

By: Representative Sanford

To: Education

HOUSE BILL NO. 1160

1 AN ACT TO AMEND SECTION 37-3-2, MISSISSIPPI CODE OF 1972, TO  
 2 AUTHORIZE THE STATE DEPARTMENT TO ISSUE A STANDARD LICENSE FOR  
 3 TEACHING ON A RECIPROCAL BASIS TO INDIVIDUALS WHO HOLD  
 4 FOREIGN-CERTIFIED TEACHING CREDENTIALS UPON PRESENTATION OF  
 5 DOCUMENTATION AND APPROPRIATE EVALUATION OF ALL CREDENTIALS AND  
 6 COLLEGIATE LEVEL COURSEWORK FOR WHICH CREDIT WAS EARNED BY THE  
 7 STATE DEPARTMENT OF EDUCATION AND A NATIONALLY RECOGNIZED  
 8 DEPARTMENT-APPROVED INTERNATIONAL CREDENTIAL EVALUATION  
 9 ORGANIZATION; AND FOR RELATED 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 \* \* \*  
60 subsections (11), (12), (13), (14) and (15) \* \* \* of this section,  
61 and violations of 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 From and after September 30, 2015, no teacher candidate shall be  
163 licensed to teach in Mississippi under the alternate route who did  
164 not meet the following criteria:



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

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

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

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





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

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

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



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

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

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

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



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

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

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

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



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

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

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

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



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

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

302 (f) **Special License - Transitional Bilingual Education.**  
303 Beginning July 1, 2003, the commission shall grant special  
304 licenses to teachers of transitional bilingual education who  
305 possess such qualifications as are prescribed in this section.  
306 Teachers of transitional bilingual education shall be compensated  
307 by local school boards at not less than one (1) step on the  
308 regular salary schedule applicable to permanent teachers licensed  
309 under this section. The commission shall grant special licenses  
310 to teachers of transitional bilingual education who present the  
311 commission with satisfactory evidence that they (i) possess a  
312 speaking and reading ability in a language, other than English, in  
313 which bilingual education is offered and communicative skills in



314 English; (ii) are in good health and sound moral character; (iii)  
315 possess a bachelor's degree or an associate's degree in teacher  
316 education from an accredited institution of higher education; (iv)  
317 meet such requirements as to courses of study, semester hours  
318 therein, experience and training as may be required by the  
319 commission; and (v) are legally present in the United States and  
320 possess legal authorization for employment. A teacher of  
321 transitional bilingual education serving under a special license  
322 shall be under an exemption from standard licensure if he achieves  
323 the requisite qualifications therefor. Two (2) years of service  
324 by a teacher of transitional bilingual education under such an  
325 exemption shall be credited to the teacher in acquiring a Standard  
326 Educator License. Nothing in this paragraph shall be deemed to  
327 prohibit a local school board from employing a teacher licensed in  
328 an appropriate field as approved by the State Department of  
329 Education to teach in a program in transitional bilingual  
330 education.

331 (g) In the event any school district meets the highest  
332 accreditation standards as defined by the State Board of Education  
333 in the accountability system, the State Board of Education, in its  
334 discretion, may exempt such school district from any restrictions  
335 in paragraph (e) relating to the employment of nonlicensed  
336 teaching personnel.

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



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

342       (7) **Administrator License.** The State Board of Education is  
343 authorized to establish rules and regulations and to administer  
344 the licensure process of the school administrators in the State of  
345 Mississippi. There will be four (4) categories of administrator  
346 licensure with exceptions only through special approval of the  
347 State Board of Education.

348           (a) **Administrator License - Nonpracticing.** Those  
349 educators holding administrative endorsement but having no  
350 administrative experience or not serving in an administrative  
351 position on January 15, 1997.

352           (b) **Administrator License - Entry Level.** Those  
353 educators holding administrative endorsement and having met the  
354 department's qualifications to be eligible for employment in a  
355 Mississippi school district. Administrator License - Entry Level  
356 shall be issued for a five-year period and shall be nonrenewable.

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

360           (d) **Administrator License - Nontraditional Route.** The  
361 board may establish a nontraditional route for licensing  
362 administrative personnel. Such nontraditional route for  
363 administrative licensure shall be available for persons holding,



364 but not limited to, a master of business administration degree, a  
365 master of public administration degree, a master of public  
366 planning and policy degree or a doctor of jurisprudence degree  
367 from an accredited college or university, with five (5) years of  
368 administrative or supervisory experience. Successful completion  
369 of the requirements of alternate route licensure for  
370 administrators shall qualify the person for a standard  
371 administrator license.

372 Individuals seeking school administrator licensure under  
373 paragraph (b), (c) or (d) shall successfully complete a training  
374 program and an assessment process prescribed by the State Board of  
375 Education. All applicants for school administrator licensure  
376 shall meet all requirements prescribed by the department under  
377 paragraph (b), (c) or (d), and the cost of the assessment process  
378 required shall be paid by the applicant.

379 (8) **Reciprocity.** (a) The department shall grant a standard  
380 license to any individual who possesses a valid standard license  
381 from another state and meets minimum Mississippi license  
382 requirements or equivalent requirements as determined by the State  
383 Board of Education. The issuance of a license by reciprocity to a  
384 military-trained applicant or military spouse shall be subject to  
385 the provisions of Section 73-50-1.

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





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

394 (c) The department shall grant a standard license to  
395 any individual who possesses a valid foreign-certified teaching  
396 credential from a country other than the United States and meets  
397 minimum Mississippi license requirements or equivalent  
398 requirements as determined by the State Board of Education upon a  
399 showing of the following:

400 (i) An original course-by-course evaluative  
401 analysis of all university- or college-level coursework for which  
402 credentials have been earned in academic, subject area and program  
403 preparation outside of the United States, to be completed by the  
404 State Department of Education and a department-approved  
405 organization that is a member of the National Association of  
406 Credential Evaluation Services (NACES) or the Association of  
407 International Credential Evaluators (AICE);

408 (ii) A document of attestation, in the form of a  
409 statement of successful professional experience, verifying the  
410 number of years and level of K-12 teaching service completed  
411 within the past ten (10) years in a foreign public or accredited  
412 nonpublic school, along with a copy of the certificate or license  
413 authorizing that service; and



414                   (iii) Achieving the nationally recommended passing  
415 score on the Praxis I Basic Skills and Praxis II Specialty Area  
416 Test.

417                   (d) The department shall grant a nonrenewable special  
418 license to any individual who possesses a foreign-certified  
419 teaching credential from a country other than the United States  
420 which is less than a certified license from the country for which  
421 reciprocity is sought and verified in accordance with paragraph  
422 (c) of this subsection. Such special license shall be valid for  
423 the current school year plus one (1) additional school year to  
424 expire on June 30 of the second year, not to exceed a total period  
425 of twenty-four (24) months, during which time the applicant shall  
426 be required to complete the requirements for a standard license in  
427 Mississippi in addition to presenting the documentation of foreign  
428 certification required under paragraph (c) of this subsection.

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



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

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

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



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

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

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

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

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

481 (f) Failing or refusing to furnish reasonable evidence  
482 of identification;

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

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



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

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

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

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

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

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



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

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

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

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

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

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



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

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

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

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

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

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

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



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

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





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

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

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



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

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

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

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



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

654       **SECTION 2.** This act shall take effect and be in force from  
655 and after July 1, 2018.

