

By: Senator(s) Harden

To: Education;  
Appropriations

SENATE BILL NO. 2226

1 AN ACT TO AMEND SECTION 37-7-307, MISSISSIPPI CODE OF 1972,  
2 TO AUTHORIZE SCHOOL DISTRICTS TO PAY SUBSTITUTE TEACHERS TWICE PER  
3 MONTH; TO AMEND SECTION 37-3-2, MISSISSIPPI CODE OF 1972, TO  
4 AUTHORIZE SUBSTITUTE TEACHERS WITH CERTAIN EXPERIENCE TO BE  
5 COMPENSATED WHILE COMPLETING STUDENT TEACHING REQUIREMENTS; AND  
6 FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 37-7-307, Mississippi Code of 1972, is  
9 amended as follows:

10 37-7-307. (1) For purposes of this section, the term  
11 "licensed employee" means any employee of a public school district  
12 required to hold a valid license by the Commission on Teacher and  
13 Administrator Education, Certification and Licensure and  
14 Development.

15 (2) The school board of a school district shall establish by  
16 rules and regulations a policy of sick leave with pay for licensed  
17 employees and teacher assistants employed in the school district,  
18 and such policy shall include the following minimum provisions for  
19 sick and emergency leave with pay:

20 (a) Each licensed employee and teacher assistant, at  
21 the beginning of each school year, shall be credited with a  
22 minimum sick leave allowance, with pay, of seven (7) days for  
23 absences caused by illness or physical disability of the employee  
24 during that school year.

25 (b) Any unused portion of the total sick leave  
26 allowance shall be carried over to the next school year and  
27 credited to such licensed employee and teacher assistant if the  
28 licensed employee or teacher assistant remains employed in the  
29 same school district. In the event any public school licensed

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

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

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

54 (3) Beginning with the school year 1983-1984, each licensed  
55 employee at the beginning of each school year shall be credited  
56 with a minimum personal leave allowance, with pay, of two (2) days  
57 for absences caused by personal reasons during that school year.  
58 Such personal leave shall not be taken on the first day of the  
59 school term, the last day of the school term, on a day previous to  
60 a holiday or a day after a holiday, unless on such days an  
61 immediate family member of the employee is being deployed for  
62 military service. Personal leave may be used for professional

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

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

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

96 district at a rate equal to the amount paid to substitute teachers  
97 and for nonlicensed employees, the payment shall be made by the  
98 school district at a rate equal to the federal minimum wage. The  
99 payment shall be treated in the same manner for retirement  
100 purposes as a lump-sum payment for personal leave as provided in  
101 Section 25-11-103(e). Any remaining lawfully credited unused  
102 leave, for which payment has not been made, shall be certified to  
103 the Public Employees' Retirement System in the same manner and  
104 subject to the same limitations as otherwise provided by law for  
105 unused leave. No payment for unused accumulated leave may be made  
106 to either a licensed or nonlicensed employee at termination or  
107 separation from service for any purpose other than for the purpose  
108 of retirement.

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

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

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

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

128           (d) Enlarging, increasing or providing greater sick or  
129 personal leave allowances than the minimum standards established  
130 by this section in the discretion of the school board of each  
131 school district.

132           (7) School boards may include in their budgets provisions  
133 for the payment of substitute employees, necessitated because of  
134 the absence of regular licensed employees. All such substitute  
135 employees shall be paid wholly from district funds, except as  
136 otherwise provided for long-term substitute teachers in Section  
137 37-19-20. Local school boards may elect to pay substitute  
138 teachers twice per month. Such school boards, in their  
139 discretion, also may pay, from district funds other than adequate  
140 education program funds, the whole or any part of the salaries of  
141 all employees granted leaves for the purpose of special studies or  
142 training.

143           (8) The school board may further adopt rules and regulations  
144 which will reasonably implement such leave policies for all other  
145 nonlicensed and hourly paid school employees as the board deems  
146 appropriate.

147           (9) Vacation leave granted to either licensed or nonlicensed  
148 employees shall be synonymous with personal leave. Unused  
149 vacation or personal leave accumulated by licensed employees in  
150 excess of the maximum five (5) days which may be carried over from  
151 one year to the next may be converted to sick leave. The annual  
152 conversion of unused vacation or personal leave to sick days for  
153 licensed or unlicensed employees shall not exceed the allowable  
154 number of personal leave days as provided in Section 25-3-93. The  
155 annual total number of converted unused vacation and/or personal  
156 days added to the annual unused sick days for any employee shall  
157 not exceed the combined allowable number of days per year provided  
158 in Sections 25-3-93 and 25-3-95. Local school board policies that  
159 provide for vacation, personal and sick leave for employees shall  
160 not exceed the provisions for leave as provided in Sections

161 25-3-93 and 25-3-95. Any personal or vacation leave previously  
162 converted to sick leave under a lawfully adopted policy before May  
163 1, 2004, or such personal or vacation leave accumulated and  
164 available for use prior to May 1, 2004, under a lawfully adopted  
165 policy but converted to sick leave after May 1, 2004, shall be  
166 recognized as accrued leave by the local school district and  
167 available for use by the employee. The leave converted under a  
168 lawfully adopted policy prior to May 1, 2004, or such personal and  
169 vacation leave accumulated and available for use as of May 1,  
170 2004, which was subsequently converted to sick leave may be  
171 certified to the Public Employees' Retirement System upon  
172 termination of employment and any such leave previously converted  
173 and certified to the Public Employees' Retirement System shall be  
174 recognized.

175 (10) (a) For the purposes of this subsection, the following  
176 words and phrases shall have the meaning ascribed in this  
177 paragraph unless the context requires otherwise:

178 (i) "Catastrophic injury or illness" means a  
179 life-threatening injury or illness of an employee or a member of  
180 an employee's immediate family that totally incapacitates the  
181 employee from work, as verified by a licensed physician, and  
182 forces the employee to exhaust all leave time earned by that  
183 employee, resulting in the loss of compensation from the local  
184 school district for the employee. Conditions that are short-term  
185 in nature, including, but not limited to, common illnesses such as  
186 influenza and the measles, and common injuries, are not  
187 catastrophic. Chronic illnesses or injuries, such as cancer or  
188 major surgery, that result in intermittent absences from work and  
189 that are long-term in nature and require long recuperation periods  
190 may be considered catastrophic.

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

193           (b) Any school district employee may donate a portion  
194 of his or her unused accumulated personal leave or sick leave to  
195 another employee of the same or another school district who is  
196 suffering from a catastrophic injury or illness or who has a  
197 member of his or her immediate family suffering from a  
198 catastrophic injury or illness, in accordance with the following:

199           (i) The employee donating the leave (the "donor  
200 employee") shall designate the employee who is to receive the  
201 leave (the "recipient employee") and the amount of unused  
202 accumulated personal leave and sick leave that is to be donated,  
203 and shall notify the school district superintendent or his  
204 designee of his or her designation.

205           (ii) The maximum amount of unused accumulated  
206 personal leave that an employee may donate to any other employee  
207 may not exceed a number of days that would leave the donor  
208 employee with fewer than seven (7) days of personal leave  
209 remaining, and the maximum amount of unused accumulated sick leave  
210 that an employee may donate to any other employee may not exceed  
211 fifty percent (50%) of the unused accumulated sick leave of the  
212 donor employee.

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

218           (iv) Before an employee may receive donated leave,  
219 he or she must provide the school district superintendent or his  
220 designee with a physician's statement that states the beginning  
221 date of the catastrophic injury or illness, a description of the  
222 injury or illness, and a prognosis for recovery and the  
223 anticipated date that the recipient employee will be able to  
224 return to work.

225                   (v) If the total amount of leave that is donated  
226 to any employee is not used by the recipient employee, the whole  
227 days of donated leave shall be returned to the donor employees on  
228 a pro rata basis, based on the ratio of the number of days of  
229 leave donated by each donor employee to the total number of days  
230 of leave donated by all donor employees.

231                   (vi) Donated leave shall not be used in lieu of  
232 disability retirement.

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

235           37-3-2. (1) There is established within the State  
236 Department of Education the Commission on Teacher and  
237 Administrator Education, Certification and Licensure and  
238 Development. It shall be the purpose and duty of the commission  
239 to make recommendations to the State Board of Education regarding  
240 standards for the certification and licensure and continuing  
241 professional development of those who teach or perform tasks of an  
242 educational nature in the public schools of Mississippi.

243           (2) The commission shall be composed of fifteen (15)  
244 qualified members. The membership of the commission shall be  
245 composed of the following members to be appointed, three (3) from  
246 each congressional district: four (4) classroom teachers; three  
247 (3) school administrators; one (1) representative of schools of  
248 education of institutions of higher learning located within the  
249 state to be recommended by the Board of Trustees of State  
250 Institutions of Higher Learning; one (1) representative from the  
251 schools of education of independent institutions of higher  
252 learning to be recommended by the Board of the Mississippi  
253 Association of Independent Colleges; one (1) representative from  
254 public community and junior colleges located within the state to  
255 be recommended by the State Board for Community and Junior  
256 Colleges; one (1) local school board member; and four (4) lay  
257 persons. All appointments shall be made by the State Board of



258 Education after consultation with the State Superintendent of  
259 Public Education. The first appointments by the State Board of  
260 Education shall be made as follows: five (5) members shall be  
261 appointed for a term of one (1) year; five (5) members shall be  
262 appointed for a term of two (2) years; and five (5) members shall  
263 be appointed for a term of three (3) years. Thereafter, all  
264 members shall be appointed for a term of four (4) years.

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

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

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

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

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

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

288 (d) Establish, subject to the approval of the State  
289 Board of Education, standards for the renewal of teacher licenses  
290 in all fields;

- 291 (e) Review and evaluate objective measures of teacher  
292 performance, such as test scores, which may form part of the  
293 licensure process, and to make recommendations for their use;
- 294 (f) Review all existing requirements for certification  
295 and licensure;
- 296 (g) Consult with groups whose work may be affected by  
297 the commission's decisions;
- 298 (h) Prepare reports from time to time on current  
299 practices and issues in the general area of teacher education and  
300 certification and licensure;
- 301 (i) Hold hearings concerning standards for teachers'  
302 and administrators' education and certification and licensure with  
303 approval of the State Board of Education;
- 304 (j) Hire expert consultants with approval of the State  
305 Board of Education;
- 306 (k) Set up ad hoc committees to advise on specific  
307 areas; and
- 308 (l) Perform such other functions as may fall within  
309 their general charge and which may be delegated to them by the  
310 State Board of Education.

311 (6) (a) **Standard License - Approved Program Route.** An  
312 educator entering the school system of Mississippi for the first  
313 time and meeting all requirements as established by the State  
314 Board of Education shall be granted a standard five-year license.  
315 Persons who possess two (2) years of classroom experience as an  
316 assistant teacher or substitute teacher or who have taught for one  
317 (1) year in an accredited public or private school shall be  
318 allowed to fulfill student teaching requirements under the  
319 supervision of a qualified participating teacher approved by an  
320 accredited college of education. The local school district in  
321 which the assistant teacher or substitute teacher is employed  
322 shall compensate such assistant teachers or substitute teachers at  
323 the required salary level during the period of time such

324 individual is completing student teaching requirements.

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

326                   (i) An application on a department form;

327                   (ii) An official transcript of completion of a

328 teacher education program approved by the department or a

329 nationally accredited program, subject to the following:

330 Licensure to teach in Mississippi prekindergarten through

331 kindergarten classrooms shall require completion of a teacher

332 education program or a bachelor of science degree with child

333 development emphasis from a program accredited by the American

334 Association of Family and Consumer Sciences (AAFCS) or by the

335 National Association for Education of Young Children (NAEYC) or by

336 the National Council for Accreditation of Teacher Education

337 (NCATE). Licensure to teach in Mississippi kindergarten, for

338 those applicants who have completed a teacher education program,

339 and in Grade 1 through Grade 4 shall require the completion of an

340 interdisciplinary program of studies. Licenses for Grades 4

341 through 8 shall require the completion of an interdisciplinary

342 program of studies with two (2) or more areas of concentration.

343 Licensure to teach in Mississippi Grades 7 through 12 shall

344 require a major in an academic field other than education, or a

345 combination of disciplines other than education. Students

346 preparing to teach a subject shall complete a major in the

347 respective subject discipline. All applicants for standard

348 licensure shall demonstrate that such person's college preparation

349 in those fields was in accordance with the standards set forth by

350 the National Council for Accreditation of Teacher Education

351 (NCATE) or the National Association of State Directors of Teacher

352 Education and Certification (NASDTEC) or, for those applicants who

353 have a bachelor of science degree with child development emphasis,

354 the American Association of Family and Consumer Sciences (AAFCS);

355                   (iii) A copy of test scores evidencing

356 satisfactory completion of nationally administered examinations of

357 achievement, such as the Educational Testing Service's teacher  
358 testing examinations; and

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

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

362 Beginning January 1, 2004, an individual who has a passing score  
363 on the Praxis I Basic Skills and Praxis II Specialty Area Test in  
364 the requested area of endorsement may apply for the Teach  
365 Mississippi Institute (TMI) program to teach students in Grades 7  
366 through 12 if the individual meets the requirements of this  
367 paragraph (b). The State Board of Education shall adopt rules  
368 requiring that teacher preparation institutions which provide the  
369 Teach Mississippi Institute (TMI) program for the preparation of  
370 nontraditional teachers shall meet the standards and comply with  
371 the provisions of this paragraph.

372 (i) The Teach Mississippi Institute (TMI) shall  
373 include an intensive eight-week, nine-semester-hour summer program  
374 or a curriculum of study in which the student matriculates in the  
375 fall or spring semester, which shall include, but not be limited  
376 to, instruction in education, effective teaching strategies,  
377 classroom management, state curriculum requirements, planning and  
378 instruction, instructional methods and pedagogy, using test  
379 results to improve instruction, and a one (1) semester three-hour  
380 supervised internship to be completed while the teacher is  
381 employed as a full-time teacher intern in a local school district.  
382 The TMI shall be implemented on a pilot program basis, with  
383 courses to be offered at up to four (4) locations in the state,  
384 with one (1) TMI site to be located in each of the three (3)  
385 Mississippi Supreme Court districts.

386 (ii) The school sponsoring the teacher intern  
387 shall enter into a written agreement with the institution  
388 providing the Teach Mississippi Institute (TMI) program, under  
389 terms and conditions as agreed upon by the contracting parties,

390 providing that the school district shall provide teacher interns  
391 seeking a nontraditional provisional teaching license with a  
392 one-year classroom teaching experience. The teacher intern shall  
393 successfully complete the one (1) semester three-hour intensive  
394 internship in the school district during the semester immediately  
395 following successful completion of the TMI and prior to the end of  
396 the one-year classroom teaching experience.

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

404 (iv) During the semester of internship in the  
405 school district, the teacher preparation institution shall monitor  
406 the performance of the intern teacher. The school district that  
407 employs the provisional teacher shall supervise the provisional  
408 teacher during the teacher's intern year of employment under a  
409 nontraditional provisional license, and shall, in consultation  
410 with the teacher intern's mentor at the school district of  
411 employment, submit to the commission a comprehensive evaluation of  
412 the teacher's performance sixty (60) days prior to the expiration  
413 of the nontraditional provisional license. If the comprehensive  
414 evaluation establishes that the provisional teacher intern's  
415 performance fails to meet the standards of the approved  
416 nontraditional teacher preparation internship program, the  
417 individual shall not be approved for a standard license.

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

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

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

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

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

454           The State Department of Education shall compile and report,  
455 in consultation with the commission, information relating to

456 nontraditional teacher preparation internship programs, including  
457 the number of programs available and geographic areas in which  
458 they are available, the number of individuals who apply for and  
459 possess a nontraditional conditional license, the subject areas in  
460 which individuals who possess nontraditional conditional licenses  
461 are teaching and where they are teaching, and shall submit its  
462 findings and recommendations to the legislative committees on  
463 education by December 1, 2004.

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

470       (c) **Special License - Expert Citizen.** In order to  
471 allow a school district to offer specialized or technical courses,  
472 the State Department of Education, in accordance with rules and  
473 regulations established by the State Board of Education, may grant  
474 a one-year expert citizen-teacher license to local business or  
475 other professional personnel to teach in a public school or  
476 nonpublic school accredited or approved by the state. Such person  
477 may begin teaching upon his employment by the local school board  
478 and licensure by the Mississippi Department of Education. The  
479 board shall adopt rules and regulations to administer the expert  
480 citizen-teacher license. A Special License - Expert Citizen may  
481 be renewed in accordance with the established rules and  
482 regulations of the State Department of Education.

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

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

500           (f) **Special License - Transitional Bilingual Education.**  
501 Beginning July 1, 2003, the commission shall grant special  
502 licenses to teachers of transitional bilingual education who  
503 possess such qualifications as are prescribed in this section.  
504 Teachers of transitional bilingual education shall be compensated  
505 by local school boards at not less than one (1) step on the  
506 regular salary schedule applicable to permanent teachers licensed  
507 under this section. The commission shall grant special licenses  
508 to teachers of transitional bilingual education who present the  
509 commission with satisfactory evidence that they (i) possess a  
510 speaking and reading ability in a language, other than English, in  
511 which bilingual education is offered and communicative skills in  
512 English; (ii) are in good health and sound moral character; (iii)  
513 possess a bachelor's degree or an associate's degree in teacher  
514 education from an accredited institution of higher education; (iv)  
515 meet such requirements as to courses of study, semester hours  
516 therein, experience and training as may be required by the  
517 commission; and (v) are legally present in the United States and  
518 possess legal authorization for employment. A teacher of  
519 transitional bilingual education serving under a special license  
520 shall be under an exemption from standard licensure if he achieves  
521 the requisite qualifications therefor. Two (2) years of service



522 by a teacher of transitional bilingual education under such an  
523 exemption shall be credited to the teacher in acquiring a Standard  
524 Educator License. Nothing in this paragraph shall be deemed to  
525 prohibit a local school board from employing a teacher licensed in  
526 an appropriate field as approved by the State Department of  
527 Education to teach in a program in transitional bilingual  
528 education.

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

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

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

544 (b) **Administrator License - Entry Level.** Those  
545 educators holding administrative endorsement and having met the  
546 department's qualifications to be eligible for employment in a  
547 Mississippi school district. Administrator License - Entry Level  
548 shall be issued for a five-year period and shall be nonrenewable.

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

552 (d) **Administrator License - Nontraditional Route.** The  
553 board may establish a nontraditional route for licensing  
554 administrative personnel. Such nontraditional route for

555 administrative licensure shall be available for persons holding,  
556 but not limited to, a master of business administration degree, a  
557 master of public administration degree, a master of public  
558 planning and policy degree or a doctor of jurisprudence degree  
559 from an accredited college or university, with five (5) years of  
560 administrative or supervisory experience. Successful completion  
561 of the requirements of alternate route licensure for  
562 administrators shall qualify the person for a standard  
563 administrator license.

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

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

587 paragraph (b), (c) or (d), and the cost of the assessment process  
588 required shall be paid by the applicant.

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

593       (b) The department shall grant a nonrenewable special  
594 license to any individual who possesses a credential which is less  
595 than a standard license or certification from another state, or  
596 who possesses a standard license from another state but has less  
597 than two (2) years of full-time teaching or administration  
598 experience. Such special license shall be valid for the current  
599 school year plus one (1) additional school year to expire on June  
600 30 of the second year, not to exceed a total period of twenty-four  
601 (24) months, during which time the applicant shall be required to  
602 complete the requirements for a standard license in Mississippi.

603       (9) **Renewal and Reinstatement of Licenses.** The State Board  
604 of Education is authorized to establish rules and regulations for  
605 the renewal and reinstatement of educator and administrator  
606 licenses. Effective May 15, 1997, the valid standard license held  
607 by an educator shall be extended five (5) years beyond the  
608 expiration date of the license in order to afford the educator  
609 adequate time to fulfill new renewal requirements established  
610 pursuant to this subsection. An educator completing a master of  
611 education, educational specialist or doctor of education degree in  
612 May 1997 for the purpose of upgrading the educator's license to a  
613 higher class shall be given this extension of five (5) years plus  
614 five (5) additional years for completion of a higher degree.

615       (10) All controversies involving the issuance, revocation,  
616 suspension or any change whatsoever in the licensure of an  
617 educator required to hold a license shall be initially heard in a  
618 hearing de novo, by the commission or by a subcommittee  
619 established by the commission and composed of commission members

620 for the purpose of holding hearings. Any complaint seeking the  
621 denial of issuance, revocation or suspension of a license shall be  
622 by sworn affidavit filed with the Commission of Teacher and  
623 Administrator Education, Certification and Licensure and  
624 Development. The decision thereon by the commission or its  
625 subcommittee shall be final, unless the aggrieved party shall  
626 appeal to the State Board of Education, within ten (10) days, of  
627 the decision of the committee or its subcommittee. An appeal to  
628 the State Board of Education shall be on the record previously  
629 made before the commission or its subcommittee unless otherwise  
630 provided by rules and regulations adopted by the board. The State  
631 Board of Education in its authority may reverse, or remand with  
632 instructions, the decision of the committee or its subcommittee.  
633 The decision of the State Board of Education shall be final.

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

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

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

643 (c) The applicant is actively addicted to or actively  
644 dependent on alcohol or other habit-forming drugs or is a habitual  
645 user of narcotics, barbiturates, amphetamines, hallucinogens or  
646 other drugs having similar effect, at the time of application for  
647 a license;

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

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

652 (f) Failing or refusing to furnish reasonable evidence  
653 of identification;

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

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

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

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

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

670 (c) Suspension or revocation of a certificate or  
671 license by another state shall result in immediate suspension or  
672 revocation and shall continue until records in the prior state  
673 have been cleared;

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

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

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

683 (13) (a) Dismissal or suspension of a licensed employee by  
684 a local school board pursuant to Section 37-9-59 may result in the

685 suspension or revocation of a license for a length of time which  
686 shall be determined by the commission and based upon the severity  
687 of the offense.

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

691 (c) A person may voluntarily surrender a license. The  
692 surrender of such license may result in the commission  
693 recommending any of the above penalties without the necessity of a  
694 hearing. However, any such license which has voluntarily been  
695 surrendered by a licensed employee may only be reinstated by a  
696 majority vote of all members of the commission present at the  
697 meeting called for such purpose.

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

713 (15) Reporting procedures and hearing procedures for dealing  
714 with infractions under this section shall be promulgated by the  
715 commission, subject to the approval of the State Board of  
716 Education. The revocation or suspension of a license shall be  
717 effected at the time indicated on the notice of suspension or

718 revocation. The commission shall immediately notify the  
719 superintendent of the school district or school board where the  
720 teacher or administrator is employed of any disciplinary action  
721 and also notify the teacher or administrator of such revocation or  
722 suspension and shall maintain records of action taken. The State  
723 Board of Education may reverse or remand with instructions any  
724 decision of the commission regarding a petition for reinstatement  
725 of a license, and any such decision of the State Board of  
726 Education shall be final.

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

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

748 (18) The granting of a license shall not be deemed a  
749 property right nor a guarantee of employment in any public school  
750 district. A license is a privilege indicating minimal eligibility

751 for teaching in the public schools of Mississippi. This section  
752 shall in no way alter or abridge the authority of local school  
753 districts to require greater qualifications or standards of  
754 performance as a prerequisite of initial or continued employment  
755 in such districts.

756 (19) In addition to the reasons specified in subsections  
757 (12) and (13) of this section, the board shall be authorized to  
758 suspend the license of any licensee for being out of compliance  
759 with an order for support, as defined in Section 93-11-153. The  
760 procedure for suspension of a license for being out of compliance  
761 with an order for support, and the procedure for the reissuance or  
762 reinstatement of a license suspended for that purpose, and the  
763 payment of any fees for the reissuance or reinstatement of a  
764 license suspended for that purpose, shall be governed by Section  
765 93-11-157 or 93-11-163, as the case may be. Actions taken by the  
766 board in suspending a license when required by Section 93-11-157  
767 or 93-11-163 are not actions from which an appeal may be taken  
768 under this section. Any appeal of a license suspension that is  
769 required by Section 93-11-157 or 93-11-163 shall be taken in  
770 accordance with the appeal procedure specified in Section  
771 93-11-157 or 93-11-163, as the case may be, rather than the  
772 procedure specified in this section. If there is any conflict  
773 between any provision of Section 93-11-157 or 93-11-163 and any  
774 provision of this chapter, the provisions of Section 93-11-157 or  
775 93-11-163, as the case may be, shall control.

776 **SECTION 3.** This act shall take effect and be in force from  
777 and after July 1, 2006.