

By: Representatives Busby, Sykes

To: Education

HOUSE BILL NO. 105

1 AN ACT TO AMEND SECTION 37-3-2, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE THE STATE DEPARTMENT OF EDUCATION TO ISSUE A
3 NONTRADITIONAL TEACHING ROUTE STANDARD LICENSE TO INDIVIDUALS
4 HOLDING ADVANCED DEGREES AND ACHIEVING THE NATIONALLY RECOMMENDED
5 PASSING SCORE ON THE PRAXIS I AND PRAXIS II ASSESSMENTS PROVIDING
6 THAT SUCH INDIVIDUALS COMPLETED THE COURSE OF STUDY FOR THE
7 ADVANCED DEGREE PROGRAM WITH THE GRADE OF A "C" OR HIGHER AT THE
8 TIME APPLICATION FOR LICENSURE IS SUBMITTED; AND FOR RELATED
9 PURPOSES.

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

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

13 37-3-2. (1) There is established within the State
14 Department of Education the Commission on Teacher and
15 Administrator Education, Certification and Licensure and
16 Development. It shall be the purpose and duty of the commission
17 to make recommendations to the State Board of Education regarding
18 standards for the certification and licensure and continuing
19 professional development of those who teach or perform tasks of an
20 educational nature in the public schools of Mississippi.



21 (2) The commission shall be composed of fifteen (15)
22 qualified members. The membership of the commission shall be
23 composed of the following members to be appointed, three (3) from
24 each congressional district: four (4) classroom teachers; three
25 (3) school administrators; one (1) representative of schools of
26 education of institutions of higher learning located within the
27 state to be recommended by the Board of Trustees of State
28 Institutions of Higher Learning; one (1) representative from the
29 schools of education of independent institutions of higher
30 learning to be recommended by the Board of the Mississippi
31 Association of Independent Colleges; one (1) representative from
32 public community and junior colleges located within the state to
33 be recommended by the Mississippi Community College Board; one (1)
34 local school board member; and four (4) laypersons. All
35 appointments shall be made by the State Board of Education after
36 consultation with the State Superintendent of Public Education.
37 The first appointments by the State Board of Education shall be
38 made as follows: five (5) members shall be appointed for a term
39 of one (1) year; five (5) members shall be appointed for a term of
40 two (2) years; and five (5) members shall be appointed for a term
41 of three (3) years. Thereafter, all members shall be appointed
42 for a term of four (4) years.

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



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

49 (4) (a) An appropriate staff member of the State Department
50 of Education shall be designated and assigned by the State
51 Superintendent of Public Education to serve as executive secretary
52 and coordinator for the commission. No less than two (2) other
53 appropriate staff members of the State Department of Education
54 shall be designated and assigned by the State Superintendent of
55 Public Education to serve on the staff of the commission.

56 (b) An Office of Educator Misconduct Evaluations shall
57 be established within the State Department of Education to assist
58 the commission in responding to infractions and violations, and in
59 conducting hearings and enforcing the provisions of subsections
60 (11), (12), (13), (14) and (15) of this section, and violations of
61 the Mississippi Educator Code of Ethics.

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

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

66 (b) Recommend to the State Board of Education each year
67 approval or disapproval of each educator preparation program in
68 the state, subject to a process and schedule determined by the
69 State Board of Education;



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

73 (d) Establish, subject to the approval of the State
74 Board of Education, standards for the renewal of teacher licenses
75 in all fields;

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

79 (f) Review all existing requirements for certification
80 and licensure;

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

83 (h) Prepare reports from time to time on current
84 practices and issues in the general area of teacher education and
85 certification and licensure;

86 (i) Hold hearings concerning standards for teachers'
87 and administrators' education and certification and licensure with
88 approval of the State Board of Education;

89 (j) Hire expert consultants with approval of the State
90 Board of Education;

91 (k) Set up ad hoc committees to advise on specific
92 areas; and



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

96 (6) (a) **Standard License - Approved Program Route.** An
97 educator entering the school system of Mississippi for the first
98 time and meeting all requirements as established by the State
99 Board of Education shall be granted a standard five-year license.
100 Persons who possess two (2) years of classroom experience as an
101 assistant teacher or who have taught for one (1) year in an
102 accredited public or private school shall be allowed to fulfill
103 student teaching requirements under the supervision of a qualified
104 participating teacher approved by an accredited college of
105 education. The local school district in which the assistant
106 teacher is employed shall compensate such assistant teachers at
107 the required salary level during the period of time such
108 individual is completing student teaching requirements.
109 Applicants for a standard license shall submit to the department:

- 110 (i) An application on a department form;
111 (ii) An official transcript of completion of a
112 teacher education program approved by the department or a
113 nationally accredited program, subject to the following:
114 Licensure to teach in Mississippi prekindergarten through
115 kindergarten classrooms shall require completion of a teacher
116 education program or a Bachelor of Science degree with child
117 development emphasis from a program accredited by the American



118 Association of Family and Consumer Sciences (AAFCS) or by the
119 National Association for Education of Young Children (NAEYC) or by
120 the National Council for Accreditation of Teacher Education
121 (NCATE). Licensure to teach in Mississippi kindergarten, for
122 those applicants who have completed a teacher education program,
123 and in Grade 1 through Grade 4 shall require the completion of an
124 interdisciplinary program of studies. Licenses for Grades 4
125 through 8 shall require the completion of an interdisciplinary
126 program of studies with two (2) or more areas of concentration.
127 Licensure to teach in Mississippi Grades 7 through 12 shall
128 require a major in an academic field other than education, or a
129 combination of disciplines other than education. Students
130 preparing to teach a subject shall complete a major in the
131 respective subject discipline. All applicants for standard
132 licensure shall demonstrate that such person's college preparation
133 in those fields was in accordance with the standards set forth by
134 the National Council for Accreditation of Teacher Education
135 (NCATE) or the National Association of State Directors of Teacher
136 Education and Certification (NASDTEC) or, for those applicants who
137 have a Bachelor of Science degree with child development emphasis,
138 the American Association of Family and Consumer Sciences (AAFCS).
139 Effective July 1, 2016, for initial elementary education
140 licensure, a teacher candidate must earn a passing score on a
141 rigorous test of scientifically research-based reading instruction



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

144 (iii) A copy of test scores evidencing
145 satisfactory completion of nationally administered examinations of
146 achievement, such as the Educational Testing Service's teacher
147 testing examinations;

148 (iv) Any other document required by the State
149 Board of Education; and

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

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

157 2. No less than 2.75 GPA on pre-major
158 coursework of the institution's approved teacher education program
159 provided that the accepted cohort of candidates meets or exceeds a
160 3.0 GPA on pre-major coursework.

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

162 (i) From and after September 30, 2015, no teacher
163 candidate shall be licensed to teach in Mississippi under the
164 alternate route who did not meet the following criteria:



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

168 * * *2. No less than 2.75 GPA on content
169 coursework in the requested area of certification or passing
170 Praxis II scores at or above the national recommended score
171 provided that the accepted cohort of candidates of the
172 institution's teacher education program meets or exceeds a 3.0 GPA
173 on pre-major coursework.

174 (ii) Beginning January 1, 2004, an individual who
175 has a passing score on the Praxis I Basic Skills and Praxis II
176 Specialty Area Test in the requested area of endorsement may apply
177 for the Teach Mississippi Institute (TMI) program to teach
178 students in Grades 7 through 12 if the individual meets the
179 requirements of this subparagraph (ii) of paragraph (b). The
180 State Board of Education shall adopt rules requiring that teacher
181 preparation institutions which provide the Teach Mississippi
182 Institute (TMI) program for the preparation of nontraditional
183 teachers shall meet the standards and comply with the provisions
184 of this paragraph * * * provided as follows:

185 * * *1. The Teach Mississippi Institute
186 (TMI) shall include an intensive eight-week, nine-semester-hour
187 summer program or a curriculum of study in which the student
188 matriculates in the fall or spring semester, which shall include,
189 but not be limited to, instruction in education, effective



190 teaching strategies, classroom management, state curriculum
191 requirements, planning and instruction, instructional methods and
192 pedagogy, using test results to improve instruction, and a one (1)
193 semester three-hour supervised internship to be completed while
194 the teacher is employed as a full-time teacher intern in a local
195 school district. The TMI shall be implemented on a pilot program
196 basis, with courses to be offered at up to four (4) locations in
197 the state, with one (1) TMI site to be located in each of the
198 three (3) Mississippi Supreme Court districts.

199 * * *2. The school sponsoring the teacher
200 intern shall enter into a written agreement with the institution
201 providing the Teach Mississippi Institute (TMI) program, under
202 terms and conditions as agreed upon by the contracting parties,
203 providing that the school district shall provide teacher interns
204 seeking a nontraditional provisional teaching license with a
205 one-year classroom teaching experience. The teacher intern shall
206 successfully complete the one (1) semester three-hour intensive
207 internship in the school district during the semester immediately
208 following successful completion of the TMI and prior to the end of
209 the one-year classroom teaching experience.

210 * * *3. Upon completion of the
211 nine-semester-hour TMI or the fall or spring semester option, the
212 individual shall submit his transcript to the commission for
213 provisional licensure of the intern teacher, and the intern
214 teacher shall be issued a provisional teaching license by the



215 commission, which will allow the individual to legally serve as a
216 teacher while the person completes a nontraditional teacher
217 preparation internship program.

218 * * *4. During the semester of internship in
219 the school district, the teacher preparation institution shall
220 monitor the performance of the intern teacher. The school
221 district that employs the provisional teacher shall supervise the
222 provisional teacher during the teacher's intern year of employment
223 under a nontraditional provisional license, and shall, in
224 consultation with the teacher intern's mentor at the school
225 district of employment, submit to the commission a comprehensive
226 evaluation of the teacher's performance sixty (60) days prior to
227 the expiration of the nontraditional provisional license. If the
228 comprehensive evaluation establishes that the provisional teacher
229 intern's performance fails to meet the standards of the approved
230 nontraditional teacher preparation internship program, the
231 individual shall not be approved for a standard license.

232 * * *5. An individual issued a provisional
233 teaching license under this nontraditional route shall
234 successfully complete, at a minimum, a one-year beginning teacher
235 mentoring and induction program administered by the employing
236 school district with the assistance of the State Department of
237 Education.

238 * * *6. Upon successful completion of the
239 TMI and the internship provisional license period, applicants for



240 a Standard License - Nontraditional Route shall submit to the
241 commission a transcript of successful completion of the twelve
242 (12) semester hours required in the internship program, and the
243 employing school district shall submit to the commission a
244 recommendation for standard licensure of the intern. If the
245 school district recommends licensure, the applicant shall be
246 issued a Standard License - Nontraditional Route which shall be
247 valid for a five-year period and be renewable.

248 * * *7. At the discretion of the teacher
249 preparation institution, the individual shall be allowed to credit
250 the twelve (12) semester hours earned in the nontraditional
251 teacher internship program toward the graduate hours required for
252 a Master of Arts in Teacher (MAT) Degree.

253 * * *8. The local school district in which
254 the nontraditional teacher intern or provisional licensee is
255 employed shall compensate such teacher interns at Step 1 of the
256 required salary level during the period of time such individual is
257 completing teacher internship requirements and shall compensate
258 such Standard License - Nontraditional Route teachers at Step 3 of
259 the required salary level when they complete license requirements.

260 (iii) Implementation of the TMI program provided
261 for under subparagraph (ii) of this paragraph (b) shall be
262 contingent upon the availability of funds appropriated
263 specifically for such purpose by the Legislature. Such
264 implementation of the TMI program may not be deemed to prohibit



265 the State Board of Education from developing and implementing
266 additional alternative route teacher licensure programs, as deemed
267 appropriate by the board. The emergency certification program in
268 effect prior to July 1, 2002, shall remain in effect.

269 (iv) From and after July 1, 2017, an individual
270 who has received a graduate degree in any subject matter or
271 educational discipline on the master's, educational specialist's
272 or doctoral level, who completes the college course of study
273 specific to that degree with at least eighteen (18) hours in the
274 same content area with a grade of "C" or higher at a regionally or
275 nationally accredited senior college or university, and who has
276 achieved the nationally recommended passing score on the Praxis
277 Core and Praxis II Specialty Area Test in the requested area of
278 endorsement at the time application for licensure is submitted,
279 and who has completed required additional coursework, including,
280 but not limited to, instruction in education, effective teaching
281 strategies, classroom management, state curriculum requirements,
282 planning and instruction, instructional methods and pedagogy, and
283 using test results to improve instruction, shall be issued an
284 alternate license to teach in Mississippi. When submitting the
285 application for licensure, applicants seeking licensure under this
286 subparagraph (iv) shall include an official transcript in a sealed
287 envelope or e-Scrip bearing the seal or signature of the registrar
288 of the institution from which the transcript was requested.



289 (v) A Standard License - Approved Program Route
290 shall be issued for a five-year period, and may be renewed.
291 Recognizing teaching as a profession, a hiring preference shall be
292 granted to persons holding a Standard License - Approved Program
293 Route or Standard License - Nontraditional Teaching Route over
294 persons holding any other license.

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

308 (d) **Special License - Nonrenewable.** The State Board of
309 Education is authorized to establish rules and regulations to
310 allow those educators not meeting requirements in paragraph (a),
311 (b) or (c) of this subsection (6) to be licensed for a period of
312 not more than three (3) years, except by special approval of the
313 State Board of Education.



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

325 (f) **Special License - Transitional Bilingual Education.**
326 Beginning July 1, 2003, the commission shall grant special
327 licenses to teachers of transitional bilingual education who
328 possess such qualifications as are prescribed in this section.
329 Teachers of transitional bilingual education shall be compensated
330 by local school boards at not less than one (1) step on the
331 regular salary schedule applicable to permanent teachers licensed
332 under this section. The commission shall grant special licenses
333 to teachers of transitional bilingual education who present the
334 commission with satisfactory evidence that they (i) possess a
335 speaking and reading ability in a language, other than English, in
336 which bilingual education is offered and communicative skills in
337 English; (ii) are in good health and sound moral character; (iii)
338 possess a bachelor's degree or an associate's degree in teacher



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

354 (g) In the event any school district meets the highest
355 accreditation standards as defined by the State Board of Education
356 in the accountability system, the State Board of Education, in its
357 discretion, may exempt such school district from any restrictions
358 in paragraph (e) relating to the employment of nonlicensed
359 teaching personnel.

360 (h) **Highly Qualified Teachers.** Beginning July 1, 2006,
361 any teacher from any state meeting the federal definition of
362 highly qualified, as described in the No Child Left Behind Act,



363 must be granted a standard five-year license by the State
364 Department of Education.

365 (7) **Administrator License.** The State Board of Education is
366 authorized to establish rules and regulations and to administer
367 the licensure process of the school administrators in the State of
368 Mississippi. There will be four (4) categories of administrator
369 licensure with exceptions only through special approval of the
370 State Board of Education.

371 (a) **Administrator License - Nonpracticing.** Those
372 educators holding administrative endorsement but having no
373 administrative experience or not serving in an administrative
374 position on January 15, 1997.

375 (b) **Administrator License - Entry Level.** Those
376 educators holding administrative endorsement and having met the
377 department's qualifications to be eligible for employment in a
378 Mississippi school district. Administrator License - Entry Level
379 shall be issued for a five-year period and shall be nonrenewable.

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

383 (d) **Administrator License - Nontraditional Route.** The
384 board may establish a nontraditional route for licensing
385 administrative personnel. Such nontraditional route for
386 administrative licensure shall be available for persons holding,
387 but not limited to, a master of business administration degree, a



388 master of public administration degree, a master of public
389 planning and policy degree or a doctor of jurisprudence degree
390 from an accredited college or university, with five (5) years of
391 administrative or supervisory experience. Successful completion
392 of the requirements of alternate route licensure for
393 administrators shall qualify the person for a standard
394 administrator license.

395 Individuals seeking school administrator licensure under
396 paragraph (b), (c) or (d) shall successfully complete a training
397 program and an assessment process prescribed by the State Board of
398 Education. All applicants for school administrator licensure
399 shall meet all requirements prescribed by the department under
400 paragraph (b), (c) or (d), and the cost of the assessment process
401 required shall be paid by the applicant.

402 (8) **Reciprocity.** (a) The department shall grant a standard
403 license to any individual who possesses a valid standard license
404 from another state and meets minimum Mississippi license
405 requirements or equivalent requirements as determined by the State
406 Board of Education. The issuance of a license by reciprocity to a
407 military-trained applicant or military spouse shall be subject to
408 the provisions of Section 73-50-1.

409 (b) The department shall grant a nonrenewable special
410 license to any individual who possesses a credential which is less
411 than a standard license or certification from another state. Such
412 special license shall be valid for the current school year plus



413 one (1) additional school year to expire on June 30 of the second
414 year, not to exceed a total period of twenty-four (24) months,
415 during which time the applicant shall be required to complete the
416 requirements for a standard license in Mississippi.

417 (9) **Renewal and Reinstatement of Licenses.** The State Board
418 of Education is authorized to establish rules and regulations for
419 the renewal and reinstatement of educator and administrator
420 licenses. Effective May 15, 1997, the valid standard license held
421 by an educator shall be extended five (5) years beyond the
422 expiration date of the license in order to afford the educator
423 adequate time to fulfill new renewal requirements established
424 pursuant to this subsection. An educator completing a master of
425 education, educational specialist or doctor of education degree in
426 May 1997 for the purpose of upgrading the educator's license to a
427 higher class shall be given this extension of five (5) years plus
428 five (5) additional years for completion of a higher degree.

429 (10) All controversies involving the issuance, revocation,
430 suspension or any change whatsoever in the licensure of an
431 educator required to hold a license shall be initially heard in a
432 hearing de novo, by the commission or by a subcommittee
433 established by the commission and composed of commission members
434 for the purpose of holding hearings. Any complaint seeking the
435 denial of issuance, revocation or suspension of a license shall be
436 by sworn affidavit filed with the Commission on Teacher and
437 Administrator Education, Certification and Licensure and



438 Development. The decision thereon by the commission or its
439 subcommittee shall be final, unless the aggrieved party shall
440 appeal to the State Board of Education, within ten (10) days, of
441 the decision of the committee or its subcommittee. An appeal to
442 the State Board of Education shall be on the record previously
443 made before the commission or its subcommittee unless otherwise
444 provided by rules and regulations adopted by the board. The State
445 Board of Education in its authority may reverse, or remand with
446 instructions, the decision of the committee or its subcommittee.
447 The decision of the State Board of Education shall be final.

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

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

453 (b) The applicant has a physical, emotional or mental
454 disability that renders the applicant unfit to perform the duties
455 authorized by the license, as certified by a licensed psychologist
456 or psychiatrist;

457 (c) The applicant is actively addicted to or actively
458 dependent on alcohol or other habit-forming drugs or is a habitual
459 user of narcotics, barbiturates, amphetamines, hallucinogens or
460 other drugs having similar effect, at the time of application for
461 a license;



462 (d) Revocation, suspension or surrender of an
463 applicant's certificate or license by another state shall result
464 in immediate denial of licensure until such time that the records
465 predicated the revocation, suspension or surrender in the prior
466 state have been cleared;

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

469 (f) Failing or refusing to furnish reasonable evidence
470 of identification;

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

474 (h) The applicant has been convicted, has pled guilty
475 or entered a plea of nolo contendere to a sex offense as defined
476 by federal or state law. For purposes of this paragraph (h) and
477 paragraph (g) of this subsection, a "guilty plea" includes a plea
478 of guilty, entry of a plea of nolo contendere, or entry of an
479 order granting pretrial or judicial diversion; or

480 (i) Probation or post-release supervision for a felony
481 or sex offense conviction, as defined by federal or state law,
482 shall result in the immediate denial of licensure application
483 until expiration of the probationary or post-release supervision
484 period.

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



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

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

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

497 (c) Suspension or revocation of a certificate or
498 license by another state shall result in immediate suspension or
499 revocation and shall continue until records in the prior state
500 have been cleared;

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

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



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

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

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

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

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

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

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



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

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

545 (b) Any offense committed or attempted in any other
546 state shall result in the same penalty as if committed or
547 attempted in this state.

548 (c) A person may voluntarily surrender a license. The
549 surrender of such license may result in the commission
550 recommending any of the above penalties without the necessity of a
551 hearing. However, any such license which has voluntarily been
552 surrendered by a licensed employee may only be reinstated by a
553 majority vote of all members of the commission present at the
554 meeting called for such purpose.

555 (14) (a) A person whose license has been revoked or
556 surrendered on any grounds except criminal grounds may petition
557 for reinstatement of the license after one (1) year from the date
558 of revocation or surrender, or after one-half (1/2) of the revoked
559 or surrendered time has lapsed, whichever is greater. A person
560 whose license has been suspended on any grounds or violations



561 under subsection (12) of this section may be reinstated
562 automatically or approved for a reinstatement hearing, upon
563 submission of a written request to the commission. A license
564 suspended, revoked or surrendered on criminal grounds may be
565 reinstated upon petition to the commission filed after expiration
566 of the sentence and parole or probationary period imposed upon
567 conviction. A revoked, suspended or surrendered license may be
568 reinstated upon satisfactory showing of evidence of
569 rehabilitation. The commission shall require all who petition for
570 reinstatement to furnish evidence satisfactory to the commission
571 of good character, good mental, emotional and physical health and
572 such other evidence as the commission may deem necessary to
573 establish the petitioner's rehabilitation and fitness to perform
574 the duties authorized by the license.

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

579 (15) Reporting procedures and hearing procedures for dealing
580 with infractions under this section shall be promulgated by the
581 commission, subject to the approval of the State Board of
582 Education. The revocation or suspension of a license shall be
583 effected at the time indicated on the notice of suspension or
584 revocation. The commission shall immediately notify the
585 superintendent of the school district or school board where the



586 teacher or administrator is employed of any disciplinary action
587 and also notify the teacher or administrator of such revocation or
588 suspension and shall maintain records of action taken. The State
589 Board of Education may reverse or remand with instructions any
590 decision of the commission regarding a petition for reinstatement
591 of a license, and any such decision of the State Board of
592 Education shall be final.

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



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

614 (18) The granting of a license shall not be deemed a
615 property right nor a guarantee of employment in any public school
616 district. A license is a privilege indicating minimal eligibility
617 for teaching in the public school districts of Mississippi. This
618 section shall in no way alter or abridge the authority of local
619 school districts to require greater qualifications or standards of
620 performance as a prerequisite of initial or continued employment
621 in such districts.

622 (19) In addition to the reasons specified in subsections
623 (12) and (13) of this section, the board shall be authorized to
624 suspend the license of any licensee for being out of compliance
625 with an order for support, as defined in Section 93-11-153. The
626 procedure for suspension of a license for being out of compliance
627 with an order for support, and the procedure for the reissuance or
628 reinstatement of a license suspended for that purpose, and the
629 payment of any fees for the reissuance or reinstatement of a
630 license suspended for that purpose, shall be governed by Section
631 93-11-157 or 93-11-163, as the case may be. Actions taken by the
632 board in suspending a license when required by Section 93-11-157
633 or 93-11-163 are not actions from which an appeal may be taken
634 under this section. Any appeal of a license suspension that is



635 required by Section 93-11-157 or 93-11-163 shall be taken in
636 accordance with the appeal procedure specified in Section
637 93-11-157 or 93-11-163, as the case may be, rather than the
638 procedure specified in this section. If there is any conflict
639 between any provision of Section 93-11-157 or 93-11-163 and any
640 provision of this chapter, the provisions of Section 93-11-157 or
641 93-11-163, as the case may be, shall control.

642 **SECTION 2.** This act shall take effect and be in force from
643 and after its passage.

