

**Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

Senate Bill No. 2398

BY: Committee

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

14 **SECTION 1.** Section 37-9-13, Mississippi Code of 1972, is
15 amended as follows:
16 37-9-13. (1) Each school district shall have a
17 superintendent of schools, selected in the manner provided by law.
18 No person shall be eligible to the office of superintendent of
19 schools unless such person shall hold: a master's degree in any
20 subject area or educational discipline from a state approved or a
21 regionally or nationally accredited institution of higher
22 learning, a valid administrator's license issued by the State
23 Department of Education and shall have had not less than four (4)



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

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

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

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



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

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



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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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



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

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

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



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



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

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

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

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

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

186 2. No less than 2.75 GPA on pre-major
187 coursework of the institution's approved teacher education program
188 provided that the accepted cohort of candidates meets or exceeds a
189 3.0 GPA on pre-major coursework.

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

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



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

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

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

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



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

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

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



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

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

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

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



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

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

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

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



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

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

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

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



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

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

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



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

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

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



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

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

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

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

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

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



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

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

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

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

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

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



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

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

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



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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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

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



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

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

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

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

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

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



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

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

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

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

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

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

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



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

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



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

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

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



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

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

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

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



639 with an order for support, as defined in Section 93-11-153. The
640 procedure for suspension of a license for being out of compliance
641 with an order for support, and the procedure for the reissuance or
642 reinstatement of a license suspended for that purpose, and the
643 payment of any fees for the reissuance or reinstatement of a
644 license suspended for that purpose, shall be governed by Section
645 93-11-157 or 93-11-163, as the case may be. Actions taken by the
646 board in suspending a license when required by Section 93-11-157
647 or 93-11-163 are not actions from which an appeal may be taken
648 under this section. Any appeal of a license suspension that is
649 required by Section 93-11-157 or 93-11-163 shall be taken in
650 accordance with the appeal procedure specified in Section
651 93-11-157 or 93-11-163, as the case may be, rather than the
652 procedure specified in this section. If there is any conflict
653 between any provision of Section 93-11-157 or 93-11-163 and any
654 provision of this chapter, the provisions of Section 93-11-157 or
655 93-11-163, as the case may be, shall control.

656 **SECTION 3.** (1) In each municipal, municipal separate and
657 special municipal separate school district having a local school
658 board appointed by the local governing authority of the
659 municipality wherein the school district is located, members of
660 the board shall be subject to removal by the appointing governing
661 authority for any of the following reasons, given just cause:

662 (a) Failure to perform the duties associated with the
663 office of school board member and for which an oath to faithfully



664 discharge such duties have been administered, which result in an
665 adverse and detrimental effect on the district's function;

666 (b) Acts of misfeasance, malfeasance and nonfeasance
667 that are directly related to the office and duties of school board
668 members;

669 (c) Committing any act that results in a conviction,
670 guilty plea, plea of nolo contendere, or the receipt of probation
671 or post-release supervision that would result in a licensed
672 teacher or administrator's license being suspended or revoked
673 under the provisions of Section 37-3-2; or

674 (d) Failing to attend more than fifty percent (50%) of
675 the scheduled meetings of the school board for which public notice
676 is required during a calendar year, except for absences caused by
677 required military duty.

678 (2) The appointing local governing authority shall provide
679 reasonable written notice to the defective school board member of
680 his or her impending removal and the reason for such. If the
681 local governing authority acts on its motion to remove a member
682 for any reason specified in subsection (1) of this section, the
683 governing authority shall fill the vacancy created by the removal
684 in the time and manner prescribed in Section 37-7-203.

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

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**



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

