

By: Representative Busby

To: Education

## HOUSE BILL NO. 990

1 AN ACT TO AMEND SECTION 37-3-2, MISSISSIPPI CODE OF 1972, TO  
2 AUTHORIZE THE STATE DEPARTMENT OF EDUCATION TO ISSUE A  
3 NONTRADITIONAL TEACHING ROUTE STANDARD LICENSE TO INDIVIDUALS  
4 HOLDING ADVANCED DEGREES AND ACHIEVING THE NATIONALLY RECOMMENDED  
5 PASSING SCORE ON THE PRAXIS I AND PRAXIS II ASSESSMENTS, PROVIDED  
6 THAT SUCH INDIVIDUALS COMPLETED THE COURSE OF STUDY FOR THE  
7 ADVANCED DEGREE PROGRAM WITH THE GRADE OF A "C" OR HIGHER AT THE  
8 TIME APPLICATION FOR LICENSURE IS SUBMITTED; AND FOR RELATED  
9 PURPOSES.

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

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

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



21           (2)   (a)   The commission shall be composed of fifteen (15)  
22   qualified members.   The membership of the commission shall be  
23   composed of the following members to be appointed, three (3) from  
24   each of the four (4) congressional districts, as such districts  
25   existed on January 1, 2011, in accordance with the population  
26   calculations determined by the 2010 federal decennial census,  
27   including:   four (4) classroom teachers; three (3) school  
28   administrators; one (1) representative of schools of education of  
29   public institutions of higher learning located within the state to  
30   be recommended by the Board of Trustees of State Institutions of  
31   Higher Learning; one (1) representative from the schools of  
32   education of independent institutions of higher learning to be  
33   recommended by the Board of the Mississippi Association of  
34   Independent Colleges; one (1) representative from public community  
35   and junior colleges located within the state to be recommended by  
36   the Mississippi Community College Board; one (1) local school  
37   board member; and four (4) laypersons.   Three (3) members of the  
38   commission, at the sole discretion of the State Board of  
39   Education, shall be appointed from the state at large.

40           (b)   All appointments shall be made by the State Board  
41   of 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



be appointed for a term of three (3) years. Thereafter, all members shall be appointed for a term of four (4) years.

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

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

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

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

(a) Set standards and criteria, subject to the approval of the State Board of Education, for all educator preparation 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;



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

(l) 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.**

(i) 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:



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

173                   \* \* \*2. No less than 2.75 GPA on content  
174 coursework in the requested area of certification or passing  
175 Praxis II scores at or above the national recommended score  
176 provided that the accepted cohort of candidates of the  
177 institution's teacher education program meets or exceeds a 3.0 GPA  
178 on pre-major coursework.

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

190                   \* \* \*1. The Teach Mississippi Institute  
191 (TMI) shall include an intensive eight-week, nine-semester-hour  
192 summer program or a curriculum of study in which the student  
193 matriculates in the fall or spring semester, which shall include,  
194 but not be limited to, instruction in education, effective





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

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

215                   \* \* \*3. Upon completion of the  
216 nine-semester-hour TMI or the fall or spring semester option, the  
217 individual shall submit his transcript to the commission for  
218 provisional licensure of the intern teacher, and the intern  
219 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.

\* \* \*4. 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.

\* \* \*5. 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.

\* \* \*6. 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.

\* \* \*7. 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.

\* \* \*8. 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.

(iii) Implementation of the TMI program provided for under subparagraph (ii) of 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.

(iv) From and after July 1, 2019, an individual who has received a graduate degree in any subject matter or educational discipline on the master's, educational specialist's or doctoral level, who completes the college course of study specific to that degree with at least eighteen (18) hours in the same content area with a grade of "C" or higher at a regionally or nationally accredited senior college or university, and who has achieved the nationally recommended passing score on the Praxis Core and Praxis II Specialty Area Test in the requested area of endorsement at the time application for licensure is submitted, and who has completed required additional coursework, including, but not limited to, instruction in education, effective teaching strategies, classroom management, state curriculum requirements, planning and instruction, instructional methods and pedagogy, and using test results to improve instruction, shall be issued an alternate license to teach in Mississippi. When submitting the application for licensure, applicants seeking licensure under this subparagraph (iv) shall include an official transcript in a sealed envelope or e-Scrip bearing the seal or signature of the registrar of the institution from which the transcript was requested.



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

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

313                   (d) **Special License - Nonrenewable.** The State Board of  
314 Education is authorized to establish rules and regulations to  
315 allow those educators not meeting requirements in paragraph (a),  
316 (b) or (c) of this subsection (6) to be licensed for a period of  
317 not more than three (3) years, except by special approval of the  
318 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



344 education from an accredited institution of higher education; (iv)  
345 meet such requirements as to courses of study, semester hours  
346 therein, experience and training as may be required by the  
347 commission; and (v) are legally present in the United States and  
348 possess legal authorization for employment. A teacher of  
349 transitional bilingual education serving under a special license  
350 shall be under an exemption from standard licensure if he achieves  
351 the requisite qualifications therefor. Two (2) years of service  
352 by a teacher of transitional bilingual education under such an  
353 exemption shall be credited to the teacher in acquiring a Standard  
354 Educator License. Nothing in this paragraph shall be deemed to  
355 prohibit a local school board from employing a teacher licensed in  
356 an appropriate field as approved by the State Department of  
357 Education to teach in a program in transitional bilingual  
358 education.

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

365 (h) **Highly Qualified Teachers.** Beginning July 1, 2006,  
366 any teacher from any state meeting the federal definition of  
367 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





393 master of public administration degree, a master of public  
394 planning and policy degree or a doctor of jurisprudence degree  
395 from an accredited college or university, with five (5) years of  
396 administrative or supervisory experience. Successful completion  
397 of the requirements of alternate route licensure for  
398 administrators shall qualify the person for a standard  
399 administrator license.

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

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

414 (b) The department shall grant a nonrenewable special  
415 license to any individual who possesses a credential which is less  
416 than a standard license or certification from another state. Such  
417 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, or by a hearing officer retained and appointed by the commission, 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



443 Administrator Education, Certification and Licensure and  
444 Development. The decision thereon by the commission, its  
445 subcommittee or hearing officer, shall be final, unless the  
446 aggrieved party shall appeal to the State Board of Education,  
447 within ten (10) days, of the decision of the commission, its  
448 subcommittee or hearing officer. An appeal to the State Board of  
449 Education shall be perfected upon filing a notice of the appeal  
450 and by the prepayment of the costs of the preparation of the  
451 record of proceedings by the commission, its subcommittee or  
452 hearing officer. An appeal shall be on the record previously made  
453 before the commission, its subcommittee or hearing officer, unless  
454 otherwise provided by rules and regulations adopted by the board.  
455 The decision of the commission, its subcommittee or hearing  
456 officer shall not be disturbed on appeal if supported by  
457 substantial evidence, was not arbitrary or capricious, within the  
458 authority of the commission, and did not violate some statutory or  
459 constitutional right. The State Board of Education in its  
460 authority may reverse, or remand with instructions, the decision  
461 of the commission, its subcommittee or hearing officer. The  
462 decision of the State Board of Education shall be final.

463 (11) (a) The State Board of Education, acting through the  
464 commission, may deny an application for any teacher or  
465 administrator license for one or more of the following:

466 (i) Lack of qualifications which are prescribed by  
467 law or regulations adopted by the State Board of Education;



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

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

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

(v) Failing or refusing to furnish reasonable evidence of identification;

(vi) The applicant has been convicted, has pled guilty or entered a plea of nolo contendere to a felony, as defined by federal or state law. For purposes of this subparagraph (vi) of this paragraph (a), a "guilty plea" includes a plea of guilty, entry of a plea of nolo contendere, or entry of an order granting pretrial or judicial diversion;

(vii) The applicant or licensee is on probation or post-release supervision for a felony or conviction, as defined by federal or state law. However, this disqualification expires upon the end of the probationary or post-release supervision period.

(b) The State Board of Education, acting through the commission, shall deny an application for any teacher or



493 administrator license, or immediately revoke the current teacher  
494 or administrator license, for one or more of the following:

495           (i) If the applicant or licensee has been  
496 convicted, has pled guilty or entered a plea of nolo contendere to  
497 a sex offense as defined by federal or state law. For purposes of  
498 this subparagraph (i) of this paragraph (b), a "guilty plea"  
499 includes a plea of guilty, entry of a plea of nolo contendere, or  
500 entry of an order granting pretrial or judicial diversion;

501           (ii) The applicant or licensee is on probation or  
502 post-release supervision for a sex offense conviction, as defined  
503 by federal or state law;

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

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

510       (12) The State Board of Education, acting through the  
511 commission, may revoke, suspend or refuse to renew any teacher or  
512 administrator license for specified periods of time or may place  
513 on probation, reprimand a licensee, or take other disciplinary  
514 action with regard to any license issued under this chapter for  
515 one or more of the following:



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

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

522 (c) Suspension or revocation of a certificate or  
523 license by another state shall result in immediate suspension or  
524 revocation and shall continue until records in the prior state  
525 have been cleared;

526 (d) The license holder has been convicted, has pled  
527 guilty or entered a plea of nolo contendere to a felony, as  
528 defined by federal or state law. For purposes of this paragraph,  
529 a "guilty plea" includes a plea of guilty, entry of a plea of nolo  
530 contendere, or entry of an order granting pretrial or judicial  
531 diversion;

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

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

538 (g) The license holder served as superintendent or  
539 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;

(h) 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; or

(i) 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.

For purposes of this subsection, probation shall be defined as a length of time determined by the commission, its subcommittee or hearing officer, and based on the severity of the offense in which the license holder shall meet certain requirements as prescribed by the commission, its subcommittee or hearing officer. Failure to complete the requirements in the time specified shall result in immediate suspension of the license for one (1) year.

(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.



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

572 (14) (a) A person whose license has been suspended or  
573 surrendered on any grounds except criminal grounds may petition  
574 for reinstatement of the license after one (1) year from the date  
575 of suspension or surrender, or after one-half (1/2) of the  
576 suspended or surrendered time has lapsed, whichever is greater. A  
577 person whose license has been suspended or revoked on any grounds  
578 or violations under subsection (12) of this section may be  
579 reinstated automatically or approved for a reinstatement hearing,  
580 upon submission of a written request to the commission. A license  
581 suspended, revoked or surrendered on criminal grounds may be  
582 reinstated upon petition to the commission filed after expiration  
583 of the sentence and parole or probationary period imposed upon  
584 conviction. A revoked, suspended or surrendered license may be  
585 reinstated upon satisfactory showing of evidence of  
586 rehabilitation. The commission shall require all who petition for  
587 reinstatement to furnish evidence satisfactory to the commission  
588 of good character, good mental, emotional and physical health and  
589 such other evidence as the commission may deem necessary to





590 establish the petitioner's rehabilitation and fitness to perform  
591 the duties authorized by the license.

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

596 (15) Reporting procedures and hearing procedures for dealing  
597 with infractions under this section shall be promulgated by the  
598 commission, subject to the approval of the State Board of  
599 Education. The revocation or suspension of a license shall be  
600 effected at the time indicated on the notice of suspension or  
601 revocation. The commission shall immediately notify the  
602 superintendent of the school district or school board where the  
603 teacher or administrator is employed of any disciplinary action  
604 and also notify the teacher or administrator of such revocation or  
605 suspension and shall maintain records of action taken. The State  
606 Board of Education may reverse or remand with instructions any  
607 decision of the commission, its subcommittee or hearing officer  
608 regarding a petition for reinstatement of a license, and any such  
609 decision of the State Board of Education shall be final.

610 (16) An appeal from the action of the State Board of  
611 Education in denying an application, revoking or suspending a  
612 license or otherwise disciplining any person under the provisions  
613 of this section shall be filed in the Chancery Court of the First  
614 Judicial District of Hinds County, Mississippi, on the record



615 made, including a verbatim transcript of the testimony at the  
616 hearing. The appeal shall be filed within thirty (30) days after  
617 notification of the action of the board is mailed or served and  
618 the proceedings in chancery court shall be conducted as other  
619 matters coming before the court. The appeal shall be perfected  
620 upon filing notice of the appeal and by the prepayment of all  
621 costs, including the cost of preparation of the record of the  
622 proceedings by the State Board of Education, and the filing of a  
623 bond in the sum of Two Hundred Dollars (\$200.00) conditioned that  
624 if the action of the board be affirmed by the chancery court, the  
625 applicant or license holder shall pay the costs of the appeal and  
626 the action of the chancery court.

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

631 (18) The granting of a license shall not be deemed a  
632 property right nor a guarantee of employment in any public school  
633 district. A license is a privilege indicating minimal eligibility  
634 for teaching in the public school districts of Mississippi. This  
635 section shall in no way alter or abridge the authority of local  
636 school districts to require greater qualifications or standards of  
637 performance as a prerequisite of initial or continued employment  
638 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.** This act shall take effect and be in force from and after its passage.

