

By: Representative Crawford

To: Education

HOUSE BILL NO. 638

1 AN ACT TO AMEND SECTION 37-3-2, MISSISSIPPI CODE OF 1972, TO
 2 PROVIDE FOR THE DENIAL OF LICENSE AND REVOCATION OF LICENSE TO
 3 LICENSED SCHOOL TEACHERS AND ADMINISTRATORS FOR PHYSICALLY ABUSING
 4 OR HAVING INAPPROPRIATE SEXUAL INVOLVEMENT WITH STUDENTS; TO AMEND
 5 SECTIONS 43-21-353 AND 37-9-59, MISSISSIPPI CODE OF 1972, TO
 6 PRESCRIBE THE PENALTIES AND DISCIPLINARY ACTIONS IMPOSED UPON
 7 SCHOOL ADMINISTRATORS WHO FAIL TO REPORT ABUSE OF VULNERABLE AND
 8 EXCEPTIONAL CHILDREN BY SCHOOL EMPLOYEES TO THE APPROPRIATE
 9 AUTHORITIES; TO BRING FORWARD SECTIONS 97-3-95, 97-5-23, 97-5-24
 10 AND 97-29-3, MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE
 11 AMENDMENTS; AND FOR RELATED PURPOSES.

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

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

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



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

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



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

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

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

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

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

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



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

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

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

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

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

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

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

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

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



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

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

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



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



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

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

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

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

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

159 2. No less than 2.75 GPA on pre-major
160 coursework of the institution's approved teacher education program
161 provided that the accepted cohort of candidates meets or exceeds a
162 3.0 GPA on pre-major coursework.

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

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



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

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

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

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



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

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

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



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

218 (iv) During the semester of internship in the
219 school district, the teacher preparation institution shall monitor
220 the performance of the intern teacher. The school district that
221 employs the provisional teacher shall supervise the provisional
222 teacher during the teacher's intern year of employment under a
223 nontraditional provisional license, and shall, in consultation
224 with the teacher intern's mentor at the school district of
225 employment, submit to the commission a comprehensive evaluation of
226 the teacher's performance sixty (60) days prior to the expiration
227 of the nontraditional provisional license. If the comprehensive
228 evaluation establishes that the provisional teacher intern's
229 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 (v) An individual issued a provisional teaching
233 license under this nontraditional route shall successfully
234 complete, at a minimum, a one-year beginning teacher mentoring and
235 induction program administered by the employing school district
236 with the assistance of the State Department of Education.

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



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

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

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

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



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

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

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

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



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

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

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



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

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

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



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

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

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

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

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

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



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

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

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

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



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

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

408 (10) All controversies involving the issuance, revocation,
409 suspension or any change whatsoever in the licensure of an
410 educator required to hold a license shall be initially heard in a
411 hearing de novo, by the commission or by a subcommittee
412 established by the commission and composed of commission members
413 for the purpose of holding hearings. Any complaint seeking the
414 denial of issuance, revocation or suspension of a license shall be
415 by sworn affidavit filed with the Commission on Teacher and



416 Administrator Education, Certification and Licensure and
417 Development. The decision thereon by the commission or its
418 subcommittee shall be final, unless the aggrieved party shall
419 appeal to the State Board of Education, within ten (10) days, of
420 the decision of the committee or its subcommittee. An appeal to
421 the State Board of Education shall be on the record previously
422 made before the commission or its subcommittee unless otherwise
423 provided by rules and regulations adopted by the board. The State
424 Board of Education in its authority may reverse, or remand with
425 instructions, the decision of the committee or its subcommittee.
426 The decision of the State Board of Education shall be final.

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

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

432 (b) The applicant has a physical, emotional or mental
433 disability that renders the applicant unfit to perform the duties
434 authorized by the license, as certified by a licensed psychologist
435 or psychiatrist;

436 (c) The applicant is actively addicted to or actively
437 dependent on alcohol or other habit-forming drugs or is a habitual
438 user of narcotics, barbiturates, amphetamines, hallucinogens or
439 other drugs having similar effect, at the time of application for
440 a license;



441 (d) Revocation, suspension or surrender of an
442 applicant's certificate or license by another state shall result
443 in immediate denial of licensure until such time that the records
444 predicated the revocation, suspension or surrender in the prior
445 state have been cleared;

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

448 (f) Failing or refusing to furnish reasonable evidence
449 of identification;

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

453 (h) The applicant has been convicted, has pled guilty
454 or entered a plea of nolo contendere to a sex offense as defined
455 by federal or state law. For purposes of this paragraph (h) and
456 paragraph (g) of this subsection, a "guilty plea" includes a plea
457 of guilty, entry of a plea of nolo contendere, or entry of an
458 order granting pretrial or judicial diversion; * * *

459 (i) Probation or post-release supervision for a felony
460 or sex offense conviction, as defined by federal or state law,
461 shall result in the immediate denial of licensure application
462 until expiration of the probationary or post-release supervision
463 period * * *;

464 (j) The applicant has been convicted, has pled guilty
465 or entered a plea of nolo contendere to a physical child abuse of



466 a student conviction or inappropriate sexual involvement with a
467 student as prohibited under Sections 97-3-95, 97-5-23, 97-5-24 and
468 97-29-3; or

469 (k) Probation or post-release supervision for a
470 physical child abuse of a student conviction or conviction for
471 inappropriate sexual involvement with a student as prohibited
472 under Sections 97-3-95, 97-5-23, 97-5-24 and 97-29-3, shall result
473 in the immediate denial of licensure application until expiration
474 of the probationary or post-release supervision period.

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

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

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

487 (c) Suspension or revocation of a certificate or
488 license by another state shall result in immediate suspension or
489 revocation and shall continue until records in the prior state
490 have been cleared;



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

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

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

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

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

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



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

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

522 (l) The license holder submitted a false certification
523 to the State Department of Education that a statewide test was
524 administered in strict accordance with the Requirements of the
525 Mississippi Statewide Assessment System; * * *

526 (m) The license holder has failed to comply with the
527 Procedures for Reporting Infractions as promulgated by the
528 commission and approved by the State Board of Education pursuant
529 to subsection (15) of this section * * *;

530 (n) The license holder has been convicted, has pled
531 guilty or entered a plea of nolo contendere to a physical child
532 abuse of a student conviction, shall result in the immediate
533 permanent revocation;

534 (o) The license holder has received probation or
535 post-release supervision for a physical child abuse of a student
536 conviction, shall result in the immediate permanent revocation; or

537 (p) The license holder, if an administrator, failed to
538 report the abuse of a vulnerable person or exceptional child by a



539 school employee under the reporting requirement of Section
540 43-21-353.

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

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

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

556 (14) (a) A person whose license has been revoked or
557 surrendered on any grounds except criminal grounds may petition
558 for reinstatement of the license after one (1) year from the date
559 of revocation or surrender, or after one-half (1/2) of the revoked
560 or surrendered time has lapsed, whichever is greater. A person
561 whose license has been suspended on any grounds or violations
562 under subsection (12) of this section may be reinstated
563 automatically or approved for a reinstatement hearing, upon



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

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

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



589 suspension and shall maintain records of action taken. The State
590 Board of Education may reverse or remand with instructions any
591 decision of the commission regarding a petition for reinstatement
592 of a license, and any such decision of the State Board of
593 Education shall be final.

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

611 (17) All such programs, rules, regulations, standards and
612 criteria recommended or authorized by the commission shall become



613 effective upon approval by the State Board of Education as
614 designated by appropriate orders entered upon the minutes thereof.

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

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



638 93-11-157 or 93-11-163, as the case may be, rather than the
639 procedure specified in this section. If there is any conflict
640 between any provision of Section 93-11-157 or 93-11-163 and any
641 provision of this chapter, the provisions of Section 93-11-157 or
642 93-11-163, as the case may be, shall control.

643 **SECTION 2.** Section 43-21-353, Mississippi Code of 1972, is
644 amended as follows:

645 43-21-353. (1) Any attorney, physician, dentist, intern,
646 resident, nurse, psychologist, social worker, family protection
647 worker, family protection specialist, child caregiver, minister,
648 law enforcement officer, public or private school employee or any
649 other person having reasonable cause to suspect that a child is a
650 neglected child or an abused child, shall cause an oral report to
651 be made immediately by telephone or otherwise and followed as soon
652 thereafter as possible by a report in writing to the Department of
653 Human Services, and immediately a referral shall be made by the
654 Department of Human Services to the youth court intake unit, which
655 unit shall promptly comply with Section 43-21-357. In the course
656 of an investigation, at the initial time of contact with the
657 individual(s) about whom a report has been made under this Youth
658 Court Act or with the individual(s) responsible for the health or
659 welfare of a child about whom a report has been made under this
660 chapter, the Department of Human Services shall inform the
661 individual of the specific complaints or allegations made against
662 the individual. Consistent with subsection (4), the identity of



663 the person who reported his or her suspicion shall not be
664 disclosed. Where appropriate, the Department of Human Services
665 shall additionally make a referral to the youth court prosecutor.

666 Upon receiving a report that a child has been sexually
667 abused, or burned, tortured, mutilated or otherwise physically
668 abused in such a manner as to cause serious bodily harm, or upon
669 receiving any report of abuse that would be a felony under state
670 or federal law, the Department of Human Services shall immediately
671 notify the law enforcement agency in whose jurisdiction the abuse
672 occurred and shall notify the appropriate prosecutor within
673 forty-eight (48) hours, and the Department of Human Services shall
674 have the duty to provide the law enforcement agency all the names
675 and facts known at the time of the report; this duty shall be of a
676 continuing nature. The law enforcement agency and the Department
677 of Human Services shall investigate the reported abuse immediately
678 and shall file a preliminary report with the appropriate
679 prosecutor's office within twenty-four (24) hours and shall make
680 additional reports as new or additional information or evidence
681 becomes available. The Department of Human Services shall advise
682 the clerk of the youth court and the youth court prosecutor of all
683 cases of abuse reported to the department within seventy-two (72)
684 hours and shall update such report as information becomes
685 available.

686 (2) Any report to the Department of Human Services shall
687 contain the names and addresses of the child and his parents or



688 other persons responsible for his care, if known, the child's age,
689 the nature and extent of the child's injuries, including any
690 evidence of previous injuries * * *, any other information that
691 might be helpful in establishing the cause of the injury, and the
692 identity of the perpetrator.

693 (3) The Department of Human Services shall maintain a
694 statewide incoming wide-area telephone service or similar service
695 for the purpose of receiving reports of suspected cases of child
696 abuse; provided that any attorney, physician, dentist, intern,
697 resident, nurse, psychologist, social worker, family protection
698 worker, family protection specialist, child caregiver, minister,
699 law enforcement officer or public or private school employee who
700 is required to report under subsection (1) of this section shall
701 report in the manner required in subsection (1).

702 (4) Reports of abuse and neglect made under this chapter and
703 the identity of the reporter are confidential except when the
704 court in which the investigation report is filed, in its
705 discretion, determines the testimony of the person reporting to be
706 material to a judicial proceeding or when the identity of the
707 reporter is released to law enforcement agencies and the
708 appropriate prosecutor pursuant to subsection (1). Reports made
709 under this section to any law enforcement agency or prosecutorial
710 officer are for the purpose of criminal investigation and
711 prosecution only and no information from these reports may be
712 released to the public except as provided by Section 43-21-261.



713 Disclosure of any information by the prosecutor shall be according
714 to the Mississippi Uniform Rules of Circuit and County Court
715 Procedure. The identity of the reporting party shall not be
716 disclosed to anyone other than law enforcement officers or
717 prosecutors without an order from the appropriate youth court.
718 Any person disclosing any reports made under this section in a
719 manner not expressly provided for in this section or Section
720 43-21-261 shall be guilty of a misdemeanor and subject to the
721 penalties prescribed by Section 43-21-267.

722 (5) All final dispositions of law enforcement investigations
723 described in subsection (1) of this section shall be determined
724 only by the appropriate prosecutor or court. All final
725 dispositions of investigations by the Department of Human Services
726 as described in subsection (1) of this section shall be determined
727 only by the youth court. Reports made under subsection (1) of
728 this section by the Department of Human Services to the law
729 enforcement agency and to the district attorney's office shall
730 include the following, if known to the department:

- 731 (a) The name and address of the child;
- 732 (b) The names and addresses of the parents;
- 733 (c) The name and address of the suspected perpetrator;
- 734 (d) The names and addresses of all witnesses, including
735 the reporting party if a material witness to the abuse;
- 736 (e) A brief statement of the facts indicating that the
737 child has been abused and any other information from the agency



738 files or known to the family protection worker or family
739 protection specialist making the investigation, including medical
740 records or other records, which may assist law enforcement or the
741 district attorney in investigating and/or prosecuting the case;
742 and

743 (f) What, if any, action is being taken by the
744 Department of Human Services.

745 (6) In any investigation of a report made under this chapter
746 of the abuse or neglect of a child as defined in Section
747 43-21-105(m), the Department of Human Services may request the
748 appropriate law enforcement officer with jurisdiction to accompany
749 the department in its investigation, and in such cases the law
750 enforcement officer shall comply with such request.

751 (7) (a) Anyone who willfully violates any provision of this
752 section shall be, upon being found guilty, punished by a fine not
753 to exceed Five Thousand Dollars (\$5,000.00), or by imprisonment in
754 jail not to exceed one (1) year, or both.

755 (b) Any public or private school administrator who
756 fails to report the abuse of a vulnerable or exceptional child by
757 any school employee under the requirements of this section, shall
758 be subject to the penalties imposed under paragraph (a) of this
759 subsection, in addition to the disciplinary action taken by the
760 local school board under Section 37-9-59.

761 (8) If a report is made directly to the Department of Human
762 Services that a child has been abused or neglected in an



763 out-of-home setting, a referral shall be made immediately to the
764 law enforcement agency in whose jurisdiction the abuse occurred
765 and the department shall notify the district attorney's office
766 within forty-eight (48) hours of such report. The Department of
767 Human Services shall investigate the out-of-home setting report of
768 abuse or neglect to determine whether the child who is the subject
769 of the report, or other children in the same environment, comes
770 within the jurisdiction of the youth court and shall report to the
771 youth court the department's findings and recommendation as to
772 whether the child who is the subject of the report or other
773 children in the same environment require the protection of the
774 youth court. The law enforcement agency shall investigate the
775 reported abuse immediately and shall file a preliminary report
776 with the district attorney's office within forty-eight (48) hours
777 and shall make additional reports as new information or evidence
778 becomes available. If the out-of-home setting is a licensed
779 facility, an additional referral shall be made by the Department
780 of Human Services to the licensing agency. The licensing agency
781 shall investigate the report and shall provide the Department of
782 Human Services, the law enforcement agency and the district
783 attorney's office with their written findings from such
784 investigation as well as that licensing agency's recommendations
785 and actions taken.

786 (9) If a child protective investigation does not result in
787 an out-of-home placement, a child protective investigator must



788 provide information to the parent or guardians about community
789 service programs that provide respite care, voluntary guardianship
790 or other support services for families in crisis.

791 **SECTION 3.** Section 37-9-59, Mississippi Code of 1972, is
792 amended as follows:

793 37-9-59. For incompetence, neglect of duty, immoral conduct,
794 intemperance, brutal treatment of a pupil or other good cause the
795 superintendent of schools may dismiss or suspend any licensed
796 employee in any school district. The failure of a superintendent
797 or principal to report the brutal treatment of a pupil or abuse of
798 a vulnerable student or exceptional child to the appropriate
799 authority under Section 43-21-353 shall result in termination or
800 suspension subject to action by the local school board. Before
801 being so dismissed or suspended any licensed employee shall be
802 notified of the charges against him and he shall be advised that
803 he is entitled to a public hearing upon said charges. * * *
804 However, * * * a school superintendent whose employment has been
805 terminated under this section shall not have the right to request
806 a hearing before the school board or a hearing officer. * * *
807 However, * * * a licensed employee in a conservator school
808 district whose employment has been terminated under this section
809 for good cause as determined by a conservator appointed by the
810 State Board of Education shall not have a right to request a
811 hearing before the school board, a hearing officer or the State
812 Board of Education. The conservator has the right to immediately



813 terminate a licensed employee under this section. In the event
814 the continued presence of said employee on school premises poses a
815 potential threat or danger to the health, safety or general
816 welfare of the students, or, in the discretion of the
817 superintendent, may interfere with or cause a disruption of normal
818 school operations, the superintendent may immediately release said
819 employee of all duties pending a hearing if one is requested by
820 the employee. In the event a licensed employee is arrested,
821 indicted or otherwise charged with a felony by a recognized law
822 enforcement official, the continued presence of the licensed
823 employee on school premises shall be deemed to constitute a
824 disruption of normal school operations. The school board, upon a
825 request for a hearing by the person so suspended or removed shall
826 set a date, time and place for such hearing which shall be not
827 sooner than five (5) days nor later than thirty (30) days from the
828 date of the request. The procedure for such hearing shall be as
829 prescribed for hearings before the board or hearing officer in
830 Section 37-9-111. From the decision made at said hearing, any
831 licensed employee shall be allowed an appeal to the chancery court
832 in the same manner as appeals are authorized in Section 37-9-113.
833 Any party aggrieved by action of the chancery court may appeal to
834 the Mississippi Supreme Court as provided by law. In the event
835 that a licensed employee is immediately relieved of duties pending
836 a hearing, as provided in this section, said employee shall be
837 entitled to compensation for a period up to and including the date



838 that the initial hearing is set by the school board, in the event
839 that there is a request for such a hearing by the employee. In
840 the event that an employee does not request a hearing within five
841 (5) calendar days of the date of the notice of discharge or
842 suspension, it shall constitute a waiver of all rights by said
843 employee and such discharge or suspension shall be effective on
844 the date set out in the notice to the employee.

845 The school board of every school district in this state is
846 hereby prohibited from denying employment or reemployment to any
847 person as a superintendent, principal or licensed employee, as
848 defined in Section 37-19-1, or as a noninstructional personnel, as
849 defined in Section 37-9-1, for the single reason that any eligible
850 child of such person does not attend the school system in which
851 such superintendent, principal, licensed employee or
852 noninstructional personnel is employed.

853 **SECTION 4.** Section 97-3-95, Mississippi Code of 1972, is
854 brought forward as follows:

855 97-3-95. (1) A person is guilty of sexual battery if he or
856 she engages in sexual penetration with:

857 (a) Another person without his or her consent;

858 (b) A mentally defective, mentally incapacitated or
859 physically helpless person;

860 (c) A child at least fourteen (14) but under sixteen
861 (16) years of age, if the person is thirty-six (36) or more months
862 older than the child; or



863 (d) A child under the age of fourteen (14) years of
864 age, if the person is twenty-four (24) or more months older than
865 the child.

866 (2) A person is guilty of sexual battery if he or she
867 engages in sexual penetration with a child under the age of
868 eighteen (18) years if the person is in a position of trust or
869 authority over the child including without limitation the child's
870 teacher, counselor, physician, psychiatrist, psychologist,
871 minister, priest, physical therapist, chiropractor, legal
872 guardian, parent, stepparent, aunt, uncle, scout leader or coach.

873 **SECTION 5.** Section 97-5-23, Mississippi Code of 1972, is
874 brought forward as follows:

875 97-5-23. (1) Any person above the age of eighteen (18)
876 years, who, for the purpose of gratifying his or her lust, or
877 indulging his or her depraved licentious sexual desires, shall
878 handle, touch or rub with hands or any part of his or her body or
879 any member thereof, or with any object, any child under the age of
880 sixteen (16) years, with or without the child's consent, or a
881 mentally defective, mentally incapacitated or physically helpless
882 person as defined in Section 97-3-97, shall be guilty of a felony
883 and, upon conviction thereof, shall be fined in a sum not less
884 than One Thousand Dollars (\$1,000.00) nor more than Five Thousand
885 Dollars (\$5,000.00), or be committed to the custody of the State
886 Department of Corrections not less than two (2) years nor more



887 than fifteen (15) years, or be punished by both such fine and
888 imprisonment, at the discretion of the court.

889 (2) Any person above the age of eighteen (18) years, who,
890 for the purpose of gratifying his or her lust, or indulging his or
891 her depraved licentious sexual desires, shall handle, touch or rub
892 with hands or any part of his or her body or any member thereof,
893 any child younger than himself or herself and under the age of
894 eighteen (18) years who is not such person's spouse, with or
895 without the child's consent, when the person occupies a position
896 of trust or authority over the child shall be guilty of a felony
897 and, upon conviction thereof, shall be fined in a sum not less
898 than One Thousand Dollars (\$1,000.00) nor more than Five Thousand
899 Dollars (\$5,000.00), or be committed to the custody of the State
900 Department of Corrections not less than two (2) years nor more
901 than fifteen (15) years, or be punished by both such fine and
902 imprisonment, at the discretion of the court. A person in a
903 position of trust or authority over a child includes without
904 limitation a child's teacher, counselor, physician, psychiatrist,
905 psychologist, minister, priest, physical therapist, chiropractor,
906 legal guardian, parent, stepparent, aunt, uncle, scout leader or
907 coach.

908 (3) Upon a second conviction for an offense under this
909 section or a substantially similar offense under the laws of
910 another state, the person so convicted shall be punished by



911 commitment to the State Department of Corrections for a term not
912 to exceed twenty (20) years.

913 **SECTION 6.** Section 97-5-24, Mississippi Code of 1972, is
914 brought forward as follows:

915 97-5-24. If any person eighteen (18) years or older who is
916 employed by any public school district or private school in this
917 state is accused of fondling or having any type of sexual
918 involvement with any child under the age of eighteen (18) years
919 who is enrolled in such school, the principal of such school and
920 the superintendent of such school district shall timely notify the
921 district attorney with jurisdiction where the school is located of
922 such accusation, the Mississippi Department of Education and the
923 Department of Human Services, provided that such accusation is
924 reported to the principal and to the school superintendent and
925 that there is a reasonable basis to believe that such accusation
926 is true. Any superintendent, or his designee, who fails to make a
927 report required by this section shall be subject to the penalties
928 provided in Section 37-11-35. Any superintendent, principal,
929 teacher or other school personnel participating in the making of a
930 required report pursuant to this section or participating in any
931 judicial proceeding resulting therefrom shall be presumed to be
932 acting in good faith. Any person reporting in good faith shall be
933 immune from any civil liability that might otherwise be incurred
934 or imposed.



935 **SECTION 7.** Section 97-29-3, Mississippi Code of 1972, is
936 brought forward as follows:

937 97-29-3. If any teacher and any pupil under eighteen (18)
938 years of age of such teacher, not being married to each other,
939 shall have sexual intercourse, each with the other, they shall,
940 for every such offense, be fined in any sum, not more than Five
941 Hundred Dollars (\$500.00) each, and the teacher may be imprisoned
942 not less than three (3) months nor more than six (6) months.

943 **SECTION 8.** This act shall take effect and be in force from
944 and after July 1, 2019.

