

By: Senator(s) Harden

To: Education;
Appropriations

SENATE BILL NO. 2172

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 AND TO CLARIFY THAT SCHOOL DISTRICTS MAY PAY SUBSTITUTE
4 TEACHERS FROM ANY AVAILABLE FUND OF THE DISTRICT; TO AMEND SECTION
5 37-3-2, MISSISSIPPI CODE OF 1972, TO AUTHORIZE SUBSTITUTE TEACHERS
6 WITH CERTAIN EXPERIENCE TO BE COMPENSATED WHILE COMPLETING STUDENT
7 TEACHING REQUIREMENTS; AND FOR RELATED PURPOSES.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

325 individual is completing student teaching requirements.
326 Applicants for a standard license shall submit to the department:
327 (i) An application on a department form;
328 (ii) An official transcript of completion of a
329 teacher education program approved by the department or a
330 nationally accredited program, subject to the following:
331 Licensure to teach in Mississippi prekindergarten through
332 kindergarten classrooms shall require completion of a teacher
333 education program or a bachelor of science degree with child
334 development emphasis from a program accredited by the American
335 Association of Family and Consumer Sciences (AAFCS) or by the
336 National Association for Education of Young Children (NAEYC) or by
337 the National Council for Accreditation of Teacher Education
338 (NCATE). Licensure to teach in Mississippi kindergarten, for
339 those applicants who have completed a teacher education program,
340 and in Grade 1 through Grade 4 shall require the completion of an
341 interdisciplinary program of studies. Licenses for Grades 4
342 through 8 shall require the completion of an interdisciplinary
343 program of studies with two (2) or more areas of concentration.
344 Licensure to teach in Mississippi Grades 7 through 12 shall
345 require a major in an academic field other than education, or a
346 combination of disciplines other than education. Students
347 preparing to teach a subject shall complete a major in the
348 respective subject discipline. All applicants for standard
349 licensure shall demonstrate that such person's college preparation
350 in those fields was in accordance with the standards set forth by
351 the National Council for Accreditation of Teacher Education
352 (NCATE) or the National Association of State Directors of Teacher
353 Education and Certification (NASDTEC) or, for those applicants who
354 have a bachelor of science degree with child development emphasis,
355 the American Association of Family and Consumer Sciences (AAFCS);
356 (iii) A copy of test scores evidencing
357 satisfactory completion of nationally administered examinations of

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

558 (d) **Administrator License - Nontraditional Route.** The
559 board may establish a nontraditional route for licensing
560 administrative personnel. Such nontraditional route for
561 administrative licensure shall be available for persons holding,
562 but not limited to, a master of business administration degree, a
563 master of public administration degree, a master of public
564 planning and policy degree or a doctor of jurisprudence degree
565 from an accredited college or university, with five (5) years of
566 administrative or supervisory experience. Successful completion
567 of the requirements of alternate route licensure for
568 administrators shall qualify the person for a standard
569 administrator license.

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

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

588 participate in the Mississippi Assessment Battery, and upon
589 request of the applicant, the department shall reimburse the
590 applicant for the cost of the assessment process required. After
591 June 30, 1998, all applicants for school administrator licensure
592 shall meet all requirements prescribed by the department under
593 paragraph (b), (c) or (d), and the cost of the assessment process
594 required shall be paid by the applicant.

595 (8) **Reciprocity.** (a) The department shall grant a standard
596 license to any individual who possesses a valid standard license
597 from another state.

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

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

618 (10) All controversies involving the issuance, revocation,
619 suspension or any change whatsoever in the licensure of an
620 educator required to hold a license shall be initially heard in a

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

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

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

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

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

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

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

655 (f) Failing or refusing to furnish reasonable evidence
656 of identification;

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

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

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

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

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

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

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

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

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

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

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

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

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

716 (15) Reporting procedures and hearing procedures for dealing
717 with infractions under this section shall be promulgated by the
718 commission, subject to the approval of the State Board of

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

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

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

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

759 (19) In addition to the reasons specified in subsections
760 (12) and (13) of this section, the board shall be authorized to
761 suspend the license of any licensee for being out of compliance
762 with an order for support, as defined in Section 93-11-153. The
763 procedure for suspension of a license for being out of compliance
764 with an order for support, and the procedure for the reissuance or
765 reinstatement of a license suspended for that purpose, and the
766 payment of any fees for the reissuance or reinstatement of a
767 license suspended for that purpose, shall be governed by Section
768 93-11-157 or 93-11-163, as the case may be. Actions taken by the
769 board in suspending a license when required by Section 93-11-157
770 or 93-11-163 are not actions from which an appeal may be taken
771 under this section. Any appeal of a license suspension that is
772 required by Section 93-11-157 or 93-11-163 shall be taken in
773 accordance with the appeal procedure specified in Section
774 93-11-157 or 93-11-163, as the case may be, rather than the
775 procedure specified in this section. If there is any conflict
776 between any provision of Section 93-11-157 or 93-11-163 and any
777 provision of this chapter, the provisions of Section 93-11-157 or
778 93-11-163, as the case may be, shall control.

779 **SECTION 3.** This act shall take effect and be in force from
780 and after July 1, 2007.