

By: Representative Chism

To: Education

HOUSE BILL NO. 72

1 AN ACT TO PROVIDE FOR THE REMOVAL OF APPOINTED BOARD MEMBERS
2 BY THE APPOINTING LOCAL GOVERNING AUTHORITY FOR JUST CAUSE; TO
3 AMEND SECTION 37-6-13, MISSISSIPPI CODE OF 1972, IN CONFORMITY
4 THERETO; TO BRING FORWARD SECTION 37-3-2, MISSISSIPPI CODE OF
5 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENTS; AND FOR RELATED
6 PURPOSES.

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

8 **SECTION 1.** (1) In each municipal, municipal separate and
9 special municipal separate school district having a local school
10 board appointed by the local governing authority of the
11 municipality wherein the school district is located, members of
12 the board shall be subject to removal by the appointing governing
13 authority for any of the following reasons, given just cause:

14 (a) Failure to perform the duties associated with the
15 office of school board member and for which an oath to faithfully
16 discharge such duties have been administered, which result in an
17 adverse and detrimental effect on the district's function;

18 (b) Acts of misfeasance, malfeasance and nonfeasance
19 that are directly related to the office and duties of school board
20 members;



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

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

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

37 **SECTION 2.** Section 37-6-13, Mississippi Code of 1972, is
38 amended as follows:

39 37-6-13. (1) Each person serving as a member of the school
40 board of any school district shall receive per diem in the amount
41 of Sixty-seven Dollars (\$67.00) for no more than thirty-six (36)
42 meetings of the school board during any one (1) fiscal year or, in
43 his or her discretion, irrevocably may choose to receive as
44 compensation for his or her services an annual salary in the
45 amount of Two Thousand Four Hundred Dollars (\$2,400.00), which



46 choice shall remain in force for all successive terms or periods
47 of service of that member. The receipt of the compensation shall
48 not entitle any member of a school board to receive or be eligible
49 for any state employee group insurance, retirement or other fringe
50 benefits. Each member shall be reimbursed for the necessary
51 expenses and mileage in attending meetings of the school board.
52 In addition to the foregoing, all members may be reimbursed for
53 mileage and actual expenses incurred in the further performance of
54 their duties, including attendance at any mandatory school board
55 training session or at regional and national education meetings,
56 when such mileage and other expenses are authorized by the board
57 prior to the date on which they occur. Detailed vouchers shall be
58 submitted for reimbursement for all expenses authorized by this
59 section. Such reimbursement shall be in accordance with Section
60 25-3-41.

61 Such expenses shall be paid on order of the school board by
62 pay certificates issued by the superintendent of the school
63 district involved against the funds available for payment of the
64 administrative expense of the district.

65 (2) (a) If a member of a school board misses twenty percent
66 (20%) or more of the meetings of the school board during a
67 calendar year, except for absences caused by required military
68 duty, the member must reimburse the school district that portion
69 of the total salary paid to the member that year which is
70 proportionate to the number of meetings missed by the member in



71 relation to the total number of school board meetings held during
72 that year. For purposes of this subsection, consideration may be
73 given only to meetings of which public notice is required.

74 (b) Before February 1 of each year, the president of
75 each local school board shall submit a report to the State Board
76 of Education containing the names of any members of the school
77 board who missed twenty percent (20%) or more of the school board
78 meetings during the preceding calendar year.

79 (c) Any member of the local school board who misses
80 more than fifty percent (50%) of the regularly scheduled meetings
81 of the board, for which public notice is required, except for
82 absences caused by required military duty, shall be subject to
83 removal by the appointing local governing authority as authorized
84 in Section 1 of this act.

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

87 37-3-2. (1) There is established within the State
88 Department of Education the Commission on Teacher and
89 Administrator Education, Certification and Licensure and
90 Development. It shall be the purpose and duty of the commission
91 to make recommendations to the State Board of Education regarding
92 standards for the certification and licensure and continuing
93 professional development of those who teach or perform tasks of an
94 educational nature in the public schools of Mississippi.



95 (2) The commission shall be composed of fifteen (15)
96 qualified members. The membership of the commission shall be
97 composed of the following members to be appointed, three (3) from
98 each congressional district: four (4) classroom teachers; three
99 (3) school administrators; one (1) representative of schools of
100 education of institutions of higher learning located within the
101 state to be recommended by the Board of Trustees of State
102 Institutions of Higher Learning; one (1) representative from the
103 schools of education of independent institutions of higher
104 learning to be recommended by the Board of the Mississippi
105 Association of Independent Colleges; one (1) representative from
106 public community and junior colleges located within the state to
107 be recommended by the Mississippi Community College Board; one (1)
108 local school board member; and four (4) laypersons. All
109 appointments shall be made by the State Board of Education after
110 consultation with the State Superintendent of Public Education.
111 The first appointments by the State Board of Education shall be
112 made as follows: five (5) members shall be appointed for a term
113 of one (1) year; five (5) members shall be appointed for a term of
114 two (2) years; and five (5) members shall be appointed for a term
115 of three (3) years. Thereafter, all members shall be appointed
116 for a term of four (4) years.

117 (3) The State Board of Education when making appointments
118 shall designate a chairman. The commission shall meet at least
119 once every two (2) months or more often if needed. Members of the



120 commission shall be compensated at a rate of per diem as
121 authorized by Section 25-3-69 and be reimbursed for actual and
122 necessary expenses as authorized by Section 25-3-41.

123 (4) (a) An appropriate staff member of the State Department
124 of Education shall be designated and assigned by the State
125 Superintendent of Public Education to serve as executive secretary
126 and coordinator for the commission. No less than two (2) other
127 appropriate staff members of the State Department of Education
128 shall be designated and assigned by the State Superintendent of
129 Public Education to serve on the staff of the commission.

130 (b) An Office of Educator Misconduct Evaluations shall
131 be established within the State Department of Education to assist
132 the commission in responding to infractions and violations, and in
133 conducting hearings and enforcing the provisions of subsections
134 (11), (12), (13), (14) and (15) of this section, and violations of
135 the Mississippi Educator Code of Ethics.

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

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

140 (b) Recommend to the State Board of Education each year
141 approval or disapproval of each educator preparation program in
142 the state, subject to a process and schedule determined by the
143 State Board of Education;



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

147 (d) Establish, subject to the approval of the State
148 Board of Education, standards for the renewal of teacher licenses
149 in all fields;

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

153 (f) Review all existing requirements for certification
154 and licensure;

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

157 (h) Prepare reports from time to time on current
158 practices and issues in the general area of teacher education and
159 certification and licensure;

160 (i) Hold hearings concerning standards for teachers'
161 and administrators' education and certification and licensure with
162 approval of the State Board of Education;

163 (j) Hire expert consultants with approval of the State
164 Board of Education;

165 (k) Set up ad hoc committees to advise on specific
166 areas; and



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

170 (6) (a) **Standard License - Approved Program Route.** An
171 educator entering the school system of Mississippi for the first
172 time and meeting all requirements as established by the State
173 Board of Education shall be granted a standard five-year license.
174 Persons who possess two (2) years of classroom experience as an
175 assistant teacher or who have taught for one (1) year in an
176 accredited public or private school shall be allowed to fulfill
177 student teaching requirements under the supervision of a qualified
178 participating teacher approved by an accredited college of
179 education. The local school district in which the assistant
180 teacher is employed shall compensate such assistant teachers at
181 the required salary level during the period of time such
182 individual is completing student teaching requirements.
183 Applicants for a standard license shall submit to the department:

- 184 (i) An application on a department form;
185 (ii) An official transcript of completion of a
186 teacher education program approved by the department or a
187 nationally accredited program, subject to the following:
188 Licensure to teach in Mississippi prekindergarten through
189 kindergarten classrooms shall require completion of a teacher
190 education program or a Bachelor of Science degree with child
191 development emphasis from a program accredited by the American



192 Association of Family and Consumer Sciences (AAFCS) or by the
193 National Association for Education of Young Children (NAEYC) or by
194 the National Council for Accreditation of Teacher Education
195 (NCATE). Licensure to teach in Mississippi kindergarten, for
196 those applicants who have completed a teacher education program,
197 and in Grade 1 through Grade 4 shall require the completion of an
198 interdisciplinary program of studies. Licenses for Grades 4
199 through 8 shall require the completion of an interdisciplinary
200 program of studies with two (2) or more areas of concentration.
201 Licensure to teach in Mississippi Grades 7 through 12 shall
202 require a major in an academic field other than education, or a
203 combination of disciplines other than education. Students
204 preparing to teach a subject shall complete a major in the
205 respective subject discipline. All applicants for standard
206 licensure shall demonstrate that such person's college preparation
207 in those fields was in accordance with the standards set forth by
208 the National Council for Accreditation of Teacher Education
209 (NCATE) or the National Association of State Directors of Teacher
210 Education and Certification (NASDTEC) or, for those applicants who
211 have a Bachelor of Science degree with child development emphasis,
212 the American Association of Family and Consumer Sciences (AAFCS).
213 Effective July 1, 2016, for initial elementary education
214 licensure, a teacher candidate must earn a passing score on a
215 rigorous test of scientifically research-based reading instruction



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

218 (iii) A copy of test scores evidencing
219 satisfactory completion of nationally administered examinations of
220 achievement, such as the Educational Testing Service's teacher
221 testing examinations;

222 (iv) Any other document required by the State
223 Board of Education; and

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

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

231 2. No less than 2.75 GPA on pre-major
232 coursework of the institution's approved teacher education program
233 provided that the accepted cohort of candidates meets or exceeds a
234 3.0 GPA on pre-major coursework.

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

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



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

242 (ii) No less than 2.75 GPA on content coursework
243 in the requested area of certification or passing Praxis II scores
244 at or above the national recommended score provided that the
245 accepted cohort of candidates of the institution's teacher
246 education program meets or exceeds a 3.0 GPA on pre-major
247 coursework.

248 Beginning January 1, 2004, an individual who has a passing
249 score on the Praxis I Basic Skills and Praxis II Specialty Area
250 Test in the requested area of endorsement may apply for the Teach
251 Mississippi Institute (TMI) program to teach students in Grades 7
252 through 12 if the individual meets the requirements of this
253 paragraph (b). The State Board of Education shall adopt rules
254 requiring that teacher preparation institutions which provide the
255 Teach Mississippi Institute (TMI) program for the preparation of
256 nontraditional teachers shall meet the standards and comply with
257 the provisions of this paragraph.

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



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

272 (ii) The school sponsoring the teacher intern
273 shall enter into a written agreement with the institution
274 providing the Teach Mississippi Institute (TMI) program, under
275 terms and conditions as agreed upon by the contracting parties,
276 providing that the school district shall provide teacher interns
277 seeking a nontraditional provisional teaching license with a
278 one-year classroom teaching experience. The teacher intern shall
279 successfully complete the one (1) semester three-hour intensive
280 internship in the school district during the semester immediately
281 following successful completion of the TMI and prior to the end of
282 the one-year classroom teaching experience.

283 (iii) Upon completion of the nine-semester-hour
284 TMI or the fall or spring semester option, the individual shall
285 submit his transcript to the commission for provisional licensure
286 of the intern teacher, and the intern teacher shall be issued a
287 provisional teaching license by the commission, which will allow



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

290 (iv) During the semester of internship in the
291 school district, the teacher preparation institution shall monitor
292 the performance of the intern teacher. The school district that
293 employs the provisional teacher shall supervise the provisional
294 teacher during the teacher's intern year of employment under a
295 nontraditional provisional license, and shall, in consultation
296 with the teacher intern's mentor at the school district of
297 employment, submit to the commission a comprehensive evaluation of
298 the teacher's performance sixty (60) days prior to the expiration
299 of the nontraditional provisional license. If the comprehensive
300 evaluation establishes that the provisional teacher intern's
301 performance fails to meet the standards of the approved
302 nontraditional teacher preparation internship program, the
303 individual shall not be approved for a standard license.

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

309 (vi) Upon successful completion of the TMI and the
310 internship provisional license period, applicants for a Standard
311 License - Nontraditional Route shall submit to the commission a
312 transcript of successful completion of the twelve (12) semester



313 hours required in the internship program, and the employing school
314 district shall submit to the commission a recommendation for
315 standard licensure of the intern. If the school district
316 recommends licensure, the applicant shall be issued a Standard
317 License - Nontraditional Route which shall be valid for a
318 five-year period and be renewable.

319 (vii) At the discretion of the teacher preparation
320 institution, the individual shall be allowed to credit the twelve
321 (12) semester hours earned in the nontraditional teacher
322 internship program toward the graduate hours required for a Master
323 of Arts in Teacher (MAT) Degree.

324 (viii) The local school district in which the
325 nontraditional teacher intern or provisional licensee is employed
326 shall compensate such teacher interns at Step 1 of the required
327 salary level during the period of time such individual is
328 completing teacher internship requirements and shall compensate
329 such Standard License - Nontraditional Route teachers at Step 3 of
330 the required salary level when they complete license requirements.

331 Implementation of the TMI program provided for under this
332 paragraph (b) shall be contingent upon the availability of funds
333 appropriated specifically for such purpose by the Legislature.
334 Such implementation of the TMI program may not be deemed to
335 prohibit the State Board of Education from developing and
336 implementing additional alternative route teacher licensure
337 programs, as deemed appropriate by the board. The emergency



338 certification program in effect prior to July 1, 2002, shall
339 remain in effect.

340 A Standard License - Approved Program Route shall be issued
341 for a five-year period, and may be renewed. Recognizing teaching
342 as a profession, a hiring preference shall be granted to persons
343 holding a Standard License - Approved Program Route or Standard
344 License - Nontraditional Teaching Route over persons holding any
345 other license.

346 (c) **Special License - Expert Citizen.** In order to
347 allow a school district to offer specialized or technical courses,
348 the State Department of Education, in accordance with rules and
349 regulations established by the State Board of Education, may grant
350 a one-year expert citizen-teacher license to local business or
351 other professional personnel to teach in a public school or
352 nonpublic school accredited or approved by the state. Such person
353 may begin teaching upon his employment by the local school board
354 and licensure by the Mississippi Department of Education. The
355 board shall adopt rules and regulations to administer the expert
356 citizen-teacher license. A Special License - Expert Citizen may
357 be renewed in accordance with the established rules and
358 regulations of the State Department of Education.

359 (d) **Special License - Nonrenewable.** The State Board of
360 Education is authorized to establish rules and regulations to
361 allow those educators not meeting requirements in paragraph (a),
362 (b) or (c) of this subsection (6) to be licensed for a period of



363 not more than three (3) years, except by special approval of the
364 State Board of Education.

365 (e) **Nonlicensed Teaching Personnel.** A nonlicensed
366 person may teach for a maximum of three (3) periods per teaching
367 day in a public school district or a nonpublic school
368 accredited/approved by the state. Such person shall submit to the
369 department a transcript or record of his education and experience
370 which substantiates his preparation for the subject to be taught
371 and shall meet other qualifications specified by the commission
372 and approved by the State Board of Education. In no case shall
373 any local school board hire nonlicensed personnel as authorized
374 under this paragraph in excess of five percent (5%) of the total
375 number of licensed personnel in any single school.

376 (f) **Special License - Transitional Bilingual Education.**
377 Beginning July 1, 2003, the commission shall grant special
378 licenses to teachers of transitional bilingual education who
379 possess such qualifications as are prescribed in this section.
380 Teachers of transitional bilingual education shall be compensated
381 by local school boards at not less than one (1) step on the
382 regular salary schedule applicable to permanent teachers licensed
383 under this section. The commission shall grant special licenses
384 to teachers of transitional bilingual education who present the
385 commission with satisfactory evidence that they (i) possess a
386 speaking and reading ability in a language, other than English, in
387 which bilingual education is offered and communicative skills in



388 English; (ii) are in good health and sound moral character; (iii)
389 possess a bachelor's degree or an associate's degree in teacher
390 education from an accredited institution of higher education; (iv)
391 meet such requirements as to courses of study, semester hours
392 therein, experience and training as may be required by the
393 commission; and (v) are legally present in the United States and
394 possess legal authorization for employment. A teacher of
395 transitional bilingual education serving under a special license
396 shall be under an exemption from standard licensure if he achieves
397 the requisite qualifications therefor. Two (2) years of service
398 by a teacher of transitional bilingual education under such an
399 exemption shall be credited to the teacher in acquiring a Standard
400 Educator License. Nothing in this paragraph shall be deemed to
401 prohibit a local school board from employing a teacher licensed in
402 an appropriate field as approved by the State Department of
403 Education to teach in a program in transitional bilingual
404 education.

405 (g) In the event any school district meets the highest
406 accreditation standards as defined by the State Board of Education
407 in the accountability system, the State Board of Education, in its
408 discretion, may exempt such school district from any restrictions
409 in paragraph (e) relating to the employment of nonlicensed
410 teaching personnel.

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



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

416 (7) **Administrator License.** The State Board of Education is
417 authorized to establish rules and regulations and to administer
418 the licensure process of the school administrators in the State of
419 Mississippi. There will be four (4) categories of administrator
420 licensure with exceptions only through special approval of the
421 State Board of Education.

422 (a) **Administrator License - Nonpracticing.** Those
423 educators holding administrative endorsement but having no
424 administrative experience or not serving in an administrative
425 position on January 15, 1997.

426 (b) **Administrator License - Entry Level.** Those
427 educators holding administrative endorsement and having met the
428 department's qualifications to be eligible for employment in a
429 Mississippi school district. Administrator License - Entry Level
430 shall be issued for a five-year period and shall be nonrenewable.

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

434 (d) **Administrator License - Nontraditional Route.** The
435 board may establish a nontraditional route for licensing
436 administrative personnel. Such nontraditional route for
437 administrative licensure shall be available for persons holding,



438 but not limited to, a master of business administration degree, a
439 master of public administration degree, a master of public
440 planning and policy degree or a doctor of jurisprudence degree
441 from an accredited college or university, with five (5) years of
442 administrative or supervisory experience. Successful completion
443 of the requirements of alternate route licensure for
444 administrators shall qualify the person for a standard
445 administrator license.

446 Individuals seeking school administrator licensure under
447 paragraph (b), (c) or (d) shall successfully complete a training
448 program and an assessment process prescribed by the State Board of
449 Education. All applicants for school administrator licensure
450 shall meet all requirements prescribed by the department under
451 paragraph (b), (c) or (d), and the cost of the assessment process
452 required shall be paid by the applicant.

453 (8) **Reciprocity.** (a) The department shall grant a standard
454 license to any individual who possesses a valid standard license
455 from another state and meets minimum Mississippi license
456 requirements or equivalent requirements as determined by the State
457 Board of Education. The issuance of a license by reciprocity to a
458 military-trained applicant or military spouse shall be subject to
459 the provisions of Section 73-50-1.

460 (b) The department shall grant a nonrenewable special
461 license to any individual who possesses a credential which is less
462 than a standard license or certification from another state. Such



463 special license shall be valid for the current school year plus
464 one (1) additional school year to expire on June 30 of the second
465 year, not to exceed a total period of twenty-four (24) months,
466 during which time the applicant shall be required to complete the
467 requirements for a standard license in Mississippi.

468 (9) **Renewal and Reinstatement of Licenses.** The State Board
469 of Education is authorized to establish rules and regulations for
470 the renewal and reinstatement of educator and administrator
471 licenses. Effective May 15, 1997, the valid standard license held
472 by an educator shall be extended five (5) years beyond the
473 expiration date of the license in order to afford the educator
474 adequate time to fulfill new renewal requirements established
475 pursuant to this subsection. An educator completing a master of
476 education, educational specialist or doctor of education degree in
477 May 1997 for the purpose of upgrading the educator's license to a
478 higher class shall be given this extension of five (5) years plus
479 five (5) additional years for completion of a higher degree.

480 (10) All controversies involving the issuance, revocation,
481 suspension or any change whatsoever in the licensure of an
482 educator required to hold a license shall be initially heard in a
483 hearing de novo, by the commission or by a subcommittee
484 established by the commission and composed of commission members
485 for the purpose of holding hearings. Any complaint seeking the
486 denial of issuance, revocation or suspension of a license shall be
487 by sworn affidavit filed with the Commission on Teacher and



488 Administrator Education, Certification and Licensure and
489 Development. The decision thereon by the commission or its
490 subcommittee shall be final, unless the aggrieved party shall
491 appeal to the State Board of Education, within ten (10) days, of
492 the decision of the committee or its subcommittee. An appeal to
493 the State Board of Education shall be on the record previously
494 made before the commission or its subcommittee unless otherwise
495 provided by rules and regulations adopted by the board. The State
496 Board of Education in its authority may reverse, or remand with
497 instructions, the decision of the committee or its subcommittee.
498 The decision of the State Board of Education shall be final.

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

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

504 (b) The applicant has a physical, emotional or mental
505 disability that renders the applicant unfit to perform the duties
506 authorized by the license, as certified by a licensed psychologist
507 or psychiatrist;

508 (c) The applicant is actively addicted to or actively
509 dependent on alcohol or other habit-forming drugs or is a habitual
510 user of narcotics, barbiturates, amphetamines, hallucinogens or
511 other drugs having similar effect, at the time of application for
512 a license;



513 (d) Revocation, suspension or surrender of an
514 applicant's certificate or license by another state shall result
515 in immediate denial of licensure until such time that the records
516 predicated the revocation, suspension or surrender in the prior
517 state have been cleared;

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

520 (f) Failing or refusing to furnish reasonable evidence
521 of identification;

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

525 (h) The applicant has been convicted, has pled guilty
526 or entered a plea of nolo contendere to a sex offense as defined
527 by federal or state law. For purposes of this paragraph (h) and
528 paragraph (g) of this subsection, a "guilty plea" includes a plea
529 of guilty, entry of a plea of nolo contendere, or entry of an
530 order granting pretrial or judicial diversion; or

531 (i) Probation or post-release supervision for a felony
532 or sex offense conviction, as defined by federal or state law,
533 shall result in the immediate denial of licensure application
534 until expiration of the probationary or post-release supervision
535 period.

536 (12) The State Board of Education, acting through the
537 commission, may revoke, suspend or refuse to renew any teacher or



538 administrator license for specified periods of time or may place
539 on probation, censure, reprimand a licensee, or take other
540 disciplinary action with regard to any license issued under this
541 chapter for one or more of the following:

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

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

548 (c) Suspension or revocation of a certificate or
549 license by another state shall result in immediate suspension or
550 revocation and shall continue until records in the prior state
551 have been cleared;

552 (d) The license holder has been convicted, has pled
553 guilty or entered a plea of nolo contendere to a felony, as
554 defined by federal or state law. For purposes of this paragraph,
555 a "guilty plea" includes a plea of guilty, entry of a plea of nolo
556 contendere, or entry of an order granting pretrial or judicial
557 diversion;

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



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

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

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

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

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

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

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



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

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

596 (b) Any offense committed or attempted in any other
597 state shall result in the same penalty as if committed or
598 attempted in this state.

599 (c) A person may voluntarily surrender a license. The
600 surrender of such license may result in the commission
601 recommending any of the above penalties without the necessity of a
602 hearing. However, any such license which has voluntarily been
603 surrendered by a licensed employee may only be reinstated by a
604 majority vote of all members of the commission present at the
605 meeting called for such purpose.

606 (14) (a) A person whose license has been revoked or
607 surrendered on any grounds except criminal grounds may petition
608 for reinstatement of the license after one (1) year from the date
609 of revocation or surrender, or after one-half (1/2) of the revoked
610 or surrendered time has lapsed, whichever is greater. A person
611 whose license has been suspended on any grounds or violations



612 under subsection (12) of this section may be reinstated
613 automatically or approved for a reinstatement hearing, upon
614 submission of a written request to the commission. A license
615 suspended, revoked or surrendered on criminal grounds may be
616 reinstated upon petition to the commission filed after expiration
617 of the sentence and parole or probationary period imposed upon
618 conviction. A revoked, suspended or surrendered license may be
619 reinstated upon satisfactory showing of evidence of
620 rehabilitation. The commission shall require all who petition for
621 reinstatement to furnish evidence satisfactory to the commission
622 of good character, good mental, emotional and physical health and
623 such other evidence as the commission may deem necessary to
624 establish the petitioner's rehabilitation and fitness to perform
625 the duties authorized by the license.

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

630 (15) Reporting procedures and hearing procedures for dealing
631 with infractions under this section shall be promulgated by the
632 commission, subject to the approval of the State Board of
633 Education. The revocation or suspension of a license shall be
634 effected at the time indicated on the notice of suspension or
635 revocation. The commission shall immediately notify the
636 superintendent of the school district or school board where the



637 teacher or administrator is employed of any disciplinary action
638 and also notify the teacher or administrator of such revocation or
639 suspension and shall maintain records of action taken. The State
640 Board of Education may reverse or remand with instructions any
641 decision of the commission regarding a petition for reinstatement
642 of a license, and any such decision of the State Board of
643 Education shall be final.

644 (16) An appeal from the action of the State Board of
645 Education in denying an application, revoking or suspending a
646 license or otherwise disciplining any person under the provisions
647 of this section shall be filed in the Chancery Court of the First
648 Judicial District of Hinds County, Mississippi, on the record
649 made, including a verbatim transcript of the testimony at the
650 hearing. The appeal shall be filed within thirty (30) days after
651 notification of the action of the board is mailed or served and
652 the proceedings in chancery court shall be conducted as other
653 matters coming before the court. The appeal shall be perfected
654 upon filing notice of the appeal and by the prepayment of all
655 costs, including the cost of preparation of the record of the
656 proceedings by the State Board of Education, and the filing of a
657 bond in the sum of Two Hundred Dollars (\$200.00) conditioned that
658 if the action of the board be affirmed by the chancery court, the
659 applicant or license holder shall pay the costs of the appeal and
660 the action of the chancery court.



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

665 (18) The granting of a license shall not be deemed a
666 property right nor a guarantee of employment in any public school
667 district. A license is a privilege indicating minimal eligibility
668 for teaching in the public school districts of Mississippi. This
669 section shall in no way alter or abridge the authority of local
670 school districts to require greater qualifications or standards of
671 performance as a prerequisite of initial or continued employment
672 in such districts.

673 (19) In addition to the reasons specified in subsections
674 (12) and (13) of this section, the board shall be authorized to
675 suspend the license of any licensee for being out of compliance
676 with an order for support, as defined in Section 93-11-153. The
677 procedure for suspension of a license for being out of compliance
678 with an order for support, and the procedure for the reissuance or
679 reinstatement of a license suspended for that purpose, and the
680 payment of any fees for the reissuance or reinstatement of a
681 license suspended for that purpose, shall be governed by Section
682 93-11-157 or 93-11-163, as the case may be. Actions taken by the
683 board in suspending a license when required by Section 93-11-157
684 or 93-11-163 are not actions from which an appeal may be taken
685 under this section. Any appeal of a license suspension that is



686 required by Section 93-11-157 or 93-11-163 shall be taken in
687 accordance with the appeal procedure specified in Section
688 93-11-157 or 93-11-163, as the case may be, rather than the
689 procedure specified in this section. If there is any conflict
690 between any provision of Section 93-11-157 or 93-11-163 and any
691 provision of this chapter, the provisions of Section 93-11-157 or
692 93-11-163, as the case may be, shall control.

693 **SECTION 4.** This act shall take effect and be in force from
694 and after its passage.

