

By: Representative Moore

To: Education

HOUSE BILL NO. 568

1 AN ACT TO AMEND SECTION 37-3-2, MISSISSIPPI CODE OF 1972, TO
 2 REVISE THE COMPOSITION OF THE COMMISSION ON TEACHER AND
 3 ADMINISTRATOR EDUCATION, CERTIFICATION, LICENSURE AND DEVELOPMENT
 4 BY ADDING THREE ADDITIONAL AT-LARGE MEMBERS; TO AUTHORIZE THE
 5 COMMISSION TO ESTABLISH REASONABLE APPLICATION FEES FOR THE
 6 ISSUANCE OF CERTIFICATES OF LICENSURE AND RENEWAL; TO PROVIDE THAT
 7 CONTROVERSIES INVOLVING A CHANGE IN STATUS IN THE LICENSE OF AN
 8 EDUCATOR SHALL BE INITIALLY HEARD BY A SUBCOMMITTEE OF THE
 9 COMMISSION OR BY AN APPOINTED HEARING OFFICER RETAINED BY THE
 10 COMMISSION; TO PROVIDE THAT THE FULL COMMISSION SHALL HEAR THE
 11 APPEALS OF PARTIES AGGRIEVED BY THE DECISION OF THE SUBCOMMITTEE
 12 OR HEARING OFFICER; TO PROVIDE FOR THE IMMEDIATE DENIAL OF A
 13 LICENSURE APPLICATION AND REVOCATION OF LICENSES OF PERSONS
 14 CONVICTED OR ARE ON PROBATION OR POST-RELEASE SUPERVISION FOR SEX
 15 OFFENSES; TO PRESCRIBE PENALTIES FOR THOSE PERSONS RESIGNING AS A
 16 RESULT OF ETHICAL MISCONDUCT; AND FOR RELATED PURPOSES.

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

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

20 37-3-2. (1) There is established within the State
 21 Department of Education the Commission on Teacher and
 22 Administrator Education, Certification and Licensure and
 23 Development. It shall be the purpose and duty of the commission
 24 to make recommendations to the State Board of Education regarding
 25 standards for the certification and licensure and continuing



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

28 (2) The commission shall be composed of fifteen (15)
29 qualified members. The membership of the commission shall be
30 composed of the following members to be appointed, three (3)
31 members which shall be appointed from the state at large, and
32 three (3) from each congressional district as those districts
33 existed according to the 2010 federal decennial census: four (4)
34 classroom teachers; three (3) school administrators; one (1)
35 representative of schools of education of institutions of higher
36 learning located within the state to be recommended by the Board
37 of Trustees of State Institutions of Higher Learning; one (1)
38 representative from the schools of education of independent
39 institutions of higher learning to be recommended by the Board of
40 the Mississippi Association of Independent Colleges; one (1)
41 representative from public community and junior colleges located
42 within the state to be recommended by the Mississippi Community
43 College Board; one (1) local school board member; and four (4)
44 laypersons. All appointments shall be made by the State Board of
45 Education after consultation with the State Superintendent of
46 Public Education. The first appointments by the State Board of
47 Education shall be made as follows: five (5) members shall be
48 appointed for a term of one (1) year; five (5) members shall be
49 appointed for a term of two (2) years; and five (5) members shall



50 be appointed for a term of three (3) years. Thereafter, all
51 members shall be appointed for a term of four (4) years.

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

58 (4) (a) An appropriate staff member of the State Department
59 of Education shall be designated and assigned by the State
60 Superintendent of Public Education to serve as executive secretary
61 and coordinator for the commission. No less than two (2) other
62 appropriate staff members of the State Department of Education
63 shall be designated and assigned by the State Superintendent of
64 Public Education to serve on the staff of the commission.

65 (b) An Office of Educator Misconduct Evaluations shall
66 be established within the State Department of Education to assist
67 the commission in responding to infractions and violations, and in
68 conducting hearings and enforcing the provisions of * * *
69 subsections (11), (12), (13), (14) and (15) * * * of this section,
70 and violations of the Mississippi Educator Code of Ethics.

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

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



75 (b) Recommend to the State Board of Education each year
76 approval or disapproval of each educator preparation program in
77 the state, subject to a process and schedule determined by the
78 State Board of Education;

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

82 (d) Establish, subject to the approval of the State
83 Board of Education, standards for the renewal of teacher licenses
84 in all fields;

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

88 (f) Review all existing requirements for certification
89 and licensure;

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

92 (h) Prepare reports from time to time on current
93 practices and issues in the general area of teacher education and
94 certification and licensure;

95 (i) Hold hearings concerning standards for teachers'
96 and administrators' education and certification and licensure with
97 approval of the State Board of Education;

98 (j) Hire expert consultants with approval of the State
99 Board of Education;



100 (k) Set up ad hoc committees to advise on specific
101 areas; * * *

102 (l) Perform such other functions as may fall within
103 their general charge and which may be delegated to them by the
104 State Board of Education; and

105 (m) Establish, subject to the approval of the State
106 Board of Education, reasonable application fees for the issuance
107 of certificates of licensure and renewal.

108 (6) (a) **Standard License - Approved Program Route.** An
109 educator entering the school system of Mississippi for the first
110 time and meeting all requirements as established by the State
111 Board of Education shall be granted a standard five-year license.
112 Persons who possess two (2) years of classroom experience as an
113 assistant teacher or who have taught for one (1) year in an
114 accredited public or private school shall be allowed to fulfill
115 student teaching requirements under the supervision of a qualified
116 participating teacher approved by an accredited college of
117 education. The local school district in which the assistant
118 teacher is employed shall compensate such assistant teachers at
119 the required salary level during the period of time such
120 individual is completing student teaching requirements.

121 Applicants for a standard license shall submit to the department:

122 (i) An application on a department form;

123 (ii) An official transcript of completion of a
124 teacher education program approved by the department or a



125 nationally accredited program, subject to the following:
126 Licensure to teach in Mississippi prekindergarten through
127 kindergarten classrooms shall require completion of a teacher
128 education program or a Bachelor of Science degree with child
129 development emphasis from a program accredited by the American
130 Association of Family and Consumer Sciences (AAFCS) or by the
131 National Association for Education of Young Children (NAEYC) or by
132 the National Council for Accreditation of Teacher Education
133 (NCATE). Licensure to teach in Mississippi kindergarten, for
134 those applicants who have completed a teacher education program,
135 and in Grade 1 through Grade 4 shall require the completion of an
136 interdisciplinary program of studies. Licenses for Grades 4
137 through 8 shall require the completion of an interdisciplinary
138 program of studies with two (2) or more areas of concentration.
139 Licensure to teach in Mississippi Grades 7 through 12 shall
140 require a major in an academic field other than education, or a
141 combination of disciplines other than education. Students
142 preparing to teach a subject shall complete a major in the
143 respective subject discipline. All applicants for standard
144 licensure shall demonstrate that such person's college preparation
145 in those fields was in accordance with the standards set forth by
146 the National Council for Accreditation of Teacher Education
147 (NCATE) or the National Association of State Directors of Teacher
148 Education and Certification (NASDTEC) or, for those applicants who
149 have a Bachelor of Science degree with child development emphasis,



150 the American Association of Family and Consumer Sciences (AAFCS).
151 Effective July 1, 2016, for initial elementary education
152 licensure, a teacher candidate must earn a passing score on a
153 rigorous test of scientifically research-based reading instruction
154 and intervention and data-based decision-making principles as
155 approved by the State Board of Education;

156 (iii) A copy of test scores evidencing
157 satisfactory completion of nationally administered examinations of
158 achievement, such as the Educational Testing Service's teacher
159 testing examinations;

160 (iv) Any other document required by the State
161 Board of Education; and

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

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

169 2. No less than 2.75 GPA on pre-major
170 coursework of the institution's approved teacher education program
171 provided that the accepted cohort of candidates meets or exceeds a
172 3.0 GPA on pre-major coursework.

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

174 From and after September 30, 2015, no teacher candidate shall be



175 licensed to teach in Mississippi under the alternate route who did
176 not meet the following criteria:

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

180 (ii) No less than 2.75 GPA on content coursework
181 in the requested area of certification or passing Praxis II scores
182 at or above the national recommended score provided that the
183 accepted cohort of candidates of the institution's teacher
184 education program meets or exceeds a 3.0 GPA on pre-major
185 coursework.

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

196 (i) The Teach Mississippi Institute (TMI) shall
197 include an intensive eight-week, nine-semester-hour summer program
198 or a curriculum of study in which the student matriculates in the
199 fall or spring semester, which shall include, but not be limited



200 to, instruction in education, effective teaching strategies,
201 classroom management, state curriculum requirements, planning and
202 instruction, instructional methods and pedagogy, using test
203 results to improve instruction, and a one (1) semester three-hour
204 supervised internship to be completed while the teacher is
205 employed as a full-time teacher intern in a local school district.
206 The TMI shall be implemented on a pilot program basis, with
207 courses to be offered at up to four (4) locations in the state,
208 with one (1) TMI site to be located in each of the three (3)
209 Mississippi Supreme Court districts.

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

221 (iii) Upon completion of the nine-semester-hour
222 TMI or the fall or spring semester option, the individual shall
223 submit his transcript to the commission for provisional licensure
224 of the intern teacher, and the intern teacher shall be issued a



225 provisional teaching license by the commission, which will allow
226 the individual to legally serve as a teacher while the person
227 completes a nontraditional teacher preparation internship program.

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

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

247 (vi) Upon successful completion of the TMI and the
248 internship provisional license period, applicants for a Standard
249 License - Nontraditional Route shall submit to the commission a



250 transcript of successful completion of the twelve (12) semester
251 hours required in the internship program, and the employing school
252 district shall submit to the commission a recommendation for
253 standard licensure of the intern. If the school district
254 recommends licensure, the applicant shall be issued a Standard
255 License - Nontraditional Route which shall be valid for a
256 five-year period and be renewable.

257 (vii) At the discretion of the teacher preparation
258 institution, the individual shall be allowed to credit the twelve
259 (12) semester hours earned in the nontraditional teacher
260 internship program toward the graduate hours required for a Master
261 of Arts in Teacher (MAT) Degree.

262 (viii) The local school district in which the
263 nontraditional teacher intern or provisional licensee is employed
264 shall compensate such teacher interns at Step 1 of the required
265 salary level during the period of time such individual is
266 completing teacher internship requirements and shall compensate
267 such Standard License - Nontraditional Route teachers at Step 3 of
268 the required salary level when they complete license requirements.

269 Implementation of the TMI program provided for under this
270 paragraph (b) shall be contingent upon the availability of funds
271 appropriated specifically for such purpose by the Legislature.
272 Such implementation of the TMI program may not be deemed to
273 prohibit the State Board of Education from developing and
274 implementing additional alternative route teacher licensure



275 programs, as deemed appropriate by the board. The emergency
276 certification program in effect prior to July 1, 2002, shall
277 remain in effect.

278 A Standard License - Approved Program Route shall be issued
279 for a five-year period, and may be renewed. Recognizing teaching
280 as a profession, a hiring preference shall be granted to persons
281 holding a Standard License - Approved Program Route or Standard
282 License - Nontraditional Teaching Route over persons holding any
283 other license.

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

297 (d) **Special License - Nonrenewable.** The State Board of
298 Education is authorized to establish rules and regulations to
299 allow those educators not meeting requirements in * * * paragraph



300 (a), (b) or (c) of this subsection (6) to be licensed for a period
301 of not more than three (3) years, except by special approval of
302 the State Board of Education.

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

314 (f) **Special License - Transitional Bilingual Education.**
315 Beginning July 1, 2003, the commission shall grant special
316 licenses to teachers of transitional bilingual education who
317 possess such qualifications as are prescribed in this section.
318 Teachers of transitional bilingual education shall be compensated
319 by local school boards at not less than one (1) step on the
320 regular salary schedule applicable to permanent teachers licensed
321 under this section. The commission shall grant special licenses
322 to teachers of transitional bilingual education who present the
323 commission with satisfactory evidence that they (i) possess a
324 speaking and reading ability in a language, other than English, in



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

343 (g) In the event any school district meets the highest
344 accreditation standards as defined by the State Board of Education
345 in the accountability system, the State Board of Education, in its
346 discretion, may exempt such school district from any restrictions
347 in paragraph (e) relating to the employment of nonlicensed
348 teaching personnel.



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

354 (7) **Administrator License.** The State Board of Education is
355 authorized to establish rules and regulations and to administer
356 the licensure process of the school administrators in the State of
357 Mississippi. There will be four (4) categories of administrator
358 licensure with exceptions only through special approval of the
359 State Board of Education.

360 (a) **Administrator License - Nonpracticing.** Those
361 educators holding administrative endorsement but having no
362 administrative experience or not serving in an administrative
363 position on January 15, 1997.

364 (b) **Administrator License - Entry Level.** Those
365 educators holding administrative endorsement and having met the
366 department's qualifications to be eligible for employment in a
367 Mississippi school district. Administrator License - Entry Level
368 shall be issued for a five-year period and shall be nonrenewable.

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

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



374 administrative personnel. Such nontraditional route for
375 administrative licensure shall be available for persons holding,
376 but not limited to, a master of business administration degree, a
377 master of public administration degree, a master of public
378 planning and policy degree or a doctor of jurisprudence degree
379 from an accredited college or university, with five (5) years of
380 administrative or supervisory experience. Successful completion
381 of the requirements of alternate route licensure for
382 administrators shall qualify the person for a standard
383 administrator license.

384 Individuals seeking school administrator licensure under
385 paragraph (b), (c) or (d) shall successfully complete a training
386 program and an assessment process prescribed by the State Board of
387 Education. All applicants for school administrator licensure
388 shall meet all requirements prescribed by the department under
389 paragraph (b), (c) or (d), and the cost of the assessment process
390 required shall be paid by the applicant.

391 (8) **Reciprocity.** (a) The department shall grant a standard
392 license to any individual who possesses a valid standard license
393 from another state and meets minimum Mississippi license
394 requirements or equivalent requirements as determined by the State
395 Board of Education. The issuance of a license by reciprocity to a
396 military-trained applicant or military spouse shall be subject to
397 the provisions of Section 73-50-1.



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

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

418 (10) All controversies involving the issuance, revocation,
419 suspension or any change whatsoever in the licensure of an
420 educator required to hold a license shall be initially heard in a
421 hearing de novo, by the commission or by a subcommittee
422 established by the commission and composed of commission members,



423 or by a hearing officer retained and appointed by the commission
424 for the purpose of holding hearings. Any complaint seeking the
425 denial of issuance, revocation or suspension of a license shall be
426 by sworn affidavit filed with the Commission on Teacher and
427 Administrator Education, Certification and Licensure and
428 Development. The decision thereon by the commission * * *, its
429 subcommittee or hearing officer shall be final, unless the
430 aggrieved party shall appeal to the State Board of Education,
431 within ten (10) days, of the decision of the committee * * *, its
432 subcommittee or hearing officer. An appeal to the State Board of
433 Education shall be perfected upon filing a notice of the appeal
434 and by the prepayment of the costs of preparation of the record of
435 the proceedings by the commission, its subcommittee or hearing
436 officer. An appeal shall be on the record previously made before
437 the commission * * *, its subcommittee or hearing officer, unless
438 otherwise provided by rules and regulations adopted by the State
439 Board of Education. The State Board of Education in its authority
440 may reverse, or remand with instructions, the decision of the
441 committee * * *, its subcommittee or hearing officer. The
442 decision of the State Board of Education shall be final.

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

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



448 (b) The applicant has a physical, emotional or mental
449 disability that renders the applicant unfit to perform the duties
450 authorized by the license, as certified by a licensed psychologist
451 or psychiatrist;

452 (c) The applicant is actively addicted to or actively
453 dependent on alcohol or other habit-forming drugs or is a habitual
454 user of narcotics, barbiturates, amphetamines, hallucinogens or
455 other drugs having similar effect, at the time of application for
456 a license;

457 (d) Revocation, suspension or surrender of an
458 applicant's certificate or license by another state shall result
459 in immediate denial of licensure until such time that the records
460 predicated the revocation, suspension or surrender in the prior
461 state have been cleared;

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

464 (f) Failing or refusing to furnish reasonable evidence
465 of identification;

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

469 (h) The applicant has been convicted, has pled guilty
470 or entered a plea of nolo contendere to a sex offense as defined
471 by federal or state law shall result in immediate denial of
472 licensure application. For purposes of this paragraph (h) and



473 paragraph (g) of this subsection, a "guilty plea" includes a plea
474 of guilty, entry of a plea of nolo contendere, or entry of an
475 order granting pretrial or judicial diversion; * * *

476 (i) Probation or post-release supervision for a
477 felony * * * conviction, as defined by federal or state law, shall
478 result in the immediate denial of licensure application until
479 expiration of the probationary or post-release supervision period;
480 or

481 (j) Probation or post-release supervision for a sex
482 offense, as defined by state or federal law, shall result in the
483 immediate denial of licensure application.

484 (12) The State Board of Education, acting through the
485 commission, may revoke, suspend or refuse to renew any teacher or
486 administrator license for specified periods of time or may place
487 on probation, * * * reprimand a licensee, or take other
488 disciplinary action with regard to any license issued under this
489 chapter for one or more of the following:

490 (a) Breach of contract or abandonment of
491 employment * * * shall result in the suspension of the license for
492 one (1) school year as provided in Section 37-9-57;

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

496 (c) Suspension or revocation of a certificate or
497 license by another state shall result in immediate suspension or



498 revocation and shall continue until records in the prior state
499 have been cleared;

500 (d) The license holder has been convicted, has pled
501 guilty or entered a plea of nolo contendere to a felony, as
502 defined by federal or state law. For purposes of this paragraph,
503 a "guilty plea" includes a plea of guilty, entry of a plea of nolo
504 contendere, or entry of an order granting pretrial or judicial
505 diversion;

506 (e) The license holder has been convicted, has pled
507 guilty or entered a plea of nolo contendere to a sex offense, or
508 has received probation or post-release supervision for a sex
509 offense conviction, as defined by federal or state law, shall
510 result in immediate * * * permanent revocation;

511 (f) The license holder has received probation or
512 post-release supervision for a felony * * * conviction, as defined
513 by federal or state law, which shall result in immediate
514 suspension or revocation until expiration of the probationary or
515 post-release supervision period;

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

519 (h) The license holder has engaged in unethical conduct
520 relating to an educator/student relationship as identified by the
521 State Board of Education in its rules may result in permanent
522 revocation if based upon the severity of the offense;



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

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

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

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

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

541 For purposes of this subsection, probation shall be defined
542 as a length of time determined by the commission and based upon
543 the severity of the offense in which the license holder shall
544 meet certain requirements as prescribed by the commission.
545 Failure to complete the requirements in the time specified shall
546 result in immediate suspension of the license for one (1) year.



547 (13) (a) Dismissal or suspension of a licensed employee by
548 a local school board pursuant to Section 37-9-59, or a local
549 school board's approved resignation of a licensed employee which
550 results from a violation of any of the ethics standards in the
551 professional code of conduct adopted by the State Board of
552 Education, may result in the suspension or revocation of a license
553 for a length of time which shall be determined by the commission
554 and based upon the severity of the offense.

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

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

565 (14) (a) A person whose license has been * * * suspended or
566 surrendered on any grounds except criminal grounds may petition
567 for reinstatement of the license after one (1) year from the date
568 of * * * suspension or surrender, or after one-half (1/2) of
569 the * * * suspended or surrendered time has lapsed, whichever is
570 greater. A person whose license has been suspended or revoked on
571 any grounds or violations under subsection (12) of this section



572 may be reinstated automatically or approved for a reinstatement
573 hearing, upon submission of a written request to the commission.
574 A license suspended, revoked or surrendered on criminal grounds
575 may be reinstated upon petition to the commission filed after
576 expiration of the sentence and parole or probationary period
577 imposed upon conviction. A revoked, suspended or surrendered
578 license may be reinstated upon satisfactory showing of evidence of
579 rehabilitation. The commission shall require all who petition for
580 reinstatement to furnish evidence satisfactory to the commission
581 of good character, good mental, emotional and physical health and
582 such other evidence as the commission may deem necessary to
583 establish the petitioner's rehabilitation and fitness to perform
584 the duties authorized by the license.

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

589 (15) Reporting procedures and hearing procedures for dealing
590 with infractions under this section shall be promulgated by the
591 commission, subject to the approval of the State Board of
592 Education. The revocation or suspension of a license shall be
593 effected at the time indicated on the notice of suspension or
594 revocation. The commission shall immediately notify the
595 superintendent of the school district or school board where the
596 teacher or administrator is employed of any disciplinary action



597 and also notify the teacher or administrator of such revocation or
598 suspension and shall maintain records of action taken. The State
599 Board of Education may reverse or remand with instructions any
600 decision of the commission, its subcommittee or hearing officer
601 regarding a petition for reinstatement of a license, and any such
602 decision of the State Board of Education shall be final.

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

620 (17) All such programs, rules, regulations, standards and
621 criteria recommended or authorized by the commission shall become



622 effective upon approval by the State Board of Education as
623 designated by appropriate orders entered upon the minutes thereof.

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

632 (19) In addition to the reasons specified in subsections
633 (12) and (13) of this section, the board shall be authorized to
634 suspend the license of any licensee for being out of compliance
635 with an order for support, as defined in Section 93-11-153. The
636 procedure for suspension of a license for being out of compliance
637 with an order for support, and the procedure for the reissuance or
638 reinstatement of a license suspended for that purpose, and the
639 payment of any fees for the reissuance or reinstatement of a
640 license suspended for that purpose, shall be governed by Section
641 93-11-157 or 93-11-163, as the case may be. Actions taken by the
642 board in suspending a license when required by Section 93-11-157
643 or 93-11-163 are not actions from which an appeal may be taken
644 under this section. Any appeal of a license suspension that is
645 required by Section 93-11-157 or 93-11-163 shall be taken in
646 accordance with the appeal procedure specified in Section



647 93-11-157 or 93-11-163, as the case may be, rather than the
648 procedure specified in this section. If there is any conflict
649 between any provision of Section 93-11-157 or 93-11-163 and any
650 provision of this chapter, the provisions of Section 93-11-157 or
651 93-11-163, as the case may be, shall control.

652 **SECTION 2.** This act shall take effect and be in force from
653 and after July 1, 2017.

