

By: Representative Busby

To: Education

## HOUSE BILL NO. 575

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 CORE ACADEMIC SKILLS FOR EDUCATORS  
6 EXAMINATION AND THE PRAXIS II ASSESSMENT, PROVIDED THAT SUCH  
7 INDIVIDUALS COMPLETED THE COURSE OF STUDY FOR THE ADVANCED DEGREE  
8 PROGRAM WITH THE GRADE OF A "C" OR HIGHER AT THE TIME APPLICATION  
9 FOR LICENSURE IS SUBMITTED; AND FOR RELATED 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 July 1, 2020, 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. An ACT Score of twenty-one (21) (or SAT equivalent); or

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

3. A minimum GPA of 3.0 on coursework prior to admission to an approved teacher education program.

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

(i) From and after July 1, 2020, no teacher candidate shall be licensed to teach in Mississippi under the alternate route who did not meet the following criteria:



\* \* \*1. An ACT Score of twenty-one (21) (or SAT equivalent); or

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

\* \* \*3. A minimum GPA of 3.0 on coursework prior to admission to an approved teacher education program.

(ii) Beginning July 1, 2020, an individual who has attained a passing score on the Praxis Core Academic Skills for Educators or an ACT Score of twenty-one (21) (or SAT equivalent) or a minimum GPA of 3.0 on coursework prior to admission to an approved teacher education program and a passing score on the Praxis Subject Assessment in the requested area of endorsement may apply for admission to the Teach Mississippi Institute (TMI) program to teach students in Grades 7 through 12 if the individual meets the requirements of this subparagraph (ii) of paragraph (b). The State Board of Education shall adopt rules requiring that teacher preparation institutions which provide the Teach Mississippi Institute (TMI) program for the preparation of nontraditional teachers shall meet the standards and comply with the provisions of this paragraph provided as follows \* \* \*:

\* \* \*1. The Teach Mississippi Institute (TMI) shall include an intensive eight-week, nine-semester-hour summer program or a curriculum of study in which the student matriculates in the fall or spring semester, which shall include,





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

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

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



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

**\* \* \*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.



244                   \* \* \*6. Upon successful completion of the  
245 TMI and the internship provisional license period, applicants for  
246 a Standard License - Nontraditional Route shall submit to the  
247 commission a transcript of successful completion of the twelve  
248 (12) semester hours required in the internship program, and the  
249 employing school district shall submit to the commission a  
250 recommendation for standard licensure of the intern. If the  
251 school district recommends licensure, the applicant shall be  
252 issued a Standard License - Nontraditional Route which shall be  
253 valid for a five-year period and be renewable.

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

259                   \* \* \*8. The local school district in which  
260 the nontraditional teacher intern or provisional licensee is  
261 employed shall compensate such teacher interns at Step 1 of the  
262 required salary level during the period of time such individual is  
263 completing teacher internship requirements and shall compensate  
264 such Standard License - Nontraditional Route teachers at Step 3 of  
265 the required salary level when they complete license requirements.

266                   (iii) Implementation of the TMI program provided  
267 for under subparagraph (ii) of this paragraph (b) shall be  
268 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, 2020, 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 Academic Skills for Educators examination and the 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.

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

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

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



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

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

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



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

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

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



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

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

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

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

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

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





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

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

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

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



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

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

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



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

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



(i) Lack of qualifications which are prescribed by 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.



493 (b) The State Board of Education, acting through the  
494 commission, shall deny an application for any teacher or  
495 administrator license, or immediately revoke the current teacher  
496 or administrator license, for one or more of the following:

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

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

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

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

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



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

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

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

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

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

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

540 (g) The license holder served as superintendent or  
541 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.



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

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





592 establish the petitioner's rehabilitation and fitness to perform  
593 the duties authorized by the license.

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

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

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



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

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

633 (18) The granting of a license shall not be deemed a  
634 property right nor a guarantee of employment in any public school  
635 district. A license is a privilege indicating minimal eligibility  
636 for teaching in the public school districts of Mississippi. This  
637 section shall in no way alter or abridge the authority of local  
638 school districts to require greater qualifications or standards of  
639 performance as a prerequisite of initial or continued employment  
640 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.

