

By: Senator(s) Harden

To: Education;
Appropriations

SENATE BILL NO. 2366

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 and teacher assistants employed in the school district,
18 and such policy shall include the following minimum provisions for
19 sick and emergency leave with pay:

20 (a) Each licensed employee and teacher assistant, at
21 the beginning of each school year, shall be credited with a
22 minimum sick leave allowance, with pay, of seven (7) days for
23 absences caused by illness or physical disability of the employee
24 during that school 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 and teacher assistant if the
28 licensed employee or teacher assistant remains employed in the
29 same school district. In the event any public school licensed

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

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

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

54 (3) Beginning with the school year 1983-1984, each licensed
55 employee at the beginning of each school year shall be credited
56 with a minimum personal leave allowance, with pay, of two (2) days
57 for absences caused by personal reasons during that school year.
58 Such personal leave shall not be taken on the first day of the
59 school term, the last day of the school term, on a day previous to
60 a holiday or a day after a holiday. Personal leave may be used
61 for professional purposes, including absences caused by attendance
62 of such licensed employee at a seminar, class, training program,

63 professional association or other functions designed for
64 educators. No deduction from the pay of such licensed employee
65 may be made because of absence of such licensed employee caused by
66 personal reasons until after all personal leave allowance credited
67 to such licensed employee has been used. However, the
68 superintendent of a school district, in his discretion, may allow
69 a licensed employee personal leave in addition to any minimum
70 personal leave allowance, under the condition that there shall be
71 deducted from the salary of such licensed employee the actual
72 amount of any compensation paid to any person as a substitute,
73 necessitated because of the absence of the licensed employee. Any
74 unused portion of the total personal leave allowance up to five
75 (5) days shall be carried over to the next school year and
76 credited to such licensed employee if the licensed employee
77 remains employed in the same school district.

78 (4) Beginning with the school year 1992-1993, each licensed
79 employee shall be credited with a professional leave allowance,
80 with pay, for each day of absence caused by reason of such
81 employee's statutorily required membership and attendance at a
82 regular or special meeting held within the State of Mississippi of
83 the State Board of Education, the Commission on Teacher and
84 Administrator Education, Certification and Licensure and
85 Development, the Commission on School Accreditation, the
86 Mississippi Authority for Educational Television, the meetings of
87 the state textbook rating committees or other meetings authorized
88 by local school board policy.

89 (5) Upon retirement from employment, each licensed and
90 nonlicensed employee shall be paid for not more than thirty (30)
91 days of unused accumulated leave earned while employed by the
92 school district in which the employee is last employed. Such
93 payment for licensed employees shall be made by the school
94 district at a rate equal to the amount paid to substitute teachers
95 and for nonlicensed employees, the payment shall be made by the

96 school district at a rate equal to the federal minimum wage. The
97 payment shall be treated in the same manner for retirement
98 purposes as a lump sum payment for personal leave as provided in
99 Section 25-11-103(e). Any remaining lawfully credited unused
100 leave, for which payment has not been made, shall be certified to
101 the Public Employees' Retirement System in the same manner and
102 subject to the same limitations as otherwise provided by law for
103 unused leave.

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

108 (a) Requiring the absent employee to furnish the
109 certificate of a physician or dentist or other medical
110 practitioner as to the illness of the absent licensed employee,
111 where the absence is for four (4) or more consecutive school days,
112 or for two (2) consecutive school days immediately preceding or
113 following a nonschool day;

114 (b) Providing penalties, by way of full deduction from
115 salary, or entry on the work record of the employee, or other
116 appropriate penalties, for any materially false statement by the
117 employee as to the cause of absence;

118 (c) Forfeiture of accumulated or future sick leave, if
119 the absence of the employee is caused by optional dental or
120 medical treatment or surgery which could, without medical risk,
121 have been provided, furnished or performed at a time when school
122 was not in session;

123 (d) Enlarging, increasing or providing greater sick or
124 personal leave allowances than the minimum standards established
125 by this section in the discretion of the school board of each
126 school district.

127 (7) School boards may include in their budgets provisions
128 for the payment of substitute employees, necessitated because of

129 the absence of regular licensed employees. All such substitute
130 employees shall be paid wholly from district funds, except as
131 otherwise provided for long-term substitute teachers in Section
132 37-19-20. Local school boards may elect to pay substitute
133 teachers twice per month. Such school boards, in their
134 discretion, also may pay, from district funds other than adequate
135 education program funds, the whole or any part of the salaries of
136 all employees granted leaves for the purpose of special studies or
137 training.

138 (8) The school board may further adopt rules and regulations
139 which will reasonably implement such leave policies for all other
140 nonlicensed and hourly paid school employees as the board deems
141 appropriate.

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

145 (i) "Catastrophic injury or illness" means a
146 severe condition or combination of conditions affecting the mental
147 or physical health of an employee or a member of an employee's
148 immediate family, including pregnancy, that requires the services
149 of a licensed physician for an extended period of time and that
150 forces the employee to exhaust all leave time available to that
151 employee.

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

154 (b) Any school district employee may donate a portion
155 of his or her unused accumulated personal leave or sick leave to
156 another employee of the same or another school district who is
157 suffering from a catastrophic injury or illness or who has a
158 member of his or her immediate family suffering from a
159 catastrophic injury or illness, in accordance with the following:

160 (i) The employee donating the leave (the "donor
161 employee") shall designate the employee who is to receive the

162 leave (the "recipient employee") and the amount of unused
163 accumulated personal leave and sick leave that is to be donated,
164 and shall notify the school district superintendent or his
165 designee of his or her designation.

166 (ii) The maximum amount of unused accumulated
167 personal leave that an employee may donate to any other employee
168 may not exceed a number of days that would leave the donor
169 employee with fewer than seven (7) days of personal leave
170 remaining, and the maximum amount of unused accumulated sick leave
171 that an employee may donate to any other employee may not exceed
172 fifty percent (50%) of the unused accumulated sick leave of the
173 donor employee.

174 (iii) An employee must have exhausted all of his
175 or her available leave before he or she will be eligible to
176 receive any leave donated by another employee. Eligibility for
177 donated leave shall be based upon review and approval by the donor
178 employee's supervisor.

179 (iv) Before an employee may receive donated leave,
180 he or she must provide the school district superintendent or his
181 designee with a physician's statement that states the beginning
182 date of the catastrophic injury or illness, a description of the
183 injury or illness, and a prognosis for recovery and the
184 anticipated date that the recipient employee will be able to
185 return to work.

186 (v) If the total amount of leave that is donated
187 to any employee is not used by the recipient employee, the whole
188 days of donated leave shall be returned to the donor employees on
189 a pro rata basis, based on the ratio of the number of days of
190 leave donated by each donor employee to the total number of days
191 of leave donated by all donor employees.

192 (vi) Donated leave shall not be used in lieu of
193 disability retirement.

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

196 37-3-2. (1) There is established within the State
197 Department of Education the Commission on Teacher and
198 Administrator Education, Certification and Licensure and
199 Development. It shall be the purpose and duty of the commission
200 to make recommendations to the State Board of Education regarding
201 standards for the certification and licensure and continuing
202 professional development of those who teach or perform tasks of an
203 educational nature in the public schools of Mississippi.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

287 (i) An application on a department form;

288 (ii) An official transcript of completion of a
289 teacher education program approved by the department or a
290 nationally accredited program, subject to the following:
291 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.

323 Beginning January 1, 2003, an individual who possesses at least a
324 bachelor's degree from a nationally or regionally accredited

325 institution of higher learning, who has a passing score on the
326 Praxis I Basic Skills and Praxis II Specialty Area Test in the
327 requested area of endorsement may apply for the Teach Mississippi
328 Institute (TMI) program to teach students in Grades 7 through 12
329 if the individual meets the requirements of this paragraph (b).
330 The State Board of Education shall adopt rules requiring that
331 teacher preparation institutions which provide the Teach
332 Mississippi Institute (TMI) program for the preparation of
333 nontraditional teachers shall meet the standards and comply with
334 the provisions of this paragraph.

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

348 (ii) The school sponsoring the teacher intern
349 shall enter into a written agreement with the institution
350 providing the Teach Mississippi Institute (TMI) program, under
351 terms and conditions as agreed upon by the contracting parties,
352 providing that the school district shall provide teacher interns
353 seeking a nontraditional provisional teaching license with a
354 one-year classroom teaching experience. The teacher intern shall
355 successfully complete the one (1) semester three-hour intensive
356 internship in the school district during the semester immediately

357 following successful completion of the TMI and prior to the end of
358 the one-year classroom teaching experience.

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

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

390 district shall submit to the commission a recommendation for
391 standard licensure of the intern. If the school district
392 recommends licensure, the applicant shall be issued a Standard
393 License-Nontraditional Route which shall be valid for a five-year
394 period and be renewable.

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

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

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

416 The State Department of Education shall compile and report,
417 in consultation with the commission, information relating to
418 nontraditional teacher preparation internship programs, including
419 the number of programs available and geographic areas in which
420 they are available, the number of individuals who apply for and
421 possess a nontraditional conditional license, the subject areas in
422 which individuals who possess nontraditional conditional licenses

423 are teaching and where they are teaching, and shall submit its
424 findings and recommendations to the legislative committees on
425 education by December 1, 2004.

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

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

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

451 (e) **Nonlicensed Teaching Personnel.** A nonlicensed
452 person may teach for a maximum of three (3) periods per teaching
453 day in a public school or a nonpublic school accredited/approved
454 by the state. Such person shall submit to the department a
455 transcript or record of his education and experience which

456 substantiates his preparation for the subject to be taught and
457 shall meet other qualifications specified by the commission and
458 approved by the State Board of Education. In no case shall any
459 local school board hire nonlicensed personnel as authorized under
460 this paragraph in excess of five percent (5%) of the total number
461 of licensed personnel in any single school.

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

489 Education to teach in a program in transitional bilingual
490 education.

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

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

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

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

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

514 (d) **Administrator License - Nontraditional Route.** The
515 board may establish a nontraditional route for licensing
516 administrative personnel. Such nontraditional route for
517 administrative licensure shall be available for persons holding,
518 but not limited to, a master of business administration degree, a
519 master of public administration degree, a master of public
520 planning and policy degree or a doctor of jurisprudence degree
521 from an accredited college or university, with five (5) years of

522 administrative or supervisory experience. Successful completion
523 of the requirements of alternate route licensure for
524 administrators shall qualify the person for a standard
525 administrator license.

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

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

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

555 (b) The department shall grant a nonrenewable special
556 license to any individual who possesses a credential which is less
557 than a standard license or certification from another state, or
558 who possesses a standard license from another state but has less
559 than two (2) years of full-time teaching or administration
560 experience. Such special license shall be valid for the current
561 school year plus one (1) additional school year to expire on June
562 30 of the second year, not to exceed a total period of twenty-four
563 (24) months, during which time the applicant shall be required to
564 complete the requirements for a standard license in Mississippi.

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

577 (10) All controversies involving the issuance, revocation,
578 suspension or any change whatsoever in the licensure of an
579 educator required to hold a license shall be initially heard in a
580 hearing de novo, by the commission or by a subcommittee
581 established by the commission and composed of commission members
582 for the purpose of holding hearings. Any complaint seeking the
583 denial of issuance, revocation or suspension of a license shall be
584 by sworn affidavit filed with the Commission of Teacher and
585 Administrator Education, Certification and Licensure and
586 Development. The decision thereon by the commission or its
587 subcommittee shall be final, unless the aggrieved party shall

588 appeal to the State Board of Education, within ten (10) days, of
589 the decision of the committee or its subcommittee. An appeal to
590 the State Board of Education shall be on the record previously
591 made before the commission or its subcommittee unless otherwise
592 provided by rules and regulations adopted by the board. The State
593 Board of Education in its authority may reverse, or remand with
594 instructions, the decision of the committee or its subcommittee.
595 The decision of the State Board of Education shall be final.

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

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

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

605 (c) The applicant is actively addicted to or actively
606 dependent on alcohol or other habit-forming drugs or is a habitual
607 user of narcotics, barbiturates, amphetamines, hallucinogens, or
608 other drugs having similar effect, at the time of application for
609 a license;

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

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

614 (f) Failing or refusing to furnish reasonable evidence
615 of identification;

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

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

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

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

632 (c) Suspension or revocation of a certificate or
633 license by another state shall result in immediate suspension or
634 revocation and shall continue until records in the prior state
635 have been cleared;

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

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

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

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

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

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

674 (15) Reporting procedures and hearing procedures for dealing
675 with infractions under this section shall be promulgated by the
676 commission, subject to the approval of the State Board of
677 Education. The revocation or suspension of a license shall be
678 effected at the time indicated on the notice of suspension or
679 revocation. The commission shall immediately notify the
680 superintendent of the school district or school board where the
681 teacher or administrator is employed of any disciplinary action
682 and also notify the teacher or administrator of such revocation or

683 suspension and shall maintain records of action taken. The State
684 Board of Education may reverse or remand with instructions any
685 decision of the commission regarding a petition for reinstatement
686 of a license, and any such decision of the State Board of
687 Education shall be final.

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

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

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

715 performance as a prerequisite of initial or continued employment
716 in such districts.

717 (19) In addition to the reasons specified in subsections
718 (12) and (13) of this section, the board shall be authorized to
719 suspend the license of any licensee for being out of compliance
720 with an order for support, as defined in Section 93-11-153. The
721 procedure for suspension of a license for being out of compliance
722 with an order for support, and the procedure for the reissuance or
723 reinstatement of a license suspended for that purpose, and the
724 payment of any fees for the reissuance or reinstatement of a
725 license suspended for that purpose, shall be governed by Section
726 93-11-157 or 93-11-163, as the case may be. Actions taken by the
727 board in suspending a license when required by Section 93-11-157
728 or 93-11-163 are not actions from which an appeal may be taken
729 under this section. Any appeal of a license suspension that is
730 required by Section 93-11-157 or 93-11-163 shall be taken in
731 accordance with the appeal procedure specified in Section
732 93-11-157 or 93-11-163, as the case may be, rather than the
733 procedure specified in this section. If there is any conflict
734 between any provision of Section 93-11-157 or 93-11-163 and any
735 provision of this chapter, the provisions of Section 93-11-157 or
736 93-11-163, as the case may be, shall control.

737 **SECTION 3.** This act shall take effect and be in force from
738 and after July 1, 2004.