

By: Senator(s) Tollison, Longwitz

To: Education

SENATE BILL NO. 2258
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 37-1-9, MISSISSIPPI CODE OF 1972, TO
2 EMPOWER THE STATE BOARD OF EDUCATION TO COMPEL ATTENDANCE,
3 ADMINISTER OATHS, TAKE DEPOSITIONS AND ISSUE SUBPOENAS, AND TO
4 EXEMPT CERTAIN INVESTIGATIVE RECORDS OF THE STATE DEPARTMENT OF
5 EDUCATION FROM THE MISSISSIPPI PUBLIC RECORDS ACT; TO AMEND
6 SECTION 37-3-2, MISSISSIPPI CODE OF 1972, TO ADD ADDITIONAL
7 GROUNDS FOR DISCIPLINARY ACTION AGAINST A LICENSED TEACHER OR
8 ADMINISTRATOR; TO AMEND SECTION 37-16-3, MISSISSIPPI CODE OF 1972,
9 TO PRESCRIBE CERTAIN POWERS AND RESPONSIBILITIES OF THE STATE
10 DEPARTMENT OF EDUCATION IN CASES OF ALLEGED STATEWIDE TESTING
11 IRREGULARITIES; TO AMEND SECTION 37-16-4, MISSISSIPPI CODE OF
12 1972, TO PRESCRIBE CRIMINAL PENALTIES FOR ANY PERSON SUBMITTING A
13 FALSE CERTIFICATION REGARDING A STATEWIDE TEST; AND FOR RELATED
14 PURPOSES.

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

16 **SECTION 1.** Section 37-1-9, Mississippi Code of 1972, is
17 amended as follows:

18 37-1-9. (1) (a) The * * * Mississippi Board of
19 Education * * *, acting by and through its chairman or executive
20 secretary, is authorized to administer oaths * * *, to take or
21 cause depositions to be taken, to subpoena persons and to issue a
22 subpoena to compel production of books, papers, records and other
23 documents. * * * The board shall have the powers of a court to



24 compel witnesses to attend and testify in all matters of
25 investigation by the board.

26 (b) For noncompliance with a subpoena, the board may
27 apply to the circuit court for an order requiring the person
28 subpoenaed to appear before the board and to testify and produce
29 books, papers, records and documents if so ordered. Failure to
30 obey the order of the court may be punished as contempt.

31 (2) (a) In addition to the exemptions from public access
32 provided in Section 37-11-51, investigative reports shall be
33 exempt from the provisions of the Mississippi Public Records Act
34 of 1983, but the board may choose to make public all or any part
35 of an investigative report.

36 (b) For the purposes of this subsection (2),
37 "investigative report" includes documentation on which it is based
38 and means records that are compiled by the board, the Department
39 of Education, the Commission on Teacher and Administrator
40 Education, Certification and Licensure and Development, or the
41 Accreditation Commission in the process of investigating alleged
42 misconduct that could result in disciplinary action, the
43 disclosure of which would impede, harm or jeopardize the
44 investigation, or that would: (i) reveal the identity of
45 informants or witnesses; (ii) deprive a person of a right to a
46 fair trial or an impartial adjudication; or (iii) endanger the
47 life or safety of a public official or employee or confidential
48 informants or witnesses.



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

51 37-3-2. (1) There is established within the State
52 Department of Education the Commission on Teacher and
53 Administrator Education, Certification and Licensure and
54 Development. It shall be the purpose and duty of the commission
55 to make recommendations to the State Board of Education regarding
56 standards for the certification and licensure and continuing
57 professional development of those who teach or perform tasks of an
58 educational nature in the public schools of Mississippi.

59 (2) The commission shall be composed of fifteen (15)
60 qualified members. The membership of the commission shall be
61 composed of the following members to be appointed, three (3) from
62 each congressional district: four (4) classroom teachers; three
63 (3) school administrators; one (1) representative of schools of
64 education of institutions of higher learning located within the
65 state to be recommended by the Board of Trustees of State
66 Institutions of Higher Learning; one (1) representative from the
67 schools of education of independent institutions of higher
68 learning to be recommended by the Board of the Mississippi
69 Association of Independent Colleges; one (1) representative from
70 public community and junior colleges located within the state to
71 be recommended by the Mississippi Community College Board; one (1)
72 local school board member; and four (4) laypersons. All
73 appointments shall be made by the State Board of Education after



74 consultation with the State Superintendent of Public Education.
75 The first appointments by the State Board of Education shall be
76 made as follows: five (5) members shall be appointed for a term
77 of one (1) year; five (5) members shall be appointed for a term of
78 two (2) years; and five (5) members shall be appointed for a term
79 of three (3) years. Thereafter, all members shall be appointed
80 for a term of four (4) years.

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

87 (4) (a) An appropriate staff member of the State Department
88 of Education shall be designated and assigned by the State
89 Superintendent of Public Education to serve as executive secretary
90 and coordinator for the commission. No less than two (2) other
91 appropriate staff members of the State Department of Education
92 shall be designated and assigned by the State Superintendent of
93 Public Education to serve on the staff of the commission.

94 (b) An Office of Educator Misconduct Evaluations shall
95 be established within the State Department of Education to assist
96 the commission in responding to infractions and violations, and in
97 conducting hearings and enforcing the provisions of Section



98 37-3-2(11), (12), (13), (14) and (15), Mississippi Code of 1972,
99 and violations of the Mississippi Educator Code of Ethics.

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

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

104 (b) Recommend to the State Board of Education each year
105 approval or disapproval of each educator preparation program in
106 the state, subject to a process and schedule determined by the
107 State Board of Education;

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

111 (d) Establish, subject to the approval of the State
112 Board of Education, standards for the renewal of teacher licenses
113 in all fields;

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

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

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



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

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

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

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

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

134 (6) (a) **Standard License - Approved Program Route.** An
135 educator entering the school system of Mississippi for the first
136 time and meeting all requirements as established by the State
137 Board of Education shall be granted a standard five-year license.
138 Persons who possess two (2) years of classroom experience as an
139 assistant teacher or who have taught for one (1) year in an
140 accredited public or private school shall be allowed to fulfill
141 student teaching requirements under the supervision of a qualified
142 participating teacher approved by an accredited college of
143 education. The local school district in which the assistant
144 teacher is employed shall compensate such assistant teachers at
145 the required salary level during the period of time such



146 individual is completing student teaching requirements.
147 Applicants for a standard license shall submit to the department:
148 (i) An application on a department form;
149 (ii) An official transcript of completion of a
150 teacher education program approved by the department or a
151 nationally accredited program, subject to the following:
152 Licensure to teach in Mississippi prekindergarten through
153 kindergarten classrooms shall require completion of a teacher
154 education program or a Bachelor of Science degree with child
155 development emphasis from a program accredited by the American
156 Association of Family and Consumer Sciences (AAFCS) or by the
157 National Association for Education of Young Children (NAEYC) or by
158 the National Council for Accreditation of Teacher Education
159 (NCATE). Licensure to teach in Mississippi kindergarten, for
160 those applicants who have completed a teacher education program,
161 and in Grade 1 through Grade 4 shall require the completion of an
162 interdisciplinary program of studies. Licenses for Grades 4
163 through 8 shall require the completion of an interdisciplinary
164 program of studies with two (2) or more areas of concentration.
165 Licensure to teach in Mississippi Grades 7 through 12 shall
166 require a major in an academic field other than education, or a
167 combination of disciplines other than education. Students
168 preparing to teach a subject shall complete a major in the
169 respective subject discipline. All applicants for standard
170 licensure shall demonstrate that such person's college preparation



171 in those fields was in accordance with the standards set forth by
172 the National Council for Accreditation of Teacher Education
173 (NCATE) or the National Association of State Directors of Teacher
174 Education and Certification (NASDTEC) or, for those applicants who
175 have a Bachelor of Science degree with child development emphasis,
176 the American Association of Family and Consumer Sciences (AAFCS).
177 Effective July 1, 2016, for initial elementary education
178 licensure, a teacher candidate must earn a passing score on a
179 rigorous test of scientifically research-based reading instruction
180 and intervention and data-based decision-making principles as
181 approved by the State Board of Education;

182 (iii) A copy of test scores evidencing
183 satisfactory completion of nationally administered examinations of
184 achievement, such as the Educational Testing Service's teacher
185 testing examinations;

186 (iv) Any other document required by the State
187 Board of Education; and

188 (v) From and after September 30, 2015, no teacher
189 candidate shall be licensed to teach in Mississippi who did not
190 meet the following criteria for entrance into an approved teacher
191 education program:

192 1. Twenty-one (21) ACT equivalent or achieve
193 the nationally recommended passing score on the Praxis Core
194 Academic Skills for Educators examination; and



195 2. No less than 2.75 GPA on pre-major
196 coursework of the institution's approved teacher education program
197 provided that the accepted cohort of candidates meets or exceeds a
198 3.0 GPA on pre-major coursework.

199 (b) **Standard License - Nontraditional Teaching Route.**
200 From and after September 30, 2015, no teacher candidate shall be
201 licensed to teach in Mississippi under the alternate route who did
202 not meet the following criteria:

203 (i) Twenty-one (21) ACT equivalent or achieve the
204 nationally recommended passing score on the Praxis Core Academic
205 Skills for Educators examination; and

206 (ii) No less than 2.75 GPA on content coursework
207 in the requested area of certification or passing Praxis II scores
208 at or above the national recommended score provided that the
209 accepted cohort of candidates of the institution's teacher
210 education program meets or exceeds a 3.0 GPA on pre-major
211 coursework.

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



220 nontraditional teachers shall meet the standards and comply with
221 the provisions of this paragraph.

222 (i) The Teach Mississippi Institute (TMI) shall
223 include an intensive eight-week, nine-semester-hour summer program
224 or a curriculum of study in which the student matriculates in the
225 fall or spring semester, which shall include, but not be limited
226 to, instruction in education, effective teaching strategies,
227 classroom management, state curriculum requirements, planning and
228 instruction, instructional methods and pedagogy, using test
229 results to improve instruction, and a one (1) semester three-hour
230 supervised internship to be completed while the teacher is
231 employed as a full-time teacher intern in a local school district.
232 The TMI shall be implemented on a pilot program basis, with
233 courses to be offered at up to four (4) locations in the state,
234 with one (1) TMI site to be located in each of the three (3)
235 Mississippi Supreme Court districts.

236 (ii) The school sponsoring the teacher intern
237 shall enter into a written agreement with the institution
238 providing the Teach Mississippi Institute (TMI) program, under
239 terms and conditions as agreed upon by the contracting parties,
240 providing that the school district shall provide teacher interns
241 seeking a nontraditional provisional teaching license with a
242 one-year classroom teaching experience. The teacher intern shall
243 successfully complete the one (1) semester three-hour intensive
244 internship in the school district during the semester immediately



245 following successful completion of the TMI and prior to the end of
246 the one-year classroom teaching experience.

247 (iii) Upon completion of the nine-semester-hour
248 TMI or the fall or spring semester option, the individual shall
249 submit his transcript to the commission for provisional licensure
250 of the intern teacher, and the intern teacher shall be issued a
251 provisional teaching license by the commission, which will allow
252 the individual to legally serve as a teacher while the person
253 completes a nontraditional teacher preparation internship program.

254 (iv) During the semester of internship in the
255 school district, the teacher preparation institution shall monitor
256 the performance of the intern teacher. The school district that
257 employs the provisional teacher shall supervise the provisional
258 teacher during the teacher's intern year of employment under a
259 nontraditional provisional license, and shall, in consultation
260 with the teacher intern's mentor at the school district of
261 employment, submit to the commission a comprehensive evaluation of
262 the teacher's performance sixty (60) days prior to the expiration
263 of the nontraditional provisional license. If the comprehensive
264 evaluation establishes that the provisional teacher intern's
265 performance fails to meet the standards of the approved
266 nontraditional teacher preparation internship program, the
267 individual shall not be approved for a standard license.

268 (v) An individual issued a provisional teaching
269 license under this nontraditional route shall successfully



270 complete, at a minimum, a one-year beginning teacher mentoring and
271 induction program administered by the employing school district
272 with the assistance of the State Department of Education.

273 (vi) Upon successful completion of the TMI and the
274 internship provisional license period, applicants for a Standard
275 License - Nontraditional Route shall submit to the commission a
276 transcript of successful completion of the twelve (12) semester
277 hours required in the internship program, and the employing school
278 district shall submit to the commission a recommendation for
279 standard licensure of the intern. If the school district
280 recommends licensure, the applicant shall be issued a Standard
281 License - Nontraditional Route which shall be valid for a
282 five-year period and be renewable.

283 (vii) At the discretion of the teacher preparation
284 institution, the individual shall be allowed to credit the twelve
285 (12) semester hours earned in the nontraditional teacher
286 internship program toward the graduate hours required for a Master
287 of Arts in Teacher (MAT) Degree.

288 (viii) The local school district in which the
289 nontraditional teacher intern or provisional licensee is employed
290 shall compensate such teacher interns at Step 1 of the required
291 salary level during the period of time such individual is
292 completing teacher internship requirements and shall compensate
293 such Standard License - Nontraditional Route teachers at Step 3 of
294 the required salary level when they complete license requirements.



295 Implementation of the TMI program provided for under this
296 paragraph (b) shall be contingent upon the availability of funds
297 appropriated specifically for such purpose by the Legislature.
298 Such implementation of the TMI program may not be deemed to
299 prohibit the State Board of Education from developing and
300 implementing additional alternative route teacher licensure
301 programs, as deemed appropriate by the board. The emergency
302 certification program in effect prior to July 1, 2002, shall
303 remain in effect.

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

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



320 citizen-teacher license. A Special License - Expert Citizen may
321 be renewed in accordance with the established rules and
322 regulations of the State Department of Education.

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

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

340 (f) **Special License - Transitional Bilingual Education.**
341 Beginning July 1, 2003, the commission shall grant special
342 licenses to teachers of transitional bilingual education who
343 possess such qualifications as are prescribed in this section.
344 Teachers of transitional bilingual education shall be compensated



345 by local school boards at not less than one (1) step on the
346 regular salary schedule applicable to permanent teachers licensed
347 under this section. The commission shall grant special licenses
348 to teachers of transitional bilingual education who present the
349 commission with satisfactory evidence that they (i) possess a
350 speaking and reading ability in a language, other than English, in
351 which bilingual education is offered and communicative skills in
352 English; (ii) are in good health and sound moral character; (iii)
353 possess a bachelor's degree or an associate's degree in teacher
354 education from an accredited institution of higher education; (iv)
355 meet such requirements as to courses of study, semester hours
356 therein, experience and training as may be required by the
357 commission; and (v) are legally present in the United States and
358 possess legal authorization for employment. A teacher of
359 transitional bilingual education serving under a special license
360 shall be under an exemption from standard licensure if he achieves
361 the requisite qualifications therefor. Two (2) years of service
362 by a teacher of transitional bilingual education under such an
363 exemption shall be credited to the teacher in acquiring a Standard
364 Educator License. Nothing in this paragraph shall be deemed to
365 prohibit a local school board from employing a teacher licensed in
366 an appropriate field as approved by the State Department of
367 Education to teach in a program in transitional bilingual
368 education.



369 (g) In the event any school district meets the highest
370 accreditation standards as defined by the State Board of Education
371 in the accountability system, the State Board of Education, in its
372 discretion, may exempt such school district from any restrictions
373 in paragraph (e) relating to the employment of nonlicensed
374 teaching personnel.

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

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

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

390 (b) **Administrator License - Entry Level.** Those
391 educators holding administrative endorsement and having met the
392 department's qualifications to be eligible for employment in a



393 Mississippi school district. Administrator License - Entry Level
394 shall be issued for a five-year period and shall be nonrenewable.

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

398 (d) **Administrator License - Nontraditional Route.** The
399 board may establish a nontraditional route for licensing
400 administrative personnel. Such nontraditional route for
401 administrative licensure shall be available for persons holding,
402 but not limited to, a master of business administration degree, a
403 master of public administration degree, a master of public
404 planning and policy degree or a doctor of jurisprudence degree
405 from an accredited college or university, with five (5) years of
406 administrative or supervisory experience. Successful completion
407 of the requirements of alternate route licensure for
408 administrators shall qualify the person for a standard
409 administrator license.

410 Individuals seeking school administrator licensure under
411 paragraph (b), (c) or (d) shall successfully complete a training
412 program and an assessment process prescribed by the State Board of
413 Education. All applicants for school administrator licensure
414 shall meet all requirements prescribed by the department under
415 paragraph (b), (c) or (d), and the cost of the assessment process
416 required shall be paid by the applicant.



417 (8) **Reciprocity.** (a) The department shall grant a standard
418 license to any individual who possesses a valid standard license
419 from another state and meets minimum Mississippi license
420 requirements or equivalent requirements as determined by the State
421 Board of Education. The issuance of a license by reciprocity to a
422 military-trained applicant or military spouse shall be subject to
423 the provisions of Section 73-50-1.

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

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



442 higher class shall be given this extension of five (5) years plus
443 five (5) additional years for completion of a higher degree.

444 (10) All controversies involving the issuance, revocation,
445 suspension or any change whatsoever in the licensure of an
446 educator required to hold a license shall be initially heard in a
447 hearing de novo, by the commission or by a subcommittee
448 established by the commission and composed of commission members
449 for the purpose of holding hearings. Any complaint seeking the
450 denial of issuance, revocation or suspension of a license shall be
451 by sworn affidavit filed with the Commission on Teacher and
452 Administrator Education, Certification and Licensure and
453 Development. The decision thereon by the commission or its
454 subcommittee shall be final, unless the aggrieved party shall
455 appeal to the State Board of Education, within ten (10) days, of
456 the decision of the committee or its subcommittee. An appeal to
457 the State Board of Education shall be on the record previously
458 made before the commission or its subcommittee unless otherwise
459 provided by rules and regulations adopted by the board. The State
460 Board of Education in its authority may reverse, or remand with
461 instructions, the decision of the committee or its subcommittee.
462 The decision of the State Board of Education shall be final.

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



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

468 (b) The applicant has a physical, emotional or mental
469 disability that renders the applicant unfit to perform the duties
470 authorized by the license, as certified by a licensed psychologist
471 or psychiatrist;

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

477 (d) Revocation, suspension or surrender of an
478 applicant's certificate or license by another state shall result
479 in immediate denial of licensure until such time that the records
480 predicated the revocation, suspension or surrender in the prior
481 state have been cleared;

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

484 (f) Failing or refusing to furnish reasonable evidence
485 of identification;

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

489 (h) The applicant has been convicted, has pled guilty
490 or entered a plea of nolo contendere to a sex offense as defined



491 by federal or state law. For purposes of this paragraph (h) and
492 paragraph (g) of this subsection, a "guilty plea" includes a plea
493 of guilty, entry of a plea of nolo contendere, or entry of an
494 order granting pretrial or judicial diversion; or

495 (i) Probation or post-release supervision for a felony
496 or sex offense conviction, as defined by federal or state law,
497 shall result in the immediate denial of licensure application
498 until expiration of the probationary or post-release supervision
499 period.

500 (12) The State Board of Education, acting * * * through the
501 commission, may revoke * * *, suspend or refuse to renew any
502 teacher or administrator license for specified periods of time or
503 may place on probation, censure, reprimand a licensee, or take
504 other disciplinary action with regard to any license issued under
505 this chapter for one or more of the following:

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

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

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



516 (d) The license holder has been convicted, has pled
517 guilty or entered a plea of nolo contendere to a felony, as
518 defined by federal or state law. For purposes of this paragraph,
519 a "guilty plea" includes a plea of guilty, entry of a plea of nolo
520 contendere, or entry of an order granting pretrial or judicial
521 diversion;

522 (e) The license holder has been convicted, has pled
523 guilty or entered a plea of nolo contendere to a sex offense, as
524 defined by federal or state law, shall result in immediate
525 suspension or revocation;

526 (f) The license holder has received probation or
527 post-release supervision for a felony or sex offense conviction,
528 as defined by federal or state law, which shall result in
529 immediate suspension or revocation until expiration of the
530 probationary or post-release supervision period;

531 (g) The license holder knowingly and willfully
532 committing any of the acts affecting validity of mandatory uniform
533 test results as provided in Section 37-16-4(1);

534 (h) The license holder has engaged in unethical conduct
535 relating to an educator/student relationship as identified by the
536 State Board of Education in its rules;

537 (i) The license holder has fondled a student as
538 described in Section 97-5-23, or had any type of sexual
539 involvement with a student as described in Section 97-3-95;



540 (j) The license holder has failed to report sexual
541 involvement of a school employee with a student as required by
542 Section 97-5-24; * * *

543 (k) The license holder served as superintendent or
544 principal in a school district during the time preceding and/or
545 that resulted in the Governor declaring a state of emergency and
546 the State Board of Education appointing a conservator * * *;

547 (l) The licensure holder submitted a false
548 certification to the State Department of Education that a
549 statewide test was administered in strict accordance with the
550 Requirements of the Mississippi Statewide Assessment System; or

551 (m) The license holder has failed to comply with the
552 Procedures for Reporting Infractions as promulgated by the
553 commission and approved by the State Board of Education pursuant
554 to Section 37-3-2(15).

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

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

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



565 recommending any of the above penalties without the necessity of a
566 hearing. However, any such license which has voluntarily been
567 surrendered by a licensed employee may only be reinstated by a
568 majority vote of all members of the commission present at the
569 meeting called for such purpose.

570 (14) (a) A person whose license has been revoked or
571 surrendered on any grounds except criminal grounds may petition
572 for reinstatement of the license after one (1) year from the date
573 of revocation or surrender, or after one-half (1/2) of the revoked
574 or surrendered time has lapsed, whichever is greater. A person
575 whose license has been suspended on any grounds or violations
576 under subsection (12) of this section may be reinstated
577 automatically or approved for a reinstatement hearing, upon
578 submission of a written request to the commission. A license
579 suspended, revoked or surrendered on criminal grounds may be
580 reinstated upon petition to the commission filed after expiration
581 of the sentence and parole or probationary period imposed upon
582 conviction. A revoked, suspended or surrendered license may be
583 reinstated upon satisfactory showing of evidence of
584 rehabilitation. The commission shall require all who petition for
585 reinstatement to furnish evidence satisfactory to the commission
586 of good character, good mental, emotional and physical health and
587 such other evidence as the commission may deem necessary to
588 establish the petitioner's rehabilitation and fitness to perform
589 the duties authorized by the license.



590 (b) A person whose license expires while under
591 investigation by the Office of Educator Misconduct for an alleged
592 violation may not be reinstated without a hearing before the
593 commission if required based on the results of the investigation.

594 (15) Reporting procedures and hearing procedures for dealing
595 with infractions under this section shall be promulgated by the
596 commission, subject to the approval of the State Board of
597 Education. The revocation or suspension of a license shall be
598 effected at the time indicated on the notice of suspension or
599 revocation. The commission shall immediately notify the
600 superintendent of the school district or school board where the
601 teacher or administrator is employed of any disciplinary action
602 and also notify the teacher or administrator of such revocation or
603 suspension and shall maintain records of action taken. The State
604 Board of Education may reverse or remand with instructions any
605 decision of the commission regarding a petition for reinstatement
606 of a license, and any such decision of the State Board of
607 Education shall be final.

608 (16) An appeal from the action of the State Board of
609 Education in denying an application, revoking or suspending a
610 license or otherwise disciplining any person under the provisions
611 of this section shall be filed in the Chancery Court of the First
612 Judicial District of Hinds County, Mississippi, on the record
613 made, including a verbatim transcript of the testimony at the
614 hearing. The appeal shall be filed within thirty (30) days after



615 notification of the action of the board is mailed or served and
616 the proceedings in chancery court shall be conducted as other
617 matters coming before the court. The appeal shall be perfected
618 upon filing notice of the appeal and by the prepayment of all
619 costs, including the cost of preparation of the record of the
620 proceedings by the State Board of Education, and the filing of a
621 bond in the sum of Two Hundred Dollars (\$200.00) conditioned that
622 if the action of the board be affirmed by the chancery court, the
623 applicant or license holder shall pay the costs of the appeal and
624 the action of the chancery court.

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

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

637 (19) In addition to the reasons specified in subsections
638 (12) and (13) of this section, the board shall be authorized to
639 suspend the license of any licensee for being out of compliance



640 with an order for support, as defined in Section 93-11-153. The
641 procedure for suspension of a license for being out of compliance
642 with an order for support, and the procedure for the reissuance or
643 reinstatement of a license suspended for that purpose, and the
644 payment of any fees for the reissuance or reinstatement of a
645 license suspended for that purpose, shall be governed by Section
646 93-11-157 or 93-11-163, as the case may be. Actions taken by the
647 board in suspending a license when required by Section 93-11-157
648 or 93-11-163 are not actions from which an appeal may be taken
649 under this section. Any appeal of a license suspension that is
650 required by Section 93-11-157 or 93-11-163 shall be taken in
651 accordance with the appeal procedure specified in Section
652 93-11-157 or 93-11-163, as the case may be, rather than the
653 procedure specified in this section. If there is any conflict
654 between any provision of Section 93-11-157 or 93-11-163 and any
655 provision of this chapter, the provisions of Section 93-11-157 or
656 93-11-163, as the case may be, shall control.

657 **SECTION 3.** Section 37-16-3, Mississippi Code of 1972, is
658 amended as follows:

659 37-16-3. (1) The State Department of Education is directed
660 to implement a program of statewide assessment testing which shall
661 provide for the improvement of the operation and management of the
662 public schools. The statewide program shall be timed, as far as
663 possible, so as not to conflict with ongoing district assessment
664 programs. As part of the program, the department shall:



665 (a) Establish, with the approval of the State Board of
666 Education, minimum performance standards related to the goals for
667 education contained in the state's plan including, but not limited
668 to, basic skills in reading, writing and mathematics. The minimum
669 performance standards shall be approved by April 1 in each year
670 they are established.

671 (b) Conduct a uniform statewide testing program in
672 grades deemed appropriate in the public schools, including charter
673 schools. The program may test skill areas, basic skills and high
674 school course content.

675 (c) Monitor the results of the assessment program and,
676 at any time the composite student performance of a school or basic
677 program is found to be below the established minimum standards,
678 notify the district superintendent or the governing board of the
679 charter school, as the case may be, the school principal and the
680 school advisory committee or other existing parent group of the
681 situation within thirty (30) days of its determination. The
682 department shall further provide technical assistance to a school
683 district in the identification of the causes of this deficiency
684 and shall recommend courses of action for its correction.

685 (d) Provide technical assistance to the school
686 districts, when requested, in the development of student
687 performance standards in addition to the established minimum
688 statewide standards.



689 (e) Issue security procedure regulations providing for
690 the security and integrity of the tests that are administered
691 under the basic skills assessment program.

692 (f) In case of an allegation of a testing irregularity
693 that prompts a need for an investigation by the Department of
694 Education, the department may, in its discretion, take complete
695 control of the statewide test administration in a school district
696 or any part thereof, including, but not limited to, obtaining
697 control of the test booklets and answer documents. In the case of
698 any verified testing irregularity that jeopardized the security
699 and integrity of the test(s), validity or the accuracy of the test
700 results, the cost of the investigation and any other actual and
701 necessary costs related to the investigation paid by the
702 Department of Education shall be reimbursed by the local school
703 district from funds other than federal funds, Mississippi Adequate
704 Education Program funds, or any other state funds within six (6)
705 months from the date of notice by the department to the school
706 district to make reimbursement to the department.

707 (2) Uniform basic skills tests shall be completed by each
708 student in the appropriate grade. These tests shall be
709 administered in such a manner as to preserve the integrity and
710 validity of the assessment. In the event of excused or unexcused
711 student absences, make-up tests shall be given. The school
712 superintendent of every school district in the state and the
713 principal of each charter school shall annually certify to the



714 State Department of Education that each student enrolled in the
715 appropriate grade has completed the required basic skills
716 assessment test for his or her grade in a valid test
717 administration.

718 (3) Within five (5) days of completing the administration of
719 a statewide test, the principal of the school where the test was
720 administered shall certify under oath to the State Department of
721 Education that the statewide test was administered in strict
722 accordance with the Requirements of the Mississippi Statewide
723 Assessment System as adopted by the State Board of Education. The
724 principal's sworn certification shall be set forth on a form
725 developed and approved by the Department of Education. If,
726 following the administration of a statewide test, the principal
727 has reason to believe that the test was not administered in strict
728 accordance with the Requirements of the Mississippi Statewide
729 Assessment System as adopted by the State Board of Education, the
730 principal shall submit a sworn certification to the Department of
731 Education setting forth all information known or believed by the
732 principal about all potential violations of the Requirements of
733 the Mississippi Statewide Assessment System as adopted by the
734 State Board of Education. The submission of false information or
735 false certification to the Department of Education by any licensed
736 educator may result in licensure disciplinary action pursuant to
737 Section 37-3-2 and criminal prosecution pursuant to Section
738 37-16-4.



739 **SECTION 4.** Section 37-16-4, Mississippi Code of 1972, is
740 amended as follows:

741 37-16-4. (1) It is unlawful for anyone knowingly and
742 willfully to do any of the following acts regarding mandatory
743 uniform tests administered to students as required by the State
744 Department of Education:

745 (a) Give examinees access to test questions prior to
746 testing;

747 (b) Copy or reproduce all or any portion of any secure
748 test booklet;

749 (c) Coach examinees during testing or alter or
750 interfere with examinees' responses in any way;

751 (d) Make answer keys available to examinees;

752 (e) Fail to account for all secure test materials
753 before, during and after testing;

754 (f) Participate in, direct, aid, counsel, assist in,
755 encourage or fail to report any of the acts prohibited in this
756 section.

757 (2) Any person violating any provisions of subsection (1) of
758 this section is guilty of a misdemeanor and upon conviction shall
759 be fined not more than One Thousand Dollars (\$1,000.00), or be
760 imprisoned for not more than ninety (90) days, or both. Upon
761 conviction, the State Board of Education may suspend or revoke the
762 administrative or teaching credentials, or both, of the person
763 convicted.



764 (3) Any person submitting a false certification to the State
765 Department of Education that each statewide test in a school was
766 administered in strict accordance with the Requirements of the
767 Mississippi Statewide Assessment System as adopted by the State
768 Board of Education, and with willful intent, is guilty of a felony
769 and upon conviction thereof shall be fined not more than Fifteen
770 Thousand Dollars (\$15,000.00), or be imprisoned for not more than
771 three (3) years, or both. Upon conviction, the State Board of
772 Education may suspend or revoke the administrative or teaching
773 credentials, or both, of the person convicted.

774 (* * *4) The district attorney shall investigate
775 allegations of violations of this section, either on its own
776 initiative following a receipt of allegations, or at the request
777 of a school district or the State Department of Education.

778 (* * *5) The district attorney shall furnish to the State
779 Superintendent of Education a report of the findings of any
780 investigation conducted pursuant to this section.

781 (* * *6) The State Board of Education shall establish
782 statistical guidelines to examine the results of state mandated
783 tests to determine where there is evidence of testing
784 irregularities resulting in false or misleading results in the
785 aggregate or composite test scores of the class, grade, age group
786 or school district. When said irregularities are identified, the
787 State Superintendent of Education may order that any group of
788 students identified as being required to retake the test at state



789 expense under state supervision. The school district shall be
790 given at least thirty (30) days' notice before the next test
791 administration and shall comply with the order of the State
792 Superintendent of Education. The results from the second
793 administration of the test shall be final for all uses of that
794 data.

795 (* * *7) Nothing in this section may be construed to
796 prohibit or interfere with the responsibilities of the State Board
797 of Education or the State Department of Education in test
798 development or selection, test form construction, standard
799 setting, test scoring, and reporting, or any other related
800 activities which in the judgment of the State Superintendent of
801 Education are necessary and appropriate.

802 **SECTION 5.** This act shall take effect and be in force from
803 and after its passage.

