

By: Senator(s) Hill

To: Education

SENATE BILL NO. 2021

1 AN ACT TO AMEND SECTION 37-3-2, MISSISSIPPI CODE OF 1972, TO  
 2 REVISE THE QUALIFICATIONS FOR TEACHER CERTIFICATION TO ALLOW AN  
 3 EXEMPTION FOR LICENSURE THROUGH THE APPROVED PROGRAM AND  
 4 NONTRADITIONAL TEACHING ROUTES FOR PERSONS WHO WERE ACTIVELY  
 5 ENROLLED IN AN APPROVED TEACHER EDUCATION PROGRAM OR ACCEPTED TO  
 6 AND WERE ACTIVELY ENROLLED IN THE TEACH MISSISSIPPI INSTITUTE  
 7 PROGRAM FOR TEACHER PREPARATION BEFORE JULY 1, 2014; AND FOR  
 8 RELATED PURPOSES.

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

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

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

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



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

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



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

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

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

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

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

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



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

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

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

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

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

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

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

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

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



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

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

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



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



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

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

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

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

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

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

160 3. Was actively enrolled in an approved  
161 teacher education program before July 1, 2014.

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

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



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

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

175 (iii) Had been accepted to and was actively  
176 enrolled in the Teach Mississippi Institute Program for teacher  
177 preparation before July 1, 2014.

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

188 (i) The Teach Mississippi Institute (TMI) shall  
189 include an intensive eight-week, nine-semester-hour summer program  
190 or a curriculum of study in which the student matriculates in the





191 fall or spring semester, which shall include, but not be limited  
192 to, instruction in education, effective teaching strategies,  
193 classroom management, state curriculum requirements, planning and  
194 instruction, instructional methods and pedagogy, using test  
195 results to improve instruction, and a one (1) semester three-hour  
196 supervised internship to be completed while the teacher is  
197 employed as a full-time teacher intern in a local school district.  
198 The TMI shall be implemented on a pilot program basis, with  
199 courses to be offered at up to four (4) locations in the state,  
200 with one (1) TMI site to be located in each of the three (3)  
201 Mississippi Supreme Court districts.

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

213           (iii) Upon completion of the nine-semester-hour  
214 TMI or the fall or spring semester option, the individual shall  
215 submit his transcript to the commission for provisional licensure



216 of the intern teacher, and the intern teacher shall be issued a  
217 provisional teaching license by the commission, which will allow  
218 the individual to legally serve as a teacher while the person  
219 completes a nontraditional teacher preparation internship program.

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

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

239 (vi) Upon successful completion of the TMI and the  
240 internship provisional license period, applicants for a Standard



241 License - Nontraditional Route shall submit to the commission a  
242 transcript of successful completion of the twelve (12) semester  
243 hours required in the internship program, and the employing school  
244 district shall submit to the commission a recommendation for  
245 standard licensure of the intern. If the school district  
246 recommends licensure, the applicant shall be issued a Standard  
247 License - Nontraditional Route which shall be valid for a  
248 five-year period and be renewable.

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

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

261 Implementation of the TMI program provided for under this  
262 paragraph (b) shall be contingent upon the availability of funds  
263 appropriated specifically for such purpose by the Legislature.  
264 Such implementation of the TMI program may not be deemed to  
265 prohibit the State Board of Education from developing and



266 implementing additional alternative route teacher licensure  
267 programs, as deemed appropriate by the board. The emergency  
268 certification program in effect prior to July 1, 2002, shall  
269 remain in effect.

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

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

289 (d) **Special License - Nonrenewable.** The State Board of  
290 Education is authorized to establish rules and regulations to



291 allow those educators not meeting requirements in paragraph (a),  
292 (b) or (c) of this subsection (6) to be licensed for a period of  
293 not more than three (3) years, except by special approval of the  
294 State Board of Education.

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

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



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

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



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

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

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

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

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

364           (d) **Administrator License - Nontraditional Route.** The  
365 board may establish a nontraditional route for licensing



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

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

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





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

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

410 (10) All controversies involving the issuance, revocation,  
411 suspension or any change whatsoever in the licensure of an  
412 educator required to hold a license shall be initially heard in a  
413 hearing de novo, by the commission or by a subcommittee  
414 established by the commission and composed of commission members



415 for the purpose of holding hearings. Any complaint seeking the  
416 denial of issuance, revocation or suspension of a license shall be  
417 by sworn affidavit filed with the Commission on Teacher and  
418 Administrator Education, Certification and Licensure and  
419 Development. The decision thereon by the commission or its  
420 subcommittee shall be final, unless the aggrieved party shall  
421 appeal to the State Board of Education, within ten (10) days, of  
422 the decision of the committee or its subcommittee. An appeal to  
423 the State Board of Education shall be on the record previously  
424 made before the commission or its subcommittee unless otherwise  
425 provided by rules and regulations adopted by the board. The State  
426 Board of Education in its authority may reverse, or remand with  
427 instructions, the decision of the committee or its subcommittee.  
428 The decision of the State Board of Education shall be final.

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

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

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

438 (c) The applicant is actively addicted to or actively  
439 dependent on alcohol or other habit-forming drugs or is a habitual



440 user of narcotics, barbiturates, amphetamines, hallucinogens or  
441 other drugs having similar effect, at the time of application for  
442 a license;

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

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

450 (f) Failing or refusing to furnish reasonable evidence  
451 of identification;

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

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

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



464 until expiration of the probationary or post-release supervision  
465 period.

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

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

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

478 (c) Suspension or revocation of a certificate or  
479 license by another state shall result in immediate suspension or  
480 revocation and shall continue until records in the prior state  
481 have been cleared;

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



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

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

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

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

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

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

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



513           (1) The license holder submitted a false certification  
514 to the State Department of Education that a statewide test was  
515 administered in strict accordance with the Requirements of the  
516 Mississippi Statewide Assessment System; or

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

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

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

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

536           (14) (a) A person whose license has been revoked or  
537 surrendered on any grounds except criminal grounds may petition



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

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

560 (15) Reporting procedures and hearing procedures for dealing  
561 with infractions under this section shall be promulgated by the  
562 commission, subject to the approval of the State Board of



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

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





588 if the action of the board be affirmed by the chancery court, the  
589 applicant or license holder shall pay the costs of the appeal and  
590 the action of the chancery court.

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

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

603 (19) In addition to the reasons specified in subsections  
604 (12) and (13) of this section, the board shall be authorized to  
605 suspend the license of any licensee for being out of compliance  
606 with an order for support, as defined in Section 93-11-153. The  
607 procedure for suspension of a license for being out of compliance  
608 with an order for support, and the procedure for the reissuance or  
609 reinstatement of a license suspended for that purpose, and the  
610 payment of any fees for the reissuance or reinstatement of a  
611 license suspended for that purpose, shall be governed by Section  
612 93-11-157 or 93-11-163, as the case may be. Actions taken by the



613 board in suspending a license when required by Section 93-11-157  
614 or 93-11-163 are not actions from which an appeal may be taken  
615 under this section. Any appeal of a license suspension that is  
616 required by Section 93-11-157 or 93-11-163 shall be taken in  
617 accordance with the appeal procedure specified in Section  
618 93-11-157 or 93-11-163, as the case may be, rather than the  
619 procedure specified in this section. If there is any conflict  
620 between any provision of Section 93-11-157 or 93-11-163 and any  
621 provision of this chapter, the provisions of Section 93-11-157 or  
622 93-11-163, as the case may be, shall control.

623         **SECTION 2.** This act shall take effect and be in force from  
624 and after its passage.

