

By: Representatives Byrd, Criswell

To: Education; Revenue and
Expenditure General Bills

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1035

1 AN ACT TO BE KNOWN AS THE "MISSISSIPPI EDUCATOR DYSLEXIA
2 AWARENESS ACT OF 2017"; TO REQUIRE ALL EDUCATOR PREPARATION
3 PROGRAMS IN THE STATE TO OFFER TRAINING IN DYSLEXIA AWARENESS
4 EDUCATION BEGINNING IN THE 2018-2019 ACADEMIC YEAR; TO BRING
5 FORWARD SECTION 37-3-2, MISSISSIPPI CODE OF 1972, WHICH PRESCRIBES
6 REQUIREMENTS FOR TEACHER AND ADMINISTRATOR LICENSES, FOR PURPOSES
7 OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** (1) This section shall be known and may be cited
10 as the "Mississippi Educator Dyslexia Awareness Act of 2017."

11 (2) Beginning with the 2018-2019 academic year, the State
12 Board of Education, acting through the Commission on Teacher and
13 Administrator Education, Certification and Licensure and
14 Development, shall require each educator preparation program in
15 the state, as a condition for approval, to include training in
16 Dyslexia Awareness Education as a required part of the course of
17 study leading to an early childhood, elementary or secondary
18 education, special education or school administration
19 undergraduate or graduate degree that is a prerequisite to state
20 licensure.



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

23 37-3-2. (1) There is established within the State
24 Department of Education the Commission on Teacher and
25 Administrator Education, Certification and Licensure and
26 Development. It shall be the purpose and duty of the commission
27 to make recommendations to the State Board of Education regarding
28 standards for the certification and licensure and continuing
29 professional development of those who teach or perform tasks of an
30 educational nature in the public schools of Mississippi.

31 (2) The commission shall be composed of fifteen (15)
32 qualified members. The membership of the commission shall be
33 composed of the following members to be appointed, three (3) from
34 each congressional district: four (4) classroom teachers; three
35 (3) school administrators; one (1) representative of schools of
36 education of institutions of higher learning located within the
37 state to be recommended by the Board of Trustees of State
38 Institutions of Higher Learning; one (1) representative from the
39 schools of education of independent institutions of higher
40 learning to be recommended by the Board of the Mississippi
41 Association of Independent Colleges; one (1) representative from
42 public community and junior colleges located within the state to
43 be recommended by the Mississippi Community College Board; one (1)
44 local school board member; and four (4) laypersons. All
45 appointments shall be made by the State Board of Education after



46 consultation with the State Superintendent of Public Education.
47 The first appointments by the State Board of Education shall be
48 made as follows: five (5) members shall be appointed for a term
49 of one (1) year; five (5) members shall be appointed for a term of
50 two (2) years; and five (5) members shall be appointed for a term
51 of three (3) years. Thereafter, all members shall be appointed
52 for a term of four (4) years.

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

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

66 (b) An Office of Educator Misconduct Evaluations shall
67 be established within the State Department of Education to assist
68 the commission in responding to infractions and violations, and in
69 conducting hearings and enforcing the provisions of Section 37-3-2



70 (11), (12), (13), (14) and (15), Mississippi Code of 1972, and
71 violations of the Mississippi Educator Code of Ethics.

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

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

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

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

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

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

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

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



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

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

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

101 (k) Set up ad hoc committees to advise on specific
102 areas; and

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

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



118 individual is completing student teaching requirements.
119 Applicants for a standard license shall submit to the department:
120 (i) An application on a department form;
121 (ii) An official transcript of completion of a
122 teacher education program approved by the department or a
123 nationally accredited program, subject to the following:
124 Licensure to teach in Mississippi prekindergarten through
125 kindergarten classrooms shall require completion of a teacher
126 education program or a Bachelor of Science degree with child
127 development emphasis from a program accredited by the American
128 Association of Family and Consumer Sciences (AAFCS) or by the
129 National Association for Education of Young Children (NAEYC) or by
130 the National Council for Accreditation of Teacher Education
131 (NCATE). Licensure to teach in Mississippi kindergarten, for
132 those applicants who have completed a teacher education program,
133 and in Grade 1 through Grade 4 shall require the completion of an
134 interdisciplinary program of studies. Licenses for Grades 4
135 through 8 shall require the completion of an interdisciplinary
136 program of studies with two (2) or more areas of concentration.
137 Licensure to teach in Mississippi Grades 7 through 12 shall
138 require a major in an academic field other than education, or a
139 combination of disciplines other than education. Students
140 preparing to teach a subject shall complete a major in the
141 respective subject discipline. All applicants for standard
142 licensure shall demonstrate that such person's college preparation



143 in those fields was in accordance with the standards set forth by
144 the National Council for Accreditation of Teacher Education
145 (NCATE) or the National Association of State Directors of Teacher
146 Education and Certification (NASDTEC) or, for those applicants who
147 have a Bachelor of Science degree with child development emphasis,
148 the American Association of Family and Consumer Sciences (AAFCS).
149 Effective July 1, 2016, for initial elementary education
150 licensure, a teacher candidate must earn a passing score on a
151 rigorous test of scientifically research-based reading instruction
152 and intervention and data-based decision-making principles as
153 approved by the State Board of Education;

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

158 (iv) Any other document required by the State
159 Board of Education; and

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

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



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

171 (b) **Standard License - Nontraditional Teaching Route.**
172 From and after September 30, 2015, no teacher candidate shall be
173 licensed to teach in Mississippi under the alternate route who did
174 not meet the following criteria:

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

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

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



192 nontraditional teachers shall meet the standards and comply with
193 the provisions of this paragraph.

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

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



217 following successful completion of the TMI and prior to the end of
218 the one-year classroom teaching experience.

219 (iii) Upon completion of the nine-semester-hour
220 TMI or the fall or spring semester option, the individual shall
221 submit his transcript to the commission for provisional licensure
222 of the intern teacher, and the intern teacher shall be issued a
223 provisional teaching license by the commission, which will allow
224 the individual to legally serve as a teacher while the person
225 completes a nontraditional teacher preparation internship program.

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

240 (v) An individual issued a provisional teaching
241 license under this nontraditional route shall successfully



242 complete, at a minimum, a one-year beginning teacher mentoring and
243 induction program administered by the employing school district
244 with the assistance of the State Department of Education.

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

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

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



267 Implementation of the TMI program provided for under this
268 paragraph (b) shall be contingent upon the availability of funds
269 appropriated specifically for such purpose by the Legislature.
270 Such implementation of the TMI program may not be deemed to
271 prohibit the State Board of Education from developing and
272 implementing additional alternative route teacher licensure
273 programs, as deemed appropriate by the board. The emergency
274 certification program in effect prior to July 1, 2002, shall
275 remain in effect.

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

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



292 citizen-teacher license. A Special License - Expert Citizen may
293 be renewed in accordance with the established rules and
294 regulations of the State Department of Education.

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

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

312 (f) **Special License - Transitional Bilingual Education.**
313 Beginning July 1, 2003, the commission shall grant special
314 licenses to teachers of transitional bilingual education who
315 possess such qualifications as are prescribed in this section.
316 Teachers of transitional bilingual education shall be compensated



317 by local school boards at not less than one (1) step on the
318 regular salary schedule applicable to permanent teachers licensed
319 under this section. The commission shall grant special licenses
320 to teachers of transitional bilingual education who present the
321 commission with satisfactory evidence that they (i) possess a
322 speaking and reading ability in a language, other than English, in
323 which bilingual education is offered and communicative skills in
324 English; (ii) are in good health and sound moral character; (iii)
325 possess a bachelor's degree or an associate's degree in teacher
326 education from an accredited institution of higher education; (iv)
327 meet such requirements as to courses of study, semester hours
328 therein, experience and training as may be required by the
329 commission; and (v) are legally present in the United States and
330 possess legal authorization for employment. A teacher of
331 transitional bilingual education serving under a special license
332 shall be under an exemption from standard licensure if he achieves
333 the requisite qualifications therefor. Two (2) years of service
334 by a teacher of transitional bilingual education under such an
335 exemption shall be credited to the teacher in acquiring a Standard
336 Educator License. Nothing in this paragraph shall be deemed to
337 prohibit a local school board from employing a teacher licensed in
338 an appropriate field as approved by the State Department of
339 Education to teach in a program in transitional bilingual
340 education.



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

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

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

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

362 (b) **Administrator License - Entry Level.** Those
363 educators holding administrative endorsement and having met the
364 department's qualifications to be eligible for employment in a



365 Mississippi school district. Administrator License - Entry Level
366 shall be issued for a five-year period and shall be nonrenewable.

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

370 (d) **Administrator License - Nontraditional Route.** The
371 board may establish a nontraditional route for licensing
372 administrative personnel. Such nontraditional route for
373 administrative licensure shall be available for persons holding,
374 but not limited to, a master of business administration degree, a
375 master of public administration degree, a master of public
376 planning and policy degree or a doctor of jurisprudence degree
377 from an accredited college or university, with five (5) years of
378 administrative or supervisory experience. Successful completion
379 of the requirements of alternate route licensure for
380 administrators shall qualify the person for a standard
381 administrator license.

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



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

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

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



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

416 (10) All controversies involving the issuance, revocation,
417 suspension or any change whatsoever in the licensure of an
418 educator required to hold a license shall be initially heard in a
419 hearing de novo, by the commission or by a subcommittee
420 established by the commission and composed of commission members
421 for the purpose of holding hearings. Any complaint seeking the
422 denial of issuance, revocation or suspension of a license shall be
423 by sworn affidavit filed with the Commission on Teacher and
424 Administrator Education, Certification and Licensure and
425 Development. The decision thereon by the commission or its
426 subcommittee shall be final, unless the aggrieved party shall
427 appeal to the State Board of Education, within ten (10) days, of
428 the decision of the committee or its subcommittee. An appeal to
429 the State Board of Education shall be on the record previously
430 made before the commission or its subcommittee unless otherwise
431 provided by rules and regulations adopted by the board. The State
432 Board of Education in its authority may reverse, or remand with
433 instructions, the decision of the committee or its subcommittee.
434 The decision of the State Board of Education shall be final.

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



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

440 (b) The applicant has a physical, emotional or mental
441 disability that renders the applicant unfit to perform the duties
442 authorized by the license, as certified by a licensed psychologist
443 or psychiatrist;

444 (c) The applicant is actively addicted to or actively
445 dependent on alcohol or other habit-forming drugs or is a habitual
446 user of narcotics, barbiturates, amphetamines, hallucinogens or
447 other drugs having similar effect, at the time of application for
448 a license;

449 (d) Revocation, suspension or surrender of an
450 applicant's certificate or license by another state shall result
451 in immediate denial of licensure until such time that the records
452 predicated the revocation, suspension or surrender in the prior
453 state have been cleared;

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

456 (f) Failing or refusing to furnish reasonable evidence
457 of identification;

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

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



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

467 (i) Probation or post-release supervision for a felony
468 or sex offense conviction, as defined by federal or state law,
469 shall result in the immediate denial of licensure application
470 until expiration of the probationary or post-release supervision
471 period.

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

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

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

484 (c) Suspension or revocation of a certificate or
485 license by another state shall result in immediate suspension or
486 revocation and shall continue until records in the prior state
487 have been cleared;



488 (d) The license holder has been convicted, has pled
489 guilty or entered a plea of nolo contendere to a felony, as
490 defined by federal or state law. For purposes of this paragraph,
491 a "guilty plea" includes a plea of guilty, entry of a plea of nolo
492 contendere, or entry of an order granting pretrial or judicial
493 diversion;

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

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

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

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

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



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

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

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

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

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

532 (b) Any offense committed or attempted in any other
533 state shall result in the same penalty as if committed or
534 attempted in this state.

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



537 recommending any of the above penalties without the necessity of a
538 hearing. However, any such license which has voluntarily been
539 surrendered by a licensed employee may only be reinstated by a
540 majority vote of all members of the commission present at the
541 meeting called for such purpose.

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



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

566 (15) Reporting procedures and hearing procedures for dealing
567 with infractions under this section shall be promulgated by the
568 commission, subject to the approval of the State Board of
569 Education. The revocation or suspension of a license shall be
570 effected at the time indicated on the notice of suspension or
571 revocation. The commission shall immediately notify the
572 superintendent of the school district or school board where the
573 teacher or administrator is employed of any disciplinary action
574 and also notify the teacher or administrator of such revocation or
575 suspension and shall maintain records of action taken. The State
576 Board of Education may reverse or remand with instructions any
577 decision of the commission regarding a petition for reinstatement
578 of a license, and any such decision of the State Board of
579 Education shall be final.

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



587 notification of the action of the board is mailed or served and
588 the proceedings in chancery court shall be conducted as other
589 matters coming before the court. The appeal shall be perfected
590 upon filing notice of the appeal and by the prepayment of all
591 costs, including the cost of preparation of the record of the
592 proceedings by the State Board of Education, and the filing of a
593 bond in the sum of Two Hundred Dollars (\$200.00) conditioned that
594 if the action of the board be affirmed by the chancery court, the
595 applicant or license holder shall pay the costs of the appeal and
596 the action of the chancery court.

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

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

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



612 with an order for support, as defined in Section 93-11-153. The
613 procedure for suspension of a license for being out of compliance
614 with an order for support, and the procedure for the reissuance or
615 reinstatement of a license suspended for that purpose, and the
616 payment of any fees for the reissuance or reinstatement of a
617 license suspended for that purpose, shall be governed by Section
618 93-11-157 or 93-11-163, as the case may be. Actions taken by the
619 board in suspending a license when required by Section 93-11-157
620 or 93-11-163 are not actions from which an appeal may be taken
621 under this section. Any appeal of a license suspension that is
622 required by Section 93-11-157 or 93-11-163 shall be taken in
623 accordance with the appeal procedure specified in Section
624 93-11-157 or 93-11-163, as the case may be, rather than the
625 procedure specified in this section. If there is any conflict
626 between any provision of Section 93-11-157 or 93-11-163 and any
627 provision of this chapter, the provisions of Section 93-11-157 or
628 93-11-163, as the case may be, shall control.

629 **SECTION 3.** Section 1 of this act shall be codified as a new
630 section in Chapter 3, Title 37, Mississippi Code of 1972.

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

