

By: Representatives Moore, Hines

To: Education

HOUSE BILL NO. 79

1 AN ACT TO AMEND SECTION 37-3-2, MISSISSIPPI CODE OF 1972, TO
 2 REVISE THE QUALIFICATIONS FOR TEACHER CERTIFICATION TO ALLOW AN
 3 EXEMPTION FOR LICENSURE THROUGH THE APPROVED PROGRAM AND
 4 NONTRADITIONAL TEACHING ROUTES FOR PERSONS WHO WERE ACTIVELY
 5 ENROLLED IN AN APPROVED TEACHER EDUCATION PROGRAM OR ACCEPTED TO
 6 AND WERE ACTIVELY ENROLLED IN THE TEACH MISSISSIPPI INSTITUTE
 7 PROGRAM FOR TEACHER PREPARATION BEFORE JULY 1, 2014; AND FOR
 8 RELATED PURPOSES.

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

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

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

20 (2) The commission shall be composed of fifteen (15)
 21 qualified members. The membership of the commission shall be



22 composed of the following members to be appointed, three (3) from
23 each congressional district: four (4) classroom teachers; three
24 (3) school administrators; one (1) representative of schools of
25 education of institutions of higher learning located within the
26 state to be recommended by the Board of Trustees of State
27 Institutions of Higher Learning; one (1) representative from the
28 schools of education of independent institutions of higher
29 learning to be recommended by the Board of the Mississippi
30 Association of Independent Colleges; one (1) representative from
31 public community and junior colleges located within the state to
32 be recommended by the Mississippi Community College Board; one (1)
33 local school board member; and four (4) laypersons. All
34 appointments shall be made by the State Board of Education after
35 consultation with the State Superintendent of Public Education.
36 The first appointments by the State Board of Education shall be
37 made as follows: five (5) members shall be appointed for a term
38 of one (1) year; five (5) members shall be appointed for a term of
39 two (2) years; and five (5) members shall be appointed for a term
40 of three (3) years. Thereafter, all members shall be appointed
41 for a term of four (4) years.

42 (3) The State Board of Education when making appointments
43 shall designate a chairman. The commission shall meet at least
44 once every two (2) months or more often if needed. Members of the
45 commission shall be compensated at a rate of per diem as



46 authorized by Section 25-3-69 and be reimbursed for actual and
47 necessary expenses as authorized by Section 25-3-41.

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

55 (b) An Office of Educator Misconduct Evaluations shall
56 be established within the State Department of Education to assist
57 the commission in responding to infractions and violations, and in
58 conducting hearings and enforcing the provisions of Section
59 37-3-2(11), (12), (13), (14) and (15), Mississippi Code of 1972,
60 and violations of the Mississippi Educator Code of Ethics.

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

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

65 (b) Recommend to the State Board of Education each year
66 approval or disapproval of each educator preparation program in
67 the state, subject to a process and schedule determined by the
68 State Board of Education;



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

72 (d) Establish, subject to the approval of the State
73 Board of Education, standards for the renewal of teacher licenses
74 in all fields;

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

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

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

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

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

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

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



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

95 (6) (a) **Standard License - Approved Program Route.** An
96 educator entering the school system of Mississippi for the first
97 time and meeting all requirements as established by the State
98 Board of Education shall be granted a standard five-year license.
99 Persons who possess two (2) years of classroom experience as an
100 assistant teacher or who have taught for one (1) year in an
101 accredited public or private school shall be allowed to fulfill
102 student teaching requirements under the supervision of a qualified
103 participating teacher approved by an accredited college of
104 education. The local school district in which the assistant
105 teacher is employed shall compensate such assistant teachers at
106 the required salary level during the period of time such
107 individual is completing student teaching requirements.
108 Applicants for a standard license shall submit to the department:

- 109 (i) An application on a department form;
110 (ii) An official transcript of completion of a
111 teacher education program approved by the department or a
112 nationally accredited program, subject to the following:
113 Licensure to teach in Mississippi prekindergarten through
114 kindergarten classrooms shall require completion of a teacher
115 education program or a Bachelor of Science degree with child
116 development emphasis from a program accredited by the American



117 Association of Family and Consumer Sciences (AAFCS) or by the
118 National Association for Education of Young Children (NAEYC) or by
119 the National Council for Accreditation of Teacher Education
120 (NCATE). Licensure to teach in Mississippi kindergarten, for
121 those applicants who have completed a teacher education program,
122 and in Grade 1 through Grade 4 shall require the completion of an
123 interdisciplinary program of studies. Licenses for Grades 4
124 through 8 shall require the completion of an interdisciplinary
125 program of studies with two (2) or more areas of concentration.
126 Licensure to teach in Mississippi Grades 7 through 12 shall
127 require a major in an academic field other than education, or a
128 combination of disciplines other than education. Students
129 preparing to teach a subject shall complete a major in the
130 respective subject discipline. All applicants for standard
131 licensure shall demonstrate that such person's college preparation
132 in those fields was in accordance with the standards set forth by
133 the National Council for Accreditation of Teacher Education
134 (NCATE) or the National Association of State Directors of Teacher
135 Education and Certification (NASDTEC) or, for those applicants who
136 have a Bachelor of Science degree with child development emphasis,
137 the American Association of Family and Consumer Sciences (AAFCS).
138 Effective July 1, 2016, for initial elementary education
139 licensure, a teacher candidate must earn a passing score on a
140 rigorous test of scientifically research-based reading instruction



141 and intervention and data-based decision-making principles as
142 approved by the State Board of Education;

143 (iii) A copy of test scores evidencing
144 satisfactory completion of nationally administered examinations of
145 achievement, such as the Educational Testing Service's teacher
146 testing examinations;

147 (iv) Any other document required by the State
148 Board of Education; and

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

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

156 2. No less than 2.75 GPA on pre-major
157 coursework of the institution's approved teacher education program
158 provided that the accepted cohort of candidates meets or exceeds a
159 3.0 GPA on pre-major coursework * * *; or

160 3. Was actively enrolled in an approved
161 teacher education program before July 1, 2014.

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

163 From and after September 30, 2015, no teacher candidate shall be
164 licensed to teach in Mississippi under the alternate route who did
165 not meet the following criteria:



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

169 (ii) No less than 2.75 GPA on content coursework
170 in the requested area of certification or passing Praxis II scores
171 at or above the national recommended score provided that the
172 accepted cohort of candidates of the institution's teacher
173 education program meets or exceeds a 3.0 GPA on pre-major
174 coursework * * *; or

175 (iii) Had been accepted to and was actively enrolled in the
176 Teach Mississippi Institute Program for teacher preparation before
177 July 1, 2014.

178 Beginning January 1, 2004, an individual who has a passing
179 score on the Praxis I Basic Skills and Praxis II Specialty Area
180 Test in the requested area of endorsement may apply for the Teach
181 Mississippi Institute (TMI) program to teach students in Grades 7
182 through 12 if the individual meets the requirements of this
183 paragraph (b). The State Board of Education shall adopt rules
184 requiring that teacher preparation institutions which provide the
185 Teach Mississippi Institute (TMI) program for the preparation of
186 nontraditional teachers shall meet the standards and comply with
187 the provisions of this paragraph.

188 (i) The Teach Mississippi Institute (TMI) shall
189 include an intensive eight-week, nine-semester-hour summer program
190 or a curriculum of study in which the student matriculates in the



191 fall or spring semester, which shall include, but not be limited
192 to, instruction in education, effective teaching strategies,
193 classroom management, state curriculum requirements, planning and
194 instruction, instructional methods and pedagogy, using test
195 results to improve instruction, and a one (1) semester three-hour
196 supervised internship to be completed while the teacher is
197 employed as a full-time teacher intern in a local school district.
198 The TMI shall be implemented on a pilot program basis, with
199 courses to be offered at up to four (4) locations in the state,
200 with one (1) TMI site to be located in each of the three (3)
201 Mississippi Supreme Court districts.

202 (ii) The school sponsoring the teacher intern
203 shall enter into a written agreement with the institution
204 providing the Teach Mississippi Institute (TMI) program, under
205 terms and conditions as agreed upon by the contracting parties,
206 providing that the school district shall provide teacher interns
207 seeking a nontraditional provisional teaching license with a
208 one-year classroom teaching experience. The teacher intern shall
209 successfully complete the one (1) semester three-hour intensive
210 internship in the school district during the semester immediately
211 following successful completion of the TMI and prior to the end of
212 the one-year classroom teaching experience.

213 (iii) Upon completion of the nine-semester-hour
214 TMI or the fall or spring semester option, the individual shall
215 submit his transcript to the commission for provisional licensure



216 of the intern teacher, and the intern teacher shall be issued a
217 provisional teaching license by the commission, which will allow
218 the individual to legally serve as a teacher while the person
219 completes a nontraditional teacher preparation internship program.

220 (iv) During the semester of internship in the
221 school district, the teacher preparation institution shall monitor
222 the performance of the intern teacher. The school district that
223 employs the provisional teacher shall supervise the provisional
224 teacher during the teacher's intern year of employment under a
225 nontraditional provisional license, and shall, in consultation
226 with the teacher intern's mentor at the school district of
227 employment, submit to the commission a comprehensive evaluation of
228 the teacher's performance sixty (60) days prior to the expiration
229 of the nontraditional provisional license. If the comprehensive
230 evaluation establishes that the provisional teacher intern's
231 performance fails to meet the standards of the approved
232 nontraditional teacher preparation internship program, the
233 individual shall not be approved for a standard license.

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

239 (vi) Upon successful completion of the TMI and the
240 internship provisional license period, applicants for a Standard



241 License - Nontraditional Route shall submit to the commission a
242 transcript of successful completion of the twelve (12) semester
243 hours required in the internship program, and the employing school
244 district shall submit to the commission a recommendation for
245 standard licensure of the intern. If the school district
246 recommends licensure, the applicant shall be issued a Standard
247 License - Nontraditional Route which shall be valid for a
248 five-year period and be renewable.

249 (vii) At the discretion of the teacher preparation
250 institution, the individual shall be allowed to credit the twelve
251 (12) semester hours earned in the nontraditional teacher
252 internship program toward the graduate hours required for a Master
253 of Arts in Teacher (MAT) Degree.

254 (viii) The local school district in which the
255 nontraditional teacher intern or provisional licensee is employed
256 shall compensate such teacher interns at Step 1 of the required
257 salary level during the period of time such individual is
258 completing teacher internship requirements and shall compensate
259 such Standard License - Nontraditional Route teachers at Step 3 of
260 the required salary level when they complete license requirements.

261 Implementation of the TMI program provided for under this
262 paragraph (b) shall be contingent upon the availability of funds
263 appropriated specifically for such purpose by the Legislature.
264 Such implementation of the TMI program may not be deemed to
265 prohibit the State Board of Education from developing and



266 implementing additional alternative route teacher licensure
267 programs, as deemed appropriate by the board. The emergency
268 certification program in effect prior to July 1, 2002, shall
269 remain in effect.

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

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

289 (d) **Special License - Nonrenewable.** The State Board of
290 Education is authorized to establish rules and regulations to



291 allow those educators not meeting requirements in subsection
292 (6) (a), (b) or (c) to be licensed for a period of not more than
293 three (3) years, except by special approval of the State Board of
294 Education.

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

306 (f) **Special License - Transitional Bilingual Education.**
307 Beginning July 1, 2003, the commission shall grant special
308 licenses to teachers of transitional bilingual education who
309 possess such qualifications as are prescribed in this section.
310 Teachers of transitional bilingual education shall be compensated
311 by local school boards at not less than one (1) step on the
312 regular salary schedule applicable to permanent teachers licensed
313 under this section. The commission shall grant special licenses
314 to teachers of transitional bilingual education who present the
315 commission with satisfactory evidence that they (i) possess a



316 speaking and reading ability in a language, other than English, in
317 which bilingual education is offered and communicative skills in
318 English; (ii) are in good health and sound moral character; (iii)
319 possess a bachelor's degree or an associate's degree in teacher
320 education from an accredited institution of higher education; (iv)
321 meet such requirements as to courses of study, semester hours
322 therein, experience and training as may be required by the
323 commission; and (v) are legally present in the United States and
324 possess legal authorization for employment. A teacher of
325 transitional bilingual education serving under a special license
326 shall be under an exemption from standard licensure if he achieves
327 the requisite qualifications therefor. Two (2) years of service
328 by a teacher of transitional bilingual education under such an
329 exemption shall be credited to the teacher in acquiring a Standard
330 Educator License. Nothing in this paragraph shall be deemed to
331 prohibit a local school board from employing a teacher licensed in
332 an appropriate field as approved by the State Department of
333 Education to teach in a program in transitional bilingual
334 education.

335 (g) In the event any school district meets the highest
336 accreditation standards as defined by the State Board of Education
337 in the accountability system, the State Board of Education, in its
338 discretion, may exempt such school district from any restrictions
339 in paragraph (e) relating to the employment of nonlicensed
340 teaching personnel.



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

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

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

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

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

364 (d) **Administrator License - Nontraditional Route.** The
365 board may establish a nontraditional route for licensing



366 administrative personnel. Such nontraditional route for
367 administrative licensure shall be available for persons holding,
368 but not limited to, a master of business administration degree, a
369 master of public administration degree, a master of public
370 planning and policy degree or a doctor of jurisprudence degree
371 from an accredited college or university, with five (5) years of
372 administrative or supervisory experience. Successful completion
373 of the requirements of alternate route licensure for
374 administrators shall qualify the person for a standard
375 administrator license.

376 Individuals seeking school administrator licensure under
377 paragraph (b), (c) or (d) shall successfully complete a training
378 program and an assessment process prescribed by the State Board of
379 Education. All applicants for school administrator licensure
380 shall meet all requirements prescribed by the department under
381 paragraph (b), (c) or (d), and the cost of the assessment process
382 required shall be paid by the applicant.

383 (8) **Reciprocity.** (a) The department shall grant a standard
384 license to any individual who possesses a valid standard license
385 from another state and meets minimum Mississippi license
386 requirements or equivalent requirements as determined by the State
387 Board of Education. The issuance of a license by reciprocity to a
388 military-trained applicant or military spouse shall be subject to
389 the provisions of Section 73-50-1.



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

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

410 (10) All controversies involving the issuance, revocation,
411 suspension or any change whatsoever in the licensure of an
412 educator required to hold a license shall be initially heard in a
413 hearing de novo, by the commission or by a subcommittee
414 established by the commission and composed of commission members



415 for the purpose of holding hearings. Any complaint seeking the
416 denial of issuance, revocation or suspension of a license shall be
417 by sworn affidavit filed with the Commission on Teacher and
418 Administrator Education, Certification and Licensure and
419 Development. The decision thereon by the commission or its
420 subcommittee shall be final, unless the aggrieved party shall
421 appeal to the State Board of Education, within ten (10) days, of
422 the decision of the committee or its subcommittee. An appeal to
423 the State Board of Education shall be on the record previously
424 made before the commission or its subcommittee unless otherwise
425 provided by rules and regulations adopted by the board. The State
426 Board of Education in its authority may reverse, or remand with
427 instructions, the decision of the committee or its subcommittee.
428 The decision of the State Board of Education shall be final.

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

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

434 (b) The applicant has a physical, emotional or mental
435 disability that renders the applicant unfit to perform the duties
436 authorized by the license, as certified by a licensed psychologist
437 or psychiatrist;

438 (c) The applicant is actively addicted to or actively
439 dependent on alcohol or other habit-forming drugs or is a habitual



440 user of narcotics, barbiturates, amphetamines, hallucinogens or
441 other drugs having similar effect, at the time of application for
442 a license;

443 (d) Revocation, suspension or surrender of an
444 applicant's certificate or license by another state shall result
445 in immediate denial of licensure until such time that the records
446 predicated the revocation, suspension or surrender in the prior
447 state have been cleared;

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

450 (f) Failing or refusing to furnish reasonable evidence
451 of identification;

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

455 (h) The applicant has been convicted, has pled guilty
456 or entered a plea of nolo contendere to a sex offense as defined
457 by federal or state law. For purposes of this paragraph (h) and
458 paragraph (g) of this subsection, a "guilty plea" includes a plea
459 of guilty, entry of a plea of nolo contendere, or entry of an
460 order granting pretrial or judicial diversion; or

461 (i) Probation or post-release supervision for a felony
462 or sex offense conviction, as defined by federal or state law,
463 shall result in the immediate denial of licensure application



464 until expiration of the probationary or post-release supervision
465 period.

466 (12) The State Board of Education, acting through the
467 commission, may revoke, suspend or refuse to renew any teacher or
468 administrator license for specified periods of time or may place
469 on probation, censure, reprimand a licensee, or take other
470 disciplinary action with regard to any license issued under this
471 chapter for one or more of the following:

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

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

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

482 (d) The license holder has been convicted, has pled
483 guilty or entered a plea of nolo contendere to a felony, as
484 defined by federal or state law. For purposes of this paragraph,
485 a "guilty plea" includes a plea of guilty, entry of a plea of nolo
486 contendere, or entry of an order granting pretrial or judicial
487 diversion;



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

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

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

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

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

506 (j) The license holder has failed to report sexual
507 involvement of a school employee with a student as required by
508 Section 97-5-24;

509 (k) The license holder served as superintendent or
510 principal in a school district during the time preceding and/or
511 that resulted in the Governor declaring a state of emergency and
512 the State Board of Education appointing a conservator;



513 (1) The license holder submitted a false certification
514 to the State Department of Education that a statewide test was
515 administered in strict accordance with the Requirements of the
516 Mississippi Statewide Assessment System; or

517 (m) The license holder has failed to comply with the
518 Procedures for Reporting Infractions as promulgated by the
519 commission and approved by the State Board of Education pursuant
520 to * * * subsection (15) of this section.

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

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

529 (c) A person may voluntarily surrender a license. The
530 surrender of such license may result in the commission
531 recommending any of the above penalties without the necessity of a
532 hearing. However, any such license which has voluntarily been
533 surrendered by a licensed employee may only be reinstated by a
534 majority vote of all members of the commission present at the
535 meeting called for such purpose.

536 (14) (a) A person whose license has been revoked or
537 surrendered on any grounds except criminal grounds may petition



538 for reinstatement of the license after one (1) year from the date
539 of revocation or surrender, or after one-half (1/2) of the revoked
540 or surrendered time has lapsed, whichever is greater. A person
541 whose license has been suspended on any grounds or violations
542 under subsection (12) of this section may be reinstated
543 automatically or approved for a reinstatement hearing, upon
544 submission of a written request to the commission. A license
545 suspended, revoked or surrendered on criminal grounds may be
546 reinstated upon petition to the commission filed after expiration
547 of the sentence and parole or probationary period imposed upon
548 conviction. A revoked, suspended or surrendered license may be
549 reinstated upon satisfactory showing of evidence of
550 rehabilitation. The commission shall require all who petition for
551 reinstatement to furnish evidence satisfactory to the commission
552 of good character, good mental, emotional and physical health and
553 such other evidence as the commission may deem necessary to
554 establish the petitioner's rehabilitation and fitness to perform
555 the duties authorized by the license.

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

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



563 Education. The revocation or suspension of a license shall be
564 effected at the time indicated on the notice of suspension or
565 revocation. The commission shall immediately notify the
566 superintendent of the school district or school board where the
567 teacher or administrator is employed of any disciplinary action
568 and also notify the teacher or administrator of such revocation or
569 suspension and shall maintain records of action taken. The State
570 Board of Education may reverse or remand with instructions any
571 decision of the commission regarding a petition for reinstatement
572 of a license, and any such decision of the State Board of
573 Education shall be final.

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



588 if the action of the board be affirmed by the chancery court, the
589 applicant or license holder shall pay the costs of the appeal and
590 the action of the chancery court.

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

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

603 (19) In addition to the reasons specified in subsections
604 (12) and (13) of this section, the board shall be authorized to
605 suspend the license of any licensee for being out of compliance
606 with an order for support, as defined in Section 93-11-153. The
607 procedure for suspension of a license for being out of compliance
608 with an order for support, and the procedure for the reissuance or
609 reinstatement of a license suspended for that purpose, and the
610 payment of any fees for the reissuance or reinstatement of a
611 license suspended for that purpose, shall be governed by Section
612 93-11-157 or 93-11-163, as the case may be. Actions taken by the



613 board in suspending a license when required by Section 93-11-157
614 or 93-11-163 are not actions from which an appeal may be taken
615 under this section. Any appeal of a license suspension that is
616 required by Section 93-11-157 or 93-11-163 shall be taken in
617 accordance with the appeal procedure specified in Section
618 93-11-157 or 93-11-163, as the case may be, rather than the
619 procedure specified in this section. If there is any conflict
620 between any provision of Section 93-11-157 or 93-11-163 and any
621 provision of this chapter, the provisions of Section 93-11-157 or
622 93-11-163, as the case may be, shall control.

623 **SECTION 2.** This act shall take effect and be in force from
624 and after July 1, 2016.

