

By: Representatives Currie, Ford

To: Education

HOUSE BILL NO. 749

1 AN ACT TO AMEND SECTION 37-3-2, MISSISSIPPI CODE OF 1972, TO  
 2 REQUIRE TEACHERS WHO HOLD A NONRENEWABLE THREE-YEAR SPECIAL  
 3 LICENSE AND ARE EMPLOYED IN PUBLIC SCHOOLS AND NONPUBLIC SCHOOLS  
 4 ACCREDITED BY THE STATE DEPARTMENT OF EDUCATION TO OBTAIN A  
 5 STANDARD LICENSE WITHIN THE THREE YEARS OF EMPLOYMENT AS IS  
 6 REQUIRED FOR CHARTER SCHOOLS; TO PROVIDE THAT FAILURE OF A TEACHER  
 7 TO OBTAIN A STANDARD LICENSE WOULD RESULT IN THE INABILITY TO BE  
 8 EMPLOYED AS AN EDUCATOR IN PUBLIC AND CERTAIN NONPUBLIC SCHOOLS;  
 9 TO BRING FORWARD SECTION 37-28-47, MISSISSIPPI CODE OF 1972, FOR  
 10 THE PURPOSE OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

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

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



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

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



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

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

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

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

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

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



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

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

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

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

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

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

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

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

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



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

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

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



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



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

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

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

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

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

158 2. No less than 2.75 GPA on pre-major  
159 coursework of the institution's approved teacher education program  
160 provided that the accepted cohort of candidates meets or exceeds a  
161 3.0 GPA on pre-major coursework.

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

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



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

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

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

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





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

199                   (ii) The school sponsoring the teacher intern  
200 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                   (iii) Upon completion of the nine-semester-hour  
211 TMI or the fall or spring semester option, the individual shall  
212 submit his transcript to the commission for provisional licensure  
213 of the intern teacher, and the intern teacher shall be issued a  
214 provisional teaching license by the commission, which will allow



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

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

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

236 (vi) Upon successful completion of the TMI and the  
237 internship provisional license period, applicants for a Standard  
238 License - Nontraditional Route shall submit to the commission a  
239 transcript of successful completion of the twelve (12) semester



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

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

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

258 Implementation of the TMI program provided for under this  
259 paragraph (b) shall be contingent upon the availability of funds  
260 appropriated specifically for such purpose by the Legislature.  
261 Such implementation of the TMI program may not be deemed to  
262 prohibit the State Board of Education from developing and  
263 implementing additional alternative route teacher licensure  
264 programs, as deemed appropriate by the board. The emergency



265 certification program in effect prior to July 1, 2002, shall  
266 remain in effect.

267 A Standard License - Approved Program Route shall be issued  
268 for a five-year period, and may be renewed. Recognizing teaching  
269 as a profession, a hiring preference shall be granted to persons  
270 holding a Standard License - Approved Program Route or Standard  
271 License - Nontraditional Teaching Route over persons holding any  
272 other license.

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

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



290 not more than three (3) years \* \* \*. At the conclusion of the  
291 nonrenewable three-year special license period, the educator must  
292 have, at a minimum, alternative licensure approved by commission  
293 under the authority of paragraph (b) of this subsection (6) to be  
294 eligible for continued employment by any public school district or  
295 nonpublic school approved or accredited by the department. This  
296 requirement shall be consistent with the requirement placed upon  
297 charter school teachers to become licensed within three (3) years  
298 of employment by a charter school under the authority of Section  
299 37-28-47.

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

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



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



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

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

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

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

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



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

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

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

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





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

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

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



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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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

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



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

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

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

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

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

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



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

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

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

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

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

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

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



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

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



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

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

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





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

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

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

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



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

628       **SECTION 2.** Section 37-28-47, Mississippi Code of 1972, is  
629 brought forward as follows:

630       37-28-47. (1) (a) Charter schools must comply with  
631 applicable federal laws, rules and regulations regarding the  
632 qualification of teachers and other instructional staff. No more  
633 than twenty-five percent (25%) of teachers in a charter school may  
634 be exempt from state teacher licensure requirements.

635 Administrators of charter schools are exempt from state



636 administrator licensure requirements. However, teachers and  
637 administrators must have a bachelor's degree as a minimum  
638 requirement, and teachers must have demonstrated subject-matter  
639 competency. Within three (3) years of a teacher's employment by a  
640 charter school, the teacher must have, at a minimum, alternative  
641 licensure approved by the Commission on Teacher and Administrator  
642 Education, Certification and Licensure and Development.

643 (b) A charter school may not staff positions for  
644 teachers, administrators, ancillary support personnel or other  
645 employees by utilizing or otherwise relying on nonimmigrant  
646 foreign worker visa programs. However, a charter school may  
647 submit a request to the authorizer for an exception allowing the  
648 employment of a nonimmigrant foreign worker before the worker is  
649 employed. The authorizer may grant permission for the employment  
650 of the nonimmigrant foreign worker only if the charter school  
651 makes a satisfactory showing of efforts to recruit lawful  
652 permanent residents of the United States to fill the position and  
653 a lack of qualified applicants to fill the position.

654 (2) Employees in charter schools must have the same general  
655 rights and privileges as other public school employees, except  
656 such employees are not:

657 (a) Covered under the Education Employment Procedures  
658 Law (Section 37-9-103); and

659 (b) Subject to the state salary requirements prescribed  
660 in Section 37-19-7.



661           (3) For the purpose of eligibility for participation in the  
662 Public Employees' Retirement System, a public charter school is  
663 considered to be a political subdivision of the state. Employees  
664 in public charter schools are eligible for participation in other  
665 benefits programs if the public charter school governing board  
666 chooses to participate.

667           **SECTION 3.** This act shall take effect and be in force from  
668 and after July 1, 2018.

