus
569 five (5) additional years for completion of a higher degree.

570 (10) All controversies involving the issuance, revocation,
571 suspension or any change whatsoever in the licensure of an
572 educator required to hold a license shall be initially heard in a
573 hearing de novo, by the commission or by a subcommittee
574 established by the commission and composed of commission members
575 for the purpose of holding hearings. Any complaint seeking the
576 denial of issuance, revocation or suspension of a license shall be
577 by sworn affidavit filed with the Commission of Teacher and
578 Administrator Education, Certification and Licensure and
579 Development. The decision thereon by the commission or its
580 subcommittee shall be final, unless the aggrieved party shall
581 appeal to the State Board of Education, within ten (10) days, of
582 the decision of the committee or its subcommittee. An appeal to
583 the State Board of Education shall be on the record previously
584 made before the commission or its subcommittee unless otherwise



585 provided by rules and regulations adopted by the board. The State
586 Board of Education in its authority may reverse, or remand with
587 instructions, the decision of the committee or its subcommittee.
588 The decision of the State Board of Education shall be final.

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

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

594 (b) The applicant has a physical, emotional or mental
595 disability that renders the applicant unfit to perform the duties
596 authorized by the license, as certified by a licensed psychologist
597 or psychiatrist;

598 (c) The applicant is actively addicted to or actively
599 dependent on alcohol or other habit-forming drugs or is a habitual
600 user of narcotics, barbiturates, amphetamines, hallucinogens, or
601 other drugs having similar effect, at the time of application for
602 a license;

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

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

607 (f) Failing or refusing to furnish reasonable evidence
608 of identification;

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

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

615 (12) The State Board of Education, acting on the
616 recommendation of the commission, may revoke or suspend any



617 teacher or administrator license for specified periods of time for
618 one or more of the following:

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

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

625 (c) Suspension or revocation of a certificate or
626 license by another state shall result in immediate suspension or
627 revocation and shall continue until records in the prior state
628 have been cleared;

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

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

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

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

643 (b) Any offense committed or attempted in any other
644 state shall result in the same penalty as if committed or
645 attempted in this state.

646 (c) A person may voluntarily surrender a license. The
647 surrender of such license may result in the commission
648 recommending any of the above penalties without the necessity of a
649 hearing. However, any such license which has voluntarily been



650 surrendered by a licensed employee may be reinstated by a
651 unanimous vote of all members of the commission.

652 (14) A person whose license has been suspended on any
653 grounds except criminal grounds may petition for reinstatement of
654 the license after one (1) year from the date of suspension, or
655 after one-half (1/2) of the suspended time has lapsed, whichever
656 is greater. A license suspended on the criminal grounds may be
657 reinstated upon petition to the commission filed after expiration
658 of the sentence and parole or probationary period imposed upon
659 conviction. A revoked license may be reinstated upon satisfactory
660 showing of evidence of rehabilitation. The commission shall
661 require all who petition for reinstatement to furnish evidence
662 satisfactory to the commission of good character, good mental,
663 emotional and physical health and such other evidence as the
664 commission may deem necessary to establish the petitioner's
665 rehabilitation and fitness to perform the duties authorized by the
666 license.

667 (15) Reporting procedures and hearing procedures for dealing
668 with infractions under this section shall be promulgated by the
669 commission, subject to the approval of the State Board of
670 Education. The revocation or suspension of a license shall be
671 effected at the time indicated on the notice of suspension or
672 revocation. The commission shall immediately notify the
673 superintendent of the school district or school board where the
674 teacher or administrator is employed of any disciplinary action
675 and also notify the teacher or administrator of such revocation or
676 suspension and shall maintain records of action taken. The State
677 Board of Education may reverse or remand with instructions any
678 decision of the commission regarding a petition for reinstatement
679 of a license, and any such decision of the State Board of
680 Education shall be final.

681 (16) An appeal from the action of the State Board of
682 Education in denying an application, revoking or suspending a



683 license or otherwise disciplining any person under the provisions
684 of this section, shall be filed in the Chancery Court of the First
685 Judicial District of Hinds County on the record made, including a
686 verbatim transcript of the testimony at the hearing. The appeal
687 shall be filed within thirty (30) days after notification of the
688 action of the board is mailed or served and the proceedings in
689 chancery court shall be conducted as other matters coming before
690 the court. The appeal shall be perfected upon filing notice of
691 the appeal and by the prepayment of all costs, including the cost
692 of preparation of the record of the proceedings by the State Board
693 of Education, and the filing of a bond in the sum of Two Hundred
694 Dollars (\$200.00) conditioned that if the action of the board be
695 affirmed by the chancery court, the applicant or license holder
696 shall pay the costs of the appeal and the action of the chancery
697 court.

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

702 (18) The granting of a license shall not be deemed a
703 property right nor a guarantee of employment in any public school
704 district. A license is a privilege indicating minimal eligibility
705 for teaching in the public schools of Mississippi. This section
706 shall in no way alter or abridge the authority of local school
707 districts to require greater qualifications or standards of
708 performance as a prerequisite of initial or continued employment
709 in such districts.

710 (19) In addition to the reasons specified in subsections
711 (12) and (13) of this section, the board shall be authorized to
712 suspend the license of any licensee for being out of compliance
713 with an order for support, as defined in Section 93-11-153. The
714 procedure for suspension of a license for being out of compliance
715 with an order for support, and the procedure for the reissuance or



716 reinstatement of a license suspended for that purpose, and the
717 payment of any fees for the reissuance or reinstatement of a
718 license suspended for that purpose, shall be governed by Section
719 93-11-157 or 93-11-163, as the case may be. Actions taken by the
720 board in suspending a license when required by Section 93-11-157
721 or 93-11-163 are not actions from which an appeal may be taken
722 under this section. Any appeal of a license suspension that is
723 required by Section 93-11-157 or 93-11-163 shall be taken in
724 accordance with the appeal procedure specified in Section
725 93-11-157 or 93-11-163, as the case may be, rather than the
726 procedure specified in this section. If there is any conflict
727 between any provision of Section 93-11-157 or 93-11-163 and any
728 provision of this chapter, the provisions of Section 93-11-157 or
729 93-11-163, as the case may be, shall control.

730 **SECTION 3.** This act shall take effect and be in force from
731 and after July 1, 2003.

