

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 Sent to Governor)

1 AN ACT TO AMEND SECTION 37-3-2, MISSISSIPPI CODE OF 1972, AS  
2 AMENDED BY HOUSE BILL NO. 1263, 2021 REGULAR SESSION, TO PROVIDE  
3 THAT THE DEPARTMENT OF EDUCATION SHALL GRANT LICENSES WITHIN A  
4 PERIOD OF 21 DAYS FROM THE DATE OF A COMPLETED APPLICATION TO  
5 TEACHERS IF THEY POSSESS A VALID STANDARD LICENSE FROM ANOTHER  
6 STATE; TO PROVIDE THAT FOR ALL LICENSE TYPES WITH A CURRENT VALID  
7 EXPIRATION DATE OF JUNE 30, 2021, THE DEPARTMENT OF EDUCATION  
8 SHALL GRANT A ONE-YEAR EXTENSION TO JUNE 30, 2022; TO PROVIDE THAT  
9 BEGINNING JULY 1, 2022, AND THEREAFTER, APPLICANTS FOR LICENSURE  
10 RENEWAL SHALL MEET ALL REQUIREMENTS IN EFFECT ON THE DATE THAT THE  
11 COMPLETE APPLICATION IS RECEIVED; AND FOR RELATED PURPOSES.

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

13 **SECTION 1.** Section 37-3-2, Mississippi Code of 1972, as  
14 amended by House Bill No. 1263, 2021 Regular Session, is amended  
15 as follows:

16 37-3-2. (1) There is established within the State  
17 Department of Education the Commission on Teacher and  
18 Administrator Education, Certification and Licensure and  
19 Development. It shall be the purpose and duty of the commission  
20 to make recommendations to the State Board of Education regarding  
21 standards for the certification and licensure and continuing



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

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

43 (b) All appointments shall be made by the State Board  
44 of Education after consultation with the State Superintendent of  
45 Public Education. The first appointments by the State Board of  
46 Education shall be made as follows: five (5) members shall be



47 appointed for a term of one (1) year; five (5) members shall be  
48 appointed for a term of two (2) years; and five (5) members shall  
49 be appointed for a term of three (3) years. Thereafter, all  
50 members shall be appointed for a term of four (4) years.

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

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

64 (b) An Office of Educator Misconduct Evaluations shall  
65 be established within the State Department of Education to assist  
66 the commission in responding to infractions and violations, and in  
67 conducting hearings and enforcing the provisions of subsections  
68 (11), (12), (13), (14) and (15) of this section, and violations of  
69 the Mississippi Educator Code of Ethics.

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



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

74 (b) Recommend to the State Board of Education each year  
75 approval or disapproval of each educator preparation program in  
76 the state, subject to a process and schedule determined by the  
77 State Board of Education;

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

81 (d) Establish, subject to the approval of the State  
82 Board of Education, standards for the renewal of teacher licenses  
83 in all fields;

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

87 (f) Review all existing requirements for certification  
88 and licensure;

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

91 (h) Prepare reports from time to time on current  
92 practices and issues in the general area of teacher education and  
93 certification and licensure;



94 (i) Hold hearings concerning standards for teachers'  
95 and administrators' education and certification and licensure with  
96 approval of the State Board of Education;

97 (j) Hire expert consultants with approval of the State  
98 Board of Education;

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

101 (l) Perform such other functions as may fall within  
102 their general charge and which may be delegated to them by the  
103 State Board of Education.

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

118 (i) An application on a department form;



119 (ii) An official transcript of completion of a  
120 teacher education program approved by the department or a  
121 nationally accredited program, subject to the following:  
122 Licensure to teach in Mississippi prekindergarten through  
123 kindergarten classrooms shall require completion of a teacher  
124 education program or a Bachelor of Science degree with child  
125 development emphasis from a program accredited by the American  
126 Association of Family and Consumer Sciences (AAFCS) or by the  
127 National Association for Education of Young Children (NAEYC) or by  
128 the National Council for Accreditation of Teacher Education  
129 (NCATE). Licensure to teach in Mississippi kindergarten, for  
130 those applicants who have completed a teacher education program,  
131 and in Grade 1 through Grade 4 shall require the completion of an  
132 interdisciplinary program of studies. Licenses for Grades 4  
133 through 8 shall require the completion of an interdisciplinary  
134 program of studies with two (2) or more areas of concentration.  
135 Licensure to teach in Mississippi Grades 7 through 12 shall  
136 require a major in an academic field other than education, or a  
137 combination of disciplines other than education. Students  
138 preparing to teach a subject shall complete a major in the  
139 respective subject discipline. All applicants for standard  
140 licensure shall demonstrate that such person's college preparation  
141 in those fields was in accordance with the standards set forth by  
142 the National Council for Accreditation of Teacher Education  
143 (NCATE) or the National Association of State Directors of Teacher



144 Education and Certification (NASDTEC) or, for those applicants who  
145 have a Bachelor of Science degree with child development emphasis,  
146 the American Association of Family and Consumer Sciences (AAFCS).  
147 Effective July 1, 2016, for initial elementary education  
148 licensure, a teacher candidate must earn a passing score on a  
149 rigorous test of scientifically research-based reading instruction  
150 and intervention and data-based decision-making principles as  
151 approved by the State Board of Education;

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

156 (iv) Any other document required by the State  
157 Board of Education; and

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

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

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

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



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

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

173 (i) An ACT Score of twenty-one (21) (or SAT  
174 equivalent); or

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

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

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





193                   (i) The Teach Mississippi Institute (TMI) shall  
194 include an intensive eight-week, nine-semester-hour summer program  
195 or a curriculum of study in which the student matriculates in the  
196 fall or spring semester, which shall include, but not be limited  
197 to, instruction in education, effective teaching strategies,  
198 classroom management, state curriculum requirements, planning and  
199 instruction, instructional methods and pedagogy, using test  
200 results to improve instruction, and a one (1) semester three-hour  
201 supervised internship to be completed while the teacher is  
202 employed as a full-time teacher intern in a local school district.  
203 The TMI shall be implemented on a pilot program basis, with  
204 courses to be offered at up to four (4) locations in the state,  
205 with one (1) TMI site to be located in each of the three (3)  
206 Mississippi Supreme Court districts.

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



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

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

239 (v) An individual issued a provisional teaching  
240 license under this nontraditional route shall successfully  
241 complete, at a minimum, a one-year beginning teacher mentoring and



242 induction program administered by the employing school district  
243 with the assistance of the State Department of Education.

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

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

259 (viii) The local school district in which the  
260 nontraditional teacher intern or provisional licensee is employed  
261 shall compensate such teacher interns at Step 1 of the required  
262 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 Implementation of the TMI program provided for under this  
267 paragraph (b) shall be contingent upon the availability of funds  
268 appropriated specifically for such purpose by the Legislature.  
269 Such implementation of the TMI program may not be deemed to  
270 prohibit the State Board of Education from developing and  
271 implementing additional alternative route teacher licensure  
272 programs, as deemed appropriate by the board. The emergency  
273 certification program in effect prior to July 1, 2002, shall  
274 remain in effect.

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

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



291 citizen-teacher license. A Special License - Expert Citizen may  
292 be renewed in accordance with the established rules and  
293 regulations of the State Department of Education.

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

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

311 (f) **Special License - Transitional Bilingual Education.**  
312 Beginning July 1, 2003, the commission shall grant special  
313 licenses to teachers of transitional bilingual education who  
314 possess such qualifications as are prescribed in this section.  
315 Teachers of transitional bilingual education shall be compensated



316 by local school boards at not less than one (1) step on the  
317 regular salary schedule applicable to permanent teachers licensed  
318 under this section. The commission shall grant special licenses  
319 to teachers of transitional bilingual education who present the  
320 commission with satisfactory evidence that they (i) possess a  
321 speaking and reading ability in a language, other than English, in  
322 which bilingual education is offered and communicative skills in  
323 English; (ii) are in good health and sound moral character; (iii)  
324 possess a bachelor's degree or an associate's degree in teacher  
325 education from an accredited institution of higher education; (iv)  
326 meet such requirements as to courses of study, semester hours  
327 therein, experience and training as may be required by the  
328 commission; and (v) are legally present in the United States and  
329 possess legal authorization for employment. A teacher of  
330 transitional bilingual education serving under a special license  
331 shall be under an exemption from standard licensure if he achieves  
332 the requisite qualifications therefor. Two (2) years of service  
333 by a teacher of transitional bilingual education under such an  
334 exemption shall be credited to the teacher in acquiring a Standard  
335 Educator License. Nothing in this paragraph shall be deemed to  
336 prohibit a local school board from employing a teacher licensed in  
337 an appropriate field as approved by the State Department of  
338 Education to teach in a program in transitional bilingual  
339 education.



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

346 (h) **Highly Qualified Teachers.** Beginning July 1, 2006,  
347 any teacher from any state meeting the federal definition of  
348 highly qualified, as described in the No Child Left Behind Act,  
349 must be granted a standard five-year license by the State  
350 Department of Education.

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

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

361 (b) **Administrator License - Entry Level.** Those  
362 educators holding administrative endorsement and having met the  
363 department's qualifications to be eligible for employment in a



364 Mississippi school district. Administrator License - Entry Level  
365 shall be issued for a five-year period and shall be nonrenewable.

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

369 (d) **Administrator License - Nontraditional Route.** The  
370 board may establish a nontraditional route for licensing  
371 administrative personnel. Such nontraditional route for  
372 administrative licensure shall be available for persons holding,  
373 but not limited to, a master of business administration degree, a  
374 master of public administration degree, a master of public  
375 planning and policy degree or a doctor of jurisprudence degree  
376 from an accredited college or university, with five (5) years of  
377 administrative or supervisory experience. Successful completion  
378 of the requirements of alternate route licensure for  
379 administrators shall qualify the person for a standard  
380 administrator license.

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





388           (8)   **Reciprocity. \* \* \*** The department shall grant a  
389 standard five-year license to any individual who possesses a valid  
390 standard license from another state \* \* \* within a period of  
391 twenty-one (21) days from the date of a completed application.  
392 The issuance of a license by reciprocity to a military-trained  
393 applicant, military spouse or person who establishes residence in  
394 this state shall be subject to the provisions of Section 73-50-1  
395 or 73-50-2, as applicable.

396       \* \* \*

397           (9)   **Renewal and Reinstatement of Licenses.** The State Board  
398 of Education is authorized to establish rules and regulations for  
399 the renewal and reinstatement of educator and administrator  
400 licenses. Effective May 15, 1997, the valid standard license held  
401 by an educator shall be extended five (5) years beyond the  
402 expiration date of the license in order to afford the educator  
403 adequate time to fulfill new renewal requirements established  
404 pursuant to this subsection. An educator completing a master of  
405 education, educational specialist or doctor of education degree in  
406 May 1997 for the purpose of upgrading the educator's license to a  
407 higher class shall be given this extension of five (5) years plus  
408 five (5) additional years for completion of a higher degree. For  
409 all license types with a current valid expiration date of June 30,  
410 2021, the State Department of Education shall grant a one-year  
411 extension to June 30, 2022. Beginning July 1, 2022, and  
412 thereafter, applicants for licensure renewal shall meet all



413 requirements in effect on the date that the complete application  
414 is received by the State Department of Education.

415 (10) All controversies involving the issuance, revocation,  
416 suspension or any change whatsoever in the licensure of an  
417 educator required to hold a license shall be initially heard in a  
418 hearing de novo, by the commission or by a subcommittee  
419 established by the commission and composed of commission members,  
420 or by a hearing officer retained and appointed by the commission,  
421 for the purpose of holding hearings. Any complaint seeking the  
422 denial of issuance, revocation or suspension of a license shall be  
423 by sworn affidavit filed with the Commission on Teacher and  
424 Administrator Education, Certification and Licensure and  
425 Development. The decision thereon by the commission, its  
426 subcommittee or hearing officer, shall be final, unless the  
427 aggrieved party shall appeal to the State Board of Education,  
428 within ten (10) days, of the decision of the commission, its  
429 subcommittee or hearing officer. An appeal to the State Board of  
430 Education shall be perfected upon filing a notice of the appeal  
431 and by the prepayment of the costs of the preparation of the  
432 record of proceedings by the commission, its subcommittee or  
433 hearing officer. An appeal shall be on the record previously made  
434 before the commission, its subcommittee or hearing officer, unless  
435 otherwise provided by rules and regulations adopted by the board.  
436 The decision of the commission, its subcommittee or hearing  
437 officer shall not be disturbed on appeal if supported by



438 substantial evidence, was not arbitrary or capricious, within the  
439 authority of the commission, and did not violate some statutory or  
440 constitutional right. The State Board of Education in its  
441 authority may reverse, or remand with instructions, the decision  
442 of the commission, its subcommittee or hearing officer. The  
443 decision of the State Board of Education shall be final.

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

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

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

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

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

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



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

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

472                   (b) The State Board of Education, acting through the  
473 commission, shall deny an application for any teacher or  
474 administrator license, or immediately revoke the current teacher  
475 or administrator license, for one or more of the following:

476                   (i) If the applicant or licensee has been  
477 convicted, has pled guilty or entered a plea of nolo contendere to  
478 a sex offense as defined by federal or state law. For purposes of  
479 this subparagraph (i) of this paragraph (b), a "guilty plea"  
480 includes a plea of guilty, entry of a plea of nolo contendere, or  
481 entry of an order granting pretrial or judicial diversion;

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



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

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

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

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

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

503 (c) Suspension or revocation of a certificate or  
504 license by another state shall result in immediate suspension or  
505 revocation and shall continue until records in the prior state  
506 have been cleared;

507 (d) The license holder has been convicted, has pled  
508 guilty or entered a plea of nolo contendere to a felony, as  
509 defined by federal or state law. For purposes of this paragraph,



510 a "guilty plea" includes a plea of guilty, entry of a plea of nolo  
511 contendere, or entry of an order granting pretrial or judicial  
512 diversion;

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

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

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

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

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

531 For purposes of this subsection, probation shall be defined  
532 as a length of time determined by the commission, its subcommittee  
533 or hearing officer, and based on the severity of the offense in  
534 which the license holder shall meet certain requirements as



535 prescribed by the commission, its subcommittee or hearing officer.  
536 Failure to complete the requirements in the time specified shall  
537 result in immediate suspension of the license for one (1) year.

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

543 (b) Any offense committed or attempted in any other  
544 state shall result in the same penalty as if committed or  
545 attempted in this state.

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

553 (14) (a) A person whose license has been suspended or  
554 surrendered on any grounds except criminal grounds may petition  
555 for reinstatement of the license after one (1) year from the date  
556 of suspension or surrender, or after one-half (1/2) of the  
557 suspended or surrendered time has lapsed, whichever is greater. A  
558 person whose license has been suspended or revoked on any grounds  
559 or violations under subsection (12) of this section may be



560 reinstated automatically or approved for a reinstatement hearing,  
561 upon submission of a written request to the commission. A license  
562 suspended, revoked or surrendered on criminal grounds may be  
563 reinstated upon petition to the commission filed after expiration  
564 of the sentence and parole or probationary period imposed upon  
565 conviction. A revoked, suspended or surrendered license may be  
566 reinstated upon satisfactory showing of evidence of  
567 rehabilitation. The commission shall require all who petition for  
568 reinstatement to furnish evidence satisfactory to the commission  
569 of good character, good mental, emotional and physical health and  
570 such other evidence as the commission may deem necessary to  
571 establish the petitioner's rehabilitation and fitness to perform  
572 the duties authorized by the license.

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

577 (15) Reporting procedures and hearing procedures for dealing  
578 with infractions under this section shall be promulgated by the  
579 commission, subject to the approval of the State Board of  
580 Education. The revocation or suspension of a license shall be  
581 effected at the time indicated on the notice of suspension or  
582 revocation. The commission shall immediately notify the  
583 superintendent of the school district or school board where the  
584 teacher or administrator is employed of any disciplinary action





585 and also notify the teacher or administrator of such revocation or  
586 suspension and shall maintain records of action taken. The State  
587 Board of Education may reverse or remand with instructions any  
588 decision of the commission, its subcommittee or hearing officer  
589 regarding a petition for reinstatement of a license, and any such  
590 decision of the State Board of Education shall be final.

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

608 (17) All such programs, rules, regulations, standards and  
609 criteria recommended or authorized by the commission shall become



610 effective upon approval by the State Board of Education as  
611 designated by appropriate orders entered upon the minutes thereof.

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

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



635 93-11-157 or 93-11-163, as the case may be, rather than the  
636 procedure specified in this section. If there is any conflict  
637 between any provision of Section 93-11-157 or 93-11-163 and any  
638 provision of this chapter, the provisions of Section 93-11-157 or  
639 93-11-163, as the case may be, shall control.

640         **SECTION 2.** This act shall take effect and be in force from  
641 and after July 1, 2021.

