SENATE BILL NO. 2245

AN ACT TO AMEND SECTION 37-3-2, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A PERSON CONVICTED OF CHILD ABUSE OR CHILD SEXUAL ABUSE IS INELIGIBLE TO BE LICENSED AS A TEACHER AND TO MANDATE THAT THE STATE DEPARTMENT OF EDUCATION REVOKE AN EXISTING LICENSE OR REFUSE TO ISSUE A LICENSE UPON APPLICATION BY SUCH PERSON; AND FOR RELATED PURPOSES.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 (a) **Standard License - Approved Program Route.** An educator entering the school system of Mississippi for the first time and meeting all requirements as established by the State Board of Education shall be granted a standard five-year license. Persons who possess two (2) years of classroom experience as an assistant teacher or who have taught for one (1) year in an accredited public or private school shall be allowed to fulfill student teaching requirements under the supervision of a qualified participating teacher approved by an accredited college of education. The local school district in which the assistant
teacher is employed shall compensate such assistant teachers at
the required salary level during the period of time such
individual is completing student teaching requirements.
Applicants for a standard license shall submit to the department:
(i) An application on a department form;
(ii) An official transcript of completion of a
teacher education program approved by the department or a
nationally accredited program, subject to the following:
Licensure to teach in Mississippi prekindergarten through
kindergarten classrooms shall require completion of a teacher
education program or a bachelor of science degree with child
development emphasis from a program accredited by the American
Association of Family and Consumer Sciences (AAFCS) or by the
National Association for Education of Young Children (NAEYC) or by
the National Council for Accreditation of Teacher Education
(NCATE). Licensure to teach in Mississippi kindergarten, for
those applicants who have completed a teacher education program,
and in Grade 1 through Grade 4 shall require the completion of an
interdisciplinary program of studies. Licenses for Grades 4
through 8 shall require the completion of an interdisciplinary
program of studies with two (2) or more areas of concentration.
Licensure to teach in Mississippi Grades 7 through 12 shall
require a major in an academic field other than education, or a
combination of disciplines other than education. Students
preparing to teach a subject shall complete a major in the
respective subject discipline. All applicants for standard
licensure shall demonstrate that such person's college preparation
in those fields was in accordance with the standards set forth by
the National Council for Accreditation of Teacher Education
(NCATE) or the National Association of State Directors of Teacher
Education and Certification (NASDTEC) or, for those applicants who
have a bachelor of science degree with child development emphasis,
the American Association of Family and Consumer Sciences (AAFCS);
(iii) A copy of test scores evidencing satisfactory completion of nationally administered examinations of achievement, such as the Educational Testing Service's teacher testing examinations; and

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

(b) **Standard License - Nontraditional Teaching Route.**

Beginning January 1, 2003, an individual who possesses at least a bachelor's degree from a nationally or regionally accredited institution of higher learning, who has a passing score on the Praxis I Basic Skills and Praxis II Specialty Area Test in the requested area of endorsement may apply for the Teach Mississippi Institute (TMI) program to teach students in Grades 7 through 12 if the individual meets the requirements of this paragraph (b).

The State Board of Education shall adopt rules requiring that teacher preparation institutions which provide the Teach Mississippi Institute (TMI) program for the preparation of nontraditional teachers shall meet the standards and comply with the provisions of this paragraph.

(i) The Teach Mississippi Institute (TMI) shall include an intensive eight-week, nine-semester-hour summer program, which shall include, but not be limited to, instruction in education, effective teaching strategies, classroom management, state curriculum requirements, planning and instruction, instructional methods and pedagogy, using test results to improve instruction, and a one (1) semester three-hour supervised internship to be completed while the teacher is employed as a full-time teacher intern in a local school district. The TMI shall be implemented on a pilot program basis, with courses to be offered at up to four (4) locations in the state, with one (1) TMI site to be located in each of the three (3) Mississippi Supreme Court districts.
(ii) The school sponsoring the teacher intern shall enter into a written agreement with the institution providing the Teach Mississippi Institute (TMI) program, under terms and conditions as agreed upon by the contracting parties, providing that the school district shall provide teacher interns seeking a nontraditional provisional teaching license with a one-year classroom teaching experience. The teacher intern shall successfully complete the one (1) semester three-hour intensive internship in the school district during the semester immediately following successful completion of the TMI and prior to the end of the one-year classroom teaching experience.

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

(iv) During the semester of internship in the school district, the teacher preparation institution shall monitor the performance of the intern teacher. The school district that employs the provisional teacher shall supervise the provisional teacher during the teacher's intern year of employment under a nontraditional provisional license, and shall, in consultation with the teacher intern's mentor at the school district of employment, submit to the commission a comprehensive evaluation of the teacher's performance sixty (60) days prior to the expiration of the nontraditional provisional license. If the comprehensive evaluation establishes that the provisional teacher intern's performance fails to meet the standards of the approved nontraditional teacher preparation internship program, the individual shall not be approved for a standard license.
(v) An individual issued a provisional teaching license under this nontraditional route shall successfully complete, at a minimum, a one-year beginning teacher mentoring and induction program administered by the employing school district with the assistance of the State Department of Education.

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

(vii) At the discretion of the teacher-preparation institution, the individual shall be allowed to credit the twelve (12) semester hours earned in the nontraditional teacher internship program toward the graduate hours required for a Master of Arts in Teacher (MAT) Degree.

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

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

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

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

(c) Special License - Expert Citizen. In order to
allow a school district to offer specialized or technical courses,
the State Department of Education, in accordance with rules and
regulations established by the State Board of Education, may grant
a one-year expert citizen.teacher license to local business or
other professional personnel to teach in a public school or
nonpublic school accredited or approved by the state. Such person
may begin teaching upon his employment by the local school board
and licensure by the Mississippi Department of Education. The
board shall adopt rules and regulations to administer the expert
citizen-teacher license. A special license - expert citizen may
be renewed in accordance with the established rules and
regulations of the State Department of Education.
(d) Special License - Nonrenewable. The State Board of Education is authorized to establish rules and regulations to allow those educators not meeting requirements in subsection (6)(a), (b) or (c) to be licensed for a period of not more than three (3) years, except by special approval of the State Board of Education.

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

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

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

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

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

(b) Administrator License - Entry Level. Those educators holding administrative endorsement and having met the department's qualifications to be eligible for employment in a Mississippi school district. Administrator license - entry level shall be issued for a five-year period and shall be nonrenewable.
(c) Standard Administrator License - Career Level. An administrator who has met all the requirements of the department for standard administrator licensure.

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

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

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

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

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

(9) Renewal and Reinstatement of Licenses. The State Board of Education is authorized to establish rules and regulations for the renewal and reinstatement of educator and administrator licenses. Effective May 15, 1997, the valid standard license held by an educator shall be extended five (5) years beyond the expiration date of the license in order to afford the educator adequate time to fulfill new renewal requirements established pursuant to this subsection. An educator completing a master of education, educational specialist or doctor of education degree in May 1997 for the purpose of upgrading the educator's license to a higher class shall be given this extension of five (5) years plus five (5) additional years for completion of a higher degree.
(10) All controversies involving the issuance, revocation, suspension or any change whatsoever in the licensure of an educator required to hold a license shall be initially heard in a hearing de novo, by the commission or by a subcommittee established by the commission and composed of commission members for the purpose of holding hearings. Any complaint seeking the denial of issuance, revocation or suspension of a license shall be by sworn affidavit filed with the Commission of Teacher and Administrator Education, Certification and Licensure and Development. The decision thereon by the commission or its subcommittee shall be final, unless the aggrieved party shall appeal to the State Board of Education, within ten (10) days, of the decision of the committee or its subcommittee. An appeal to the State Board of Education shall be on the record previously made before the commission or its subcommittee unless otherwise provided by rules and regulations adopted by the board. The State Board of Education in its authority may reverse, or remand with instructions, the decision of the committee or its subcommittee. The decision of the State Board of Education shall be final.

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

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

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

(c) The applicant is actively addicted to or actively dependent on alcohol or other habit-forming drugs or is a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effect, at the time of application for a license;
(d) Revocation of an applicant's certificate or license by another state;
(e) Fraud or deceit committed by the applicant in securing or attempting to secure such certification and license;
(f) Failing or refusing to furnish reasonable evidence of identification;
(g) The applicant has been convicted, has pled guilty or entered a plea of nolo contendere to a felony, as defined by federal or state law; or
(h) The applicant has been convicted, has pled guilty or entered a plea of nolo contendere to a sex offense as defined by federal or state law.

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

(a) Breach of contract or abandonment of employment may result in the suspension of the license for one (1) school year as provided in Section 37-9-57;
(b) Obtaining a license by fraudulent means shall result in immediate suspension and continued suspension for one (1) year after correction is made;
(c) Suspension or revocation of a certificate or license by another state shall result in immediate suspension or revocation and shall continue until records in the prior state have been cleared;
(d) The license holder has been convicted, has pled guilty or entered a plea of nolo contendere to a felony, as defined by federal or state law;
(e) The license holder has been convicted, has pled guilty or entered a plea of nolo contendere to a sex offense, as defined by federal or state law; or
(f) The license holder knowingly and willfully committing any of the acts affecting validity of mandatory uniform test results as provided in Section 37-16-4(1).

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

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

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

The State Board of Education, acting through the commission, shall refuse to issue, refuse to renew, or automatically revoke a teacher's license to teach without the right to a hearing upon receiving a certified copy of a conviction showing that the teacher has been convicted of felonious child abuse or neglect, as defined in Section 97-5-39, Mississippi Code of 1972, or a sex offense as defined in Section 45-33-23, Mississippi Code of 1972, where the victim is under the age of eighteen (18), or under a similar law of another state or the United States. The State Board of Education, acting through the commission, shall send notice of this licensing action to the superintendent of the school district in which the teacher is currently employed. A person whose license to teach has been revoked, not issued, or not renewed under this subsection may petition the board to reconsider the licensing action if the person's conviction for child abuse or sexual abuse is reversed by a final decision of the Mississippi
Court of Appeals or the Mississippi Supreme Court or if the person has received a pardon for the offense. The petitioner shall attach a certified copy of the appellate court's final decision or the pardon to the petition, and the board acting through the commission shall schedule and hold a disciplinary hearing on the matter unless the petitioner waives the right to a hearing. If the board finds that, notwithstanding the reversal of the criminal conviction or the issuance of a pardon, the petitioner is disqualified from teaching, the board shall affirm its previous licensing action. If the board finds that the petitioner is not disqualified from teaching under this subsection, it shall reverse its previous licensing action.

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

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

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

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

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

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

SECTION 2. This act shall take effect and be in force from
and after July 1, 2003.