

By: Senator(s) White

To: Education

SENATE BILL NO. 2158

1 AN ACT TO AMEND SECTION 37-3-2, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE THAT A PERSON CONVICTED OF CHILD ABUSE OR CHILD SEXUAL  
3 ABUSE IS INELIGIBLE TO BE LICENSED AS A TEACHER AND TO MANDATE  
4 THAT THE STATE DEPARTMENT OF EDUCATION REVOKE AN EXISTING LICENSE  
5 OR REFUSE TO ISSUE A LICENSE UPON APPLICATION BY SUCH PERSON; AND  
6 FOR RELATED PURPOSES.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

86           (6) (a) **Standard License - Approved Program Route.** An  
87 educator entering the school system of Mississippi for the first  
88 time and meeting all requirements as established by the State  
89 Board of Education shall be granted a standard five-year license.  
90 Persons who possess two (2) years of classroom experience as an  
91 assistant teacher or who have taught for one (1) year in an  
92 accredited public or private school shall be allowed to fulfill  
93 student teaching requirements under the supervision of a qualified  
94 participating teacher approved by an accredited college of  
95 education. The local school district in which the assistant

96 teacher is employed shall compensate such assistant teachers at  
97 the required salary level during the period of time such  
98 individual is completing student teaching requirements.  
99 Applicants for a standard license shall submit to the department:  
100 (i) An application on a department form;  
101 (ii) An official transcript of completion of a  
102 teacher education program approved by the department or a  
103 nationally accredited program, subject to the following:  
104 Licensure to teach in Mississippi prekindergarten through  
105 kindergarten classrooms shall require completion of a teacher  
106 education program or a bachelor of science degree with child  
107 development emphasis from a program accredited by the American  
108 Association of Family and Consumer Sciences (AAFCS) or by the  
109 National Association for Education of Young Children (NAEYC) or by  
110 the National Council for Accreditation of Teacher Education  
111 (NCATE). Licensure to teach in Mississippi kindergarten, for  
112 those applicants who have completed a teacher education program,  
113 and in Grade 1 through Grade 4 shall require the completion of an  
114 interdisciplinary program of studies. Licenses for Grades 4  
115 through 8 shall require the completion of an interdisciplinary  
116 program of studies with two (2) or more areas of concentration.  
117 Licensure to teach in Mississippi Grades 7 through 12 shall  
118 require a major in an academic field other than education, or a  
119 combination of disciplines other than education. Students  
120 preparing to teach a subject shall complete a major in the  
121 respective subject discipline. All applicants for standard  
122 licensure shall demonstrate that such person's college preparation  
123 in those fields was in accordance with the standards set forth by  
124 the National Council for Accreditation of Teacher Education  
125 (NCATE) or the National Association of State Directors of Teacher  
126 Education and Certification (NASDTEC) or, for those applicants who  
127 have a bachelor of science degree with child development emphasis,  
128 the American Association of Family and Consumer Sciences (AAFCS);

129 (iii) A copy of test scores evidencing  
130 satisfactory completion of nationally administered examinations of  
131 achievement, such as the Educational Testing Service's teacher  
132 testing examinations; and

133 (iv) Any other document required by the State  
134 Board of Education.

135 (b) **Standard License - Nontraditional Teaching Route.**  
136 Beginning January 1, 2004, an individual who has a passing score  
137 on the Praxis I Basic Skills and Praxis II Specialty Area Test in  
138 the requested area of endorsement may apply for the Teach  
139 Mississippi Institute (TMI) program to teach students in Grades 7  
140 through 12 if the individual meets the requirements of this  
141 paragraph (b). The State Board of Education shall adopt rules  
142 requiring that teacher preparation institutions which provide the  
143 Teach Mississippi Institute (TMI) program for the preparation of  
144 nontraditional teachers shall meet the standards and comply with  
145 the provisions of this paragraph.

146 (i) The Teach Mississippi Institute (TMI) shall  
147 include an intensive eight-week, nine-semester-hour summer program  
148 or a curriculum of study in which the student matriculates in the  
149 fall or spring semester, which shall include, but not be limited  
150 to, instruction in education, effective teaching strategies,  
151 classroom management, state curriculum requirements, planning and  
152 instruction, instructional methods and pedagogy, using test  
153 results to improve instruction, and a one (1) semester three-hour  
154 supervised internship to be completed while the teacher is  
155 employed as a full-time teacher intern in a local school district.  
156 The TMI shall be implemented on a pilot program basis, with  
157 courses to be offered at up to four (4) locations in the state,  
158 with one (1) TMI site to be located in each of the three (3)  
159 Mississippi Supreme Court districts.

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

162 providing the Teach Mississippi Institute (TMI) program, under  
163 terms and conditions as agreed upon by the contracting parties,  
164 providing that the school district shall provide teacher interns  
165 seeking a nontraditional provisional teaching license with a  
166 one-year classroom teaching experience. The teacher intern shall  
167 successfully complete the one (1) semester three-hour intensive  
168 internship in the school district during the semester immediately  
169 following successful completion of the TMI and prior to the end of  
170 the one-year classroom teaching experience.

171 (iii) Upon completion of the nine-semester-hour  
172 TMI or the fall or spring semester option, the individual shall  
173 submit his transcript to the commission for provisional licensure  
174 of the intern teacher, and the intern teacher shall be issued a  
175 provisional teaching license by the commission, which will allow  
176 the individual to legally serve as a teacher while the person  
177 completes a nontraditional teacher preparation internship program.

178 (iv) During the semester of internship in the  
179 school district, the teacher preparation institution shall monitor  
180 the performance of the intern teacher. The school district that  
181 employs the provisional teacher shall supervise the provisional  
182 teacher during the teacher's intern year of employment under a  
183 nontraditional provisional license, and shall, in consultation  
184 with the teacher intern's mentor at the school district of  
185 employment, submit to the commission a comprehensive evaluation of  
186 the teacher's performance sixty (60) days prior to the expiration  
187 of the nontraditional provisional license. If the comprehensive  
188 evaluation establishes that the provisional teacher intern's  
189 performance fails to meet the standards of the approved  
190 nontraditional teacher preparation internship program, the  
191 individual shall not be approved for a standard license.

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

195 induction program administered by the employing school district  
196 with the assistance of the State Department of Education.

197           (vi) Upon successful completion of the TMI and the  
198 internship provisional license period, applicants for a Standard  
199 License-Nontraditional Route shall submit to the commission a  
200 transcript of successful completion of the twelve (12) semester  
201 hours required in the internship program, and the employing school  
202 district shall submit to the commission a recommendation for  
203 standard licensure of the intern. If the school district  
204 recommends licensure, the applicant shall be issued a Standard  
205 License-Nontraditional Route which shall be valid for a five-year  
206 period and be renewable.

207           (vii) At the discretion of the teacher preparation  
208 institution, the individual shall be allowed to credit the twelve  
209 (12) semester hours earned in the nontraditional teacher  
210 internship program toward the graduate hours required for a Master  
211 of Arts in Teacher (MAT) Degree.

212           (viii) The local school district in which the  
213 nontraditional teacher intern or provisional licensee is employed  
214 shall compensate such teacher interns at Step 1 of the required  
215 salary level during the period of time such individual is  
216 completing teacher internship requirements and shall compensate  
217 such Standard License-Nontraditional Route teachers at Step 3 of  
218 the required salary level when they complete license requirements.

219           Implementation of the TMI program provided for under this  
220 paragraph (b) shall be contingent upon the availability of funds  
221 appropriated specifically for such purpose by the Legislature.  
222 Such implementation of the TMI program may not be deemed to  
223 prohibit the State Board of Education from developing and  
224 implementing additional alternative route teacher licensure  
225 programs, as deemed appropriate by the board. The emergency  
226 certification program in effect prior to July 1, 2002, shall  
227 remain in effect.

228           The State Department of Education shall compile and report,  
229 in consultation with the commission, information relating to  
230 nontraditional teacher preparation internship programs, including  
231 the number of programs available and geographic areas in which  
232 they are available, the number of individuals who apply for and  
233 possess a nontraditional conditional license, the subject areas in  
234 which individuals who possess nontraditional conditional licenses  
235 are teaching and where they are teaching, and shall submit its  
236 findings and recommendations to the legislative committees on  
237 education by December 1, 2004.

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

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

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



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

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

274           (f) **Special License - Transitional Bilingual Education.**  
275 Beginning July 1, 2003, the commission shall grant special  
276 licenses to teachers of transitional bilingual education who  
277 possess such qualifications as are prescribed in this section.  
278 Teachers of transitional bilingual education shall be compensated  
279 by local school boards at not less than one (1) step on the  
280 regular salary schedule applicable to permanent teachers licensed  
281 under this section. The commission shall grant special licenses  
282 to teachers of transitional bilingual education who present the  
283 commission with satisfactory evidence that they (i) possess a  
284 speaking and reading ability in a language, other than English, in  
285 which bilingual education is offered and communicative skills in  
286 English; (ii) are in good health and sound moral character; (iii)  
287 possess a bachelor's degree or an associate's degree in teacher  
288 education from an accredited institution of higher education; (iv)  
289 meet such requirements as to courses of study, semester hours  
290 therein, experience and training as may be required by the  
291 commission; and (v) are legally present in the United States and  
292 possess legal authorization for employment. A teacher of  
293 transitional bilingual education serving under a special license

294 shall be under an exemption from standard licensure if he achieves  
295 the requisite qualifications therefor. Two (2) years of service  
296 by a teacher of transitional bilingual education under such an  
297 exemption shall be credited to the teacher in acquiring a Standard  
298 Educator License. Nothing in this paragraph shall be deemed to  
299 prohibit a local school board from employing a teacher licensed in  
300 an appropriate field as approved by the State Department of  
301 Education to teach in a program in transitional bilingual  
302 education.

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

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

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

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

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

326           (d) **Administrator License - Nontraditional Route.** The  
327 board may establish a nontraditional route for licensing  
328 administrative personnel. Such nontraditional route for  
329 administrative licensure shall be available for persons holding,  
330 but not limited to, a master of business administration degree, a  
331 master of public administration degree, a master of public  
332 planning and policy degree or a doctor of jurisprudence degree  
333 from an accredited college or university, with five (5) years of  
334 administrative or supervisory experience. Successful completion  
335 of the requirements of alternate route licensure for  
336 administrators shall qualify the person for a standard  
337 administrator license.

338           The State Department of Education shall compile and report,  
339 in consultation with the commission, information relating to  
340 nontraditional administrator preparation internship programs,  
341 including the number of programs available and geographic areas in  
342 which they are available, the number of individuals who apply for  
343 and possess a nontraditional conditional license and where they  
344 are employed, and shall submit its findings and recommendations to  
345 the legislative committees on education by December 1, 2004.

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

359 June 30, 1998, all applicants for school administrator licensure  
360 shall meet all requirements prescribed by the department under  
361 paragraph (b), (c) or (d), and the cost of the assessment process  
362 required shall be paid by the applicant.

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

367       (b) The department shall grant a nonrenewable special  
368 license to any individual who possesses a credential which is less  
369 than a standard license or certification from another state, or  
370 who possesses a standard license from another state but has less  
371 than two (2) years of full-time teaching or administration  
372 experience. Such special license shall be valid for the current  
373 school year plus one (1) additional school year to expire on June  
374 30 of the second year, not to exceed a total period of twenty-four  
375 (24) months, during which time the applicant shall be required to  
376 complete the requirements for a standard license in Mississippi.

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

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

392 hearing de novo, by the commission or by a subcommittee  
393 established by the commission and composed of commission members  
394 for the purpose of holding hearings. Any complaint seeking the  
395 denial of issuance, revocation or suspension of a license shall be  
396 by sworn affidavit filed with the Commission of Teacher and  
397 Administrator Education, Certification and Licensure and  
398 Development. The decision thereon by the commission or its  
399 subcommittee shall be final, unless the aggrieved party shall  
400 appeal to the State Board of Education, within ten (10) days, of  
401 the decision of the committee or its subcommittee. An appeal to  
402 the State Board of Education shall be on the record previously  
403 made before the commission or its subcommittee unless otherwise  
404 provided by rules and regulations adopted by the board. The State  
405 Board of Education in its authority may reverse, or remand with  
406 instructions, the decision of the committee or its subcommittee.  
407 The decision of the State Board of Education shall be final.

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

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

413 (b) The applicant has a physical, emotional or mental  
414 disability that renders the applicant unfit to perform the duties  
415 authorized by the license, as certified by a licensed psychologist  
416 or psychiatrist;

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

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

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

426 (f) Failing or refusing to furnish reasonable evidence  
427 of identification;

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

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

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

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

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

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

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

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

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

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

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

465           (c) A person may voluntarily surrender a license. The  
466 surrender of such license may result in the commission  
467 recommending any of the above penalties without the necessity of a  
468 hearing. However, any such license which has voluntarily been  
469 surrendered by a licensed employee may only be reinstated by a  
470 majority vote of all members of the commission present at the  
471 meeting called for such purpose.

472           The State Board of Education, acting through the commission,  
473 shall refuse to issue, refuse to renew, or automatically revoke a  
474 teacher's license to teach without the right to a hearing upon  
475 receiving a certified copy of a conviction showing that the  
476 teacher has been convicted of felonious child abuse or neglect, as  
477 defined in Section 97-5-39, Mississippi Code of 1972, or a sex  
478 offense as defined in Section 45-33-23, Mississippi Code of 1972,  
479 where the victim is under the age of eighteen (18), or under a  
480 similar law of another state or the United States. The State  
481 Board of Education, acting through the commission, shall send  
482 notice of this licensing action to the superintendent of the  
483 school district in which the teacher is currently employed. A  
484 person whose license to teach has been revoked, not issued, or not  
485 renewed under this subsection may petition the board to reconsider  
486 the licensing action if the person's conviction for child abuse or  
487 sexual abuse is reversed by a final decision of the Mississippi  
488 Court of Appeals or the Mississippi Supreme Court or if the person  
489 has received a pardon for the offense. The petitioner shall

490 attach a certified copy of the appellate court's final decision or  
491 the pardon to the petition, and the board acting through the  
492 commission shall schedule and hold a disciplinary hearing on the  
493 matter unless the petitioner waives the right to a hearing. If  
494 the board finds that, notwithstanding the reversal of the criminal  
495 conviction or the issuance of a pardon, the petitioner is  
496 disqualified from teaching, the board shall affirm its previous  
497 licensing action. If the board finds that the petitioner is not  
498 disqualified from teaching under this subsection, it shall reverse  
499 its previous licensing action.

500 (14) A person whose license has been suspended on any  
501 grounds except criminal grounds may petition for reinstatement of  
502 the license after one (1) year from the date of suspension, or  
503 after one-half (1/2) of the suspended time has lapsed, whichever  
504 is greater. A license suspended or revoked on the criminal  
505 grounds may be reinstated upon petition to the commission filed  
506 after expiration of the sentence and parole or probationary period  
507 imposed upon conviction. A revoked, suspended or surrendered  
508 license may be reinstated upon satisfactory showing of evidence of  
509 rehabilitation. The commission shall require all who petition for  
510 reinstatement to furnish evidence satisfactory to the commission  
511 of good character, good mental, emotional and physical health and  
512 such other evidence as the commission may deem necessary to  
513 establish the petitioner's rehabilitation and fitness to perform  
514 the duties authorized by the license.

515 (15) Reporting procedures and hearing procedures for dealing  
516 with infractions under this section shall be promulgated by the  
517 commission, subject to the approval of the State Board of  
518 Education. The revocation or suspension of a license shall be  
519 effected at the time indicated on the notice of suspension or  
520 revocation. The commission shall immediately notify the  
521 superintendent of the school district or school board where the  
522 teacher or administrator is employed of any disciplinary action



523 and also notify the teacher or administrator of such revocation or  
524 suspension and shall maintain records of action taken. The State  
525 Board of Education may reverse or remand with instructions any  
526 decision of the commission regarding a petition for reinstatement  
527 of a license, and any such decision of the State Board of  
528 Education shall be final.

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

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

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

556 performance as a prerequisite of initial or continued employment  
557 in such districts.

558 (19) In addition to the reasons specified in subsections  
559 (12) and (13) of this section, the board shall be authorized to  
560 suspend the license of any licensee for being out of compliance  
561 with an order for support, as defined in Section 93-11-153. The  
562 procedure for suspension of a license for being out of compliance  
563 with an order for support, and the procedure for the reissuance or  
564 reinstatement of a license suspended for that purpose, and the  
565 payment of any fees for the reissuance or reinstatement of a  
566 license suspended for that purpose, shall be governed by Section  
567 93-11-157 or 93-11-163, as the case may be. Actions taken by the  
568 board in suspending a license when required by Section 93-11-157  
569 or 93-11-163 are not actions from which an appeal may be taken  
570 under this section. Any appeal of a license suspension that is  
571 required by Section 93-11-157 or 93-11-163 shall be taken in  
572 accordance with the appeal procedure specified in Section  
573 93-11-157 or 93-11-163, as the case may be, rather than the  
574 procedure specified in this section. If there is any conflict  
575 between any provision of Section 93-11-157 or 93-11-163 and any  
576 provision of this chapter, the provisions of Section 93-11-157 or  
577 93-11-163, as the case may be, shall control.

578 **SECTION 2.** This act shall take effect and be in force from  
579 and after July 1, 2006.