

HOUSE BILL NO. 845

1 AN ACT TO AMEND SECTION 37-3-2, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE THE STATE BOARD OF EDUCATION TO EXTEND THE LICENSES OF
3 CERTAIN EDUCATORS WHO HAVE COMPLETED A MASTER'S, SPECIALIST OR
4 DOCTORATE DEGREE IN ORDER TO AFFORD SUCH EDUCATORS ADEQUATE TIME
5 TO FULFILL NEW RENEWAL REQUIREMENTS ESTABLISHED BY THE BOARD; AND
6 FOR RELATED PURPOSES.

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

8 SECTION 1. Section 37-3-2, Mississippi Code of 1972, is
9 amended as follows:

10 37-3-2. (1) There is * * * established within the State
11 Department of Education the Commission on Teacher and
12 Administrator Education, Certification and Licensure and
13 Development. It shall be the purpose and duty of the commission
14 to make recommendations to the State Board of Education regarding
15 standards for the certification and licensure and continuing
16 professional development of those who teach or perform tasks of an
17 educational nature in the public schools of Mississippi.

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

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

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

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

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

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

57 (b) Recommend to the State Board of Education each year
58 approval or disapproval of each educator preparation program in
59 the state;

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

63 (d) Establish, subject to the approval of the State
64 Board of Education, standards for the renewal of teacher licenses
65 in all fields;

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

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

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

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

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

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

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

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

(6) (a) **Standard License - Approved Program Route.** An educator entering the school system of Mississippi for the first time and meeting all requirements as established by the State Board of Education shall be granted a standard five-year license.

Persons who possess two (2) years of classroom experience as an assistant teacher or who have taught for one (1) year in an accredited public or private school shall be allowed to fulfill student teaching requirements under the supervision of a qualified participating teacher approved by an accredited college of education. The local school district in which the assistant teacher is employed shall compensate such assistant teachers at the required salary level during the period of time such individual is completing student teaching requirements.

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

100 (i) An application on a department form;

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

104 Licensure to teach in Mississippi kindergarten through Grade 4
105 shall require the completion of an interdisciplinary program of
106 studies. Licenses for Grades 4 through 8 shall require the
107 completion of an interdisciplinary program of studies with two (2)
108 or more areas of concentration. Licensure to teach in Mississippi
109 Grades 7 through 12 shall require a major in an academic field
110 other than education, or a combination of disciplines other than
111 education. Students preparing to teach a subject shall complete a
112 major in the respective subject discipline. All applicants for
113 standard licensure shall demonstrate that such person's college
114 preparation in those fields was in accordance with the standards
115 set forth by the National Council for Accreditation of Teacher
116 Education (NCATE) or the National Association of State Directors
117 of Teacher Education and Certification (NASDTEC);

118 (iii) A copy of test scores evidencing
119 satisfactory completion of nationally administered examinations of
120 achievement, such as the Educational Testing Service's teacher
121 testing examinations * * *; and

122 (iv) Any other document required by the State
123 Board of Education.

124 (b) **Standard License - Alternate Teaching Route.**

125 Applicants for a standard license - alternate teaching route shall
126 submit to the department:

127 (i) An application on a department form;

128 (ii) An official transcript evidencing a bachelors
129 degree from an accredited institution of higher learning;

130 (iii) A copy of test scores evidencing
131 satisfactory completion of an examination of achievement specified

by the commission and approved by the State Board of Education;

(iv) An official transcript evidencing appropriate credit hours or a copy of test scores evidencing successful completion of tests as required by the State Board of Education; and

(v) Any other document required by the State Board of Education.

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

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

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

(e) **Nonlicensed Teaching Personnel.** A nonlicensed

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

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

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

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

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

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

(d) **Administrator License - Alternate Route.** The board may establish an alternate route for licensing administrative personnel. Such alternate route for administrative licensure shall be available for persons holding, but not limited to, a masters of business administration degree, a masters of public administration degree or a masters of public planning and policy degree from an accredited college or university, with five (5) years of administrative or supervisory experience. Successful completion of the requirements of alternate route licensure for administrators shall qualify the person for a standard administrator license.

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

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

(b) The department shall grant a nonrenewable special

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

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

(10) All controversies involving the issuance, revocation, suspension or any change whatsoever in the licensure of an educator required to hold a license shall be initially heard in a hearing de novo, by the commission or by a subcommittee established by the commission and composed of commission members for the purpose of holding hearings. Any complaint seeking the denial of issuance, revocation or suspension of a license shall be by sworn affidavit filed with the Commission of Teacher and Administrator Education, Certification and Licensure and Development. The decision thereon by the commission or its subcommittee shall be final, unless the aggrieved party shall appeal to the State Board of Education, within ten (10) days, of

the decision of the committee or its subcommittee. An appeal to the State Board of Education shall be on the record previously made before the commission or its subcommittee unless otherwise provided by rules and regulations adopted by the board. The State Board of Education in its authority may reverse, or remand with instructions, the decision of the committee or its subcommittee. The decision of the State Board of Education shall be final.

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

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

(b) Has a physical, emotional or mental disability that renders the applicant unfit to perform the duties authorized by the license, as certified by a licensed psychologist or psychiatrist;

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

(d) Revocation of a certificate or license by another state;

(e) Committed fraud or deceit in securing or attempting to secure such certification and license;

(f) Fails or refuses to furnish reasonable evidence of identification;

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

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

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

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

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

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

(d) Has been convicted, has pled guilty or entered a plea of nolo contendere to a felony, as defined by federal or state law;

(e) Has been convicted, has pled guilty or entered a plea of nolo contendere to a sex offense, as defined by federal or state law; or

(f) Knowingly and willfully committing any of the acts affecting validity of mandatory uniform test results as provided in Section 37-16-4(1).

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

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

(c) A person may voluntarily surrender a license. The surrender of such license may result in the commission

330 recommending any of the above penalties without the necessity of a
331 hearing. However, any such license which has voluntarily been
332 surrendered by a licensed employee may be reinstated by a
333 unanimous vote of all members of the commission.

334 (14) A person whose license has been suspended on any
335 grounds except criminal grounds may petition for reinstatement of
336 the license after one (1) year from the date of suspension, or
337 after one-half (1/2) of the suspended time has lapsed, whichever
338 is greater. A license suspended on the criminal grounds may be
339 reinstated upon petition to the commission filed after expiration
340 of the sentence and parole or probationary period imposed upon
341 conviction. A revoked license may be reinstated upon satisfactory
342 showing of evidence of rehabilitation. The commission shall
343 require all who petition for reinstatement to furnish evidence
344 satisfactory to the commission of good character, good mental,
345 emotional and physical health and such other evidence as the
346 commission may deem necessary to establish the petitioner's
347 rehabilitation and fitness to perform the duties authorized by the
348 license.

349 (15) Reporting procedures and hearing procedures for dealing
350 with infractions under this section shall be promulgated by the
351 commission, subject to the approval of the State Board of
352 Education. The revocation or suspension of a license shall be
353 effected at the time indicated on the notice of suspension or
354 revocation. The commission shall immediately notify the
355 superintendent of the school district or school board where the
356 teacher or administrator is employed of any disciplinary action
357 and also notify the teacher or administrator of such revocation or
358 suspension and shall maintain records of action taken. The State
359 Board of Education may reverse or remand with instructions any
360 decision of the commission regarding a petition for reinstatement
361 of a license, and any such decision of the State Board of
362 Education shall be final.

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

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

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

(19) In addition to the reasons specified in subsection (8) of this section, the board shall be authorized to suspend the license of any licensee for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for

396 suspension of a license for being out of compliance with an order
397 for support, and the procedure for the reissuance or reinstatement
398 of a license suspended for that purpose, and the payment of any
399 fees for the reissuance or reinstatement of a license suspended
400 for that purpose, shall be governed by Section 93-11-157 or
401 93-11-163, as the case may be. Actions taken by the board in
402 suspending a license when required by Section 93-11-157 or
403 93-11-163 are not actions from which an appeal may be taken under
404 this section. Any appeal of a license suspension that is required
405 by Section 93-11-157 or 93-11-163 shall be taken in accordance
406 with the appeal procedure specified in Section 93-11-157 or
407 93-11-163, as the case may be, rather than the procedure specified
408 in this section. If there is any conflict between any provision
409 of Section 93-11-157 or 93-11-163 and any provision of this
410 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
411 case may be, shall control.

412 SECTION 2. This act shall take effect and be in force from
413 and after its passage.