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To: Education; Appropriations

COMMITTEE SUBSTITUTE  
FOR  
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 Board of Trustees of State Institutions of  
574 Higher Learning shall provide that teacher education majors and  
575 noneducation majors shall have equal access to scholarship/loans  
576 under authority of this section.

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

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

585 the maximum annual loan amounts under the William F. Winter  
586 Teacher Scholar Loan Program shall not be of such amounts that  
587 would compete with the Critical Needs Teacher Scholarship Program.

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

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

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

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

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

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

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

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

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

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

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

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

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

684 the highest total cost of tuition, room and meals, books,  
685 materials and fees assessed by a state institution of higher  
686 learning during that school year. Awards made to nonresidents of  
687 the state shall not include any amount assessed by the college or  
688 university for out-of-state tuition.

689 (3) Awards granted under the Critical Needs Teacher  
690 Scholarship Program shall be available to both full-time and  
691 part-time students. Students enrolling on a full-time basis may  
692 receive a maximum of two (2) annual awards. The maximum number of  
693 awards that may be made to students attending school on a  
694 part-time basis, and the maximum time period for part-time  
695 students to complete the number of academic hours necessary to  
696 obtain a baccalaureate degree in education, shall be established  
697 by rules and regulations jointly promulgated by the Board of  
698 Trustees of State Institutions of Higher Learning and the State  
699 Board of Education. Critical Needs Teacher Scholarships shall not  
700 be based upon an applicant's eligibility for financial aid.

701 (4) Awards granted under the Critical Needs Teacher  
702 Scholarship Program shall be made available to nontraditional  
703 licensed teachers showing a documented need for student loan  
704 repayment and employed in those school districts designated by the  
705 State Department of Education as a geographical area of the state  
706 or in a subject area of the curriculum in which there is a  
707 critical shortage of teachers. The maximum annual amount of this  
708 repayment should not exceed Three thousand Dollars (\$3,000.00) and  
709 the maximum time period for repayment shall be no more than four  
710 (4) years.

711 (5) Except in those cases where employment positions may not  
712 be available upon completion of licensure requirements, at the  
713 beginning of the first school year in which a recipient of a  
714 Critical Needs Teacher Scholarship is eligible for employment as a  
715 licensed teacher or a nontraditional teacher intern pursuant to  
716 Section 37-3-2(6)(b), that person shall begin to render service as

717 a licensed teacher or nontraditional teacher intern in a public  
718 school district in a geographical area of the state or a subject  
719 area of the curriculum where there is a critical shortage of  
720 teachers, as approved by the State Board of Education. Any person  
721 who received two (2) annual awards, or who received fewer than two  
722 (2) annual awards, or the equivalent of two (2) annual awards,  
723 shall render one (1) year's service as a licensed teacher for each  
724 year that the person received a full-time student scholarship.

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

748       (7) The obligations made by the recipient of a Critical  
749 Needs Teacher Scholarship award shall not be voidable by reason of  
750 the age of the student at the time of receiving the scholarship.

751       (8) Any student who, prior to July 1, 2003, has been  
752 accepted into the Critical Needs Teacher Scholarship Program under  
753 the authority of Section 37-159-3(4) shall be allowed to begin or  
754 remain in the scholar loan program based upon the prescribed  
755 guidelines of the State Department of Education, and conversion  
756 for those students with fewer than four (4) annual awards shall be  
757 based on one (1) year of service in either (a) a geographic area  
758 of the state in which there exists a critical shortage of teachers  
759 as determined by the State Board of Education, or (b) a subject  
760 area of the curriculum in the public schools in which there exists  
761 a critical shortage of teachers as determined by the State Board  
762 of Education, for each year a loan was received by the student.  
763 For those students that receive the equivalent of four (4) annual  
764 awards, such students shall render three (3) years of service.

765       (9) The Board of Trustees of State Institutions of Higher  
766 Learning and the State Board of Education shall jointly promulgate  
767 rules and regulations necessary for the proper administration of  
768 the Critical Needs Teacher Scholarship Program. The Board of  
769 Trustees of State Institutions of Higher Learning shall be the  
770 administering agency of the program.

771       (10) If insufficient funds are available to fully fund  
772 scholarship awards to all eligible students, the Board of Trustees  
773 of State Institutions of Higher Learning shall make the awards to  
774 first-time students on a first-come, first-served basis; however,  
775 priority consideration shall be given to persons previously  
776 receiving awards under the Critical Needs Teacher Scholarship  
777 Program.

778       (11) All funds received by the Board of Trustees of State  
779 Institutions of Higher Learning from the repayment of scholarship



780 awards by program participants shall be deposited in the  
781 Mississippi Critical Teacher Shortage Fund.

782 (12) The State Department of Education shall compile and  
783 report, in consultation with the Board of Trustees of State  
784 Institutions of Higher Learning, an annual report with findings  
785 and recommendations to the legislative committees on education by  
786 December 1, 2003, and annually thereafter, on the following:

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

790 (b) The number of nontraditional teacher license  
791 program participants;

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

795 (d) The number of individuals who are in default of  
796 their obligation under the Critical Needs Teacher Scholarship  
797 Program and the status of their obligation; \* \* \*

798 (e) The number of participants in the program who have  
799 successfully completed the Praxis examination in their junior  
800 year; and

801 (f) The number of noneducation majors participating in  
802 the program.

803 (13) Where local school districts exhibit financial need,  
804 the State Department of Education may, subject to the availability  
805 of funds specifically appropriated therefor by the Legislature,  
806 provide financial assistance for the recruitment of certified  
807 teachers in an amount not to exceed Seventy-five Thousand Dollars  
808 (\$75,000.00), annually.

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