

By: Representative Formby

To: Education

HOUSE BILL NO. 442

1 AN ACT TO AMEND SECTION 37-9-13, MISSISSIPPI CODE OF 1972, TO
 2 REVISE THE QUALIFICATIONS FOR PERSONS SELECTED TO SERVE AS A
 3 SUPERINTENDENT OF SCHOOLS TO INCLUDE EQUIVALENT CREDENTIALS
 4 CONSISTING OF A MASTER'S DEGREE IN ANY SUBJECT AREA AND A MINIMUM
 5 OF 20 YEARS OF ADMINISTRATIVE, SENIOR MANAGEMENT OR SUPERVISORY
 6 EXPERIENCE; TO AMEND SECTION 37-3-2, MISSISSIPPI CODE OF 1972, TO
 7 REVISE THE ALTERNATE ROUTE PROCEDURE FOR INDIVIDUALS TO RECEIVE AN
 8 ADMINISTRATOR'S LICENSE; TO PROVIDE AN EXEMPTION FROM CERTAIN
 9 REQUIREMENTS FOR ADMINISTRATOR LICENSURE TO INDIVIDUALS HOLDING
 10 CERTAIN QUALIFYING EQUIVALENT CREDENTIALS; AND FOR RELATED
 11 PURPOSES.

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

13 **SECTION 1.** Section 37-9-13, Mississippi Code of 1972, is
 14 amended as follows:

15 37-9-13. (1) Each school district shall have a
 16 superintendent of schools, selected in the manner provided by law.
 17 No person shall be eligible to the office of superintendent of
 18 schools unless such person shall hold: a master's degree in any
 19 subject area or educational discipline from a state approved or a
 20 regionally or nationally accredited institution of higher
 21 learning, a valid administrator's license issued by the State
 22 Department of Education and shall have had not less than four (4)



23 years of classroom or administrative experience; or have
24 equivalent qualifying credentials which shall consist of a
25 bachelor's degree in any subject area, a minimum of ten (10) years
26 experience in an administrative, senior management or supervisory
27 position and approved by a majority of the local all-elected
28 school board.

29 (2) From and after January 1, 2019, in all public school
30 districts, the local school board shall appoint the superintendent
31 of schools of such district. At the expiration of the term of any
32 county superintendent of education elected at the November 2015
33 general election, the county superintendent of education of said
34 county shall not be elected but shall thereafter be appointed by
35 the local school board in the manner provided in Section 37-9-25.
36 The superintendent of schools shall have the general powers and
37 duties to administer the schools within his district as prescribed
38 in Section 37-9-14 et seq., Mississippi Code of 1972.

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

41 37-3-2. (1) There is established within the State
42 Department of Education the Commission on Teacher and
43 Administrator Education, Certification and Licensure and
44 Development. It shall be the purpose and duty of the commission
45 to make recommendations to the State Board of Education regarding
46 standards for the certification and licensure and continuing



47 professional development of those who teach or perform tasks of an
48 educational nature in the public schools of Mississippi.

49 (2) The commission shall be composed of fifteen (15)
50 qualified members. The membership of the commission shall be
51 composed of the following members to be appointed, three (3) from
52 each congressional district: four (4) classroom teachers; three
53 (3) school administrators; one (1) representative of schools of
54 education of institutions of higher learning located within the
55 state to be recommended by the Board of Trustees of State
56 Institutions of Higher Learning; one (1) representative from the
57 schools of education of independent institutions of higher
58 learning to be recommended by the Board of the Mississippi
59 Association of Independent Colleges; one (1) representative from
60 public community and junior colleges located within the state to
61 be recommended by the Mississippi Community College Board; one (1)
62 local school board member; and four (4) laypersons. All
63 appointments shall be made by the State Board of Education after
64 consultation with the State Superintendent of Public Education.
65 The first appointments by the State Board of Education shall be
66 made as follows: five (5) members shall be appointed for a term
67 of one (1) year; five (5) members shall be appointed for a term of
68 two (2) years; and five (5) members shall be appointed for a term
69 of three (3) years. Thereafter, all members shall be appointed
70 for a term of four (4) years.



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

77 (4) (a) An appropriate staff member of the State Department
78 of Education shall be designated and assigned by the State
79 Superintendent of Public Education to serve as executive secretary
80 and coordinator for the commission. No less than two (2) other
81 appropriate staff members of the State Department of Education
82 shall be designated and assigned by the State Superintendent of
83 Public Education to serve on the staff of the commission.

84 (b) An Office of Educator Misconduct Evaluations shall
85 be established within the State Department of Education to assist
86 the commission in responding to infractions and violations, and in
87 conducting hearings and enforcing the provisions of Section
88 37-3-2(11), (12), (13), (14) and (15), Mississippi Code of 1972,
89 and violations of the Mississippi Educator Code of Ethics.

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

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

94 (b) Recommend to the State Board of Education each year
95 approval or disapproval of each educator preparation program in



96 the state, subject to a process and schedule determined by the
97 State Board of Education;

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

101 (d) Establish, subject to the approval of the State
102 Board of Education, standards for the renewal of teacher licenses
103 in all fields;

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

107 (f) Review all existing requirements for certification
108 and licensure;

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

111 (h) Prepare reports from time to time on current
112 practices and issues in the general area of teacher education and
113 certification and licensure;

114 (i) Hold hearings concerning standards for teachers'
115 and administrators' education and certification and licensure with
116 approval of the State Board of Education;

117 (j) Hire expert consultants with approval of the State
118 Board of Education;

119 (k) Set up ad hoc committees to advise on specific
120 areas; and



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

124 (6) (a) **Standard License - Approved Program Route.** An
125 educator entering the school system of Mississippi for the first
126 time and meeting all requirements as established by the State
127 Board of Education shall be granted a standard five-year license.
128 Persons who possess two (2) years of classroom experience as an
129 assistant teacher or who have taught for one (1) year in an
130 accredited public or private school shall be allowed to fulfill
131 student teaching requirements under the supervision of a qualified
132 participating teacher approved by an accredited college of
133 education. The local school district in which the assistant
134 teacher is employed shall compensate such assistant teachers at
135 the required salary level during the period of time such
136 individual is completing student teaching requirements.
137 Applicants for a standard license shall submit to the department:

- 138 (i) An application on a department form;
139 (ii) An official transcript of completion of a
140 teacher education program approved by the department or a
141 nationally accredited program, subject to the following:
142 Licensure to teach in Mississippi prekindergarten through
143 kindergarten classrooms shall require completion of a teacher
144 education program or a Bachelor of Science degree with child
145 development emphasis from a program accredited by the American



146 Association of Family and Consumer Sciences (AAFCS) or by the
147 National Association for Education of Young Children (NAEYC) or by
148 the National Council for Accreditation of Teacher Education
149 (NCATE). Licensure to teach in Mississippi kindergarten, for
150 those applicants who have completed a teacher education program,
151 and in Grade 1 through Grade 4 shall require the completion of an
152 interdisciplinary program of studies. Licenses for Grades 4
153 through 8 shall require the completion of an interdisciplinary
154 program of studies with two (2) or more areas of concentration.
155 Licensure to teach in Mississippi Grades 7 through 12 shall
156 require a major in an academic field other than education, or a
157 combination of disciplines other than education. Students
158 preparing to teach a subject shall complete a major in the
159 respective subject discipline. All applicants for standard
160 licensure shall demonstrate that such person's college preparation
161 in those fields was in accordance with the standards set forth by
162 the National Council for Accreditation of Teacher Education
163 (NCATE) or the National Association of State Directors of Teacher
164 Education and Certification (NASDTEC) or, for those applicants who
165 have a Bachelor of Science degree with child development emphasis,
166 the American Association of Family and Consumer Sciences (AAFCS).
167 Effective July 1, 2016, for initial elementary education
168 licensure, a teacher candidate must earn a passing score on a
169 rigorous test of scientifically research-based reading instruction



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

172 (iii) A copy of test scores evidencing
173 satisfactory completion of nationally administered examinations of
174 achievement, such as the Educational Testing Service's teacher
175 testing examinations;

176 (iv) Any other document required by the State
177 Board of Education; and

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

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

185 2. No less than 2.75 GPA on pre-major
186 coursework of the institution's approved teacher education program
187 provided that the accepted cohort of candidates meets or exceeds a
188 3.0 GPA on pre-major coursework.

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

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



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

196 (ii) No less than 2.75 GPA on content coursework
197 in the requested area of certification or passing Praxis II scores
198 at or above the national recommended score provided that the
199 accepted cohort of candidates of the institution's teacher
200 education program meets or exceeds a 3.0 GPA on pre-major
201 coursework.

202 Beginning January 1, 2004, an individual who has a passing
203 score on the Praxis I Basic Skills and Praxis II Specialty Area
204 Test in the requested area of endorsement may apply for the Teach
205 Mississippi Institute (TMI) program to teach students in Grades 7
206 through 12 if the individual meets the requirements of this
207 paragraph (b). The State Board of Education shall adopt rules
208 requiring that teacher preparation institutions which provide the
209 Teach Mississippi Institute (TMI) program for the preparation of
210 nontraditional teachers shall meet the standards and comply with
211 the provisions of this paragraph.

212 (i) The Teach Mississippi Institute (TMI) shall
213 include an intensive eight-week, nine-semester-hour summer program
214 or a curriculum of study in which the student matriculates in the
215 fall or spring semester, which shall include, but not be limited
216 to, instruction in education, effective teaching strategies,
217 classroom management, state curriculum requirements, planning and



218 instruction, instructional methods and pedagogy, using test
219 results to improve instruction, and a one (1) semester three-hour
220 supervised internship to be completed while the teacher is
221 employed as a full-time teacher intern in a local school district.
222 The TMI shall be implemented on a pilot program basis, with
223 courses to be offered at up to four (4) locations in the state,
224 with one (1) TMI site to be located in each of the three (3)
225 Mississippi Supreme Court districts.

226 (ii) The school sponsoring the teacher intern
227 shall enter into a written agreement with the institution
228 providing the Teach Mississippi Institute (TMI) program, under
229 terms and conditions as agreed upon by the contracting parties,
230 providing that the school district shall provide teacher interns
231 seeking a nontraditional provisional teaching license with a
232 one-year classroom teaching experience. The teacher intern shall
233 successfully complete the one (1) semester three-hour intensive
234 internship in the school district during the semester immediately
235 following successful completion of the TMI and prior to the end of
236 the one-year classroom teaching experience.

237 (iii) Upon completion of the nine-semester-hour
238 TMI or the fall or spring semester option, the individual shall
239 submit his transcript to the commission for provisional licensure
240 of the intern teacher, and the intern teacher shall be issued a
241 provisional teaching license by the commission, which will allow



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

244 (iv) During the semester of internship in the
245 school district, the teacher preparation institution shall monitor
246 the performance of the intern teacher. The school district that
247 employs the provisional teacher shall supervise the provisional
248 teacher during the teacher's intern year of employment under a
249 nontraditional provisional license, and shall, in consultation
250 with the teacher intern's mentor at the school district of
251 employment, submit to the commission a comprehensive evaluation of
252 the teacher's performance sixty (60) days prior to the expiration
253 of the nontraditional provisional license. If the comprehensive
254 evaluation establishes that the provisional teacher intern's
255 performance fails to meet the standards of the approved
256 nontraditional teacher preparation internship program, the
257 individual shall not be approved for a standard license.

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

263 (vi) Upon successful completion of the TMI and the
264 internship provisional license period, applicants for a Standard
265 License - Nontraditional Route shall submit to the commission a
266 transcript of successful completion of the twelve (12) semester



267 hours required in the internship program, and the employing school
268 district shall submit to the commission a recommendation for
269 standard licensure of the intern. If the school district
270 recommends licensure, the applicant shall be issued a Standard
271 License - Nontraditional Route which shall be valid for a
272 five-year period and be renewable.

273 (vii) At the discretion of the teacher preparation
274 institution, the individual shall be allowed to credit the twelve
275 (12) semester hours earned in the nontraditional teacher
276 internship program toward the graduate hours required for a Master
277 of Arts in Teacher (MAT) Degree.

278 (viii) The local school district in which the
279 nontraditional teacher intern or provisional licensee is employed
280 shall compensate such teacher interns at Step 1 of the required
281 salary level during the period of time such individual is
282 completing teacher internship requirements and shall compensate
283 such Standard License - Nontraditional Route teachers at Step 3 of
284 the required salary level when they complete license requirements.

285 Implementation of the TMI program provided for under this
286 paragraph (b) shall be contingent upon the availability of funds
287 appropriated specifically for such purpose by the Legislature.
288 Such implementation of the TMI program may not be deemed to
289 prohibit the State Board of Education from developing and
290 implementing additional alternative route teacher licensure
291 programs, as deemed appropriate by the board. The emergency



292 certification program in effect prior to July 1, 2002, shall
293 remain in effect.

294 A Standard License - Approved Program Route shall be issued
295 for a five-year period, and may be renewed. Recognizing teaching
296 as a profession, a hiring preference shall be granted to persons
297 holding a Standard License - Approved Program Route or Standard
298 License - Nontraditional Teaching Route over persons holding any
299 other license.

300 (c) **Special License - Expert Citizen.** In order to
301 allow a school district to offer specialized or technical courses,
302 the State Department of Education, in accordance with rules and
303 regulations established by the State Board of Education, may grant
304 a one-year expert citizen-teacher license to local business or
305 other professional personnel to teach in a public school or
306 nonpublic school accredited or approved by the state. Such person
307 may begin teaching upon his employment by the local school board
308 and licensure by the Mississippi Department of Education. The
309 board shall adopt rules and regulations to administer the expert
310 citizen-teacher license. A Special License - Expert Citizen may
311 be renewed in accordance with the established rules and
312 regulations of the State Department of Education.

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



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

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

330 (f) **Special License - Transitional Bilingual Education.**
331 Beginning July 1, 2003, the commission shall grant special
332 licenses to teachers of transitional bilingual education who
333 possess such qualifications as are prescribed in this section.
334 Teachers of transitional bilingual education shall be compensated
335 by local school boards at not less than one (1) step on the
336 regular salary schedule applicable to permanent teachers licensed
337 under this section. The commission shall grant special licenses
338 to teachers of transitional bilingual education who present the
339 commission with satisfactory evidence that they (i) possess a
340 speaking and reading ability in a language, other than English, in
341 which bilingual education is offered and communicative skills in



342 English; (ii) are in good health and sound moral character; (iii)
343 possess a bachelor's degree or an associate's degree in teacher
344 education from an accredited institution of higher education; (iv)
345 meet such requirements as to courses of study, semester hours
346 therein, experience and training as may be required by the
347 commission; and (v) are legally present in the United States and
348 possess legal authorization for employment. A teacher of
349 transitional bilingual education serving under a special license
350 shall be under an exemption from standard licensure if he achieves
351 the requisite qualifications therefor. Two (2) years of service
352 by a teacher of transitional bilingual education under such an
353 exemption shall be credited to the teacher in acquiring a Standard
354 Educator License. Nothing in this paragraph shall be deemed to
355 prohibit a local school board from employing a teacher licensed in
356 an appropriate field as approved by the State Department of
357 Education to teach in a program in transitional bilingual
358 education.

359 (g) In the event any school district meets the highest
360 accreditation standards as defined by the State Board of Education
361 in the accountability system, the State Board of Education, in its
362 discretion, may exempt such school district from any restrictions
363 in paragraph (e) relating to the employment of nonlicensed
364 teaching personnel.

365 (h) **Highly Qualified Teachers.** Beginning July 1, 2006,
366 any teacher from any state meeting the federal definition of



367 highly qualified, as described in the No Child Left Behind Act,
368 must be granted a standard five-year license by the State
369 Department of Education.

370 (7) **Administrator License.** The State Board of Education is
371 authorized to establish rules and regulations and to administer
372 the licensure process of the school administrators in the State of
373 Mississippi. There will be four (4) categories of administrator
374 licensure with exceptions only through special approval of the
375 State Board of Education.

376 (a) **Administrator License - Nonpracticing.** Those
377 educators holding administrative endorsement but having no
378 administrative experience or not serving in an administrative
379 position on January 15, 1997.

380 (b) **Administrator License - Entry Level.** Those
381 educators holding administrative endorsement and having met the
382 department's qualifications to be eligible for employment in a
383 Mississippi school district. Administrator License - Entry Level
384 shall be issued for a five-year period and shall be nonrenewable.

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

388 (d) **Administrator License - Nontraditional Route.** The
389 board may establish a nontraditional route for licensing
390 administrative personnel. Such nontraditional route for



391 administrative licensure shall be available for persons holding,
392 but not limited to * * *:

393 (i) A master of business administration degree, a
394 master of public administration degree, a master of public
395 planning and policy degree or a doctor of jurisprudence degree
396 from an accredited college or university, with five (5) years of
397 administrative or supervisory experience * * *; or

398 (ii) A master's degree in any subject area from an
399 accredited college or university, with ten (10) years of
400 administrative, senior management or supervisory experience.

401 Successful completion of the requirements of alternate route
402 licensure for administrators shall qualify the person for a
403 standard administrator license.

404 Individuals seeking school administrator licensure under
405 paragraph (b) * * * or (c) * * * shall successfully complete a
406 training program and an assessment process prescribed by the State
407 Board of Education. All applicants for school administrator
408 licensure shall meet all requirements prescribed by the department
409 under paragraph (b) * * * or (c) * * *, and the cost of the
410 assessment process required shall be paid by the applicant.

411 Individuals seeking school administrator licensure under
412 paragraph (d) shall be exempt from the requirement to successfully
413 achieve a passing score on an assessment process prescribed by the
414 State Board of Education.



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

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

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



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

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

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



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

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

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

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

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

482 (f) Failing or refusing to furnish reasonable evidence
483 of identification;

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

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



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

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

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

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

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

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



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

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

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

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

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

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



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

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

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

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

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

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

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



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

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



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

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

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



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

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

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

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



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

655 **SECTION 3.** This act shall take effect and be in force from
656 and after July 1, 2017.

