

By: Representative Brown

To: Education;
Appropriations

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1122

1 AN ACT RELATING TO IMPROVING THE RECRUITMENT AND RETENTION OF
2 TEACHERS IN THE STATE OF MISSISSIPPI; TO AMEND SECTION 37-19-7,
3 MISSISSIPPI CODE OF 1972, TO PROVIDE ADDITIONAL BASE COMPENSATION
4 FOR TEACHERS HOLDING LICENSES IN CRITICAL SUBJECT AREAS, TO
5 PROVIDE ADDITIONAL COMPENSATION FOR TEACHERS EMPLOYED IN CRITICAL
6 SHORTAGE AREAS, TO ESTABLISH A MISSISSIPPI PERFORMANCE BASED PAY
7 PLAN TO REWARD LICENSED EDUCATION PERSONNEL AT SCHOOLS SHOWING
8 IMPROVEMENT IN STUDENT TEST SCORES, AND TO PROVIDE ADDITIONAL BASE
9 COMPENSATION FOR MENTOR TEACHERS IN MIDDLE SCHOOLS WITH APPROVED
10 CLASSROOM MANAGEMENT PROGRAMS; TO AMEND SECTION 37-3-2,
11 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT ANY TEACHER FROM ANY
12 STATE MEETING THE FEDERAL STANDARDS OF A HIGHLY QUALIFIED TEACHER
13 SHALL BE ELIGIBLE FOR A STANDARD LICENSE IN MISSISSIPPI; TO AMEND
14 SECTION 37-61-33, MISSISSIPPI CODE OF 1972, TO AUTHORIZE TEACHERS
15 TO CARRY FORWARD APPROVED CLASSROOM SUPPLY EXPENDITURES INTO
16 SUBSEQUENT FISCAL YEARS; AND FOR RELATED PURPOSES.

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

18 **SECTION 1.** Section 37-19-7, Mississippi Code of 1972, is
19 amended as follows:

20 37-19-7. (1) This section shall be known and may be cited
21 as the Mississippi "Teacher Opportunity Program (TOP)." The
22 allowance in the minimum education program and the Mississippi
23 Adequate Education Program for teachers' salaries in each county
24 and separate school district shall be determined and paid in
25 accordance with the scale for teachers' salaries as provided in
26 this subsection. For teachers holding the following types of
27 licenses or the equivalent as determined by the State Board of
28 Education, and the following number of years of teaching
29 experience, the scale shall be as follows:

30 * * *

31 **2005-2006 School Year and School Years Thereafter**

32 **Less Than 25 Years of Teaching Experience**

33	AAAA.....	\$ 34,000.00
34	AAA.....	33,000.00

35	AA.....	32,000.00
36	A.....	30,000.00
37	25 or More Years of Teaching Experience	
38	AAAA.....	\$ 36,000.00
39	AAA.....	35,000.00
40	AA.....	34,000.00
41	A.....	32,000.00

42 The State Board of Education shall revise the salary scale
43 prescribed above for the 2005-2006 school year to conform to any
44 adjustments made to the salary scale in prior fiscal years due to
45 revenue growth over and above five percent (5%). For each one
46 percent (1%) that the Sine Die General Fund Revenue Estimate
47 Growth exceeds five percent (5%) for fiscal year 2006, as
48 certified by the Legislative Budget Office to the State Board of
49 Education and subject to specific appropriation therefor by the
50 Legislature, the State Board of Education shall revise the salary
51 scale to provide an additional one percent (1%) across the board
52 increase in the base salaries for each type of license.

53 It is the intent of the Legislature that any state funds made
54 available for salaries of licensed personnel in excess of the
55 funds paid for such salaries for the 1986-1987 school year shall
56 be paid to licensed personnel pursuant to a personnel appraisal
57 and compensation system implemented by the State Board of
58 Education. The State Board of Education shall have the authority
59 to adopt and amend rules and regulations as are necessary to
60 establish, administer and maintain the system.

61 All teachers employed on a full-time basis shall be paid a
62 minimum salary in accordance with the above scale. However, no
63 school district shall receive any funds under this section for any
64 school year during which the local supplement paid to any
65 individual teacher shall have been reduced to a sum less than that
66 paid to that individual teacher for performing the same duties
67 from local supplement during the immediately preceding school

68 year. The amount actually spent for the purposes of group health
69 and/or life insurance shall be considered as a part of the
70 aggregate amount of local supplement but shall not be considered a
71 part of the amount of individual local supplement.

72 * * *

73 **2005-2006 School Year**
74 **and School Years Thereafter Annual Increments**

75 For teachers holding a Class AAAA license, the minimum base
76 pay specified in this subsection shall be increased by the sum of
77 Seven Hundred Seventy Dollars (\$770.00) for each year of teaching
78 experience possessed by the person holding such license until such
79 person shall have twenty-five (25) years of teaching experience.

80 For teachers holding a Class AAA license, the minimum base
81 pay specified in this subsection shall be increased by the sum of
82 Seven Hundred Five Dollars (\$705.00) for each year of teaching
83 experience possessed by the person holding such license until such
84 person shall have twenty-five (25) years of teaching experience.

85 For teachers holding a Class AA license, the minimum base pay
86 specified in this subsection shall be increased by the sum of Six
87 Hundred Forty Dollars (\$640.00) for each year of teaching
88 experience possessed by the person holding such license until such
89 person shall have twenty-five (25) years of teaching experience.

90 For teachers holding a Class A license, the minimum base pay
91 specified in this subsection shall be increased by the sum of Four
92 Hundred Eighty Dollars (\$480.00) for each year of teaching
93 experience possessed by the person holding such license until such
94 person shall have twenty-four (24) years of teaching experience.

95 The level of professional training of each teacher to be used
96 in establishing the salary allotment for the teachers for each
97 year shall be determined by the type of valid teacher's license
98 issued to those teachers on or before October 1 of the current
99 school year.

100 (2) (a) The following employees shall receive an annual
101 salary supplement in the amount of Six Thousand Dollars
102 (\$6,000.00), plus fringe benefits, in addition to any other
103 compensation to which the employee may be entitled:

104 (i) Any licensed teacher who has met the
105 requirements and acquired a Master Teacher certificate from the
106 National Board for Professional Teaching Standards and who is
107 employed by a local school board or the State Board of Education
108 as a teacher and not as an administrator. Such teacher shall
109 submit documentation to the State Department of Education that the
110 certificate was received prior to October 15 in order to be
111 eligible for the full salary supplement in the current school
112 year, or the teacher shall submit such documentation to the State
113 Department of Education prior to February 15 in order to be
114 eligible for a prorated salary supplement beginning with the
115 second term of the school year.

116 (ii) A licensed nurse who has met the requirements
117 and acquired a certificate from the National Board for
118 Certification of School Nurses, Inc., and who is employed by a
119 local school board or the State Board of Education as a school
120 nurse and not as an administrator. The licensed school nurse
121 shall submit documentation to the State Department of Education
122 that the certificate was received before October 15 in order to be
123 eligible for the full salary supplement in the current school
124 year, or the licensed school nurse shall submit the documentation
125 to the State Department of Education before February 15 in order
126 to be eligible for a prorated salary supplement beginning with the
127 second term of the school year. Provided, however, that the total
128 number of licensed school nurses eligible for a salary supplement
129 under this paragraph (ii) shall not exceed twenty (20).

130 (iii) Any licensed school counselor who has met
131 the requirements and acquired a National Certified School
132 Counselor (NCSC) endorsement from the National Board of Certified

133 Counselors and who is employed by a local school board or the
134 State Board of Education as a counselor and not as an
135 administrator. Such licensed school counselor shall submit
136 documentation to the State Department of Education that the
137 endorsement was received prior to October 15 in order to be
138 eligible for the full salary supplement in the current school
139 year, or the licensed school counselor shall submit such
140 documentation to the State Department of Education prior to
141 February 15 in order to be eligible for a prorated salary
142 supplement beginning with the second term of the school year.
143 However, any school counselor who started the National Board for
144 Professional Teaching Standards process for school counselors
145 between June 1, 2003, and June 30, 2004, and completes the
146 requirements and acquires the master teacher certificate shall be
147 entitled to the master teacher supplement, and those counselors
148 who complete the process shall be entitled to a one-time
149 reimbursement for the actual cost of the process as outlined in
150 paragraph (b) of this subsection.

151 (iv) Any licensed speech-language pathologist and
152 audiologist who has met the requirements and acquired a
153 Certificate of Clinical Competence from the American
154 Speech-Language-Hearing Association and who is employed by a local
155 school board. Such licensed speech-language pathologist and
156 audiologist shall submit documentation to the State Department of
157 Education that the certificate or endorsement was received prior
158 to October 15 in order to be eligible for the full salary
159 supplement in the current school year, or the licensed
160 speech-language pathologist and audiologist shall submit such
161 documentation to the State Department of Education prior to
162 February 15 in order to be eligible for a prorated salary
163 supplement beginning with the second term of the school year.

164 (b) An employee shall be reimbursed one (1) time for
165 the actual cost of completing the process of acquiring the

166 certificate or endorsement, excluding any costs incurred for
167 postgraduate courses, not to exceed Five Hundred Dollars (\$500.00)
168 for a school counselor or speech-language pathologist and
169 audiologist, regardless of whether or not the process resulted in
170 the award of the certificate or endorsement. A local school
171 district or any private individual or entity may pay the cost of
172 completing the process of acquiring the certificate or endorsement
173 for any employee of the school district described under paragraph
174 (a), and the State Department of Education shall reimburse the
175 school district for such cost, regardless of whether or not the
176 process resulted in the award of the certificate or endorsement.
177 If a private individual or entity has paid the cost of completing
178 the process of acquiring the certificate or endorsement for an
179 employee, the local school district may agree to directly
180 reimburse the individual or entity for such cost on behalf of the
181 employee.

182 (c) All salary supplements, fringe benefits and process
183 reimbursement authorized under this subsection shall be paid
184 directly by the State Department of Education to the local school
185 district and shall be in addition to its minimum education program
186 allotments and not a part thereof in accordance with regulations
187 promulgated by the State Board of Education, and subject to
188 appropriation by the Legislature. Local school districts shall
189 not reduce the local supplement paid to any employee receiving
190 such salary supplement, and the employee shall receive any local
191 supplement to which employees with similar training and experience
192 otherwise are entitled.

193 (d) The State Department of Education may not pay any
194 process reimbursement to a school district for an employee who
195 does not complete the certification or endorsement process
196 required to be eligible for the certificate or endorsement. If an
197 employee for whom such cost has been paid in full or in part by a
198 local school district or private individual or entity fails to

199 complete the certification or endorsement process, the employee
200 shall be liable to the school district or individual or entity for
201 all amounts paid by the school district or individual or entity on
202 behalf of that employee toward his or her certificate or
203 endorsement.

204 (3) (a) Effective July 1, 2007, if funds are available for
205 that purpose, the Legislature may authorize state funds for
206 additional base compensation for teachers holding licenses in
207 critical subject areas or the equivalent and who teach at least a
208 majority of their courses in a critical subject area, as
209 determined by the State Board of Education.

210 (b) Effective July 1, 2007, if funds are available for
211 that purpose, the Legislature may authorize state funds for
212 additional base compensation for teachers employed in a public
213 school district located in a geographic area of the state
214 designated as a critical teacher shortage area by the State Board
215 of Education.

216 (4) (a) This section shall be known and may be cited as the
217 "Mississippi Performance Based Pay (MPBP)" plan. In addition to
218 the minimum base pay described in this section, if funds are
219 available for that purpose, the State of Mississippi may provide
220 monies from state funds to school districts for the purposes of
221 rewarding certified teachers, administrators and nonlicensed
222 personnel at individual schools showing improvement in student
223 test scores. The MPBP plan shall be developed by the State
224 Department of Education based on the following criteria:

225 (i) It is the express intent of this legislation
226 that the MPBP plan shall utilize only existing standards of
227 accreditation and assessment as established by the State Board of
228 Education.

229 (ii) To ensure that all of Mississippi's teachers,
230 administrators and nonlicensed personnel at all schools have equal
231 access to the monies set aside in this section, the MPBP program

232 shall be designed to calculate each school's performance as
233 determined by the school's increase in scores from the prior
234 school year. The MPBP program shall be based on a standardized
235 scores rating where all levels of schools can be judged in a
236 statistically fair and reasonable way upon implementation. At the
237 end of each year, after all student achievement scores have been
238 standardized, the State Department of Education shall implement
239 the MPBP plan.

240 (iii) To ensure all teachers cooperate in the
241 spirit of teamwork, individual schools shall submit a plan to the
242 local school educational authority to be approved before the
243 beginning of each school year beginning July 1, 2008. The plan
244 shall include, but not be limited to, how all teachers, regardless
245 of subject area, and administrators will be responsible for
246 improving student achievement for their individual school.

247 (b) The State Board of Education shall develop the
248 processes and procedures for designating schools eligible to
249 participate in the MPBP. State assessment results, growth in
250 student achievement at individual schools and other measures
251 deemed appropriate in designating successful student achievement
252 shall be used in establishing MPBP criteria. The State Board of
253 Education shall develop the MPBP policies and procedures and
254 report to the Legislature and Governor by December 1, 2006.

255 (5) (a) Beginning in the 2006-2007 school year, if funds
256 are available for that purpose, each middle school in Mississippi
257 shall have at least two (2) mentor teachers, as defined by
258 Sections 37-9-201 through 37-9-213, who shall receive additional
259 base compensation provided for by the State Legislature in the
260 amount of One Thousand Dollars (\$1,000.00). For the purposes of
261 this subsection (5), "middle school" means any school composed
262 individually or of some composite of Grades 6 through 8.

263 (b) To be eligible for this state funding, the
264 individual school must have a classroom management program
265 approved by the local school board.

266 (c) If funds are available for that purpose, the state
267 shall provide additional funding under this subsection for two (2)
268 mentor teachers per middle school; however, local school districts
269 may provide additional salary supplements for more than two (2)
270 teacher mentors from nonadequate education program funds. The
271 state department may develop an implementation process that fairly
272 distributes these funds for the consideration of the Legislature.

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

275 37-3-2. (1) There is established within the State
276 Department of Education the Commission on Teacher and
277 Administrator Education, Certification and Licensure and
278 Development. It shall be the purpose and duty of the commission
279 to make recommendations to the State Board of Education regarding
280 standards for the certification and licensure and continuing
281 professional development of those who teach or perform tasks of an
282 educational nature in the public schools of Mississippi.

283 (2) The commission shall be composed of fifteen (15)
284 qualified members. The membership of the commission shall be
285 composed of the following members to be appointed, three (3) from
286 each congressional district: four (4) classroom teachers; three
287 (3) school administrators; one (1) representative of schools of
288 education of institutions of higher learning located within the
289 state to be recommended by the Board of Trustees of State
290 Institutions of Higher Learning; one (1) representative from the
291 schools of education of independent institutions of higher
292 learning to be recommended by the Board of the Mississippi
293 Association of Independent Colleges; one (1) representative from
294 public community and junior colleges located within the state to
295 be recommended by the State Board for Community and Junior

296 Colleges; one (1) local school board member; and four (4) lay
297 persons. All appointments shall be made by the State Board of
298 Education after consultation with the State Superintendent of
299 Public Education. The first appointments by the State Board of
300 Education shall be made as follows: five (5) members shall be
301 appointed for a term of one (1) year; five (5) members shall be
302 appointed for a term of two (2) years; and five (5) members shall
303 be appointed for a term of three (3) years. Thereafter, all
304 members shall be appointed for a term of four (4) years.

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

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

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

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

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

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

328 (d) Establish, subject to the approval of the State
329 Board of Education, standards for the renewal of teacher licenses
330 in all fields;

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

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

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

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

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

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

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

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

351 (6) (a) **Standard License - Approved Program Route.** An
352 educator entering the school system of Mississippi for the first
353 time and meeting all requirements as established by the State
354 Board of Education shall be granted a standard five-year license.
355 Persons who possess two (2) years of classroom experience as an
356 assistant teacher or who have taught for one (1) year in an
357 accredited public or private school shall be allowed to fulfill
358 student teaching requirements under the supervision of a qualified
359 participating teacher approved by an accredited college of
360 education. The local school district in which the assistant

361 teacher is employed shall compensate such assistant teachers at
362 the required salary level during the period of time such
363 individual is completing student teaching requirements.
364 Applicants for a standard license shall submit to the department:
365 (i) An application on a department form;
366 (ii) An official transcript of completion of a
367 teacher education program approved by the department or a
368 nationally accredited program, subject to the following:
369 Licensure to teach in Mississippi prekindergarten through
370 kindergarten classrooms shall require completion of a teacher
371 education program or a bachelor of science degree with child
372 development emphasis from a program accredited by the American
373 Association of Family and Consumer Sciences (AAFCS) or by the
374 National Association for Education of Young Children (NAEYC) or by
375 the National Council for Accreditation of Teacher Education
376 (NCATE). Licensure to teach in Mississippi kindergarten, for
377 those applicants who have completed a teacher education program,
378 and in Grade 1 through Grade 4 shall require the completion of an
379 interdisciplinary program of studies. Licenses for Grades 4
380 through 8 shall require the completion of an interdisciplinary
381 program of studies with two (2) or more areas of concentration.
382 Licensure to teach in Mississippi Grades 7 through 12 shall
383 require a major in an academic field other than education, or a
384 combination of disciplines other than education. Students
385 preparing to teach a subject shall complete a major in the
386 respective subject discipline. All applicants for standard
387 licensure shall demonstrate that such person's college preparation
388 in those fields was in accordance with the standards set forth by
389 the National Council for Accreditation of Teacher Education
390 (NCATE) or the National Association of State Directors of Teacher
391 Education and Certification (NASDTEC) or, for those applicants who
392 have a bachelor of science degree with child development emphasis,
393 the American Association of Family and Consumer Sciences (AAFCS);

394 (iii) A copy of test scores evidencing
395 satisfactory completion of nationally administered examinations of
396 achievement, such as the Educational Testing Service's teacher
397 testing examinations; and

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

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

401 Beginning January 1, 2004, an individual who has a passing score
402 on the Praxis I Basic Skills and Praxis II Specialty Area Test in
403 the requested area of endorsement may apply for the Teach
404 Mississippi Institute (TMI) program to teach students in Grades 7
405 through 12 if the individual meets the requirements of this
406 paragraph (b). The State Board of Education shall adopt rules
407 requiring that teacher preparation institutions which provide the
408 Teach Mississippi Institute (TMI) program for the preparation of
409 nontraditional teachers shall meet the standards and comply with
410 the provisions of this paragraph.

411 (i) The Teach Mississippi Institute (TMI) shall
412 include an intensive eight-week, nine-semester-hour summer program
413 or a curriculum of study in which the student matriculates in the
414 fall or spring semester, which shall include, but not be limited
415 to, instruction in education, effective teaching strategies,
416 classroom management, state curriculum requirements, planning and
417 instruction, instructional methods and pedagogy, using test
418 results to improve instruction, and a one (1) semester three-hour
419 supervised internship to be completed while the teacher is
420 employed as a full-time teacher intern in a local school district.
421 The TMI shall be implemented on a pilot program basis, with
422 courses to be offered at up to four (4) locations in the state,
423 with one (1) TMI site to be located in each of the three (3)
424 Mississippi Supreme Court districts.

425 (ii) The school sponsoring the teacher intern
426 shall enter into a written agreement with the institution

427 providing the Teach Mississippi Institute (TMI) program, under
428 terms and conditions as agreed upon by the contracting parties,
429 providing that the school district shall provide teacher interns
430 seeking a nontraditional provisional teaching license with a
431 one-year classroom teaching experience. The teacher intern shall
432 successfully complete the one (1) semester three-hour intensive
433 internship in the school district during the semester immediately
434 following successful completion of the TMI and prior to the end of
435 the one-year classroom teaching experience.

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

443 (iv) During the semester of internship in the
444 school district, the teacher preparation institution shall monitor
445 the performance of the intern teacher. The school district that
446 employs the provisional teacher shall supervise the provisional
447 teacher during the teacher's intern year of employment under a
448 nontraditional provisional license, and shall, in consultation
449 with the teacher intern's mentor at the school district of
450 employment, submit to the commission a comprehensive evaluation of
451 the teacher's performance sixty (60) days prior to the expiration
452 of the nontraditional provisional license. If the comprehensive
453 evaluation establishes that the provisional teacher intern's
454 performance fails to meet the standards of the approved
455 nontraditional teacher preparation internship program, the
456 individual shall not be approved for a standard license.

457 (v) An individual issued a provisional teaching
458 license under this nontraditional route shall successfully
459 complete, at a minimum, a one-year beginning teacher mentoring and

460 induction program administered by the employing school district
461 with the assistance of the State Department of Education.

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

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

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

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

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

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

509 (c) **Special License - Expert Citizen.** In order to
510 allow a school district to offer specialized or technical courses,
511 the State Department of Education, in accordance with rules and
512 regulations established by the State Board of Education, may grant
513 a one-year expert citizen-teacher license to local business or
514 other professional personnel to teach in a public school or
515 nonpublic school accredited or approved by the state. Such person
516 may begin teaching upon his employment by the local school board
517 and licensure by the Mississippi Department of Education. The
518 board shall adopt rules and regulations to administer the expert
519 citizen-teacher license. A Special License - Expert Citizen may
520 be renewed in accordance with the established rules and
521 regulations of the State Department of Education.

522 (d) **Special License - Nonrenewable.** The State Board of
523 Education is authorized to establish rules and regulations to
524 allow those educators not meeting requirements in subsection
525 (6)(a), (b) or (c) to be licensed for a period of not more than

526 three (3) years, except by special approval of the State Board of
527 Education.

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

539 (f) **Special License - Transitional Bilingual Education.**
540 Beginning July 1, 2003, the commission shall grant special
541 licenses to teachers of transitional bilingual education who
542 possess such qualifications as are prescribed in this section.
543 Teachers of transitional bilingual education shall be compensated
544 by local school boards at not less than one (1) step on the
545 regular salary schedule applicable to permanent teachers licensed
546 under this section. The commission shall grant special licenses
547 to teachers of transitional bilingual education who present the
548 commission with satisfactory evidence that they (i) possess a
549 speaking and reading ability in a language, other than English, in
550 which bilingual education is offered and communicative skills in
551 English; (ii) are in good health and sound moral character; (iii)
552 possess a bachelor's degree or an associate's degree in teacher
553 education from an accredited institution of higher education; (iv)
554 meet such requirements as to courses of study, semester hours
555 therein, experience and training as may be required by the
556 commission; and (v) are legally present in the United States and
557 possess legal authorization for employment. A teacher of
558 transitional bilingual education serving under a special license

559 shall be under an exemption from standard licensure if he achieves
560 the requisite qualifications therefor. Two (2) years of service
561 by a teacher of transitional bilingual education under such an
562 exemption shall be credited to the teacher in acquiring a Standard
563 Educator License. Nothing in this paragraph shall be deemed to
564 prohibit a local school board from employing a teacher licensed in
565 an appropriate field as approved by the State Department of
566 Education to teach in a program in transitional bilingual
567 education.

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

573 (h) Highly Qualified Teachers. Beginning July 1, 2006,
574 any teacher from any state meeting the federal definition of
575 highly qualified, as described in the No Child Left Behind Act,
576 must be granted a standard five-year license by the State
577 Department of Education.

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

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

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

591 Mississippi school district. Administrator License - Entry Level
592 shall be issued for a five-year period and shall be nonrenewable.

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

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

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

616 Beginning with the 1997-1998 school year, individuals seeking
617 school administrator licensure under paragraph (b), (c) or (d)
618 shall successfully complete a training program and an assessment
619 process prescribed by the State Board of Education. Applicants
620 seeking school administrator licensure prior to June 30, 1997, and
621 completing all requirements for provisional or standard
622 administrator certification and who have never practiced, shall be
623 exempt from taking the Mississippi Assessment Battery Phase I.

624 Applicants seeking school administrator licensure during the
625 period beginning July 1, 1997, through June 30, 1998, shall
626 participate in the Mississippi Assessment Battery, and upon
627 request of the applicant, the department shall reimburse the
628 applicant for the cost of the assessment process required. After
629 June 30, 1998, all applicants for school administrator licensure
630 shall meet all requirements prescribed by the department under
631 paragraph (b), (c) or (d), and the cost of the assessment process
632 required shall be paid by the applicant.

633 (8) **Reciprocity.** (a) The department shall grant a standard
634 license to any individual who possesses a valid standard license
635 from another state * * *.

636 (b) The department shall grant a nonrenewable special
637 license to any individual who possesses a credential which is less
638 than a standard license or certification from another state * * *.
639 Such special license shall be valid for the current school year
640 plus one (1) additional school year to expire on June 30 of the
641 second year, not to exceed a total period of twenty-four (24)
642 months, during which time the applicant shall be required to
643 complete the requirements for a standard license in Mississippi.

644 (9) **Renewal and Reinstatement of Licenses.** The State Board
645 of Education is authorized to establish rules and regulations for
646 the renewal and reinstatement of educator and administrator
647 licenses. Effective May 15, 1997, the valid standard license held
648 by an educator shall be extended five (5) years beyond the
649 expiration date of the license in order to afford the educator
650 adequate time to fulfill new renewal requirements established
651 pursuant to this subsection. An educator completing a master of
652 education, educational specialist or doctor of education degree in
653 May 1997 for the purpose of upgrading the educator's license to a
654 higher class shall be given this extension of five (5) years plus
655 five (5) additional years for completion of a higher degree.

656 (10) All controversies involving the issuance, revocation,
657 suspension or any change whatsoever in the licensure of an
658 educator required to hold a license shall be initially heard in a
659 hearing de novo, by the commission or by a subcommittee
660 established by the commission and composed of commission members
661 for the purpose of holding hearings. Any complaint seeking the
662 denial of issuance, revocation or suspension of a license shall be
663 by sworn affidavit filed with the Commission of Teacher and
664 Administrator Education, Certification and Licensure and
665 Development. The decision thereon by the commission or its
666 subcommittee shall be final, unless the aggrieved party shall
667 appeal to the State Board of Education, within ten (10) days, of
668 the decision of the committee or its subcommittee. An appeal to
669 the State Board of Education shall be on the record previously
670 made before the commission or its subcommittee unless otherwise
671 provided by rules and regulations adopted by the board. The State
672 Board of Education in its authority may reverse, or remand with
673 instructions, the decision of the committee or its subcommittee.
674 The decision of the State Board of Education shall be final.

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

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

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

684 (c) The applicant is actively addicted to or actively
685 dependent on alcohol or other habit-forming drugs or is a habitual
686 user of narcotics, barbiturates, amphetamines, hallucinogens or
687 other drugs having similar effect, at the time of application for
688 a license;

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

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

693 (f) Failing or refusing to furnish reasonable evidence
694 of identification;

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

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

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

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

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

711 (c) Suspension or revocation of a certificate or
712 license by another state shall result in immediate suspension or
713 revocation and shall continue until records in the prior state
714 have been cleared;

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

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

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

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

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

732 (c) A person may voluntarily surrender a license. The
733 surrender of such license may result in the commission
734 recommending any of the above penalties without the necessity of a
735 hearing. However, any such license which has voluntarily been
736 surrendered by a licensed employee may only be reinstated by a
737 majority vote of all members of the commission present at the
738 meeting called for such purpose.

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

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

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

785 (17) All such programs, rules, regulations, standards and
786 criteria recommended or authorized by the commission shall become

787 effective upon approval by the State Board of Education as
788 designated by appropriate orders entered upon the minutes thereof.

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

797 (19) In addition to the reasons specified in subsections
798 (12) and (13) of this section, the board shall be authorized to
799 suspend the license of any licensee for being out of compliance
800 with an order for support, as defined in Section 93-11-153. The
801 procedure for suspension of a license for being out of compliance
802 with an order for support, and the procedure for the reissuance or
803 reinstatement of a license suspended for that purpose, and the
804 payment of any fees for the reissuance or reinstatement of a
805 license suspended for that purpose, shall be governed by Section
806 93-11-157 or 93-11-163, as the case may be. Actions taken by the
807 board in suspending a license when required by Section 93-11-157
808 or 93-11-163 are not actions from which an appeal may be taken
809 under this section. Any appeal of a license suspension that is
810 required by Section 93-11-157 or 93-11-163 shall be taken in
811 accordance with the appeal procedure specified in Section
812 93-11-157 or 93-11-163, as the case may be, rather than the
813 procedure specified in this section. If there is any conflict
814 between any provision of Section 93-11-157 or 93-11-163 and any
815 provision of this chapter, the provisions of Section 93-11-157 or
816 93-11-163, as the case may be, shall control.

817 **SECTION 3.** Section 37-61-33, Mississippi Code of 1972, is
818 amended as follows:

819 37-61-33. (1) There is created within the State Treasury a
820 special fund to be designated the "Education Enhancement Fund"
821 into which shall be deposited all the revenues collected pursuant
822 to Sections 27-65-75(7) and (8) and 27-67-31(a) and (b).

823 (2) Of the amount deposited into the Education Enhancement
824 Fund, Sixteen Million Dollars (\$16,000,000.00) shall be
825 appropriated each fiscal year to the State Department of Education
826 to be distributed to all school districts. Such money shall be
827 distributed to all school districts in the proportion that the
828 average daily attendance of each school district bears to the
829 average daily attendance of all school districts within the state
830 for the following purposes:

831 (a) Purchasing, erecting, repairing, equipping,
832 remodeling and enlarging school buildings and related facilities,
833 including gymnasiums, auditoriums, lunchrooms, vocational training
834 buildings, libraries, teachers' homes, school barns,
835 transportation vehicles (which shall include new and used
836 transportation vehicles) and garages for transportation vehicles,
837 and purchasing land therefor.

838 (b) Establishing and equipping school athletic fields
839 and necessary facilities connected therewith, and purchasing land
840 therefor.

841 (c) Providing necessary water, light, heating, air
842 conditioning and sewerage facilities for school buildings, and
843 purchasing land therefor.

844 (d) As a pledge to pay all or a portion of the debt
845 service on debt issued by the school district under Sections
846 37-59-1 through 37-59-45, 37-59-101 through 37-59-115, 37-7-351
847 through 37-7-359, 37-41-89 through 37-41-99, 37-7-301, 37-7-302
848 and 37-41-81, or debt issued by boards of supervisors for
849 agricultural high schools pursuant to Section 37-27-65, if such
850 pledge is accomplished pursuant to a written contract or
851 resolution approved and spread upon the minutes of an official

852 meeting of the district's school board or board of supervisors.
853 The annual grant to such district in any subsequent year during
854 the term of the resolution or contract shall not be reduced below
855 an amount equal to the district's grant amount for the year in
856 which the contract or resolution was adopted. The intent of this
857 provision is to allow school districts to irrevocably pledge a
858 certain, constant stream of revenue as security for long-term
859 obligations issued under the code sections enumerated in this
860 paragraph or as otherwise allowed by law. It is the intent of the
861 Legislature that the provisions of this paragraph shall be
862 cumulative and supplemental to any existing funding programs or
863 other authority conferred upon school districts or school boards.
864 Debt of a district secured by a pledge of sales tax revenue
865 pursuant to this paragraph shall not be subject to any debt
866 limitation contained in the foregoing enumerated code sections.

867 (3) The remainder of the money deposited into the Education
868 Enhancement Fund shall be appropriated as follows:

869 (a) To the State Department of Education as follows:

870 (i) Sixteen and sixty-one one-hundredths percent
871 (16.61%) to the cost of the adequate education program determined
872 under Section 37-151-7; of the funds generated by the percentage
873 set forth in this section for the support of the adequate
874 education program, one and one hundred seventy-eight
875 one-thousandths percent (1.178%) of the funds shall be
876 appropriated to be used by the State Department of Education for
877 the purchase of textbooks to be loaned under Sections 37-43-1
878 through 37-43-59 to approved nonpublic schools, as described in
879 Section 37-43-1. The funds to be distributed to each nonpublic
880 school shall be in the proportion that the average daily
881 attendance of each nonpublic school bears to the total average
882 daily attendance of all nonpublic schools;

883 (ii) Seven and ninety-seven one-hundredths percent
884 (7.97%) to assist the funding of transportation operations and
885 maintenance pursuant to Section 37-19-23; and
886 (iii) Nine and sixty-one one-hundredths percent
887 (9.61%) for classroom supplies, instructional materials and
888 equipment, including computers and computer software, to be
889 distributed to all school districts in the proportion that the
890 average daily attendance of each school district bears to the
891 average daily attendance of all school districts within the state.
892 Classroom supply funds shall not be expended for administrative
893 purposes. Local school districts shall allocate classroom supply
894 funds equally among all classroom teachers in the school district.
895 For purposes of this subparagraph, "teacher" means any employee of
896 the school board of a school district who is required by law to
897 obtain a teacher's license from the State Department of Education
898 and who is assigned to an instructional area of work as defined by
899 the department, but shall not include a federally funded teacher.
900 Two (2) or more teachers may agree to pool their classroom supply
901 funds for the benefit of a school within the district. It is the
902 intent of the Legislature that all classroom teachers shall be
903 involved in the development of a spending plan that addresses
904 individual classroom needs and supports the overall goals of the
905 school regarding supplies, instructional materials, equipment,
906 computers or computer software under the provisions of this
907 subparagraph, including the type, quantity and quality of such
908 supplies, materials and equipment. This plan shall be submitted
909 in writing to the school principal for approval. Classroom supply
910 funds allocated under this subparagraph shall supplement, not
911 replace, other local and state funds available for the same
912 purposes. School districts need not fully expend the funds
913 received under this subparagraph in the year in which they are
914 received, but such funds may be carried forward for expenditure in
915 any succeeding school year. Any individual teacher or group of

916 teachers with an approved spending plan that has not been fully
917 funded need not expend the funds allocated under this subparagraph
918 in the year in which such funds are received. Such funds may be
919 carried forward for expenditure in any subsequent school year in
920 which the plan is fully funded. However, beginning July 1, 2006,
921 any funds allocated under this subparagraph which are not reserved
922 in an approved spending plan but remain unspent on March 31 of the
923 fiscal year in which the funds were allotted must be utilized by
924 the school where the teacher is employed for instructional supply
925 and equipment purposes. The State Board of Education shall
926 develop and promulgate rules and regulations for the
927 administration of this subparagraph consistent with the above
928 criteria, with particular emphasis on allowing the individual
929 teachers to expend funds as they deem appropriate;

930 (b) Twenty-two and nine one-hundredths percent (22.09%)
931 to the Board of Trustees of State Institutions of Higher Learning
932 for the purpose of supporting institutions of higher learning; and

933 (c) Fourteen and forty-one one-hundredths percent
934 (14.41%) to the State Board for Community and Junior Colleges for
935 the purpose of providing support to community and junior colleges.

936 (4) The amount remaining in the Education Enhancement Fund
937 after funds are distributed as provided in subsections (2) and (3)
938 of this section shall be disbursed as follows:

939 (a) Twenty-five Million Dollars (\$25,000,000.00) shall
940 be deposited into the Working Cash-Stabilization Reserve Fund
941 created pursuant to Section 27-103-203(1), until the balance in
942 such fund reaches the maximum balance of seven and one-half
943 percent (7-1/2%) of the General Fund appropriations in the
944 appropriate fiscal year. After the maximum balance in the Working
945 Cash-Stabilization Reserve Fund is reached, such money shall
946 remain in the Education Enhancement Fund to be appropriated in the
947 manner provided for in paragraph (b) of this subsection.

948 (b) The remainder shall be appropriated for other
949 educational needs.

950 (5) None of the funds appropriated pursuant to subsection
951 (3)(a) of this section shall be used to reduce the state's General
952 Fund appropriation for the categories listed in an amount below
953 the following amounts:

954 (a) For subsection (3)(a)(ii) of this section,
955 Thirty-six Million Seven Hundred Thousand Dollars
956 (\$36,700,000.00);

957 (b) For the aggregate of minimum program allotments in
958 the 1997 fiscal year, formerly provided for in Chapter 19, Title
959 37, Mississippi Code of 1972, as amended, excluding those funds
960 for transportation as provided for in subsection (5)(a) in this
961 section.

962 **SECTION 4.** This act shall take effect and be in force from
963 and after July 1, 2006.