

By: Representative Dixon

To: Education; Universities
and Colleges

HOUSE BILL NO. 561

1 AN ACT TO AMEND SECTIONS 37-9-55, 37-9-57, 37-29-63 AND
 2 37-101-15, MISSISSIPPI CODE OF 1972, TO LIMIT THE PAYMENT OF
 3 CONTRACTS OF SCHOOL SUPERINTENDENTS, PRINCIPALS AND LICENSED
 4 EMPLOYEES OF PUBLIC SCHOOLS, AND POSTSECONDARY PUBLIC INSTITUTION
 5 PRESIDENTS, DEANS, PROFESSORS AND CERTAIN OTHER EMPLOYEES AT STATE
 6 INSTITUTIONS OF HIGHER LEARNING IN THE EVENT OF TERMINATION OR
 7 BREACH OF CONTRACT; TO BRING FORWARD SECTION 37-3-2, MISSISSIPPI
 8 CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENTS; AND FOR
 9 RELATED PURPOSES.

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

11 **SECTION 1.** Section 37-9-55, Mississippi Code of 1972, is
 12 amended as follows:

13 37-9-55. Any appointed superintendent, principal or licensed
 14 employee in any public school who is under contract to teach or
 15 perform other duties and who desires to be released from such
 16 contract shall make application in writing to the school board of
 17 the school district for release therefrom, in which application
 18 the reasons for such release shall be clearly stated. If the
 19 board acts favorably upon such application for release, such
 20 superintendent, principal or licensed employee shall be released
 21 from his contract, and said contract shall be null and void on the



22 date specified in the school board's order. Additionally, there
23 shall be no additional compensation paid to such superintendent,
24 principal or licensed employee in excess of the amount earned on a
25 pro-rated basis for the number of days for which services were
26 provided under the original contract before the approved release.

27 **SECTION 2.** Section 37-9-57, Mississippi Code of 1972, is
28 amended as follows:

29 37-9-57. If any appointed superintendent, principal or
30 licensed employee in any public school of this state shall
31 arbitrarily or willfully breach his or her contract and abandon
32 his or her employment without being released therefrom as provided
33 in Section 37-9-55, the contract of such superintendent, principal
34 or licensed employee shall be null and void. If a breach occurs,
35 there shall be no additional compensation paid to such
36 superintendent, principal or licensed employee in excess of the
37 amount earned on a pro-rated basis for the number of days for
38 which services were provided under the original contract before
39 the breach. In addition thereto the license of such
40 superintendent, principal or licensed employee may be suspended by
41 the State Board of Education for a period of one (1) school year
42 as provided in Section 37-3-2(8) upon written recommendation of
43 the majority of the members of the school board of the school
44 district involved.

45 **SECTION 3.** Section 37-3-2, Mississippi Code of 1972, is
46 brought forward as follows:



47 37-3-2. (1) There is established within the State
48 Department of Education the Commission on Teacher and
49 Administrator Education, Certification and Licensure and
50 Development. It shall be the purpose and duty of the commission
51 to make recommendations to the State Board of Education regarding
52 standards for the certification and licensure and continuing
53 professional development of those who teach or perform tasks of an
54 educational nature in the public schools of Mississippi.

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



72 made as follows: five (5) members shall be appointed for a term
73 of one (1) year; five (5) members shall be appointed for a term of
74 two (2) years; and five (5) members shall be appointed for a term
75 of three (3) years. Thereafter, all members shall be appointed
76 for a term of four (4) years.

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

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

90 (b) An Office of Educator Misconduct Evaluations shall
91 be established within the State Department of Education to assist
92 the commission in responding to infractions and violations, and in
93 conducting hearings and enforcing the provisions of Section 37-3-2
94 (11), (12), (13), (14) and (15), Mississippi Code of 1972, and
95 violations of the Mississippi Educator Code of Ethics.

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



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

100 (b) Recommend to the State Board of Education each year
101 approval or disapproval of each educator preparation program in
102 the state, subject to a process and schedule determined by the
103 State Board of Education;

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

107 (d) Establish, subject to the approval of the State
108 Board of Education, standards for the renewal of teacher licenses
109 in all fields;

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

113 (f) Review all existing requirements for certification
114 and licensure;

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

117 (h) Prepare reports from time to time on current
118 practices and issues in the general area of teacher education and
119 certification and licensure;



120 (i) Hold hearings concerning standards for teachers'
121 and administrators' education and certification and licensure with
122 approval of the State Board of Education;

123 (j) Hire expert consultants with approval of the State
124 Board of Education;

125 (k) Set up ad hoc committees to advise on specific
126 areas; and

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

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

144 (i) An application on a department form;



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



170 Education and Certification (NASDTEC) or, for those applicants who
171 have a Bachelor of Science degree with child development emphasis,
172 the American Association of Family and Consumer Sciences (AAFCS).
173 Effective July 1, 2016, for initial elementary education
174 licensure, a teacher candidate must earn a passing score on a
175 rigorous test of scientifically research-based reading instruction
176 and intervention and data-based decision-making principles as
177 approved by the State Board of Education;

178 (iii) A copy of test scores evidencing
179 satisfactory completion of nationally administered examinations of
180 achievement, such as the Educational Testing Service's teacher
181 testing examinations;

182 (iv) Any other document required by the State
183 Board of Education; and

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

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

191 2. No less than 2.75 GPA on pre-major
192 coursework of the institution's approved teacher education program
193 provided that the accepted cohort of candidates meets or exceeds a
194 3.0 GPA on pre-major coursework.



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

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

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

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

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

218 (i) The Teach Mississippi Institute (TMI) shall
219 include an intensive eight-week, nine-semester-hour summer program



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

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

243 (iii) Upon completion of the nine-semester-hour
244 TMI or the fall or spring semester option, the individual shall



245 submit his transcript to the commission for provisional licensure
246 of the intern teacher, and the intern teacher shall be issued a
247 provisional teaching license by the commission, which will allow
248 the individual to legally serve as a teacher while the person
249 completes a nontraditional teacher preparation internship program.

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

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



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

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

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

291 Implementation of the TMI program provided for under this
292 paragraph (b) shall be contingent upon the availability of funds
293 appropriated specifically for such purpose by the Legislature.



294 Such implementation of the TMI program may not be deemed to
295 prohibit the State Board of Education from developing and
296 implementing additional alternative route teacher licensure
297 programs, as deemed appropriate by the board. The emergency
298 certification program in effect prior to July 1, 2002, shall
299 remain in effect.

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

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



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

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

336 (f) **Special License - Transitional Bilingual Education.**
337 Beginning July 1, 2003, the commission shall grant special
338 licenses to teachers of transitional bilingual education who
339 possess such qualifications as are prescribed in this section.
340 Teachers of transitional bilingual education shall be compensated
341 by local school boards at not less than one (1) step on the
342 regular salary schedule applicable to permanent teachers licensed
343 under this section. The commission shall grant special licenses



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

365 (g) In the event any school district meets the highest
366 accreditation standards as defined by the State Board of Education
367 in the accountability system, the State Board of Education, in its
368 discretion, may exempt such school district from any restrictions



369 in paragraph (e) relating to the employment of nonlicensed
370 teaching personnel.

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

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

382 (a) **Administrator License - Nonpracticing.** Those
383 educators holding administrative endorsement but having no
384 administrative experience or not serving in an administrative
385 position on January 15, 1997.

386 (b) **Administrator License - Entry Level.** Those
387 educators holding administrative endorsement and having met the
388 department's qualifications to be eligible for employment in a
389 Mississippi school district. Administrator License - Entry Level
390 shall be issued for a five-year period and shall be nonrenewable.

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



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

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

413 (8) **Reciprocity.** (a) The department shall grant a standard
414 license to any individual who possesses a valid standard license
415 from another state and meets minimum Mississippi license
416 requirements or equivalent requirements as determined by the State
417 Board of Education. The issuance of a license by reciprocity to a



418 military-trained applicant or military spouse shall be subject to
419 the provisions of Section 73-50-1.

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

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

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



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

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

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

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



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

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

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

480 (f) Failing or refusing to furnish reasonable evidence
481 of identification;

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

485 (h) The applicant has been convicted, has pled guilty
486 or entered a plea of nolo contendere to a sex offense as defined
487 by federal or state law. For purposes of this paragraph (h) and
488 paragraph (g) of this subsection, a "guilty plea" includes a plea
489 of guilty, entry of a plea of nolo contendere, or entry of an
490 order granting pretrial or judicial diversion; or

491 (i) Probation or post-release supervision for a felony
492 or sex offense conviction, as defined by federal or state law,



493 shall result in the immediate denial of licensure application
494 until expiration of the probationary or post-release supervision
495 period.

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

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

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

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

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



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

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

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

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

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

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

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



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

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

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

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

559 (c) A person may voluntarily surrender a license. The
560 surrender of such license may result in the commission
561 recommending any of the above penalties without the necessity of a
562 hearing. However, any such license which has voluntarily been
563 surrendered by a licensed employee may only be reinstated by a
564 majority vote of all members of the commission present at the
565 meeting called for such purpose.

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



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

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

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



593 Education. The revocation or suspension of a license shall be
594 effected at the time indicated on the notice of suspension or
595 revocation. The commission shall immediately notify the
596 superintendent of the school district or school board where the
597 teacher or administrator is employed of any disciplinary action
598 and also notify the teacher or administrator of such revocation or
599 suspension and shall maintain records of action taken. The State
600 Board of Education may reverse or remand with instructions any
601 decision of the commission regarding a petition for reinstatement
602 of a license, and any such decision of the State Board of
603 Education shall be final.

604 (16) An appeal from the action of the State Board of
605 Education in denying an application, revoking or suspending a
606 license or otherwise disciplining any person under the provisions
607 of this section shall be filed in the Chancery Court of the First
608 Judicial District of Hinds County, Mississippi, on the record
609 made, including a verbatim transcript of the testimony at the
610 hearing. The appeal shall be filed within thirty (30) days after
611 notification of the action of the board is mailed or served and
612 the proceedings in chancery court shall be conducted as other
613 matters coming before the court. The appeal shall be perfected
614 upon filing notice of the appeal and by the prepayment of all
615 costs, including the cost of preparation of the record of the
616 proceedings by the State Board of Education, and the filing of a
617 bond in the sum of Two Hundred Dollars (\$200.00) conditioned that



618 if the action of the board be affirmed by the chancery court, the
619 applicant or license holder shall pay the costs of the appeal and
620 the action of the chancery court.

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

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

633 (19) In addition to the reasons specified in subsections
634 (12) and (13) of this section, the board shall be authorized to
635 suspend the license of any licensee for being out of compliance
636 with an order for support, as defined in Section 93-11-153. The
637 procedure for suspension of a license for being out of compliance
638 with an order for support, and the procedure for the reissuance or
639 reinstatement of a license suspended for that purpose, and the
640 payment of any fees for the reissuance or reinstatement of a
641 license suspended for that purpose, shall be governed by Section
642 93-11-157 or 93-11-163, as the case may be. Actions taken by the



643 board in suspending a license when required by Section 93-11-157
644 or 93-11-163 are not actions from which an appeal may be taken
645 under this section. Any appeal of a license suspension that is
646 required by Section 93-11-157 or 93-11-163 shall be taken in
647 accordance with the appeal procedure specified in Section
648 93-11-157 or 93-11-163, as the case may be, rather than the
649 procedure specified in this section. If there is any conflict
650 between any provision of Section 93-11-157 or 93-11-163 and any
651 provision of this chapter, the provisions of Section 93-11-157 or
652 93-11-163, as the case may be, shall control.

653 **SECTION 4.** Section 37-29-63, Mississippi Code of 1972, is
654 amended as follows:

655 37-29-63. (1) The president of any community college, or
656 such other person designated or authorized by the board of
657 trustees, shall have the power to recommend to the board of
658 trustees all teachers to be employed in the district.

659 (2) The president may remove or suspend any member of the
660 faculty subject to the approval of the trustees. He shall be the
661 general manager of all fiscal and administrative affairs of the
662 district with full authority to select, direct, employ and
663 discharge any and all employees other than teachers; however, the
664 board may make provisions and establish policies for leave for
665 faculty members and other key personnel. If the president or the
666 board terminates the contract of an individual with whom a
667 contract for employment was entered as a result of a breach of



668 said contract or for malfeasance, inefficiency or contumacious
669 conduct, there shall be no additional compensation paid to such
670 individuals in excess of the amount earned on a pro-rated basis
671 for the number of days for which services were provided under the
672 original contract before the termination or breach.

673 (3) The president shall have the authority, subject to the
674 provisions of Section 75-76-34 and Sections 37-29-1 through
675 37-29-273 and the approval of the trustees, to arrange and survey
676 courses of study, fix schedules, and establish and enforce rules
677 and discipline for the governing of teachers and students. He
678 shall be the general custodian of the property of the district.

679 **SECTION 5.** Section 37-101-15, Mississippi Code of 1972, is
680 amended as follows:

681 37-101-15. (a) The Board of Trustees of State Institutions
682 of Higher Learning shall succeed to and continue to exercise
683 control of all records, books, papers, equipment, and supplies,
684 and all lands, buildings, and other real and personal property
685 belonging to or assigned to the use and benefit of the board of
686 trustees formerly supervising and controlling the institutions of
687 higher learning named in Section 37-101-1. The board shall have
688 and exercise control of the use, distribution and disbursement of
689 all funds, appropriations and taxes, now and hereafter in
690 possession, levied and collected, received, or appropriated for
691 the use, benefit, support, and maintenance or capital outlay
692 expenditures of the institutions of higher learning, including the



693 authorization of employees to sign vouchers for the disbursement
694 of funds for the various institutions, except where otherwise
695 specifically provided by law.

696 (b) The board shall have general supervision of the affairs
697 of all the institutions of higher learning, including the
698 departments and the schools thereof. The board shall have the
699 power in its discretion to determine who shall be privileged to
700 enter, to remain in, or to graduate therefrom. The board shall
701 have general supervision of the conduct of libraries and
702 laboratories, the care of dormitories, buildings, and grounds; the
703 business methods and arrangement of accounts and records; the
704 organization of the administrative plan of each institution; and
705 all other matters incident to the proper functioning of the
706 institutions. The board shall have the authority to establish
707 minimum standards of achievement as a prerequisite for entrance
708 into any of the institutions under its jurisdiction, which
709 standards need not be uniform between the various institutions and
710 which may be based upon such criteria as the board may establish.

711 (c) The board shall exercise all the powers and prerogatives
712 conferred upon it under the laws establishing and providing for
713 the operation of the several institutions herein specified. The
714 board shall adopt such bylaws and regulations from time to time as
715 it deems expedient for the proper supervision and control of the
716 several institutions of higher learning, insofar as such bylaws
717 and regulations are not repugnant to the Constitution and laws,



718 and not inconsistent with the object for which these institutions
719 were established. The board shall have power and authority to
720 prescribe rules and regulations for policing the campuses and all
721 buildings of the respective institutions, to authorize the arrest
722 of all persons violating on any campus any criminal law of the
723 state, and to have such law violators turned over to the civil
724 authorities.

725 (d) For all institutions specified herein, the board shall
726 provide a uniform system of recording and of accounting approved
727 by the State Department of Audit. The board shall annually
728 prepare, or cause to be prepared, a budget for each institution of
729 higher learning for the succeeding year which must be prepared and
730 in readiness for at least thirty (30) days before the convening of
731 the regular session of the Legislature. All relationships and
732 negotiations between the State Legislature and its various
733 committees and the institutions named herein shall be carried on
734 through the board of trustees. No official, employee or agent
735 representing any of the separate institutions shall appear before
736 the Legislature or any committee thereof except upon the written
737 order of the board or upon the request of the Legislature or a
738 committee thereof.

739 (e) For all institutions specified herein, the board shall
740 prepare an annual report to the Legislature setting forth the
741 disbursements of all monies appropriated to the respective
742 institutions. Each report to the Legislature shall show how the



743 money appropriated to the several institutions has been expended,
744 beginning and ending with the fiscal years of the institutions,
745 showing the name of each teacher, officer, and employee, and the
746 salary paid each, and an itemized statement of each and every item
747 of receipts and expenditures. Each report must be balanced, and
748 must begin with the former balance. If any property belonging to
749 the state or the institution is used for profit, the reports shall
750 show the expense incurred in managing the property and the amount
751 received therefrom. The reports shall also show a summary of the
752 gross receipts and gross disbursements for each year and shall
753 show the money on hand at the beginning of the fiscal period of
754 the institution next preceding each session of the Legislature and
755 the necessary amount of expense to be incurred from said date to
756 January 1 following. The board shall keep the annual expenditures
757 of each institution herein mentioned within the income derived
758 from legislative appropriations and other sources, but in case of
759 emergency arising from acts of providence, epidemics, fire or
760 storm with the written approval of the Governor and by written
761 consent of a majority of the senators and of the representatives
762 it may exceed the income. The board shall require a surety bond
763 in a surety company authorized to do business in this state, of
764 every employee who is the custodian of funds belonging to one or
765 more of the institutions mentioned herein, which bond shall be in
766 a sum to be fixed by the board in an amount that will properly



767 safeguard the said funds, the premium for which shall be paid out
768 of the funds appropriated for said institutions.

769 (f) The board shall have the power and authority to elect
770 the heads of the various institutions of higher learning and to
771 contract with all deans, professors, and other members of the
772 teaching staff, and all administrative employees of said
773 institutions for a term of not exceeding four (4) years. The
774 board shall have the power and authority to terminate any such
775 contract at any time for malfeasance, inefficiency, or
776 contumacious conduct, but never for political reasons. However,
777 if the board terminates any contract for reason specified in this
778 paragraph, or if the individual with whom the contract was entered
779 commits a breach of said contract, there shall be no additional
780 compensation paid to such presidents, deans, professors, and other
781 members of the teaching staff, and all administrative employees in
782 excess of the amount earned on a pro-rated basis for the number of
783 days for which services were provided under the original contract
784 before the termination or breach. It shall be the policy of the
785 board to permit the executive head of each institution to nominate
786 for election by the board all subordinate employees of the
787 institution over which he presides. It shall be the policy of the
788 board to elect all officials for a definite tenure of service and
789 to reelect during the period of satisfactory service. The board
790 shall have the power to make any adjustments it thinks necessary



791 between the various departments and schools of any institution or
792 between the different institutions.

793 (g) The board shall keep complete minutes and records of all
794 proceedings which shall be open for inspection by any citizen of
795 the state.

796 (h) The board shall have the power to enter into an energy
797 performance contract, energy services contract, on a
798 shared-savings, lease or lease-purchase basis, for energy
799 efficiency services and/or equipment as prescribed in Section
800 31-7-14.

801 (i) The Board of Trustees of State Institutions of Higher
802 Learning, for and on behalf of Jackson State University, is hereby
803 authorized to convey by donation or otherwise easements across
804 portions of certain real estate located in the City of Jackson,
805 Hinds County, Mississippi, for right-of-way required for the Metro
806 Parkway Project.

807 (j) In connection with any international contract between
808 the board or one (1) of the state's institutions of higher
809 learning and any party outside of the United States, the board or
810 institution that is the party to the international contract is
811 hereby authorized and empowered to include in the contract a
812 provision for the resolution by arbitration of any controversy
813 between the parties to the contract relating to such contract or
814 the failure or refusal to perform any part of the contract. Such
815 provision shall be valid, enforceable and irrevocable without



816 regard to the justiciable character of the controversy. Provided,
817 however, that in the event either party to such contract initiates
818 litigation against the other with respect to the contract, the
819 arbitration provision shall be deemed waived unless asserted as a
820 defense on or before the responding party is required to answer
821 such litigation.

822 (k) The Board of Trustees of State Institutions of Higher
823 Learning ("board"), on behalf of any institution under its
824 jurisdiction, shall purchase and maintain business property
825 insurance and business personal property insurance on all
826 university-owned buildings and/or contents as required by federal
827 law and regulations of the Federal Emergency Management Agency
828 (FEMA) as is necessary for receiving public assistance or
829 reimbursement for repair, reconstruction, replacement or other
830 damage to those buildings and/or contents caused by the Hurricane
831 Katrina Disaster of 2005 or subsequent disasters. The board is
832 authorized to expend funds from any available source for the
833 purpose of obtaining and maintaining that property insurance. The
834 board is authorized to enter into agreements with the Department
835 of Finance and Administration, local school districts,
836 community/junior college districts, community hospitals and/or
837 other state agencies to pool their liabilities to participate in a
838 group business property and/or business personal property
839 insurance program, subject to uniform rules and regulations as may
840 be adopted by the Department of Finance and Administration.



841 (1) The Board of Trustees of State Institutions of Higher
842 Learning, or its designee, may approve the payment or
843 reimbursement of reasonable travel expenses incurred by candidates
844 for open positions at the board's executive office or at any of
845 the state institutions of higher learning, when the job candidate
846 has incurred expenses in traveling to a job interview at the
847 request of the board, the Commissioner of Higher Education or a
848 state institution of higher learning administrator.

849 **SECTION 6.** This act shall take effect and be in force from
850 and after July 1, 2017.

