

By: Representative Crawford

To: Education

HOUSE BILL NO. 1046

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 BRING
 5 FORWARD SECTIONS 97-3-95, 97-5-23, 97-5-24 AND 97-29-3,
 6 MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENTS;
 7 AND FOR RELATED PURPOSES.

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

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

11 37-3-2. (1) There is established within the State
 12 Department of Education the Commission on Teacher and
 13 Administrator Education, Certification and Licensure and
 14 Development. It shall be the purpose and duty of the commission
 15 to make recommendations to the State Board of Education regarding
 16 standards for the certification and licensure and continuing
 17 professional development of those who teach or perform tasks of an
 18 educational nature in the public schools of Mississippi.

19 (2) The commission shall be composed of fifteen (15)
 20 qualified members. The membership of the commission shall be



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

41 (3) The State Board of Education when making appointments
42 shall designate a chairman. The commission shall meet at least
43 once every two (2) months or more often if needed. Members of the
44 commission shall be compensated at a rate of per diem as



45 authorized by Section 25-3-69 and be reimbursed for actual and
46 necessary expenses as authorized by Section 25-3-41.

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

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

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

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

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



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

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

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

77 (f) Review all existing requirements for certification
78 and licensure;

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

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

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

87 (j) Hire expert consultants with approval of the State
88 Board of Education;

89 (k) Set up ad hoc committees to advise on specific
90 areas; and



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

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

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



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



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

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

146 (iv) Any other document required by the State
147 Board of Education; and

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

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

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

159 (b) **Standard License - Nontraditional Teaching Route.**
160 From and after September 30, 2015, no teacher candidate shall be
161 licensed to teach in Mississippi under the alternate route who did
162 not meet the following criteria:



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

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

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

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



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

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

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



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

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

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

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



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

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

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

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



262 certification program in effect prior to July 1, 2002, shall
263 remain in effect.

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

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

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



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

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

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



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

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

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



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

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

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

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

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

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



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

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

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

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



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

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

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



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

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

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

428 (b) The applicant has a physical, emotional or mental
429 disability that renders the applicant unfit to perform the duties
430 authorized by the license, as certified by a licensed psychologist
431 or psychiatrist;

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



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

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

444 (f) Failing or refusing to furnish reasonable evidence
445 of identification;

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

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

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

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



462 a student conviction or inappropriate sexual involvement with a
463 student as prohibited under Sections 97-3-95, 97-5-23, 97-5-24 and
464 97-29-3; or

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

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

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

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

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



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

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

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

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

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

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



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

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

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

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

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

530 (o) The license holder has received probation or
531 post-release supervision for a physical child abuse of a student
532 conviction, shall result in the immediate permanent revocation.

533 (13) (a) Dismissal or suspension of a licensed employee by
534 a local school board pursuant to Section 37-9-59 may result in the
535 suspension or revocation of a license for a length of time which



536 shall be determined by the commission and based upon the severity
537 of the offense.

538 (b) Any offense committed or attempted in any other
539 state shall result in the same penalty as if committed or
540 attempted in this state.

541 (c) A person may voluntarily surrender a license. The
542 surrender of such license may result in the commission
543 recommending any of the above penalties without the necessity of a
544 hearing. However, any such license which has voluntarily been
545 surrendered by a licensed employee may only be reinstated by a
546 majority vote of all members of the commission present at the
547 meeting called for such purpose.

548 (14) (a) A person whose license has been revoked or
549 surrendered on any grounds except criminal grounds may petition
550 for reinstatement of the license after one (1) year from the date
551 of revocation or surrender, or after one-half (1/2) of the revoked
552 or surrendered time has lapsed, whichever is greater. A person
553 whose license has been suspended on any grounds or violations
554 under subsection (12) of this section may be reinstated
555 automatically or approved for a reinstatement hearing, upon
556 submission of a written request to the commission. A license
557 suspended, revoked or surrendered on criminal grounds may be
558 reinstated upon petition to the commission filed after expiration
559 of the sentence and parole or probationary period imposed upon
560 conviction. A revoked, suspended or surrendered license may be



561 reinstated upon satisfactory showing of evidence of
562 rehabilitation. The commission shall require all who petition for
563 reinstatement to furnish evidence satisfactory to the commission
564 of good character, good mental, emotional and physical health and
565 such other evidence as the commission may deem necessary to
566 establish the petitioner's rehabilitation and fitness to perform
567 the duties authorized by the license.

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

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



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

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

607 (18) The granting of a license shall not be deemed a
608 property right nor a guarantee of employment in any public school
609 district. A license is a privilege indicating minimal eligibility
610 for teaching in the public school districts of Mississippi. This



611 section shall in no way alter or abridge the authority of local
612 school districts to require greater qualifications or standards of
613 performance as a prerequisite of initial or continued employment
614 in such districts.

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



635 **SECTION 2.** Section 97-3-95, Mississippi Code of 1972, is
636 brought forward as follows:

637 97-3-95. (1) A person is guilty of sexual battery if he or
638 she engages in sexual penetration with:

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

640 (b) A mentally defective, mentally incapacitated or
641 physically helpless person;

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

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

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

655 **SECTION 3.** Section 97-5-23, Mississippi Code of 1972, is
656 brought forward as follows:

657 97-5-23. (1) Any person above the age of eighteen (18)
658 years, who, for the purpose of gratifying his or her lust, or
659 indulging his or her depraved licentious sexual desires, shall



660 handle, touch or rub with hands or any part of his or her body or
661 any member thereof, or with any object, any child under the age of
662 sixteen (16) years, with or without the child's consent, or a
663 mentally defective, mentally incapacitated or physically helpless
664 person as defined in Section 97-3-97, shall be guilty of a felony
665 and, upon conviction thereof, shall be fined in a sum not less
666 than One Thousand Dollars (\$1,000.00) nor more than Five Thousand
667 Dollars (\$5,000.00), or be committed to the custody of the State
668 Department of Corrections not less than two (2) years nor more
669 than fifteen (15) years, or be punished by both such fine and
670 imprisonment, at the discretion of the court.

671 (2) Any person above the age of eighteen (18) years, who,
672 for the purpose of gratifying his or her lust, or indulging his or
673 her depraved licentious sexual desires, shall handle, touch or rub
674 with hands or any part of his or her body or any member thereof,
675 any child younger than himself or herself and under the age of
676 eighteen (18) years who is not such person's spouse, with or
677 without the child's consent, when the person occupies a position
678 of trust or authority over the child shall be guilty of a felony
679 and, upon conviction thereof, shall be fined in a sum not less
680 than One Thousand Dollars (\$1,000.00) nor more than Five Thousand
681 Dollars (\$5,000.00), or be committed to the custody of the State
682 Department of Corrections not less than two (2) years nor more
683 than fifteen (15) years, or be punished by both such fine and
684 imprisonment, at the discretion of the court. A person in a



685 position of trust or authority over a child includes without
686 limitation a child's teacher, counselor, physician, psychiatrist,
687 psychologist, minister, priest, physical therapist, chiropractor,
688 legal guardian, parent, stepparent, aunt, uncle, scout leader or
689 coach.

690 (3) Upon a second conviction for an offense under this
691 section or a substantially similar offense under the laws of
692 another state, the person so convicted shall be punished by
693 commitment to the State Department of Corrections for a term not
694 to exceed twenty (20) years.

695 **SECTION 4.** Section 97-5-24, Mississippi Code of 1972, is
696 brought forward as follows:

697 97-5-24. If any person eighteen (18) years or older who is
698 employed by any public school district or private school in this
699 state is accused of fondling or having any type of sexual
700 involvement with any child under the age of eighteen (18) years
701 who is enrolled in such school, the principal of such school and
702 the superintendent of such school district shall timely notify the
703 district attorney with jurisdiction where the school is located of
704 such accusation, the Mississippi Department of Education and the
705 Department of Human Services, provided that such accusation is
706 reported to the principal and to the school superintendent and
707 that there is a reasonable basis to believe that such accusation
708 is true. Any superintendent, or his designee, who fails to make a
709 report required by this section shall be subject to the penalties



710 provided in Section 37-11-35. Any superintendent, principal,
711 teacher or other school personnel participating in the making of a
712 required report pursuant to this section or participating in any
713 judicial proceeding resulting therefrom shall be presumed to be
714 acting in good faith. Any person reporting in good faith shall be
715 immune from any civil liability that might otherwise be incurred
716 or imposed.

717 **SECTION 5.** Section 97-29-3, Mississippi Code of 1972, is
718 brought forward as follows:

719 97-29-3. If any teacher and any pupil under eighteen (18)
720 years of age of such teacher, not being married to each other,
721 shall have sexual intercourse, each with the other, they shall,
722 for every such offense, be fined in any sum, not more than Five
723 Hundred Dollars (\$500.00) each, and the teacher may be imprisoned
724 not less than three (3) months nor more than six (6) months.

725 **SECTION 6.** This act shall take effect and be in force from
726 and after July 1, 2019.

