

By: Representative Currie

To: Education; Revenue and
Expenditure General Bills

HOUSE BILL NO. 930

1 AN ACT TO CODIFY NEW SECTION 37-3-2.1, MISSISSIPPI CODE OF
2 1972, TO ESTABLISH THE OFFICE OF EDUCATOR STANDARDS AND LICENSURE
3 WITHIN THE STATE DEPARTMENT OF EDUCATION; TO PROVIDE FOR THE
4 APPOINTMENT OF THE DIRECTOR OF THE OFFICE OF EDUCATOR STANDARDS
5 AND LICENSURE, WHO SHALL REPORT DIRECTLY TO THE STATE
6 SUPERINTENDENT OF PUBLIC EDUCATION AND THE STATE BOARD OF
7 EDUCATION; TO REQUIRE THE OFFICE TO ESTABLISH STANDARDS FOR
8 EDUCATOR PREPARATION PROGRAMS AND FOR THE ISSUANCE AND RENEWAL OF
9 EDUCATOR LICENSES; TO AMEND SECTION 37-3-2, MISSISSIPPI CODE OF
10 1972, TO REVISE THE DUTIES OF THE COMMISSION ON TEACHER AND
11 ADMINISTRATOR EDUCATION, CERTIFICATION AND LICENSURE AND
12 DEVELOPMENT RELATING TO THE ISSUANCE OF EDUCATOR LICENSES IN
13 ACCORDANCE WITH THE REQUIREMENTS ESTABLISHED BY THE OFFICE OF
14 EDUCATOR STANDARDS AND LICENSURE; TO AMEND SECTION 37-3-89,
15 MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PROVISIONS OF THIS
16 ACT; AND FOR RELATED PURPOSES.

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

18 **SECTION 1.** The following shall be codified as Section
19 37-3-2.1, Mississippi Code of 1972:

20 37-3-2.1. (1) The State Board of Education and State
21 Superintendent of Public Education shall establish within the
22 State Department of Education a special unit at the division level
23 called the Office of Educator Standards and Licensure. The
24 Director of the Office of Educator Standards and Licensure shall
25 hold a position comparable to a deputy superintendent and shall be



26 appointed by the State Board of Education with the advice and
27 consent of the Senate. The director shall serve at the will and
28 pleasure of the State Board of Education and may employ necessary
29 professional, administrative and clerical staff. The Director of
30 the Office of Educator Standards and Licensure shall provide all
31 reports to the Legislature, Governor, Commission on School
32 Accreditation and State Board of Education and respond to any
33 inquiries for information.

34 (2) The Office of Educator Standards and Licensure is
35 responsible for establishing and maintaining standards for the
36 review and approval of all educator preparation programs,
37 including public, nonpublic, nontraditional and out-of-state
38 providers, as well as establishing and maintaining standards for
39 educator license and renewal. The Office of Educator Standards
40 and Licensure shall provide information, recommendations and an
41 annual report to the Legislature and Governor.

42 (3) In addition, the Office of Educator Standards and
43 Licensure shall have the following specific duties and
44 responsibilities:

45 (a) Monitoring performance of educator preparation
46 programs graduates based on established measures, as determined by
47 the Office of Educator Standards and Licensure;

48 (b) Conducting systematic and consistent reviews to
49 evaluate and approve all educator preparation programs based on
50 standards and performance assessment of graduates and, when



51 indicated, withdrawing approval of programs that do not meet
52 standards set by the Office of Educator Standards and Licensure or
53 whose graduates do not perform according to criteria set by the
54 Office of Educator Standards and Licensure;

55 (c) Establishing and developing guidelines for a
56 purposeful internship experience for pre-service candidates
57 through a seamless and effective system involving educator
58 preparation programs, school district partners and classroom
59 mentors;

60 (d) Ensuring a uniform and efficient process for
61 issuing, renewing, revoking, suspending, or refusing to issue or
62 renew educator licenses;

63 (e) Establishing and maintaining a consistent and
64 transparent data dashboard that includes all aspects of educator
65 preparation and licensure;

66 (f) Producing The Annual Review of Mississippi Educator
67 Preparation Providers; and

68 (g) Approving reasonable fees for the issuance,
69 reissuance and renewal of licenses, as recommended by the Director
70 of the Office of Educator Standards and Licensure's fee-based
71 operating budget.

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

74 37-3-2. (1) There is established within the State
75 Department of Education the Commission on Teacher and



76 Administrator Education, Certification and Licensure and
77 Development. It shall be the purpose and duty of the commission
78 to make recommendations to the * * * Office of Educator Standards
79 and Licensure regarding standards for the * * * licensure and
80 continuing professional development of those who teach or perform
81 tasks of an educational nature in the public schools of
82 Mississippi.

83 (2) The commission shall be composed of fifteen (15)
84 qualified members. The membership of the commission shall be
85 composed of the following members to be appointed, three (3) from
86 each congressional district: four (4) classroom teachers; three
87 (3) school administrators; one (1) representative of schools of
88 education of institutions of higher learning located within the
89 state to be recommended by the Board of Trustees of State
90 Institutions of Higher Learning; one (1) representative from the
91 schools of education of independent institutions of higher
92 learning to be recommended by the Board of the Mississippi
93 Association of Independent Colleges; one (1) representative from
94 public community and junior colleges located within the state to
95 be recommended by the Mississippi Community College Board; one (1)
96 local school board member; and four (4) laypersons. All
97 appointments shall be made by the State Board of Education after
98 consultation with the State Superintendent of Public Education.
99 The first appointments by the State Board of Education shall be
100 made as follows: five (5) members shall be appointed for a term



101 of one (1) year; five (5) members shall be appointed for a term of
102 two (2) years; and five (5) members shall be appointed for a term
103 of three (3) years. Thereafter, all members shall be appointed
104 for a term of four (4) years.

105 (3) The State Board of Education, when making appointments,
106 shall designate a chairman. The commission shall meet at least
107 once every two (2) months or more often if needed. Members of the
108 commission shall be compensated at a rate of per diem as
109 authorized by Section 25-3-69 and be reimbursed for actual and
110 necessary expenses as authorized by Section 25-3-41.

111 (4) (a) An appropriate staff member of the State Department
112 of Education shall be designated and assigned by the State
113 Superintendent of Public Education to serve as executive secretary
114 and coordinator for the commission. No less than two (2) other
115 appropriate staff members of the State Department of Education
116 shall be designated and assigned by the State Superintendent of
117 Public Education to serve on the staff of the commission.

118 (b) An Office of Educator Misconduct Evaluations shall
119 be established within the State Department of Education to assist
120 the commission in responding to infractions and violations, and in
121 conducting hearings and enforcing the provisions of * * *
122 subsections (11), (12), (13), (14) and (15) * * * of this section,
123 and violations of the Mississippi Educator Code of Ethics.

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



125 (a) * * * Recommend standards and criteria * * * to
126 the * * * Office of Educator Standards and Licensure for all
127 educator preparation programs in the state;

128 (b) Recommend to the * * * Office of Educator Standards
129 and Licensure standards for initial teacher * * * licensure in all
130 fields;

131 (* * * c) * * * Recommend to the * * * Office of
132 Educator Standards and Licensure standards for the renewal of
133 teacher licenses in all fields;

134 (* * * d) Review and evaluate objective measures of
135 teacher performance, such as test scores, which may form part of
136 the licensure process, and to make recommendations to the Office
137 of Educator Standards and Licensure for their use;

138 (* * * e) Review all existing requirements
139 for * * * licensure;

140 * * *

141 (* * * f) Prepare reports to be submitted to the Office
142 of Educator Standards and Licensure from time to time on current
143 practices and issues in the general area of teacher education
144 and * * * licensure;

145 * * *

146 (* * * g) Set up ad hoc committees to advise on
147 specific areas; and

148 (* * * h) Perform such other functions as may fall
149 within * * * the commission's general charge * * * which may be



150 delegated to them by the State Board of Education or Office of
151 Educator Standards and Licensure.

152 (6) (a) **Standard License - Approved Program Route.** An
153 educator entering the school system of Mississippi for the first
154 time and meeting all requirements as established by the * * *
155 Office of Educator Standards and Licensure shall be granted a
156 standard five-year license by the State Department of Education.
157 Persons who possess two (2) years of classroom experience as an
158 assistant teacher or who have taught for one (1) year in an
159 accredited public or private school shall be allowed to fulfill
160 student teaching requirements under the supervision of a qualified
161 participating teacher approved by an accredited college of
162 education. The local school district in which the assistant
163 teacher is employed shall compensate such assistant teachers at
164 the required salary level during the period of time such
165 individual is completing student teaching requirements.

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

167 (i) An application on a department form;

168 (ii) An official transcript of completion of a
169 teacher education program approved by the * * * Office of Educator
170 Standards and Licensure or a nationally accredited program,
171 subject to the following: Licensure to teach in Mississippi
172 prekindergarten through kindergarten classrooms shall require
173 completion of a teacher education program or a Bachelor of Science
174 degree with child development emphasis from a program accredited



175 by the American Association of Family and Consumer Sciences
176 (AAFCS) or by the National Association for Education of Young
177 Children (NAEYC) or by the National Council for Accreditation of
178 Teacher Education (NCATE). Licensure to teach in Mississippi
179 kindergarten, for those applicants who have completed a teacher
180 education program, and in Grade 1 through Grade 4 shall require
181 the completion of an interdisciplinary program of studies.
182 Licenses for Grades 4 through 8 shall require the completion of an
183 interdisciplinary program of studies with two (2) or more areas of
184 concentration. Licensure to teach in Mississippi Grades 7 through
185 12 shall require a major in an academic field other than
186 education, or a combination of disciplines other than education.
187 Students preparing to teach a subject shall complete a major in
188 the respective subject discipline. All applicants for standard
189 licensure shall demonstrate that such person's college preparation
190 in those fields was in accordance with the standards set forth by
191 the National Council for Accreditation of Teacher Education
192 (NCATE) or the National Association of State Directors of Teacher
193 Education and Certification (NASDTEC) or, for those applicants who
194 have a Bachelor of Science degree with child development emphasis,
195 the American Association of Family and Consumer Sciences (AAFCS).
196 Effective July 1, 2016, for initial elementary education
197 licensure, a teacher candidate must earn a passing score on a
198 rigorous test of scientifically research-based reading instruction



199 and intervention and data-based decision-making principles as
200 approved by the * * * Office of Educator Standards and Licensure;

201 (iii) A copy of test scores evidencing
202 satisfactory completion of nationally administered examinations of
203 achievement, such as the Educational Testing Service's teacher
204 testing examinations;

205 (iv) Any other document required by the * * *
206 Office of Educator Standards and Licensure; and

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

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

214 2. No less than 2.75 GPA on pre-major
215 coursework of the institution's approved teacher education program
216 provided that the accepted cohort of candidates meets or exceeds a
217 3.0 GPA on pre-major coursework.

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

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



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

225 (ii) No less than 2.75 GPA on content coursework
226 in the requested area of certification or passing Praxis II scores
227 at or above the national recommended score provided that the
228 accepted cohort of candidates of the institution's teacher
229 education program meets or exceeds a 3.0 GPA on pre-major
230 coursework.

231 Beginning January 1, 2004, an individual who has a passing
232 score on the Praxis I Basic Skills and Praxis II Specialty Area
233 Test in the requested area of endorsement may apply for the Teach
234 Mississippi Institute (TMI) program to teach students in Grades 7
235 through 12 if the individual meets the requirements of this
236 paragraph (b). The * * * Office of Educator Standards and
237 Licensure shall adopt rules requiring that teacher preparation
238 institutions which provide the Teach Mississippi Institute (TMI)
239 program for the preparation of nontraditional teachers shall meet
240 the standards and comply with the provisions of this paragraph.

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



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

255 (ii) The school sponsoring the teacher intern
256 shall enter into a written agreement with the institution
257 providing the Teach Mississippi Institute (TMI) program, under
258 terms and conditions as agreed upon by the contracting parties,
259 providing that the school district shall provide teacher interns
260 seeking a nontraditional provisional teaching license with a
261 one-year classroom teaching experience. The teacher intern shall
262 successfully complete the one (1) semester three-hour intensive
263 internship in the school district during the semester immediately
264 following successful completion of the TMI and prior to the end of
265 the one-year classroom teaching experience.

266 (iii) Upon completion of the nine-semester-hour
267 TMI or the fall or spring semester option, the individual shall
268 submit his transcript to the commission for provisional licensure
269 of the intern teacher, and the intern teacher shall be issued a
270 provisional teaching license by the commission, which will allow



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

273 (iv) During the semester of internship in the
274 school district, the teacher preparation institution shall monitor
275 the performance of the intern teacher. The school district that
276 employs the provisional teacher shall supervise the provisional
277 teacher during the teacher's intern year of employment under a
278 nontraditional provisional license, and shall, in consultation
279 with the teacher intern's mentor at the school district of
280 employment, submit to the commission a comprehensive evaluation of
281 the teacher's performance sixty (60) days prior to the expiration
282 of the nontraditional provisional license. If the comprehensive
283 evaluation establishes that the provisional teacher intern's
284 performance fails to meet the standards of the approved
285 nontraditional teacher preparation internship program, the
286 individual shall not be approved for a standard license.

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

292 (vi) Upon successful completion of the TMI and the
293 internship provisional license period, applicants for a Standard
294 License - Nontraditional Route shall submit to the commission a
295 transcript of successful completion of the twelve (12) semester



296 hours required in the internship program, and the employing school
297 district shall submit to the commission a recommendation for
298 standard licensure of the intern. If the school district
299 recommends licensure, the applicant shall be issued a Standard
300 License - Nontraditional Route which shall be valid for a
301 five-year period and be renewable.

302 (vii) At the discretion of the teacher preparation
303 institution, the individual shall be allowed to credit the twelve
304 (12) semester hours earned in the nontraditional teacher
305 internship program toward the graduate hours required for a Master
306 of Arts in Teacher (MAT) Degree.

307 (viii) The local school district in which the
308 nontraditional teacher intern or provisional licensee is employed
309 shall compensate such teacher interns at Step 1 of the required
310 salary level during the period of time such individual is
311 completing teacher internship requirements and shall compensate
312 such Standard License - Nontraditional Route teachers at Step 3 of
313 the required salary level when they complete license requirements.

314 Implementation of the TMI program provided for under this
315 paragraph (b) shall be contingent upon the availability of funds
316 appropriated specifically for such purpose by the Legislature.
317 Such implementation of the TMI program may not be deemed to
318 prohibit the * * * Office of Educator Standards and Licensure from
319 developing and implementing additional alternative route teacher
320 licensure programs, as deemed appropriate by the * * * office.



321 The emergency certification program in effect prior to July 1,
322 2002, shall remain in effect.

323 A Standard License - Approved Program Route shall be issued
324 for a five-year period, and may be renewed. Recognizing teaching
325 as a profession, a hiring preference shall be granted to persons
326 holding a Standard License - Approved Program Route or Standard
327 License - Nontraditional Teaching Route over persons holding any
328 other license.

329 (c) **Special License - Expert Citizen.** In order to
330 allow a school district to offer specialized or technical courses,
331 the State Department of Education, in accordance with rules and
332 regulations established by the * * * Office of Educator Standards
333 and Licensure, may grant a one-year expert citizen-teacher license
334 to local business or other professional personnel to teach in a
335 public school or nonpublic school accredited or approved by the
336 state. Such person may begin teaching upon his employment by the
337 local school board and licensure by the Mississippi Department of
338 Education. The * * * Office of Educator Standards and Licensure
339 shall adopt rules and regulations to administer the expert
340 citizen-teacher license. A Special License - Expert Citizen may
341 be renewed in accordance with the established rules and
342 regulations of the * * * Office of Educator Standards and
343 Licensure.

344 (d) **Special License - Nonrenewable.** The * * * Office
345 of Educator Standards and Licensure is authorized to establish



346 rules and regulations to allow those educators not meeting
347 requirements in * * * paragraph (a), (b) or (c) of this subsection
348 (6) to be licensed for a period of not more than three (3) years,
349 except by special approval of the State Board of Education.

350 (e) **Nonlicensed Teaching Personnel.** A nonlicensed
351 person may teach for a maximum of three (3) periods per teaching
352 day in a public school district or a nonpublic school
353 accredited/approved by the state. Such person shall submit to the
354 department a transcript or record of his education and experience
355 which substantiates his preparation for the subject to be taught
356 and shall meet other qualifications specified by the * * * Office
357 of Educator Standards and Licensure. In no case shall any local
358 school board hire nonlicensed personnel as authorized under this
359 paragraph in excess of five percent (5%) of the total number of
360 licensed personnel in any single school.

361 (f) **Special License - Transitional Bilingual Education.**
362 Beginning July 1, 2003, the * * * State Department of Education
363 shall grant special licenses to teachers of transitional bilingual
364 education who possess such qualifications as are prescribed in
365 this section. Teachers of transitional bilingual education shall
366 be compensated by local school boards at not less than one (1)
367 step on the regular salary schedule applicable to permanent
368 teachers licensed under this section. The * * * department shall
369 grant special licenses to teachers of transitional bilingual
370 education who present the * * * department with satisfactory



371 evidence that they (i) possess a speaking and reading ability in a
372 language, other than English, in which bilingual education is
373 offered and communicative skills in English; (ii) are in good
374 health and sound moral character; (iii) possess a bachelor's
375 degree or an associate's degree in teacher education from an
376 accredited institution of higher education; (iv) meet such
377 requirements as to courses of study, semester hours therein,
378 experience and training as may be required by the * * * Office of
379 Educator Standards and Licensure; and (v) are legally present in
380 the United States and possess legal authorization for employment.
381 A teacher of transitional bilingual education serving under a
382 special license shall be under an exemption from standard
383 licensure if he achieves the requisite qualifications therefor.
384 Two (2) years of service by a teacher of transitional bilingual
385 education under such an exemption shall be credited to the teacher
386 in acquiring a Standard Educator License. Nothing in this
387 paragraph shall be deemed to prohibit a local school board from
388 employing a teacher licensed in an appropriate field as approved
389 by the State Department of Education to teach in a program in
390 transitional bilingual education.

391 (g) In the event any school district meets the highest
392 accreditation standards as defined by the State Board of Education
393 in the accountability system, the State Board of Education, in its
394 discretion, may exempt such school district from any restrictions



395 in paragraph (e) relating to the employment of nonlicensed
396 teaching personnel.

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

402 (7) **Administrator License.** The * * * Office of Educator
403 Standards and Licensure is authorized to establish rules and
404 regulations and to administer the licensure process of the school
405 administrators in the State of Mississippi. There will be four
406 (4) categories of administrator licensure with exceptions only
407 through special approval of the State Board of Education.

408 (a) **Administrator License - Nonpracticing.** Those
409 educators holding administrative endorsement but having no
410 administrative experience or not serving in an administrative
411 position on January 15, 1997.

412 (b) **Administrator License - Entry Level.** Those
413 educators holding administrative endorsement and having met the
414 department's qualifications to be eligible for employment in a
415 Mississippi school district. Administrator License - Entry Level
416 shall be issued for a five-year period and shall be nonrenewable.

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



420 (d) **Administrator License - Nontraditional Route.**

421 The * * * Office of Educator Standards and Licensure may establish
422 a nontraditional route for licensing administrative personnel.
423 Such nontraditional route for administrative licensure shall be
424 available for persons holding, but not limited to, a master of
425 business administration degree, a master of public administration
426 degree, a master of public planning and policy degree or a doctor
427 of jurisprudence degree from an accredited college or university,
428 with five (5) years of administrative or supervisory experience.
429 Successful completion of the requirements of alternate route
430 licensure for administrators shall qualify the person for a
431 standard administrator license.

432 Individuals seeking school administrator licensure under
433 paragraph (b), (c) or (d) shall successfully complete a training
434 program and an assessment process prescribed by the * * * Office
435 of Educator Standards and Licensure. All applicants for school
436 administrator licensure shall meet all requirements prescribed by
437 the * * * Office of Educator Standards and Licensure under
438 paragraph (b), (c) or (d), and the cost of the assessment process
439 required shall be paid by the applicant.

440 (8) **Reciprocity.** (a) The department shall grant a standard
441 license to any individual who possesses a valid standard license
442 from another state and meets minimum Mississippi license
443 requirements or equivalent requirements * * * established by
444 the * * * Office of Educator Standards and Licensure. The



445 issuance of a license by reciprocity to a military-trained
446 applicant or military spouse shall be subject to the provisions of
447 Section 73-50-1.

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

456 (9) **Renewal and Reinstatement of Licenses.** The * * * Office
457 of Educator Standards and Licensure is authorized to establish
458 rules and regulations for the renewal and reinstatement of
459 educator and administrator licenses. Effective May 15, 1997, the
460 valid standard license held by an educator shall be extended five
461 (5) years beyond the expiration date of the license in order to
462 afford the educator adequate time to fulfill new renewal
463 requirements established pursuant to this subsection. An educator
464 completing a master of education, educational specialist or doctor
465 of education degree in May 1997 for the purpose of upgrading the
466 educator's license to a higher class shall be given this extension
467 of five (5) years plus five (5) additional years for completion of
468 a higher degree.



469 (10) All controversies involving the issuance, revocation,
470 suspension or any change whatsoever in the licensure of an
471 educator required to hold a license shall be initially heard in a
472 hearing de novo, by the commission or by a subcommittee
473 established by the commission and composed of commission members
474 for the purpose of holding hearings. Any complaint seeking the
475 denial of issuance, revocation or suspension of a license shall be
476 by sworn affidavit filed with the Commission on Teacher and
477 Administrator Education, Certification and Licensure and
478 Development. The decision thereon by the commission or its
479 subcommittee shall be final, unless the aggrieved party shall
480 appeal to the State Board of Education, within ten (10) days, of
481 the decision of the committee or its subcommittee. An appeal to
482 the State Board of Education shall be on the record previously
483 made before the commission or its subcommittee unless otherwise
484 provided by rules and regulations adopted by the board. The State
485 Board of Education in its authority may reverse, or remand with
486 instructions, the decision of the committee or its subcommittee.
487 The decision of the State Board of Education shall be final.

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

491 (a) Lack of qualifications which are prescribed by law
492 or regulations adopted by the * * * Office of Educator Standards
493 and Licensure;



494 (b) The applicant has a physical, emotional or mental
495 disability that renders the applicant unfit to perform the duties
496 authorized by the license, as certified by a licensed psychologist
497 or psychiatrist;

498 (c) The applicant is actively addicted to or actively
499 dependent on alcohol or other habit-forming drugs or is a habitual
500 user of narcotics, barbiturates, amphetamines, hallucinogens or
501 other drugs having similar effect, at the time of application for
502 a license;

503 (d) Revocation, suspension or surrender of an
504 applicant's certificate or license by another state shall result
505 in immediate denial of licensure until such time that the records
506 predicated the revocation, suspension or surrender in the prior
507 state have been cleared;

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

510 (f) Failing or refusing to furnish reasonable evidence
511 of identification;

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

515 (h) The applicant has been convicted, has pled guilty
516 or entered a plea of nolo contendere to a sex offense as defined
517 by federal or state law. For purposes of this paragraph (h) and
518 paragraph (g) of this subsection, a "guilty plea" includes a plea



519 of guilty, entry of a plea of nolo contendere, or entry of an
520 order granting pretrial or judicial diversion; or

521 (i) Probation or post-release supervision for a felony
522 or sex offense conviction, as defined by federal or state law,
523 shall result in the immediate denial of licensure application
524 until expiration of the probationary or post-release supervision
525 period.

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

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

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

538 (c) Suspension or revocation of a certificate or
539 license by another state shall result in immediate suspension or
540 revocation and shall continue until records in the prior state
541 have been cleared;

542 (d) The license holder has been convicted, has pled
543 guilty or entered a plea of nolo contendere to a felony, as



544 defined by federal or state law. For purposes of this paragraph,
545 a "guilty plea" includes a plea of guilty, entry of a plea of nolo
546 contendere, or entry of an order granting pretrial or judicial
547 diversion;

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

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

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

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

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

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



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

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

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

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

586 (b) Any offense committed or attempted in any other
587 state shall result in the same penalty as if committed or
588 attempted in this state.

589 (c) A person may voluntarily surrender a license. The
590 surrender of such license may result in the commission
591 recommending any of the above penalties without the necessity of a
592 hearing. However, any such license which has voluntarily been
593 surrendered by a licensed employee may only be reinstated by a



594 majority vote of all members of the commission present at the
595 meeting called for such purpose.

596 (14) (a) A person whose license has been revoked or
597 surrendered on any grounds except criminal grounds may petition
598 for reinstatement of the license after one (1) year from the date
599 of revocation or surrender, or after one-half (1/2) of the revoked
600 or surrendered time has lapsed, whichever is greater. A person
601 whose license has been suspended on any grounds or violations
602 under subsection (12) of this section may be reinstated
603 automatically or approved for a reinstatement hearing, upon
604 submission of a written request to the commission. A license
605 suspended, revoked or surrendered on criminal grounds may be
606 reinstated upon petition to the commission filed after expiration
607 of the sentence and parole or probationary period imposed upon
608 conviction. A revoked, suspended or surrendered license may be
609 reinstated upon satisfactory showing of evidence of
610 rehabilitation. The commission shall require all who petition for
611 reinstatement to furnish evidence satisfactory to the commission
612 of good character, good mental, emotional and physical health and
613 such other evidence as the commission may deem necessary to
614 establish the petitioner's rehabilitation and fitness to perform
615 the duties authorized by the license.

616 (b) A person whose license expires while under
617 investigation by the Office of Educator Misconduct for an alleged



618 violation may not be reinstated without a hearing before the
619 commission if required based on the results of the investigation.

620 (15) Reporting procedures and hearing procedures for dealing
621 with infractions under this section shall be promulgated by
622 the * * * Office of Educator Standards and Licensure, subject to
623 the approval of the State Board of Education. The revocation or
624 suspension of a license shall be effected at the time indicated on
625 the notice of suspension or revocation. The commission shall
626 immediately notify the superintendent of the school district or
627 school board where the teacher or administrator is employed of any
628 disciplinary action and also notify the teacher or administrator
629 of such revocation or suspension and shall maintain records of
630 action taken. The State Board of Education may reverse or remand
631 with instructions any decision of the commission regarding a
632 petition for reinstatement of a license, and any such decision of
633 the State Board of Education shall be final.

634 (16) An appeal from the action of the State Board of
635 Education in denying an application, revoking or suspending a
636 license or otherwise disciplining any person under the provisions
637 of this section shall be filed in the Chancery Court of the First
638 Judicial District of Hinds County, Mississippi, on the record
639 made, including a verbatim transcript of the testimony at the
640 hearing. The appeal shall be filed within thirty (30) days after
641 notification of the action of the board is mailed or served and
642 the proceedings in chancery court shall be conducted as other



643 matters coming before the court. The appeal shall be perfected
644 upon filing notice of the appeal and by the prepayment of all
645 costs, including the cost of preparation of the record of the
646 proceedings by the State Board of Education, and the filing of a
647 bond in the sum of Two Hundred Dollars (\$200.00) conditioned that
648 if the action of the board be affirmed by the chancery court, the
649 applicant or license holder shall pay the costs of the appeal and
650 the action of the chancery court.

651 (17) All such programs, rules, regulations, standards and
652 criteria recommended or authorized by the Office of Educator
653 Standards and Licensure or commission shall become effective upon
654 approval by the State Board of Education as designated by
655 appropriate orders entered upon the minutes thereof.

656 (18) The granting of a license shall not be deemed a
657 property right nor a guarantee of employment in any public school
658 district. A license is a privilege indicating minimal eligibility
659 for teaching in the public school districts of Mississippi. This
660 section shall in no way alter or abridge the authority of local
661 school districts to require greater qualifications or standards of
662 performance as a prerequisite of initial or continued employment
663 in such districts.

664 (19) In addition to the reasons specified in subsections
665 (12) and (13) of this section, the board shall be authorized to
666 suspend the license of any licensee for being out of compliance
667 with an order for support, as defined in Section 93-11-153. The



668 procedure for suspension of a license for being out of compliance
669 with an order for support, and the procedure for the reissuance or
670 reinstatement of a license suspended for that purpose, and the
671 payment of any fees for the reissuance or reinstatement of a
672 license suspended for that purpose, shall be governed by Section
673 93-11-157 or 93-11-163, as the case may be. Actions taken by the
674 board in suspending a license when required by Section 93-11-157
675 or 93-11-163 are not actions from which an appeal may be taken
676 under this section. Any appeal of a license suspension that is
677 required by Section 93-11-157 or 93-11-163 shall be taken in
678 accordance with the appeal procedure specified in Section
679 93-11-157 or 93-11-163, as the case may be, rather than the
680 procedure specified in this section. If there is any conflict
681 between any provision of Section 93-11-157 or 93-11-163 and any
682 provision of this chapter, the provisions of Section 93-11-157 or
683 93-11-163, as the case may be, shall control.

684 **SECTION 3.** Section 37-3-89, Mississippi Code of 1972, is
685 amended as follows:

686 37-3-89. The State Board of Education, acting through
687 the * * * Office of Educator Standards and Licensure, shall
688 require each educator preparation program in the state, as a
689 condition for approval, to include a course or courses on school
690 discipline or classroom management as a required part of the
691 teacher education program. All school discipline or classroom



692 management courses offered by a teacher education program shall be
693 approved by the * * * Office of Educator Standards and Licensure.

694 **SECTION 4.** This act shall take effect and be in force from
695 and after July 1, 2017.

