

By: Representative Young

To: Education; Judiciary B

## HOUSE BILL NO. 1331

1 AN ACT TO AMEND SECTIONS 37-3-2, 37-16-3 AND 37-16-4,  
2 MISSISSIPPI CODE OF 1972, TO REMOVE THE CRIMINAL PENALTIES IMPOSED  
3 UPON TEACHERS AND SCHOOL ADMINISTRATORS FOR VIOLATIONS OF THE  
4 REQUIREMENTS OF THE MISSISSIPPI STATEWIDE ASSESSMENT SYSTEM; TO  
5 IMPOSE CIVIL PENALTIES AND TO ESTABLISH THE MAXIMUM PERIOD OF TIME  
6 FOR WHICH AN EDUCATOR'S LICENSE MAY BE SUSPENDED OR REVOKED FOR  
7 SUCH VIOLATIONS; 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



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

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

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



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



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

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

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

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

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

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

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



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

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

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

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





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

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

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



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

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

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

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



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

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

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

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



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

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

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

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



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

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

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



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

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

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



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

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

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

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

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

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



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

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

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

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





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

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

(10) All controversies involving the issuance, revocation, suspension or any change whatsoever in the licensure of an educator required to hold a license shall be initially heard in a hearing de novo, by the commission or by a subcommittee established by the commission and composed of commission members for the purpose of holding hearings. Any complaint seeking the denial of issuance, revocation or suspension of a license shall be 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; or

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



462 administrator license for specified periods of time or may place  
463 on probation, censure, reprimand a licensee, or take other  
464 administrative disciplinary action with regard to any license  
465 issued under this chapter for one or more of the following:

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

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

472 (c) Suspension or revocation of a certificate or  
473 license by another state shall result in immediate suspension or  
474 revocation and shall continue until records in the prior state  
475 have been cleared;

476 (d) The license holder has been convicted, has pled  
477 guilty or entered a plea of nolo contendere to a felony, as  
478 defined by federal or state law. For purposes of this paragraph,  
479 a "guilty plea" includes a plea of guilty, entry of a plea of nolo  
480 contendere, or entry of an order granting pretrial or judicial  
481 diversion;

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



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

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

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

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

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

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

(l) The license holder submitted a false certification to the State Department of Education that a statewide test was administered in strict accordance with the Requirements of the Mississippi Statewide Assessment System, which may result in



suspension or revocation of the license and which must subject the  
license holder to administrative disciplinary action under Section  
37-16-3 and civil penalties imposed under Section 37-16-4; or

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

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

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

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

(14) (a) A person whose license has been revoked or  
surrendered on any grounds except criminal grounds may petition  
for reinstatement of the license after one (1) year from the date



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

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

557 (15) Reporting procedures and hearing procedures for dealing  
558 with infractions under this section shall be promulgated by the  
559 commission, subject to the approval of the State Board of  
560 Education. The revocation or suspension of a license shall be



561 effected at the time indicated on the notice of suspension or  
562 revocation. The commission shall immediately notify the  
563 superintendent of the school district or school board where the  
564 teacher or administrator is employed of any disciplinary action  
565 and also notify the teacher or administrator of such revocation or  
566 suspension and shall maintain records of action taken. The State  
567 Board of Education may reverse or remand with instructions any  
568 decision of the commission regarding a petition for reinstatement  
569 of a license, and any such decision of the State Board of  
570 Education shall be final.

571 (16) An appeal from the action of the State Board of  
572 Education in denying an application, revoking or suspending a  
573 license or otherwise disciplining any person under the provisions  
574 of this section shall be filed in the Chancery Court of the First  
575 Judicial District of Hinds County, Mississippi, on the record  
576 made, including a verbatim transcript of the testimony at the  
577 hearing. The appeal shall be filed within thirty (30) days after  
578 notification of the action of the board is mailed or served and  
579 the proceedings in chancery court shall be conducted as other  
580 matters coming before the court. The appeal shall be perfected  
581 upon filing notice of the appeal and by the prepayment of all  
582 costs, including the cost of preparation of the record of the  
583 proceedings by the State Board of Education, and the filing of a  
584 bond in the sum of Two Hundred Dollars (\$200.00) conditioned that  
585 if the action of the board be affirmed by the chancery court, the





applicant or license holder shall pay the costs of the appeal and the action of the chancery court.

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

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

(19) In addition to the reasons specified in subsections (12) and (13) of this section, the board shall be authorized to suspend the license of any licensee for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a license for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a license suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a license suspended for that purpose, shall be governed by Section 93-11-157 or 93-11-163, as the case may be. Actions taken by the board in suspending a license when required by Section 93-11-157



or 93-11-163 are not actions from which an appeal may be taken under this section. Any appeal of a license suspension that is required by Section 93-11-157 or 93-11-163 shall be taken in accordance with the appeal procedure specified in Section 93-11-157 or 93-11-163, as the case may be, rather than the procedure specified in this section. If there is any conflict between any provision of Section 93-11-157 or 93-11-163 and any provision of this chapter, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control.

**SECTION 2.** Section 37-16-3, Mississippi Code of 1972, is amended as follows:

37-16-3. (1) The State Department of Education is directed to implement a program of statewide assessment testing which shall provide for the improvement of the operation and management of the public schools. The statewide program shall be timed, as far as possible, so as not to conflict with ongoing district assessment programs. As part of the program, the department shall:

(a) Establish, with the approval of the State Board of Education, minimum performance standards related to the goals for education contained in the state's plan including, but not limited to, basic skills in reading, writing and mathematics. The minimum performance standards shall be approved by April 1 in each year they are established.

(b) Conduct a uniform statewide testing program in grades deemed appropriate in the public schools, including charter



636 schools. The program may test skill areas, basic skills and high  
637 school course content.

638 (c) Monitor the results of the assessment program and,  
639 at any time the composite student performance of a school or basic  
640 program is found to be below the established minimum standards,  
641 notify the district superintendent or the governing board of the  
642 charter school, as the case may be, the school principal and the  
643 school advisory committee or other existing parent group of the  
644 situation within thirty (30) days of its determination. The  
645 department shall further provide technical assistance to a school  
646 district in the identification of the causes of this deficiency  
647 and shall recommend courses of action for its correction.

648 (d) Provide technical assistance to the school  
649 districts, when requested, in the development of student  
650 performance standards in addition to the established minimum  
651 statewide standards.

652 (e) Issue security procedure regulations providing for  
653 the security and integrity of the tests that are administered  
654 under the basic skills assessment program.

655 (f) In case of an allegation of a testing irregularity  
656 that prompts a need for an investigation by the Department of  
657 Education, the department may, in its discretion, take complete  
658 control of the statewide test administration in a school district  
659 or any part thereof, including, but not limited to, obtaining  
660 control of the test booklets and answer documents. In the case of



any verified testing irregularity that jeopardized the security and integrity of the test(s), validity or the accuracy of the test results, the cost of the investigation and any other actual and necessary costs related to the investigation paid by the Department of Education shall be reimbursed by the local school district from funds other than federal funds, Mississippi Adequate Education Program funds, or any other state funds within six (6) months from the date of notice by the department to the school district to make reimbursement to the department.

(2) Uniform basic skills tests shall be completed by each student in the appropriate grade. These tests shall be administered in such a manner as to preserve the integrity and validity of the assessment. In the event of excused or unexcused student absences, make-up tests shall be given. The school superintendent of every school district in the state and the principal of each charter school shall annually certify to the State Department of Education that each student enrolled in the appropriate grade has completed the required basic skills assessment test for his or her grade in a valid test administration.

(3) Within five (5) days of completing the administration of a statewide test, the principal of the school where the test was administered shall certify under oath to the State Department of Education that the statewide test was administered in strict accordance with the Requirements of the Mississippi Statewide



686 Assessment System as adopted by the State Board of Education. The  
687 principal's sworn certification shall be set forth on a form  
688 developed and approved by the Department of Education. If,  
689 following the administration of a statewide test, the principal  
690 has reason to believe that the test was not administered in strict  
691 accordance with the Requirements of the Mississippi Statewide  
692 Assessment System as adopted by the State Board of Education, the  
693 principal shall submit a sworn certification to the Department of  
694 Education setting forth all information known or believed by the  
695 principal about all potential violations of the Requirements of  
696 the Mississippi Statewide Assessment System as adopted by the  
697 State Board of Education. The submission of false information or  
698 false certification to the Department of Education by any licensed  
699 educator may result in licensure disciplinary action \* \* \* under  
700 Section 37-3-2(12) and \* \* \* civil penalties under Section  
701 37-16-4.

702 **SECTION 3.** Section 37-16-4, Mississippi Code of 1972, is  
703 amended as follows:

704 37-16-4. (1) It is unlawful for anyone knowingly and  
705 willfully to do any of the following acts regarding mandatory  
706 uniform tests administered to students as required by the State  
707 Department of Education:

708 (a) Give examinees access to test questions prior to  
709 testing;



(b) Copy or reproduce all or any portion of any secure test booklet;

(c) Coach examinees during testing or alter or interfere with examinees' responses in any way;

(d) Make answer keys available to examinees;

(e) Fail to account for all secure test materials before, during and after testing;

(f) Participate in, direct, aid, counsel, assist in, encourage or fail to report any of the acts prohibited in this section.

(2) Any person violating any provisions of subsection (1) of this section is guilty of a civil misdemeanor and, upon conviction, shall be fined not more than One Thousand Dollars (\$1,000.00) \* \* \*. Upon conviction, the State Board of Education may suspend or revoke the administrative or teaching credentials, or both, of the person convicted for a period not to exceed five (5) years.

(3) Any person submitting a false certification to the State Department of Education that each statewide test in a school was administered in strict accordance with the Requirements of the Mississippi Statewide Assessment System as adopted by the State Board of Education, and with willful intent, is guilty of a \* \* \* civil misdemeanor and upon conviction thereof shall be fined not more than Fifteen Thousand Dollars (\$15,000.00) \* \* \*. Upon conviction, the State Board of Education may suspend or revoke the



administrative or teaching credentials, or both, of the person convicted for a period not to exceed ten (10) years.

(4) The district attorney shall investigate allegations of violations of this section, either on its own initiative following a receipt of allegations, or at the request of a school district or the State Department of Education.

(5) The district attorney shall furnish to the State Superintendent of Public Education a report of the findings of any investigation conducted pursuant to this section.

(6) The State Board of Education shall establish statistical guidelines to examine the results of state mandated tests to determine where there is evidence of testing irregularities resulting in false or misleading results in the aggregate or composite test scores of the class, grade, age group or school district. When \* \* \* testing irregularities are identified, the State Superintendent of Public Education may order that any group of students identified as being required to retake the test at state expense under state supervision. The school district shall be given at least thirty (30) days' notice before the next test administration and shall comply with the order of the State Superintendent of Public Education. The results from the second administration of the test shall be final for all uses of that data.

(7) Nothing in this section may be construed to prohibit or interfere with the responsibilities of the State Board of



760 Education or the State Department of Education in test development  
761 or selection, test form construction, standard setting, test  
762 scoring, and reporting, or any other related activities which in  
763 the judgment of the State Superintendent of Public Education are  
764 necessary and appropriate.

765       **SECTION 4.** This act shall take effect and be in force from  
766 and after July 1, 2019.

