

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.

