

By: Senator(s) DeBar, Moran, Barnett, Barrett, Blackmon, Blackwell, Blount, Boyd, Bryan, Butler, Carter, Caughman, Chassaniol, Chism, England, Fillingane, Frazier, Hill, Hopson, Horhn, Jackson (11th), Jackson (32nd), Johnson, Jordan, Kirby, McCaughn, McDaniel, McLendon, McMahan, Michel, Norwood, Parker, Parks, Polk, Seymour, Simmons (12th), Simmons (13th), Sojourner, Sparks, Suber, Tate, Thomas, Thompson, Turner-Ford, Whaley, Wiggins, Williams, Witherspoon, Younger, Branning

To: Education

SENATE BILL NO. 2267
(As Passed the Senate)

1 AN ACT TO AMEND SECTION 37-3-2, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT THE DEPARTMENT OF EDUCATION SHALL GRANT LICENSES
3 WITHIN A PERIOD OF 14 DAYS FROM THE DATE OF A COMPLETED
4 APPLICATION TO TEACHERS IF THEY POSSESS A VALID STANDARD LICENSE
5 FROM ANOTHER STATE; AND FOR RELATED PURPOSES.

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

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

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

17 (2) (a) The commission shall be composed of fifteen (15)
18 qualified members. The membership of the commission shall be



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

36 (b) All appointments shall be made by the State Board
37 of Education after consultation with the State Superintendent of
38 Public Education. The first appointments by the State Board of
39 Education shall be made as follows: five (5) members shall be
40 appointed for a term of one (1) year; five (5) members shall be
41 appointed for a term of two (2) years; and five (5) members shall
42 be appointed for a term of three (3) years. Thereafter, all
43 members shall be appointed for a term of four (4) years.



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

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

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

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

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

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



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

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

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

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

80 (f) Review all existing requirements for certification
81 and licensure;

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

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

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

90 (j) Hire expert consultants with approval of the State
91 Board of Education;

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



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

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

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



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



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

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

149 (iv) Any other document required by the State
150 Board of Education; and

151 (v) From and after July 1, 2020, no teacher
152 candidate shall be licensed to teach in Mississippi who did not
153 meet the following criteria for entrance into an approved teacher
154 education program:

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

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

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

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

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

166 (i) An ACT Score of twenty-one (21) (or SAT
167 equivalent); or



168 (ii) Achieve a qualifying passing score on the
169 Praxis Core Academic Skills for Educators examination as
170 established by the State Board of Education; or

171 (iii) A minimum GPA of 3.0 on coursework prior to
172 admission to an approved teacher education program.

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

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



193 results to improve instruction, and a one (1) semester three-hour
194 supervised internship to be completed while the teacher is
195 employed as a full-time teacher intern in a local school district.
196 The TMI shall be implemented on a pilot program basis, with
197 courses to be offered at up to four (4) locations in the state,
198 with one (1) TMI site to be located in each of the three (3)
199 Mississippi Supreme Court districts.

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

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



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

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

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



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

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

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

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



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

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

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



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

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



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

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

339 (h) **Highly Qualified Teachers.** Beginning July 1, 2006,
340 any teacher from any state meeting the federal definition of
341 highly qualified, as described in the No Child Left Behind Act,



342 must be granted a standard five-year license by the State
343 Department of Education.

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

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

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

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

362 (d) **Administrator License - Nontraditional Route.** The
363 board may establish a nontraditional route for licensing
364 administrative personnel. Such nontraditional route for
365 administrative licensure shall be available for persons holding,
366 but not limited to, a master of business administration degree, a



367 master of public administration degree, a master of public
368 planning and policy degree or a doctor of jurisprudence degree
369 from an accredited college or university, with five (5) years of
370 administrative or supervisory experience. Successful completion
371 of the requirements of alternate route licensure for
372 administrators shall qualify the person for a standard
373 administrator license.

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

381 (8) **Reciprocity. * * *** The department shall grant a
382 standard five-year license to any individual who possesses a valid
383 standard license from another state * * * within a period of
384 fourteen (14) days from the date of a completed application. The
385 issuance of a license by reciprocity to a military-trained
386 applicant or military spouse shall be subject to the provisions of
387 Section 73-50-1.

388 * * *

389 (9) **Renewal and Reinstatement of Licenses.** The State Board
390 of Education is authorized to establish rules and regulations for
391 the renewal and reinstatement of educator and administrator



392 licenses. Effective May 15, 1997, the valid standard license held
393 by an educator shall be extended five (5) years beyond the
394 expiration date of the license in order to afford the educator
395 adequate time to fulfill new renewal requirements established
396 pursuant to this subsection. An educator completing a master of
397 education, educational specialist or doctor of education degree in
398 May 1997 for the purpose of upgrading the educator's license to a
399 higher class shall be given this extension of five (5) years plus
400 five (5) additional years for completion of a higher degree.

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



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

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

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

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

439 (iii) The applicant is actively addicted to or
440 actively dependent on alcohol or other habit-forming drugs or is a
441 habitual user of narcotics, barbiturates, amphetamines,



442 hallucinogens or other drugs having similar effect, at the time of
443 application for a license;

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

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

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

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

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

462 (i) If the applicant or licensee has been
463 convicted, has pled guilty or entered a plea of nolo contendere to
464 a sex offense as defined by federal or state law. For purposes of
465 this subparagraph (i) of this paragraph (b), a "guilty plea"



466 includes a plea of guilty, entry of a plea of nolo contendere, or
467 entry of an order granting pretrial or judicial diversion;

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

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

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

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

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

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

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



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

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

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

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

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

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

513 (i) The license holder has failed to comply with the
514 Procedures for Reporting Infractions as promulgated by the



515 commission and approved by the State Board of Education pursuant
516 to subsection (15) of this section.

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

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

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

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



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

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



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

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



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

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

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

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



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

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

