

By: Senator(s) Tollison

To: Education

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2482

1 AN ACT TO AMEND SECTION 37-3-2, MISSISSIPPI CODE OF 1972, TO
2 CLARIFY THE MEMBERSHIP OF THE COMMISSION ON TEACHER AND
3 ADMINISTRATOR EDUCATION, CERTIFICATION AND LICENSURE AND
4 DEVELOPMENT, TO REVISE THE REQUIREMENTS FOR TEACHER CANDIDATES TO
5 ENTER THE STANDARD LICENSE APPROVED PROGRAM ROUTE AND
6 NONTRADITIONAL TEACHING ROUTE, TO REVISE CERTAIN COMPONENTS OF THE
7 TEACH MISSISSIPPI INSTITUTE (TMI), TO CLARIFY PROCEDURES FOR
8 APPEAL OF EDUCATOR LICENSURE DECISIONS BY THE COMMISSION OR ITS
9 HEARING OFFICER, TO REVISE THE GROUNDS FOR DENIAL OF EDUCATOR
10 LICENSURE APPLICATIONS AND TO PROVIDE AUTHORITY FOR LICENSURE
11 PROBATION, TO CLARIFY GROUNDS FOR EDUCATOR LICENSURE SUSPENSION OR
12 REVOCATION AND TO CLARIFY PROCEDURES FOR EDUCATOR LICENSURE
13 REINSTATEMENT FOLLOWING SUSPENSION; AND FOR RELATED PURPOSES.

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

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

17 37-3-2. (1) There is established within the State
18 Department of Education the Commission on Teacher and
19 Administrator Education, Certification and Licensure and
20 Development. It shall be the purpose and duty of the commission
21 to make recommendations to the State Board of Education regarding
22 standards for the certification and licensure and continuing



23 professional development of those who teach or perform tasks of an
24 educational nature in the public schools of Mississippi.

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



48 (3) The State Board of Education when making appointments
49 shall designate a chairman. The commission shall meet at least
50 once every two (2) months or more often if needed. Members of the
51 commission shall be compensated at a rate of per diem as
52 authorized by Section 25-3-69 and be reimbursed for actual and
53 necessary expenses as authorized by Section 25-3-41.

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

61 (b) An Office of Educator Misconduct Evaluations shall
62 be established within the State Department of Education to assist
63 the commission in responding to infractions and violations, and in
64 conducting hearings and enforcing the provisions of subsections
65 (11), (12), (13), (14) and (15) of this section, and violations of
66 the Mississippi Educator Code of Ethics.

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

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

71 (b) Recommend to the State Board of Education each year
72 approval or disapproval of each educator preparation program in



73 the state, subject to a process and schedule determined by the
74 State Board of Education;

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

78 (d) Establish, subject to the approval of the State
79 Board of Education, standards for the renewal of teacher licenses
80 in all fields;

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

84 (f) Review all existing requirements for certification
85 and licensure;

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

88 (h) Prepare reports from time to time on current
89 practices and issues in the general area of teacher education and
90 certification and licensure;

91 (i) Hold hearings concerning standards for teachers'
92 and administrators' education and certification and licensure with
93 approval of the State Board of Education;

94 (j) Hire expert consultants with approval of the State
95 Board of Education;

96 (k) Set up ad hoc committees to advise on specific
97 areas; and



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

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

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



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



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

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

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

155 (v) From and after * * * January 1, 2019, no
156 teacher candidate shall be licensed to teach in Mississippi who
157 did not meet the following criteria for entrance into an approved
158 teacher education program:

159 1. * * * Composite ACT Score of 21 or
160 Equivalent; or

161 2. * * * Qualifying score approved by the
162 State Board of Education on the Core Academic Skills for Educators
163 examination; or

164 3. A minimum GPA of 3.0 on pre-major
165 Coursework.

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

167 From and after * * * January 1, 2019, no teacher candidate shall
168 be licensed to teach in Mississippi under the alternate route who
169 did not meet the following criteria:

170 (i) * * * Composite ACT Score of 21 or Equivalent;
171 or



172 (ii) * * * Qualifying score approved by the State
173 Board of Education on the Core Academic Skills for Educators
174 examination; or
175 (iii) A minimum GPA of 3.0 on pre-major
176 Coursework.

177 Beginning January 1, 2004, an individual who has attained a
178 passing score on the Praxis * * * Core Academic Skills for
179 Educators or Composite ACT Score of 21 or Equivalent or a minimum
180 of 3.0 on pre-major Coursework and Praxis * * * Subject Assessment
181 in the requested area of endorsement may apply for admission to
182 the Teach Mississippi Institute (TMI) program to teach students in
183 Grades 7 through 12 if the individual meets the requirements of
184 this paragraph (b). The State Board of Education shall adopt
185 rules requiring that teacher preparation institutions which
186 provide the Teach Mississippi Institute (TMI) program for the
187 preparation of nontraditional teachers shall meet the standards
188 and comply with the provisions of this paragraph.

189 (i) The Teach Mississippi Institute (TMI) shall
190 include an intensive eight-week, nine-semester-hour summer program
191 or a curriculum of study in which the student matriculates in the
192 fall or spring semester, which shall include, but not be limited
193 to, instruction in education, effective teaching strategies,
194 classroom management, state curriculum requirements, planning and
195 instruction, instructional methods and pedagogy, using test
196 results to improve instruction, and a one (1) semester three-hour



197 supervised internship to be completed while the teacher is
198 employed as a full-time teacher intern in a local school district.
199 The TMI shall be implemented * * * with courses to be offered at
200 up to four (4) locations in the state, with one (1) TMI site to be
201 located in each of the * * * four (4) Mississippi * * *
202 congressional districts.

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

214 (iii) Upon completion of the nine-semester-hour
215 TMI or the fall or spring semester option, the individual shall
216 submit his transcript to the commission for provisional licensure
217 of the intern teacher, and the intern teacher shall be issued a
218 provisional teaching license by the commission, which will allow
219 the individual to legally serve as a teacher while the person
220 completes a nontraditional teacher preparation internship program.



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

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

240 (vi) Upon successful completion of the TMI and the
241 internship provisional license period, applicants for a Standard
242 License - Nontraditional Route shall submit to the commission a
243 transcript of successful completion of the twelve (12) semester
244 hours required in the internship program, and the employing school
245 district shall submit to the commission a recommendation for



246 standard licensure of the intern. If the school district
247 recommends licensure, the applicant shall be issued a Standard
248 License - Nontraditional Route which shall be valid for a
249 five-year period and be renewable.

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

255 (viii) The local school district in which the
256 nontraditional teacher intern or provisional licensee is employed
257 shall compensate such teacher interns at Step 1 of the required
258 salary level during the period of time such individual is
259 completing teacher internship requirements * * *.

260 Implementation of the TMI program provided for under this
261 paragraph (b) shall be contingent upon the availability of funds
262 appropriated specifically for such purpose by the Legislature.
263 Such implementation of the TMI program may not be deemed to
264 prohibit the State Board of Education from developing and
265 implementing additional alternative route teacher licensure
266 programs, as deemed appropriate by the board. The emergency
267 certification program in effect prior to July 1, 2002, shall
268 remain in effect.

269 A Standard License - Approved Program Route shall be issued
270 for a five-year period, and may be renewed. Recognizing teaching



271 as a profession, a hiring preference shall be granted to persons
272 holding a Standard License - Approved Program Route or Standard
273 License - Nontraditional Teaching Route over persons holding any
274 other license.

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

288 (d) **Special License - Nonrenewable.** The State Board of
289 Education is authorized to establish rules and regulations to
290 allow those educators not meeting requirements in paragraph (a),
291 (b) or (c) of this subsection (6) to be licensed for a period of
292 not more than three (3) years, except by special approval of the
293 State Board of Education.

294 (e) **Nonlicensed Teaching Personnel.** A nonlicensed
295 person may teach for a maximum of three (3) periods per teaching



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

305 (f) **Special License - Transitional Bilingual Education.**

306 Beginning July 1, 2003, the commission shall grant special
307 licenses to teachers of transitional bilingual education who
308 possess such qualifications as are prescribed in this section.
309 Teachers of transitional bilingual education shall be compensated
310 by local school boards at not less than one (1) step on the
311 regular salary schedule applicable to permanent teachers licensed
312 under this section. The commission shall grant special licenses
313 to teachers of transitional bilingual education who present the
314 commission with satisfactory evidence that they (i) possess a
315 speaking and reading ability in a language, other than English, in
316 which bilingual education is offered and communicative skills in
317 English; (ii) are in good health and sound moral character; (iii)
318 possess a bachelor's degree or an associate's degree in teacher
319 education from an accredited institution of higher education; (iv)
320 meet such requirements as to courses of study, semester hours



321 therein, experience and training as may be required by the
322 commission; and (v) are legally present in the United States and
323 possess legal authorization for employment. A teacher of
324 transitional bilingual education serving under a special license
325 shall be under an exemption from standard licensure if he achieves
326 the requisite qualifications therefor. Two (2) years of service
327 by a teacher of transitional bilingual education under such an
328 exemption shall be credited to the teacher in acquiring a Standard
329 Educator License. Nothing in this paragraph shall be deemed to
330 prohibit a local school board from employing a teacher licensed in
331 an appropriate field as approved by the State Department of
332 Education to teach in a program in transitional bilingual
333 education.

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

340 * * *

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



345 licensure with exceptions only through special approval of the
346 State Board of Education.

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

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

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

359 (d) **Administrator License - Nontraditional Route.** The
360 board may establish a nontraditional route for licensing
361 administrative personnel. Such nontraditional route for
362 administrative licensure shall be available for persons holding,
363 but not limited to, a master of business administration degree, a
364 master of public administration degree, a master of public
365 planning and policy degree or a doctor of jurisprudence degree
366 from an accredited college or university, with five (5) years of
367 administrative or supervisory experience. Successful completion
368 of the requirements of alternate route licensure for



369 administrators shall qualify the person for a standard
370 administrator license.

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

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

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



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

405 (10) All controversies involving the issuance, revocation,
406 suspension or any change whatsoever in the licensure of an
407 educator required to hold a license shall be initially heard in a
408 hearing de novo, by the commission or by a subcommittee
409 established by the commission and composed of commission members,
410 or by a hearing officer retained and appointed by the commission,
411 for the purpose of holding hearings. Any complaint seeking the
412 denial of issuance, revocation or suspension of a license shall be
413 by sworn affidavit filed with the Commission on Teacher and
414 Administrator Education, Certification and Licensure and
415 Development. The decision thereon by the commission or its
416 subcommittee, or hearing officer, shall be final, unless the
417 aggrieved party shall appeal to the State Board of Education,



418 within ten (10) days, of the decision of the * * * commission or
419 its subcommittee, or hearing officer. An appeal to the State
420 Board of Education shall be perfected upon filing a notice of the
421 appeal and by the prepayment of the costs of the preparation of
422 the record of the proceedings by the commission, its subcommittee,
423 or hearing officer. An appeal shall be on the record previously
424 made before the commission or its subcommittee, or hearing
425 officer, unless otherwise provided by rules and regulations
426 adopted by the board. The decision of the commission, its
427 subcommittee, or hearing officer shall not be disturbed on appeal
428 if supported by substantial evidence, was not arbitrary or
429 capricious, within the authority of the commission, and did not
430 violate some statutory or constitutional right. The State Board
431 of Education in its authority may reverse, or remand with
432 instructions, the decision of the * * * commission or its
433 subcommittee, or hearing officer. The decision of the State Board
434 of Education shall be final.

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

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

440 (b) The applicant has a physical, emotional or mental
441 disability that renders the applicant unfit to perform the duties



442 authorized by the license, as certified by a licensed psychologist
443 or psychiatrist;

444 (c) The applicant is actively addicted to or actively
445 dependent on alcohol or other habit-forming drugs or is a habitual
446 user of narcotics, barbiturates, amphetamines, hallucinogens or
447 other drugs having similar effect, at the time of application for
448 a license;

449 (d) Revocation, suspension or surrender of an
450 applicant's certificate or license by another state shall result
451 in immediate denial of licensure until such time that the records
452 predicated the revocation, suspension or surrender in the prior
453 state have been cleared;

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

456 (f) Failing or refusing to furnish reasonable evidence
457 of identification;

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

461 (h) The applicant has been convicted, has pled guilty
462 or entered a plea of nolo contendere to a sex offense as defined
463 by federal or state law, shall result in immediate denial of
464 licensure application or immediate revocation of current license.

465 For purposes of this paragraph (h) and paragraph (g) of this
466 subsection, a "guilty plea" includes a plea of guilty, entry of a



467 plea of nolo contendere, or entry of an order granting pretrial or
468 judicial diversion; * * *

469 (i) Probation or post-release supervision for a felony
470 or * * * conviction, as defined by federal or state law, shall
471 result in the immediate denial of licensure application until
472 expiration of the probationary or post-release supervision
473 period * * *; or

474 (j) Probation or post-release supervision for a sex
475 offense conviction, as defined by federal or state law, shall
476 result in immediate denial of licensure application, or immediate
477 revocation of current license.

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

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

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

490 (c) Suspension or revocation of a certificate or
491 license by another state shall result in immediate suspension or



492 revocation and shall continue until records in the prior state
493 have been cleared;

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

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

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

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

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



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

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

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

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

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

533 For purposes of this subsection, probation shall be defined
534 as a length of time determined by the commission, its
535 subcommittee, or hearing officer, and based on the severity of the
536 offense in which the license holder shall meet certain
537 requirements as prescribed by the commission, its subcommittee, or
538 hearing officer. Failure to complete the requirements in the time



539 specified shall result in immediate suspension of the license for
540 one (1) year.

541 (13) (a) Dismissal or suspension of a licensed employee by
542 a local school board pursuant to Section 37-9-59, or a local
543 school board approved resignation of a licensed employee which
544 results from a violation of any of the professional code of ethics
545 and standards of conduct adopted by the State Board of Education,
546 may result in the suspension or revocation of a license for a
547 length of time which shall be determined by the commission and
548 based upon the severity of the offense.

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

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

559 (14) (a) A person whose license has been * * * suspended or
560 surrendered on any grounds except criminal grounds may petition
561 for reinstatement of the license after one (1) year from the date
562 of * * * suspension or surrender, or after one-half (1/2) of
563 the * * * suspended or surrendered time has lapsed, whichever is



564 greater. A person whose license has been suspended or revoked on
565 any grounds or violations under subsection (12) of this section
566 may be reinstated automatically or approved for a reinstatement
567 hearing, upon submission of a written request to the commission.
568 A license suspended, revoked or surrendered on criminal grounds
569 may be reinstated upon petition to the commission filed after
570 expiration of the sentence and parole or probationary period
571 imposed upon conviction. A revoked, suspended or surrendered
572 license may be reinstated upon satisfactory showing of evidence of
573 rehabilitation. The commission shall require all who petition for
574 reinstatement to furnish evidence satisfactory to the commission
575 of good character, good mental, emotional and physical health and
576 such other evidence as the commission may deem necessary to
577 establish the petitioner's rehabilitation and fitness to perform
578 the duties authorized by the license.

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

583 (15) Reporting procedures and hearing procedures for dealing
584 with infractions under this section shall be promulgated by the
585 commission, subject to the approval of the State Board of
586 Education. The revocation or suspension of a license shall be
587 effected at the time indicated on the notice of suspension or
588 revocation. The commission shall immediately notify the



589 superintendent of the school district or school board where the
590 teacher or administrator is employed of any disciplinary action
591 and also notify the teacher or administrator of such revocation or
592 suspension and shall maintain records of action taken. The State
593 Board of Education may reverse or remand with instructions any
594 decision of the commission, its subcommittee, or hearing officer,
595 regarding a petition for reinstatement of a license, and any such
596 decision of the State Board of Education shall be final.

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



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

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

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



639 required by Section 93-11-157 or 93-11-163 shall be taken in
640 accordance with the appeal procedure specified in Section
641 93-11-157 or 93-11-163, as the case may be, rather than the
642 procedure specified in this section. If there is any conflict
643 between any provision of Section 93-11-157 or 93-11-163 and any
644 provision of this chapter, the provisions of Section 93-11-157 or
645 93-11-163, as the case may be, shall control.

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

