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Nunnelee

To: Education;
Appropriations

SENATE BILL NO. 2712

1 AN ACT TO AMEND SECTIONS 37-3-2, 37-143-11 AND 37-159-3,
2 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE TEACH MISSISSIPPI
3 INSTITUTE (TMI) PROGRAM FOR ALTERNATIVE CERTIFICATION FOR TEACHERS
4 SHALL INCLUDE A FALL OR SPRING SEMESTER OPTION, TO PROVIDE THAT
5 NONEDUCATION MAJORS SHALL BE ELIGIBLE FOR PARTICIPATION IN THE
6 WILLIAM WINTER TEACHER SCHOLAR LOAN PROGRAM, AND TO PROVIDE THAT
7 TEACHERS WHO HAVE BEEN LICENSED UNDER THE NONTRADITIONAL TEACHING
8 ROUTE SHALL BE ELIGIBLE FOR AWARDS UNDER THE CRITICAL NEEDS
9 TEACHER SCHOLARSHIP PROGRAM; AND FOR RELATED PURPOSES.

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

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

13 37-3-2. (1) There is established within the State
14 Department of Education the Commission on Teacher and
15 Administrator Education, Certification and Licensure and
16 Development. It shall be the purpose and duty of the commission
17 to make recommendations to the State Board of Education regarding
18 standards for the certification and licensure and continuing
19 professional development of those who teach or perform tasks of an
20 educational nature in the public schools of Mississippi.

21 (2) The commission shall be composed of fifteen (15)
22 qualified members. The membership of the commission shall be
23 composed of the following members to be appointed, three (3) from
24 each congressional district: four (4) classroom teachers; three
25 (3) school administrators; one (1) representative of schools of
26 education of institutions of higher learning located within the
27 state to be recommended by the Board of Trustees of State
28 Institutions of Higher Learning; one (1) representative from the
29 schools of education of independent institutions of higher
30 learning to be recommended by the Board of the Mississippi

31 Association of Independent Colleges; one (1) representative from
32 public community and junior colleges located within the state to
33 be recommended by the State Board for Community and Junior
34 Colleges; one (1) local school board member; and four (4) lay
35 persons. All appointments shall be made by the State Board of
36 Education after consultation with the State Superintendent of
37 Public Education. The first appointments by the State Board of
38 Education shall be made as follows: five (5) members shall be
39 appointed for a term of one (1) year; five (5) members shall be
40 appointed for a term of two (2) years; and five (5) members shall
41 be appointed for a term of three (3) years. Thereafter, all
42 members shall be appointed for a term of four (4) years.

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

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

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

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

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

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

66 (d) Establish, subject to the approval of the State
67 Board of Education, standards for the renewal of teacher licenses
68 in all fields;

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

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

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

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

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

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

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

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

89 (6) (a) **Standard License - Approved Program Route.** An
90 educator entering the school system of Mississippi for the first
91 time and meeting all requirements as established by the State
92 Board of Education shall be granted a standard five-year license.
93 Persons who possess two (2) years of classroom experience as an
94 assistant teacher or who have taught for one (1) year in an
95 accredited public or private school shall be allowed to fulfill

96 student teaching requirements under the supervision of a qualified
97 participating teacher approved by an accredited college of
98 education. The local school district in which the assistant
99 teacher is employed shall compensate such assistant teachers at
100 the required salary level during the period of time such
101 individual is completing student teaching requirements.

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

103 (i) An application on a department form;

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

107 Licensure to teach in Mississippi prekindergarten through
108 kindergarten classrooms shall require completion of a teacher
109 education program or a bachelor of science degree with child
110 development emphasis from a program accredited by the American
111 Association of Family and Consumer Sciences (AAFCS) or by the
112 National Association for Education of Young Children (NAEYC) or by
113 the National Council for Accreditation of Teacher Education
114 (NCATE). Licensure to teach in Mississippi kindergarten, for
115 those applicants who have completed a teacher education program,
116 and in Grade 1 through Grade 4 shall require the completion of an
117 interdisciplinary program of studies. Licenses for Grades 4
118 through 8 shall require the completion of an interdisciplinary
119 program of studies with two (2) or more areas of concentration.
120 Licensure to teach in Mississippi Grades 7 through 12 shall
121 require a major in an academic field other than education, or a
122 combination of disciplines other than education. Students
123 preparing to teach a subject shall complete a major in the
124 respective subject discipline. All applicants for standard
125 licensure shall demonstrate that such person's college preparation
126 in those fields was in accordance with the standards set forth by
127 the National Council for Accreditation of Teacher Education
128 (NCATE) or the National Association of State Directors of Teacher

129 Education and Certification (NASDTEC) or, for those applicants who
130 have a bachelor of science degree with child development emphasis,
131 the American Association of Family and Consumer Sciences (AAFCS);

132 (iii) A copy of test scores evidencing
133 satisfactory completion of nationally administered examinations of
134 achievement, such as the Educational Testing Service's teacher
135 testing examinations; and

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

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

139 Beginning January 1, 2004, an individual * * * who has a passing
140 score on the Praxis I Basic Skills and Praxis II Specialty Area
141 Test in the requested area of endorsement may apply for the Teach
142 Mississippi Institute (TMI) program to teach students in Grades 7
143 through 12 if the individual meets the requirements of this
144 paragraph (b). The State Board of Education shall adopt rules
145 requiring that teacher preparation institutions which provide the
146 Teach Mississippi Institute (TMI) program for the preparation of
147 nontraditional teachers shall meet the standards and comply with
148 the provisions of this paragraph.

149 (i) The Teach Mississippi Institute (TMI) shall
150 include an intensive eight-week, nine-semester-hour summer program
151 or a curriculum of study in which the student matriculates in the
152 fall or spring semester, which shall include, but not be limited
153 to, instruction in education, effective teaching strategies,
154 classroom management, state curriculum requirements, planning and
155 instruction, instructional methods and pedagogy, using test
156 results to improve instruction, and a one (1) semester three-hour
157 supervised internship to be completed while the teacher is
158 employed as a full-time teacher intern in a local school district.
159 The TMI shall be implemented on a pilot program basis, with
160 courses to be offered at up to four (4) locations in the state,

161 with one (1) TMI site to be located in each of the three (3)
162 Mississippi Supreme Court districts.

163 (ii) The school sponsoring the teacher intern
164 shall enter into a written agreement with the institution
165 providing the Teach Mississippi Institute (TMI) program, under
166 terms and conditions as agreed upon by the contracting parties,
167 providing that the school district shall provide teacher interns
168 seeking a nontraditional provisional teaching license with a
169 one-year classroom teaching experience. The teacher intern shall
170 successfully complete the one (1) semester three-hour intensive
171 internship in the school district during the semester immediately
172 following successful completion of the TMI and prior to the end of
173 the one-year classroom teaching experience.

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

181 (iv) During the semester of internship in the
182 school district, the teacher preparation institution shall monitor
183 the performance of the intern teacher. The school district that
184 employs the provisional teacher shall supervise the provisional
185 teacher during the teacher's intern year of employment under a
186 nontraditional provisional license, and shall, in consultation
187 with the teacher intern's mentor at the school district of
188 employment, submit to the commission a comprehensive evaluation of
189 the teacher's performance sixty (60) days prior to the expiration
190 of the nontraditional provisional license. If the comprehensive
191 evaluation establishes that the provisional teacher intern's
192 performance fails to meet the standards of the approved

193 nontraditional teacher preparation internship program, the
194 individual shall not be approved for a standard license.

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

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

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

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

222 Implementation of the TMI program provided for under this
223 paragraph (b) shall be contingent upon the availability of funds
224 appropriated specifically for such purpose by the Legislature.

225 Such implementation of the TMI program may not be deemed to
226 prohibit the State Board of Education from developing and
227 implementing additional alternative route teacher licensure
228 programs, as deemed appropriate by the board. The emergency
229 certification program in effect prior to July 1, 2002, shall
230 remain in effect.

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

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

247 (c) **Special License - Expert Citizen.** In order to
248 allow a school district to offer specialized or technical courses,
249 the State Department of Education, in accordance with rules and
250 regulations established by the State Board of Education, may grant
251 a one-year expert citizen-teacher license to local business or
252 other professional personnel to teach in a public school or
253 nonpublic school accredited or approved by the state. Such person
254 may begin teaching upon his employment by the local school board
255 and licensure by the Mississippi Department of Education. The
256 board shall adopt rules and regulations to administer the expert
257 citizen-teacher license. A special license - expert citizen may

258 be renewed in accordance with the established rules and
259 regulations of the State Department of Education.

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

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

277 (f) **Special License - Transitional Bilingual Education.**
278 Beginning July 1, 2003, the commission shall grant special
279 licenses to teachers of transitional bilingual education who
280 possess such qualifications as are prescribed in this section.
281 Teachers of transitional bilingual education shall be compensated
282 by local school boards at not less than one (1) step on the
283 regular salary schedule applicable to permanent teachers licensed
284 under this section. The commission shall grant special licenses
285 to teachers of transitional bilingual education who present the
286 commission with satisfactory evidence that they (i) possess a
287 speaking and reading ability in a language, other than English, in
288 which bilingual education is offered and communicative skills in
289 English; (ii) are in good health and sound moral character; (iii)
290 possess a bachelor's degree or an associate's degree in teacher

291 education from an accredited institution of higher education; (iv)
292 meet such requirements as to courses of study, semester hours
293 therein, experience and training as may be required by the
294 commission; and (v) are legally present in the United States and
295 possess legal authorization for employment. A teacher of
296 transitional bilingual education serving under a special license
297 shall be under an exemption from standard licensure if he achieves
298 the requisite qualifications therefor. Two (2) years of service
299 by a teacher of transitional bilingual education under such an
300 exemption shall be credited to the teacher in acquiring a Standard
301 Educator License. Nothing in this paragraph shall be deemed to
302 prohibit a local school board from employing a teacher licensed in
303 an appropriate field as approved by the State Department of
304 Education to teach in a program in transitional bilingual
305 education.

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

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

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

321 (b) **Administrator License - Entry Level.** Those
322 educators holding administrative endorsement and having met the
323 department's qualifications to be eligible for employment in a

324 Mississippi school district. Administrator license - entry level
325 shall be issued for a five-year period and shall be nonrenewable.

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

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

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

349 Beginning with the 1997-1998 school year, individuals seeking
350 school administrator licensure under paragraph (b), (c) or (d)
351 shall successfully complete a training program and an assessment
352 process prescribed by the State Board of Education. Applicants
353 seeking school administrator licensure prior to June 30, 1997, and
354 completing all requirements for provisional or standard
355 administrator certification and who have never practiced, shall be
356 exempt from taking the Mississippi Assessment Battery Phase I.

357 Applicants seeking school administrator licensure during the
358 period beginning July 1, 1997, through June 30, 1998, shall
359 participate in the Mississippi Assessment Battery, and upon
360 request of the applicant, the department shall reimburse the
361 applicant for the cost of the assessment process required. After
362 June 30, 1998, all applicants for school administrator licensure
363 shall meet all requirements prescribed by the department under
364 paragraph (b), (c) or (d), and the cost of the assessment process
365 required shall be paid by the applicant.

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

370 (b) The department shall grant a nonrenewable special
371 license to any individual who possesses a credential which is less
372 than a standard license or certification from another state, or
373 who possesses a standard license from another state but has less
374 than two (2) years of full-time teaching or administration
375 experience. Such special license shall be valid for the current
376 school year plus one (1) additional school year to expire on June
377 30 of the second year, not to exceed a total period of twenty-four
378 (24) months, during which time the applicant shall be required to
379 complete the requirements for a standard license in Mississippi.

380 (9) **Renewal and Reinstatement of Licenses.** The State Board
381 of Education is authorized to establish rules and regulations for
382 the renewal and reinstatement of educator and administrator
383 licenses. Effective May 15, 1997, the valid standard license held
384 by an educator shall be extended five (5) years beyond the
385 expiration date of the license in order to afford the educator
386 adequate time to fulfill new renewal requirements established
387 pursuant to this subsection. An educator completing a master of
388 education, educational specialist or doctor of education degree in
389 May 1997 for the purpose of upgrading the educator's license to a

390 higher class shall be given this extension of five (5) years plus
391 five (5) additional years for completion of a higher degree.

392 (10) All controversies involving the issuance, revocation,
393 suspension or any change whatsoever in the licensure of an
394 educator required to hold a license shall be initially heard in a
395 hearing de novo, by the commission or by a subcommittee
396 established by the commission and composed of commission members
397 for the purpose of holding hearings. Any complaint seeking the
398 denial of issuance, revocation or suspension of a license shall be
399 by sworn affidavit filed with the Commission of Teacher and
400 Administrator Education, Certification and Licensure and
401 Development. The decision thereon by the commission or its
402 subcommittee shall be final, unless the aggrieved party shall
403 appeal to the State Board of Education, within ten (10) days, of
404 the decision of the committee or its subcommittee. An appeal to
405 the State Board of Education shall be on the record previously
406 made before the commission or its subcommittee unless otherwise
407 provided by rules and regulations adopted by the board. The State
408 Board of Education in its authority may reverse, or remand with
409 instructions, the decision of the committee or its subcommittee.
410 The decision of the State Board of Education shall be final.

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

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

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

420 (c) The applicant is actively addicted to or actively
421 dependent on alcohol or other habit-forming drugs or is a habitual
422 user of narcotics, barbiturates, amphetamines, hallucinogens, or

423 other drugs having similar effect, at the time of application for
424 a license;

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

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

429 (f) Failing or refusing to furnish reasonable evidence
430 of identification;

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

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

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

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

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

447 (c) Suspension or revocation of a certificate or
448 license by another state shall result in immediate suspension or
449 revocation and shall continue until records in the prior state
450 have been cleared;

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

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

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

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

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

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

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

487 rehabilitation and fitness to perform the duties authorized by the
488 license.

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

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

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

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

532 (19) In addition to the reasons specified in subsections
533 (12) and (13) of this section, the board shall be authorized to
534 suspend the license of any licensee for being out of compliance
535 with an order for support, as defined in Section 93-11-153. The
536 procedure for suspension of a license for being out of compliance
537 with an order for support, and the procedure for the reissuance or
538 reinstatement of a license suspended for that purpose, and the
539 payment of any fees for the reissuance or reinstatement of a
540 license suspended for that purpose, shall be governed by Section
541 93-11-157 or 93-11-163, as the case may be. Actions taken by the
542 board in suspending a license when required by Section 93-11-157
543 or 93-11-163 are not actions from which an appeal may be taken
544 under this section. Any appeal of a license suspension that is
545 required by Section 93-11-157 or 93-11-163 shall be taken in
546 accordance with the appeal procedure specified in Section
547 93-11-157 or 93-11-163, as the case may be, rather than the
548 procedure specified in this section. If there is any conflict
549 between any provision of Section 93-11-157 or 93-11-163 and any
550 provision of this chapter, the provisions of Section 93-11-157 or
551 93-11-163, as the case may be, shall control.

552 **SECTION 2.** Section 37-143-11, Mississippi Code of 1972, is
553 amended as follows:

554 37-143-11. (1) It is the intention of the Legislature to
555 attract and retain qualified teachers by awarding incentive loans
556 to persons declaring an intention to serve in the teaching field
557 and who actually render service to the state while possessing an
558 appropriate teaching license.

559 (2) There is established the "William F. Winter Teacher
560 Scholar Loan Program."

561 (3) To the extent of appropriations available, students who
562 are enrolled in any baccalaureate degree-granting institution of
563 higher learning in the State of Mississippi accredited by the
564 Southern Association of Colleges and Schools and approved by the
565 Mississippi Commission on College Accreditation, or any accredited
566 nonprofit community or junior college, and who have expressed in
567 writing a present intention to teach in Mississippi, shall be
568 eligible for student loans to be applied to the costs of their
569 college education. Persons who have been admitted to a teacher
570 education program or a nontraditional teacher internship licensure
571 program authorized under Section 37-3-2(6)(b), as approved by the
572 State Board of Education, shall also qualify for loans at approved
573 institutions. The State Department of Education shall provide
574 that teacher education majors and noneducation majors shall have
575 equal access to scholarship/loans under authority of this section.

576 (4) A freshman establishing initial eligibility shall be
577 eligible for a maximum of four (4) annual loans and a senior shall
578 be eligible for one (1) annual loan.

579 (5) The maximum annual loan shall be set by the Board of
580 Trustees of State Institutions of Higher Learning at an amount not
581 to exceed the cost of attendance at any baccalaureate
582 degree-granting institution of higher learning in the State of
583 Mississippi. However, it is the intent of the Legislature that
584 the maximum annual loan amounts under the William F. Winter

585 Teacher Scholar Loan Program shall not be of such amounts that
586 would compete with the Critical Needs Teacher Scholarship Program.

587 (6) The loans of persons who actually render service as
588 licensed teachers or nontraditional teacher interns authorized
589 under Section 37-3-2(6)(b) in a public school in Mississippi for a
590 major portion of the school day for at least seventy-eight (78)
591 school days during each of eight (8) school semesters of the ten
592 (10) immediately after obtaining a baccalaureate degree, shall be
593 converted to interest-free scholarships. Conversion shall be
594 based on two (2) semesters of service for each year a loan was
595 received, and the Board of Trustees of State Institutions of
596 Higher Learning shall not authorize the conversion of loans into
597 interest-free scholarships at any other ratio, except as follows:
598 Participants in the William F. Winter Teacher Scholar Loan Program
599 may have their loans converted into interest-free scholarships at
600 the same ratio as under the Critical Needs Teacher Scholarship
601 Program if they render service as a licensed teacher or
602 nontraditional teacher intern authorized under Section
603 37-3-2(6)(b) in a public school district in a geographical area of
604 the state where there is a critical shortage of teachers, as
605 designated by the State Board of Education.

606 (7) Persons failing to complete an appropriate program of
607 study shall immediately become liable to the Board of Trustees of
608 State Institutions of Higher Learning for the sum of all
609 outstanding loans, except in the case of a deferral of debt for
610 cause by the board, after which period of deferral, study may be
611 resumed. Persons failing to meet teaching requirements in any
612 required semester shall immediately be in breach of contract and
613 become liable to the board for the amount of the corresponding
614 loan received, with interest accruing at the current Stafford Loan
615 rate at the time the breach occurs, except in the case of a
616 deferral of debt for cause by the board, after which period of
617 deferral, teaching duties required hereunder will be resumed. If

618 the claim for payment of such loan is placed in the hands of an
619 attorney for collection after default, then the obligor shall be
620 liable for an additional amount equal to a reasonable attorney's
621 fee.

622 (8) A loan made pursuant to this section shall not be
623 voidable by reason of the age of the borrower at the time of
624 receiving the loan.

625 (9) Failure to repay any loan and interest that becomes due
626 shall be cause for the revocation of a person's teaching license
627 by the State Department of Education.

628 (10) All monies repaid to the Board of Trustees of State
629 Institutions of Higher Learning hereunder shall be added to the
630 appropriations made for purposes of this section, and those
631 appropriations shall not lapse.

632 (11) The Board of Trustees of State Institutions of Higher
633 Learning with the concurrence of the State Board of Education
634 shall jointly promulgate regulations necessary for the proper
635 administration of this section.

636 (12) If insufficient funds are available for requested loans
637 to a qualified student during any fiscal year, the Board of
638 Trustees of State Institutions of Higher Learning shall make pro
639 rata reductions in the loans made to qualifying applicants.
640 Priority consideration shall be given to persons receiving
641 previous loans and participating in the program.

642 (13) The Board of Trustees of State Institutions of Higher
643 Learning shall make an annual report to the Legislature. Each
644 report shall contain a complete enumeration of the board's
645 activities, loans or scholarships granted, names of persons to
646 whom granted and the institutions attended by those receiving the
647 same, names of persons to whom loans or scholarships were granted
648 who were not education majors, the teaching location of applicants
649 who have received their education and become licensed teachers
650 within this state as a result of the loans and/or scholarships.

651 The board shall make a full report and account of receipts and
652 expenditures for salaries and expenses incurred under the
653 provisions of this section. The board shall, upon its records and
654 any published reports, distinguish between those recipients who
655 have breached their contracts but with the board's permission who
656 have paid their financial obligations in full, and those
657 recipients who have breached their contracts and remain
658 financially indebted to the state.

659 **SECTION 3.** Section 37-159-3, Mississippi Code of 1972, is
660 amended as follows:

661 37-159-3. (1) There is established the "Critical Needs
662 Teacher Scholarship Program," the purpose of which is to attract
663 qualified teachers to those geographical areas of the state and
664 those subject areas of the curriculum where there exists a
665 critical shortage of teachers by awarding full scholarships to
666 persons declaring an intention to serve in the teaching field who
667 actually render service to the state while possessing an
668 appropriate teaching license.

669 (2) Any individual who is enrolled in or accepted for
670 enrollment * * * at a baccalaureate degree-granting institution of
671 higher learning in the State of Mississippi and has a passing
672 score on the Praxis I Basic Skills Test who expresses in writing
673 an intention to teach in a geographical area of the state or a
674 subject area of the public school curriculum in which there exists
675 a critical shortage of teachers, as designated by the State Board
676 of Education, shall be eligible for a financial scholarship to be
677 applied toward the costs of the individual's college education.
678 The annual amount of the award shall be equal to the total cost
679 for tuition, room and meals, books, materials and fees at the
680 college or university in which the student is enrolled, not to
681 exceed an amount equal to the highest total cost of tuition, room
682 and meals, books, materials and fees assessed by a state
683 institution of higher learning during that school year. Awards

684 made to nonresidents of the state shall not include any amount
685 assessed by the college or university for out-of-state tuition.

686 (3) Awards granted under the Critical Needs Teacher
687 Scholarship Program shall be available to both full-time and
688 part-time students or nontraditional licensed teachers requesting
689 student loan repayment and employed in those school districts
690 designated by the State Department of Education as a geographical
691 area of the state or in a subject area of the curriculum in which
692 there is a critical shortage of teachers. Students enrolling on a
693 full-time basis may receive a maximum of two (2) annual awards.
694 The maximum number of awards that may be made to students
695 attending school on a part-time basis, and the maximum time period
696 for part-time students to complete the number of academic hours
697 necessary to obtain a baccalaureate degree * * * shall be
698 established by rules and regulations jointly promulgated by the
699 Board of Trustees of State Institutions of Higher Learning and the
700 State Board of Education. Critical Needs Teacher Scholarships
701 shall not be based upon an applicant's eligibility for financial
702 aid.

703 (4) Except in those cases where employment positions may not
704 be available upon completion of licensure requirements, at the
705 beginning of the first school year in which a recipient of a
706 Critical Needs Teacher Scholarship is eligible for employment as a
707 licensed teacher or a nontraditional teacher intern pursuant to
708 Section 37-3-2(6)(b), that person shall begin to render service as
709 a licensed teacher or nontraditional teacher intern in a public
710 school district in a geographical area of the state or a subject
711 area of the curriculum where there is a critical shortage of
712 teachers, as approved by the State Board of Education. Any person
713 who received two (2) annual awards, or who received fewer than two
714 (2) annual awards, or the equivalent of two (2) annual awards,
715 shall render one (1) year's service as a licensed teacher for each
716 year that the person received a full-time student scholarship.

717 (5) Any person failing to complete a program of study which
718 will enable that person to become a licensed teacher or
719 nontraditional teacher intern under Section 37-3-2(6)(b), as the
720 case may be, shall become liable immediately to the Board of
721 Trustees of State Institutions of Higher Learning for the sum of
722 all Critical Needs Teacher Scholarship awards made to that person,
723 plus interest accruing at the current Stafford Loan rate at the
724 time the person abrogates his participation in the program. Any
725 person failing to complete his teaching obligation, as required
726 under subsection (4) of this section, shall become liable
727 immediately to the board for the sum of all scholarship awards
728 made to that person less the corresponding amount of any awards
729 for which service has been rendered, plus interest accruing at the
730 current Stafford Loan rate at the time the person discontinues his
731 service, except in the case of a deferral of debt for cause by the
732 State Board of Education when there is no employment position
733 immediately available upon a teacher's completion of licensure
734 requirements. After the period of such deferral, such person
735 shall begin or resume teaching duties as required under subsection
736 (4) or shall become liable to the board under this subsection. If
737 a claim for payment under this subsection is placed in the hands
738 of an attorney for collection, the obligor shall be liable for an
739 additional amount equal to a reasonable attorney's fee.

740 (6) The obligations made by the recipient of a Critical
741 Needs Teacher Scholarship award shall not be voidable by reason of
742 the age of the student at the time of receiving the scholarship.

743 (7) Any student who, prior to July 1, 2003, has been
744 accepted into the Critical Needs Teacher Scholarship Program under
745 the authority of Section 37-159-3(4) shall be allowed to begin or
746 remain in the scholar loan program based upon the prescribed
747 guidelines of the State Department of Education, and conversion
748 for those students with fewer than four (4) annual awards shall be
749 based on one (1) year of service in either (a) a geographic area

750 of the state in which there exists a critical shortage of teachers
751 as determined by the State Board of Education, or (b) a subject
752 area of the curriculum in the public schools in which there exists
753 a critical shortage of teachers as determined by the State Board
754 of Education, for each year a loan was received by the student.
755 For those students that receive the equivalent of four (4) annual
756 awards, such students shall render three (3) years of service.

757 (8) The Board of Trustees of State Institutions of Higher
758 Learning and the State Board of Education shall jointly promulgate
759 rules and regulations necessary for the proper administration of
760 the Critical Needs Teacher Scholarship Program. The Board of
761 Trustees of State Institutions of Higher Learning shall be the
762 administering agency of the program.

763 (9) If insufficient funds are available to fully fund
764 scholarship awards to all eligible students, the Board of Trustees
765 of State Institutions of Higher Learning shall make the awards to
766 first-time students on a first-come, first-served basis; however,
767 priority consideration shall be given to persons previously
768 receiving awards under the Critical Needs Teacher Scholarship
769 Program.

770 (10) All funds received by the Board of Trustees of State
771 Institutions of Higher Learning from the repayment of scholarship
772 awards by program participants shall be deposited in the
773 Mississippi Critical Teacher Shortage Fund.

774 (11) The State Department of Education shall compile and
775 report, in consultation with the Board of Trustees of State
776 Institutions of Higher Learning, an annual report with findings
777 and recommendations to the legislative committees on education by
778 December 1, 2003, and annually thereafter, on the following:

779 (a) The number of participants in the Critical Needs
780 Teacher Scholarship Program, by institution and by freshman,
781 sophomore, junior and senior level;

782 (b) The number of nontraditional teacher license
783 program participants;

784 (c) The number of individuals who completed the
785 Critical Needs Teacher Scholarship Program and the school district
786 in which they are employed;

787 (d) The number of individuals who are in default of
788 their obligation under the Critical Needs Teacher Scholarship
789 Program and the status of their obligation; * * *

790 (e) The number of participants in the program who have
791 successfully completed the Praxis examination in their junior
792 year; and

793 (f) The number of noneducation majors participating in
794 the program.

795 (12) Where local school districts exhibit financial need,
796 the State Department of Education may, subject to the availability
797 of funds specifically appropriated therefor by the Legislature,
798 provide financial assistance for the recruitment of certified
799 teachers in an amount not to exceed Seventy-five Thousand Dollars
800 (\$75,000.00), annually.

801 **SECTION 4.** This act shall take effect and be in force from
802 and after July 1, 2004.