

By: Senator(s) Harden

To: Education;  
Appropriations

SENATE BILL NO. 2220

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. Personal leave may be used  
61 for professional purposes, including absences caused by attendance  
62 of such licensed employee at a seminar, class, training program,

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

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

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

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

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

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

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

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

126 (d) Enlarging, increasing or providing greater sick or  
127 personal leave allowances than the minimum standards established

128 by this section in the discretion of the school board of each  
129 school district.

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

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

145 (9) Vacation leave granted to either licensed or nonlicensed  
146 employees shall be synonymous with personal leave. Unused  
147 vacation or personal leave accumulated by licensed employees in  
148 excess of the maximum five (5) days which may be carried over from  
149 one (1) year to the next may be converted to sick leave not to  
150 exceed the conversion of ten (10) days of personal or vacation  
151 leave days to sick days per year. In the case of unused vacation  
152 or personal leave accumulated by nonlicensed employees, no more  
153 than ten (10) days of unused personal or vacation leave may be  
154 converted to sick leave per year. Any personal or vacation leave  
155 previously converted to sick leave under a lawfully adopted policy  
156 before May 1, 2004, shall be recognized as accrued leave by the  
157 local school district and available for use by the employee. The  
158 leave converted under a lawfully adopted policy may be certified  
159 to the Public Employees' Retirement System upon termination of

160 employment and any such leave previously converted and certified  
161 to the Public Employees' Retirement System shall be recognized.

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

165 (i) "Catastrophic injury or illness" means a  
166 life-threatening injury or illness of an employee or a member of  
167 an employee's immediate family that totally incapacitates the  
168 employee from work, as verified by a licensed physician, and  
169 forces the employee to exhaust all leave time earned by that  
170 employee, resulting in the loss of compensation from the state for  
171 the employee. Conditions that are short-term in nature,  
172 including, but not limited to, common illnesses such as influenza  
173 and the measles, and common injuries, are not catastrophic.  
174 Chronic illnesses or injuries, such as cancer or major surgery,  
175 that result in intermittent absences from work and that are  
176 long-term in nature and require long recuperation periods may be  
177 considered catastrophic.

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

180 (b) Any school district employee may donate a portion  
181 of his or her unused accumulated personal leave or sick leave to  
182 another employee of the same or another school district who is  
183 suffering from a catastrophic injury or illness or who has a  
184 member of his or her immediate family suffering from a  
185 catastrophic injury or illness, in accordance with the following:

186 (i) The employee donating the leave (the "donor  
187 employee") shall designate the employee who is to receive the  
188 leave (the "recipient employee") and the amount of unused  
189 accumulated personal leave and sick leave that is to be donated,  
190 and shall notify the school district superintendent or his  
191 designee of his or her designation.

192                   (ii) The maximum amount of unused accumulated  
193 personal leave that an employee may donate to any other employee  
194 may not exceed a number of days that would leave the donor  
195 employee with fewer than seven (7) days of personal leave  
196 remaining, and the maximum amount of unused accumulated sick leave  
197 that an employee may donate to any other employee may not exceed  
198 fifty percent (50%) of the unused accumulated sick leave of the  
199 donor employee.

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

205                   (iv) Before an employee may receive donated leave,  
206 he or she must provide the school district superintendent or his  
207 designee with a physician's statement that states the beginning  
208 date of the catastrophic injury or illness, a description of the  
209 injury or illness, and a prognosis for recovery and the  
210 anticipated date that the recipient employee will be able to  
211 return to work.

212                   (v) If the total amount of leave that is donated  
213 to any employee is not used by the recipient employee, the whole  
214 days of donated leave shall be returned to the donor employees on  
215 a pro rata basis, based on the ratio of the number of days of  
216 leave donated by each donor employee to the total number of days  
217 of leave donated by all donor employees.

218                   (vi) Donated leave shall not be used in lieu of  
219 disability retirement.

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

222           37-3-2. (1) There is established within the State  
223 Department of Education the Commission on Teacher and  
224 Administrator Education, Certification and Licensure and

225 Development. It shall be the purpose and duty of the commission  
226 to make recommendations to the State Board of Education regarding  
227 standards for the certification and licensure and continuing  
228 professional development of those who teach or perform tasks of an  
229 educational nature in the public schools of Mississippi.

230 (2) The commission shall be composed of fifteen (15)  
231 qualified members. The membership of the commission shall be  
232 composed of the following members to be appointed, three (3) from  
233 each congressional district: four (4) classroom teachers; three  
234 (3) school administrators; one (1) representative of schools of  
235 education of institutions of higher learning located within the  
236 state to be recommended by the Board of Trustees of State  
237 Institutions of Higher Learning; one (1) representative from the  
238 schools of education of independent institutions of higher  
239 learning to be recommended by the Board of the Mississippi  
240 Association of Independent Colleges; one (1) representative from  
241 public community and junior colleges located within the state to  
242 be recommended by the State Board for Community and Junior  
243 Colleges; one (1) local school board member; and four (4) lay  
244 persons. All appointments shall be made by the State Board of  
245 Education after consultation with the State Superintendent of  
246 Public Education. The first appointments by the State Board of  
247 Education shall be made as follows: five (5) members shall be  
248 appointed for a term of one (1) year; five (5) members shall be  
249 appointed for a term of two (2) years; and five (5) members shall  
250 be appointed for a term of three (3) years. Thereafter, all  
251 members shall be appointed for a term of four (4) years.

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



258           (4) An appropriate staff member of the State Department of  
259 Education shall be designated and assigned by the State  
260 Superintendent of Public Education to serve as executive secretary  
261 and coordinator for the commission. No less than two (2) other  
262 appropriate staff members of the State Department of Education  
263 shall be designated and assigned by the State Superintendent of  
264 Public Education to serve on the staff of the commission.

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

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

269                 (b) Recommend to the State Board of Education each year  
270 approval or disapproval of each educator preparation program in  
271 the state;

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

275                 (d) Establish, subject to the approval of the State  
276 Board of Education, standards for the renewal of teacher licenses  
277 in all fields;

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

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

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

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

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

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

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

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

298 (6) (a) **Standard License - Approved Program Route.** An  
299 educator entering the school system of Mississippi for the first  
300 time and meeting all requirements as established by the State  
301 Board of Education shall be granted a standard five-year license.  
302 Persons who possess two (2) years of classroom experience as an  
303 assistant teacher or substitute teacher or who have taught for one  
304 (1) year in an accredited public or private school shall be  
305 allowed to fulfill student teaching requirements under the  
306 supervision of a qualified participating teacher approved by an  
307 accredited college of education. The local school district in  
308 which the assistant teacher or substitute teacher is employed  
309 shall compensate such assistant teachers or substitute teachers at  
310 the required salary level during the period of time such  
311 individual is completing student teaching requirements.

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

313 (i) An application on a department form;

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

317 Licensure to teach in Mississippi prekindergarten through  
318 kindergarten classrooms shall require completion of a teacher  
319 education program or a bachelor of science degree with child  
320 development emphasis from a program accredited by the American  
321 Association of Family and Consumer Sciences (AAFCS) or by the  
322 National Association for Education of Young Children (NAEYC) or by  
323 the National Council for Accreditation of Teacher Education

324 (NCATE). Licensure to teach in Mississippi kindergarten, for  
325 those applicants who have completed a teacher education program,  
326 and in Grade 1 through Grade 4 shall require the completion of an  
327 interdisciplinary program of studies. Licenses for Grades 4  
328 through 8 shall require the completion of an interdisciplinary  
329 program of studies with two (2) or more areas of concentration.  
330 Licensure to teach in Mississippi Grades 7 through 12 shall  
331 require a major in an academic field other than education, or a  
332 combination of disciplines other than education. Students  
333 preparing to teach a subject shall complete a major in the  
334 respective subject discipline. All applicants for standard  
335 licensure shall demonstrate that such person's college preparation  
336 in those fields was in accordance with the standards set forth by  
337 the National Council for Accreditation of Teacher Education  
338 (NCATE) or the National Association of State Directors of Teacher  
339 Education and Certification (NASDTEC) or, for those applicants who  
340 have a bachelor of science degree with child development emphasis,  
341 the American Association of Family and Consumer Sciences (AAFCS);

342 (iii) A copy of test scores evidencing  
343 satisfactory completion of nationally administered examinations of  
344 achievement, such as the Educational Testing Service's teacher  
345 testing examinations; and

346 (iv) Any other document required by the State  
347 Board of Education.

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

349 Beginning January 1, 2004, an individual who has a passing score  
350 on the Praxis I Basic Skills and Praxis II Specialty Area Test in  
351 the requested area of endorsement may apply for the Teach  
352 Mississippi Institute (TMI) program to teach students in Grades 7  
353 through 12 if the individual meets the requirements of this  
354 paragraph (b). The State Board of Education shall adopt rules  
355 requiring that teacher preparation institutions which provide the  
356 Teach Mississippi Institute (TMI) program for the preparation of

357 nontraditional teachers shall meet the standards and comply with  
358 the provisions of this paragraph.

359           (i) The Teach Mississippi Institute (TMI) shall  
360 include an intensive eight-week, nine-semester-hour summer program  
361 or a curriculum of study in which the student matriculates in the  
362 fall or spring semester, which shall include, but not be limited  
363 to, instruction in education, effective teaching strategies,  
364 classroom management, state curriculum requirements, planning and  
365 instruction, instructional methods and pedagogy, using test  
366 results to improve instruction, and a one (1) semester three-hour  
367 supervised internship to be completed while the teacher is  
368 employed as a full-time teacher intern in a local school district.  
369 The TMI shall be implemented on a pilot program basis, with  
370 courses to be offered at up to four (4) locations in the state,  
371 with one (1) TMI site to be located in each of the three (3)  
372 Mississippi Supreme Court districts.

373           (ii) The school sponsoring the teacher intern  
374 shall enter into a written agreement with the institution  
375 providing the Teach Mississippi Institute (TMI) program, under  
376 terms and conditions as agreed upon by the contracting parties,  
377 providing that the school district shall provide teacher interns  
378 seeking a nontraditional provisional teaching license with a  
379 one-year classroom teaching experience. The teacher intern shall  
380 successfully complete the one (1) semester three-hour intensive  
381 internship in the school district during the semester immediately  
382 following successful completion of the TMI and prior to the end of  
383 the one-year classroom teaching experience.

384           (iii) Upon completion of the nine-semester-hour  
385 TMI or the fall or spring semester option, the individual shall  
386 submit his transcript to the commission for provisional licensure  
387 of the intern teacher, and the intern teacher shall be issued a  
388 provisional teaching license by the commission, which will allow

389 the individual to legally serve as a teacher while the person  
390 completes a nontraditional teacher preparation internship program.

391 (iv) During the semester of internship in the  
392 school district, the teacher preparation institution shall monitor  
393 the performance of the intern teacher. The school district that  
394 employs the provisional teacher shall supervise the provisional  
395 teacher during the teacher's intern year of employment under a  
396 nontraditional provisional license, and shall, in consultation  
397 with the teacher intern's mentor at the school district of  
398 employment, submit to the commission a comprehensive evaluation of  
399 the teacher's performance sixty (60) days prior to the expiration  
400 of the nontraditional provisional license. If the comprehensive  
401 evaluation establishes that the provisional teacher intern's  
402 performance fails to meet the standards of the approved  
403 nontraditional teacher preparation internship program, the  
404 individual shall not be approved for a standard license.

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

410 (vi) Upon successful completion of the TMI and the  
411 internship provisional license period, applicants for a Standard  
412 License-Nontraditional Route shall submit to the commission a  
413 transcript of successful completion of the twelve (12) semester  
414 hours required in the internship program, and the employing school  
415 district shall submit to the commission a recommendation for  
416 standard licensure of the intern. If the school district  
417 recommends licensure, the applicant shall be issued a Standard  
418 License-Nontraditional Route which shall be valid for a five-year  
419 period and be renewable.

420 (vii) At the discretion of the teacher preparation  
421 institution, the individual shall be allowed to credit the twelve

422 (12) semester hours earned in the nontraditional teacher  
423 internship program toward the graduate hours required for a Master  
424 of Arts in Teacher (MAT) Degree.

425 (viii) The local school district in which the  
426 nontraditional teacher intern or provisional licensee is employed  
427 shall compensate such teacher interns at Step 1 of the required  
428 salary level during the period of time such individual is  
429 completing teacher internship requirements and shall compensate  
430 such Standard License-Nontraditional Route teachers at Step 3 of  
431 the required salary level when they complete license requirements.

432 Implementation of the TMI program provided for under this  
433 paragraph (b) shall be contingent upon the availability of funds  
434 appropriated specifically for such purpose by the Legislature.  
435 Such implementation of the TMI program may not be deemed to  
436 prohibit the State Board of Education from developing and  
437 implementing additional alternative route teacher licensure  
438 programs, as deemed appropriate by the board. The emergency  
439 certification program in effect prior to July 1, 2002, shall  
440 remain in effect.

441 The State Department of Education shall compile and report,  
442 in consultation with the commission, information relating to  
443 nontraditional teacher preparation internship programs, including  
444 the number of programs available and geographic areas in which  
445 they are available, the number of individuals who apply for and  
446 possess a nontraditional conditional license, the subject areas in  
447 which individuals who possess nontraditional conditional licenses  
448 are teaching and where they are teaching, and shall submit its  
449 findings and recommendations to the legislative committees on  
450 education by December 1, 2004.

451 A Standard License - Approved Program Route shall be issued  
452 for a five-year period, and may be renewed. Recognizing teaching  
453 as a profession, a hiring preference shall be granted to persons  
454 holding a Standard License - Approved Program Route or Standard

455 License - Nontraditional Teaching Route over persons holding any  
456 other license.

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

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

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

487                   (f) **Special License - Transitional Bilingual Education.**  
488   Beginning July 1, 2003, the commission shall grant special  
489   licenses to teachers of transitional bilingual education who  
490   possess such qualifications as are prescribed in this section.  
491   Teachers of transitional bilingual education shall be compensated  
492   by local school boards at not less than one (1) step on the  
493   regular salary schedule applicable to permanent teachers licensed  
494   under this section. The commission shall grant special licenses  
495   to teachers of transitional bilingual education who present the  
496   commission with satisfactory evidence that they (i) possess a  
497   speaking and reading ability in a language, other than English, in  
498   which bilingual education is offered and communicative skills in  
499   English; (ii) are in good health and sound moral character; (iii)  
500   possess a bachelor's degree or an associate's degree in teacher  
501   education from an accredited institution of higher education; (iv)  
502   meet such requirements as to courses of study, semester hours  
503   therein, experience and training as may be required by the  
504   commission; and (v) are legally present in the United States and  
505   possess legal authorization for employment. A teacher of  
506   transitional bilingual education serving under a special license  
507   shall be under an exemption from standard licensure if he achieves  
508   the requisite qualifications therefor. Two (2) years of service  
509   by a teacher of transitional bilingual education under such an  
510   exemption shall be credited to the teacher in acquiring a Standard  
511   Educator License. Nothing in this paragraph shall be deemed to  
512   prohibit a local school board from employing a teacher licensed in  
513   an appropriate field as approved by the State Department of  
514   Education to teach in a program in transitional bilingual  
515   education.

516                   (g) In the event any school district meets Level 4 or 5  
517   accreditation standards, the State Board of Education, in its  
518   discretion, may exempt such school district from any restrictions



519 in paragraph (e) relating to the employment of nonlicensed  
520 teaching personnel.

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

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

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

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

539 (d) **Administrator License - Nontraditional Route.** The  
540 board may establish a nontraditional route for licensing  
541 administrative personnel. Such nontraditional route for  
542 administrative licensure shall be available for persons holding,  
543 but not limited to, a master of business administration degree, a  
544 master of public administration degree, a master of public  
545 planning and policy degree or a doctor of jurisprudence degree  
546 from an accredited college or university, with five (5) years of  
547 administrative or supervisory experience. Successful completion  
548 of the requirements of alternate route licensure for  
549 administrators shall qualify the person for a standard  
550 administrator license.

551           The State Department of Education shall compile and report,  
552 in consultation with the commission, information relating to  
553 nontraditional administrator preparation internship programs,  
554 including the number of programs available and geographic areas in  
555 which they are available, the number of individuals who apply for  
556 and possess a nontraditional conditional license and where they  
557 are employed, and shall submit its findings and recommendations to  
558 the legislative committees on education by December 1, 2004.

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

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

580           (b) The department shall grant a nonrenewable special  
581 license to any individual who possesses a credential which is less  
582 than a standard license or certification from another state, or  
583 who possesses a standard license from another state but has less

584 than two (2) years of full-time teaching or administration  
585 experience. Such special license shall be valid for the current  
586 school year plus one (1) additional school year to expire on June  
587 30 of the second year, not to exceed a total period of twenty-four  
588 (24) months, during which time the applicant shall be required to  
589 complete the requirements for a standard license in Mississippi.

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

602 (10) All controversies involving the issuance, revocation,  
603 suspension or any change whatsoever in the licensure of an  
604 educator required to hold a license shall be initially heard in a  
605 hearing de novo, by the commission or by a subcommittee  
606 established by the commission and composed of commission members  
607 for the purpose of holding hearings. Any complaint seeking the  
608 denial of issuance, revocation or suspension of a license shall be  
609 by sworn affidavit filed with the Commission of Teacher and  
610 Administrator Education, Certification and Licensure and  
611 Development. The decision thereon by the commission or its  
612 subcommittee shall be final, unless the aggrieved party shall  
613 appeal to the State Board of Education, within ten (10) days, of  
614 the decision of the committee or its subcommittee. An appeal to  
615 the State Board of Education shall be on the record previously  
616 made before the commission or its subcommittee unless otherwise

617 provided by rules and regulations adopted by the board. The State  
618 Board of Education in its authority may reverse, or remand with  
619 instructions, the decision of the committee or its subcommittee.  
620 The decision of the State Board of Education shall be final.

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

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

626 (b) The applicant has a physical, emotional or mental  
627 disability that renders the applicant unfit to perform the duties  
628 authorized by the license, as certified by a licensed psychologist  
629 or psychiatrist;

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

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

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

639 (f) Failing or refusing to furnish reasonable evidence  
640 of identification;

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

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

647 (12) The State Board of Education, acting on the  
648 recommendation of the commission, may revoke or suspend any

649 teacher or administrator license for specified periods of time for  
650 one or more of the following:

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

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

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

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

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

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

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

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

678 (c) A person may voluntarily surrender a license. The  
679 surrender of such license may result in the commission  
680 recommending any of the above penalties without the necessity of a  
681 hearing. However, any such license which has voluntarily been

682 surrendered by a licensed employee may only be reinstated by a  
683 majority vote of all members of the commission present at the  
684 meeting called for such purpose.

685 (14) A person whose license has been suspended on any  
686 grounds except criminal grounds may petition for reinstatement of  
687 the license after one (1) year from the date of suspension, or  
688 after one-half (1/2) of the suspended time has lapsed, whichever  
689 is greater. A license suspended or revoked on the criminal  
690 grounds may be reinstated upon petition to the commission filed  
691 after expiration of the sentence and parole or probationary period  
692 imposed upon conviction. A revoked, suspended or surrendered  
693 license may be reinstated upon satisfactory showing of evidence of  
694 rehabilitation. The commission shall require all who petition for  
695 reinstatement to furnish evidence satisfactory to the commission  
696 of good character, good mental, emotional and physical health and  
697 such other evidence as the commission may deem necessary to  
698 establish the petitioner's rehabilitation and fitness to perform  
699 the duties authorized by the license.

700 (15) Reporting procedures and hearing procedures for dealing  
701 with infractions under this section shall be promulgated by the  
702 commission, subject to the approval of the State Board of  
703 Education. The revocation or suspension of a license shall be  
704 effected at the time indicated on the notice of suspension or  
705 revocation. The commission shall immediately notify the  
706 superintendent of the school district or school board where the  
707 teacher or administrator is employed of any disciplinary action  
708 and also notify the teacher or administrator of such revocation or  
709 suspension and shall maintain records of action taken. The State  
710 Board of Education may reverse or remand with instructions any  
711 decision of the commission regarding a petition for reinstatement  
712 of a license, and any such decision of the State Board of  
713 Education shall be final.

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

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

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

743           (19) In addition to the reasons specified in subsections  
744 (12) and (13) of this section, the board shall be authorized to  
745 suspend the license of any licensee for being out of compliance  
746 with an order for support, as defined in Section 93-11-153. The

747 procedure for suspension of a license for being out of compliance  
748 with an order for support, and the procedure for the reissuance or  
749 reinstatement of a license suspended for that purpose, and the  
750 payment of any fees for the reissuance or reinstatement of a  
751 license suspended for that purpose, shall be governed by Section  
752 93-11-157 or 93-11-163, as the case may be. Actions taken by the  
753 board in suspending a license when required by Section 93-11-157  
754 or 93-11-163 are not actions from which an appeal may be taken  
755 under this section. Any appeal of a license suspension that is  
756 required by Section 93-11-157 or 93-11-163 shall be taken in  
757 accordance with the appeal procedure specified in Section  
758 93-11-157 or 93-11-163, as the case may be, rather than the  
759 procedure specified in this section. If there is any conflict  
760 between any provision of Section 93-11-157 or 93-11-163 and any  
761 provision of this chapter, the provisions of Section 93-11-157 or  
762 93-11-163, as the case may be, shall control.

763       **SECTION 3.** This act shall take effect and be in force from  
764 and after July 1, 2005.