

By: Representatives Roberson, Paden, Dortch, Johnson, Hines, Clark, Foster, Gibbs (72nd), Hudson, Karriem, Mickens, Anthony To: Education

HOUSE BILL NO. 994
(As Passed the House)

1 AN ACT TO AMEND SECTION 37-3-2, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE QUALIFICATIONS FOR TEACHER CANDIDATES TO GAIN ENTRY
3 INTO APPROVED TEACHER EDUCATOR PROGRAMS; AND FOR RELATED PURPOSES.

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

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

7 37-3-2. (1) There is established within the State
8 Department of Education the Commission on Teacher and
9 Administrator Education, Certification and Licensure and
10 Development. It shall be the purpose and duty of the commission
11 to make recommendations to the State Board of Education regarding
12 standards for the certification and licensure and continuing
13 professional development of those who teach or perform tasks of an
14 educational nature in the public schools of Mississippi.

15 (2) (a) The commission shall be composed of fifteen (15)
16 qualified members. The membership of the commission shall be
17 composed of the following members to be appointed, three (3) from
18 each of the four (4) congressional districts, as such districts



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

34 (b) All appointments shall be made by the State Board
35 of Education after consultation with the State Superintendent of
36 Public Education. The first appointments by the State Board of
37 Education shall be made as follows: five (5) members shall be
38 appointed for a term of one (1) year; five (5) members shall be
39 appointed for a term of two (2) years; and five (5) members shall
40 be appointed for a term of three (3) years. Thereafter, all
41 members shall be appointed 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 * * * July 1, 2020, 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. An ACT score of twenty-one (21) * * * (or
154 SAT Equivalent); or

155 2. Achieve the * * * qualifying passing score
156 on the Praxis Core Academic Skills for Educators examination as
157 established by the State Board of Education; * * * or

158 * * * 3. A minimum 2.75 GPA on pre-major
159 coursework * * *.

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

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

164 (i) A composite ACT score of twenty-one (21) * * *
165 (or SAT Equivalent); or



166 (ii) Achieve the * * * qualifying passing score on
167 the Praxis Core Academic Skills for Educators examination as
168 established by the State Board of Education; * * * or
169 (* * * iii) * * * A minimum 2.75 GPA * * * on
170 pre-major coursework.

171 Beginning January 1, * * * 2020, an individual who has
172 achieved a qualifying passing score on the Praxis * * * Core
173 Academic Skills for Educators, or an ACT score of twenty-one (21)
174 (or SAT Equivalent), or maintained a minimum cumulative 2.75 GPA
175 on pre-major coursework and Praxis * * * Subject Assessment in the
176 requested area of endorsement may apply for the Teach Mississippi
177 Institute (TMI) program to teach students in Grades 7 through 12
178 if the individual meets the requirements of this paragraph (b).
179 The State Board of Education shall adopt rules requiring that
180 teacher preparation institutions which provide the Teach
181 Mississippi Institute (TMI) program for the preparation of
182 nontraditional teachers shall meet the standards and comply with
183 the provisions of this paragraph.

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



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

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

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



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

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

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



241 standard licensure of the intern. If the school district
242 recommends licensure, the applicant shall be issued a Standard
243 License - Nontraditional Route which shall be valid for a
244 five-year period and be renewable.

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

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

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



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

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

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



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

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



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

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

337 * * *

338 (7) **Administrator License.** The State Board of Education is
339 authorized to establish rules and regulations and to administer
340 the licensure process of the school administrators in the State of



341 Mississippi. There will be four (4) categories of administrator
342 licensure with exceptions only through special approval of the
343 State Board of Education.

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

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

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

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



366 administrators shall qualify the person for a standard
367 administrator license.

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

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

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



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

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



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

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

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

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



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

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

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

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

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

459 (b) The State Board of Education, acting through the
460 commission, shall deny an application for any teacher or
461 administrator license, or immediately revoke the current teacher
462 or administrator license, for one or more of the following:

463 (i) If the applicant or licensee has been
464 convicted, has pled guilty or entered a plea of nolo contendere to



465 a sex offense as defined by federal or state law. For purposes of
466 this subparagraph (i) of this paragraph (b), a "guilty plea"
467 includes a plea of guilty, entry of a plea of nolo contendere, or
468 entry of an order granting pretrial or judicial diversion;

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

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

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

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, reprimand a licensee, or take other disciplinary
482 action with regard to any license issued under this chapter for
483 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 knowingly and willfully
501 committing any of the acts affecting validity of mandatory uniform
502 test results as provided in Section 37-16-4(1);

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

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

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



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

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

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

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

533 (c) A person may voluntarily surrender a license. The
534 surrender of such license may result in the commission
535 recommending any of the above penalties without the necessity of a
536 hearing. However, any such license which has voluntarily been
537 surrendered by a licensed employee may only be reinstated by a



538 majority vote of all members of the commission present at the
539 meeting called for such purpose.

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

560 (b) A person whose license expires while under
561 investigation by the Office of Educator Misconduct for an alleged



562 violation may not be reinstated without a hearing before the
563 commission if required based on the results of the investigation.

564 (15) Reporting procedures and hearing procedures for dealing
565 with infractions under this section shall be promulgated by the
566 commission, subject to the approval of the State Board of
567 Education. The revocation or suspension of a license shall be
568 effected at the time indicated on the notice of suspension or
569 revocation. The commission shall immediately notify the
570 superintendent of the school district or school board where the
571 teacher or administrator is employed of any disciplinary action
572 and also notify the teacher or administrator of such revocation or
573 suspension and shall maintain records of action taken. The State
574 Board of Education may reverse or remand with instructions any
575 decision of the commission, its subcommittee or hearing officer
576 regarding a petition for reinstatement of a license, and any such
577 decision of the State Board of Education shall be final.

578 (16) An appeal from the action of the State Board of
579 Education in denying an application, revoking or suspending a
580 license or otherwise disciplining any person under the provisions
581 of this section shall be filed in the Chancery Court of the First
582 Judicial District of Hinds County, Mississippi, on the record
583 made, including a verbatim transcript of the testimony at the
584 hearing. The appeal shall be filed within thirty (30) days after
585 notification of the action of the board is mailed or served and
586 the proceedings in chancery court shall be conducted as other



587 matters coming before the court. The appeal shall be perfected
588 upon filing notice of the appeal and by the prepayment of all
589 costs, including the cost of preparation of the record of the
590 proceedings by the State Board of Education, and the filing of a
591 bond in the sum of Two Hundred Dollars (\$200.00) conditioned that
592 if the action of the board be affirmed by the chancery court, the
593 applicant or license holder shall pay the costs of the appeal and
594 the action of the chancery court.

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

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

607 (19) In addition to the reasons specified in subsections
608 (12) and (13) of this section, the board shall be authorized to
609 suspend the license of any licensee for being out of compliance
610 with an order for support, as defined in Section 93-11-153. The
611 procedure for suspension of a license for being out of compliance



612 with an order for support, and the procedure for the reissuance or
613 reinstatement of a license suspended for that purpose, and the
614 payment of any fees for the reissuance or reinstatement of a
615 license suspended for that purpose, shall be governed by Section
616 93-11-157 or 93-11-163, as the case may be. Actions taken by the
617 board in suspending a license when required by Section 93-11-157
618 or 93-11-163 are not actions from which an appeal may be taken
619 under this section. Any appeal of a license suspension that is
620 required by Section 93-11-157 or 93-11-163 shall be taken in
621 accordance with the appeal procedure specified in Section
622 93-11-157 or 93-11-163, as the case may be, rather than the
623 procedure specified in this section. If there is any conflict
624 between any provision of Section 93-11-157 or 93-11-163 and any
625 provision of this chapter, the provisions of Section 93-11-157 or
626 93-11-163, as the case may be, shall control.

627 **SECTION 2.** This act shall take effect and be in force from
628 and after July 1, 2020.

