

By: Representative Porter

To: Education

HOUSE BILL NO. 44

1 AN ACT TO AMEND SECTION 37-3-2, MISSISSIPPI CODE OF 1972, TO  
2 ESTABLISH AN ADDITIONAL NONTRADITIONAL TEACHING ROUTE TO TEACHER  
3 LICENSURE; TO PRESCRIBE THE ELIGIBILITY CRITERIA AND CONDITIONS  
4 THAT MUST BE SATISFIED BY AN APPLICANT IN ORDER TO BE GRANTED A  
5 STANDARD TEACHING LICENSE THROUGH THE ALTERNATE ROUTE; AND FOR  
6 RELATED PURPOSES.

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

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

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

18 (2) (a) The commission shall be composed of fifteen (15)  
19 qualified members. The membership of the commission shall be  
20 composed of the following members to be appointed, three (3) from



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

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



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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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



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

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

111 Applicants for a standard license shall submit to the department:

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



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



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

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

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

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

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

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

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

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

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

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



169                   \* \* \*2. \* \* \* Except as otherwise provided  
170 under subparagraph (iii) of this paragraph (b), a qualifying  
171 passing score on the Praxis Core Academic Skills for Educators  
172 examination as established by the State Board of Education; or

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

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

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





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

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

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



219 commission, which will allow the individual to legally serve as a  
220 teacher while the person completes a nontraditional teacher  
221 preparation internship program.

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

236                   \* \* \*5. An individual issued a provisional  
237 teaching license under this nontraditional route shall  
238 successfully complete, at a minimum, a one-year beginning teacher  
239 mentoring and induction program administered by the employing  
240 school district with the assistance of the State Department of  
241 Education.

242                   \* \* \*6. Upon successful completion of the  
243 TMI and the internship provisional license period, applicants for



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

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

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

264                   9. Implementation of the TMI program provided  
265 for under this subparagraph ( \* \* \*ii) shall be contingent upon  
266 the availability of funds appropriated specifically for such  
267 purpose by the Legislature. Such implementation of the TMI  
268 program may not be deemed to prohibit the State Board of Education



269 from developing and implementing additional alternative route  
270 teacher licensure programs, as deemed appropriate by the board.  
271 The emergency certification program in effect prior to July 1,  
272 2002, shall remain in effect.

273 (iii) Beginning January 1, 2023, an individual who  
274 has received an undergraduate or a graduate degree in any subject  
275 matter or educational discipline, who completes the college course  
276 of study specific to that degree with at least eighteen (18) hours  
277 in the same content area with a minimum 3.0 GPA on pre-major  
278 coursework at a regionally or nationally accredited baccalaureate  
279 degree granting college or university, and who has been  
280 unsuccessful in achieving the qualifying passing score on the  
281 Praxis Core Academic Skills for Educators examination after three  
282 (3) or more attempts may apply for a nontraditional provisional  
283 license to teach in Mississippi. The applicant must have  
284 completed required additional coursework, including, but not  
285 limited to, instruction in education, effective teaching  
286 strategies, classroom management, state curriculum requirements,  
287 planning and instruction, instructional methods and pedagogy, and  
288 using test results to improve instruction. The applicant must be  
289 issued a nontraditional provisional license to teach in  
290 Mississippi if, when submitting the application for licensure  
291 under this subparagraph (iii), the applicant:

292 1. Includes an official transcript in a  
293 sealed envelope or e-Scrip bearing the seal or signature of the



294 registrar of the institution from which the transcript was  
295 requested;

296 2. Commits to entering into a contract for  
297 employment in a school district situated within a geographical  
298 area of the state where there exists a critical shortage of  
299 teachers, as designated by the State Board of Education, for not  
300 less than one (1) year but no more than three (3) years;

301 3. Agrees to be under the supervision of the  
302 school district of employ and assigned to a mentor teacher for the  
303 duration of his or her employment in the district; and

304 4. Agrees to have his or her performance  
305 monitored by the State Department of Education, in consultation  
306 with the school district of employment and assigned mentor  
307 teacher. The mentor teacher annually shall evaluate and assess  
308 the individual using a comprehensive benchmark assessment  
309 developed by the State Department of Education in order to  
310 determine the provisional teacher's performance and shall submit  
311 to the commission a comprehensive evaluation and assessment report  
312 of the teacher's performance sixty (60) days before the expiration  
313 of the nontraditional provisional license. If the comprehensive  
314 evaluation and assessment establish that the provisional teacher's  
315 performance meets the benchmarks and standards approved by the  
316 commission for licensure under this subparagraph, the individual  
317 must be approved for a standard license. If the comprehensive  
318 evaluation and assessment establish that the provisional teacher's



319 performance fails to meet the benchmarks and standards approved by  
320 the commission for licensure under this subparagraph, the  
321 individual may not be approved for a standard license.

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

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

341           (d) **Special License - Nonrenewable.** The State Board of  
342 Education is authorized to establish rules and regulations to  
343 allow those educators not meeting requirements in paragraph (a),



344 (b) or (c) of this subsection (6) to be licensed for a period of  
345 not more than three (3) years, except by special approval of the  
346 State Board of Education.

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

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



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

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





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

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

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

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

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

416           (d) **Administrator License - Nontraditional Route.** The  
417 board may establish a nontraditional route for licensing



418 administrative personnel. Such nontraditional route for  
419 administrative licensure shall be available for persons holding,  
420 but not limited to, a master of business administration degree, a  
421 master of public administration degree, a master of public  
422 planning and policy degree or a doctor of jurisprudence degree  
423 from an accredited college or university, with five (5) years of  
424 administrative or supervisory experience. Successful completion  
425 of the requirements of alternate route licensure for  
426 administrators shall qualify the person for a standard  
427 administrator license.

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

435 (8) **Reciprocity.** The department shall grant a standard  
436 five-year license to any individual who possesses a valid standard  
437 license from another state within a period of twenty-one (21) days  
438 from the date of a completed application. The issuance of a  
439 license by reciprocity to a military-trained applicant, military  
440 spouse or person who establishes residence in this state shall be  
441 subject to the provisions of Section 73-50-1 or 73-50-2, as  
442 applicable.



443           (9) **Renewal and Reinstatement of Licenses.** The State Board  
444 of Education is authorized to establish rules and regulations for  
445 the renewal and reinstatement of educator and administrator  
446 licenses. Effective May 15, 1997, the valid standard license held  
447 by an educator shall be extended five (5) years beyond the  
448 expiration date of the license in order to afford the educator  
449 adequate time to fulfill new renewal requirements established  
450 pursuant to this subsection. An educator completing a master of  
451 education, educational specialist or doctor of education degree in  
452 May 1997 for the purpose of upgrading the educator's license to a  
453 higher class shall be given this extension of five (5) years plus  
454 five (5) additional years for completion of a higher degree. For  
455 all license types with a current valid expiration date of June 30,  
456 2021, the State Department of Education shall grant a one-year  
457 extension to June 30, 2022. Beginning July 1, 2022, and  
458 thereafter, applicants for licensure renewal shall meet all  
459 requirements in effect on the date that the complete application  
460 is received by the State Department of Education.

461           (10) All controversies involving the issuance, revocation,  
462 suspension or any change whatsoever in the licensure of an  
463 educator required to hold a license shall be initially heard in a  
464 hearing de novo, by the commission or by a subcommittee  
465 established by the commission and composed of commission members,  
466 or by a hearing officer retained and appointed by the commission,  
467 for the purpose of holding hearings. Any complaint seeking the



468 denial of issuance, revocation or suspension of a license shall be  
469 by sworn affidavit filed with the Commission on Teacher and  
470 Administrator Education, Certification and Licensure and  
471 Development. The decision thereon by the commission, its  
472 subcommittee or hearing officer, shall be final, unless the  
473 aggrieved party shall appeal to the State Board of Education,  
474 within ten (10) days, of the decision of the commission, its  
475 subcommittee or hearing officer. An appeal to the State Board of  
476 Education shall be perfected upon filing a notice of the appeal  
477 and by the prepayment of the costs of the preparation of the  
478 record of proceedings by the commission, its subcommittee or  
479 hearing officer. An appeal shall be on the record previously made  
480 before the commission, its subcommittee or hearing officer, unless  
481 otherwise provided by rules and regulations adopted by the board.  
482 The decision of the commission, its subcommittee or hearing  
483 officer shall not be disturbed on appeal if supported by  
484 substantial evidence, was not arbitrary or capricious, within the  
485 authority of the commission, and did not violate some statutory or  
486 constitutional right. The State Board of Education in its  
487 authority may reverse, or remand with instructions, the decision  
488 of the commission, its subcommittee or hearing officer. The  
489 decision of the State Board of Education shall be final.

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



493                   (i) Lack of qualifications which are prescribed by  
494 law or regulations adopted by the State Board of Education;  
495                   (ii) The applicant has a physical, emotional or  
496 mental disability that renders the applicant unfit to perform the  
497 duties authorized by the license, as certified by a licensed  
498 psychologist or psychiatrist;  
499                   (iii) The applicant is actively addicted to or  
500 actively dependent on alcohol or other habit-forming drugs or is a  
501 habitual user of narcotics, barbiturates, amphetamines,  
502 hallucinogens or other drugs having similar effect, at the time of  
503 application for a license;  
504                   (iv) Fraud or deceit committed by the applicant in  
505 securing or attempting to secure such certification and license;  
506                   (v) Failing or refusing to furnish reasonable  
507 evidence of identification;  
508                   (vi) The applicant has been convicted, has pled  
509 guilty or entered a plea of nolo contendere to a felony, as  
510 defined by federal or state law. For purposes of this  
511 subparagraph (vi) of this paragraph (a), a "guilty plea" includes  
512 a plea of guilty, entry of a plea of nolo contendere, or entry of  
513 an order granting pretrial or judicial diversion;  
514                   (vii) The applicant or licensee is on probation or  
515 post-release supervision for a felony or conviction, as defined by  
516 federal or state law. However, this disqualification expires upon  
517 the end of the probationary or post-release supervision period.



518 (b) The State Board of Education, acting through the  
519 commission, shall deny an application for any teacher or  
520 administrator license, or immediately revoke the current teacher  
521 or administrator license, for one or more of the following:

522 (i) If the applicant or licensee has been  
523 convicted, has pled guilty or entered a plea of nolo contendere to  
524 a sex offense as defined by federal or state law. For purposes of  
525 this subparagraph (i) of this paragraph (b), a "guilty plea"  
526 includes a plea of guilty, entry of a plea of nolo contendere, or  
527 entry of an order granting pretrial or judicial diversion;

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

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

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

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



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

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

549 (c) Suspension or revocation of a certificate or  
550 license by another state shall result in immediate suspension or  
551 revocation and shall continue until records in the prior state  
552 have been cleared;

553 (d) The license holder has been convicted, has pled  
554 guilty or entered a plea of nolo contendere to a felony, as  
555 defined by federal or state law. For purposes of this paragraph,  
556 a "guilty plea" includes a plea of guilty, entry of a plea of nolo  
557 contendere, or entry of an order granting pretrial or judicial  
558 diversion;

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

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

565 (g) The license holder served as superintendent or  
566 principal in a school district during the time preceding and/or



567 that resulted in the Governor declaring a state of emergency and  
568 the State Board of Education appointing a conservator;

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

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

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

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

589 (b) Any offense committed or attempted in any other  
590 state shall result in the same penalty as if committed or  
591 attempted in this state.





592 (c) A person may voluntarily surrender a license. The  
593 surrender of such license may result in the commission  
594 recommending any of the above penalties without the necessity of a  
595 hearing. However, any such license which has voluntarily been  
596 surrendered by a licensed employee may only be reinstated by a  
597 majority vote of all members of the commission present at the  
598 meeting called for such purpose.

599 (14) (a) A person whose license has been suspended or  
600 surrendered on any grounds except criminal grounds may petition  
601 for reinstatement of the license after one (1) year from the date  
602 of suspension or surrender, or after one-half (1/2) of the  
603 suspended or surrendered time has lapsed, whichever is greater. A  
604 person whose license has been suspended or revoked on any grounds  
605 or violations under subsection (12) of this section may be  
606 reinstated automatically or approved for a reinstatement hearing,  
607 upon submission of a written request to the commission. A license  
608 suspended, revoked or surrendered on criminal grounds may be  
609 reinstated upon petition to the commission filed after expiration  
610 of the sentence and parole or probationary period imposed upon  
611 conviction. A revoked, suspended or surrendered license may be  
612 reinstated upon satisfactory showing of evidence of  
613 rehabilitation. The commission shall require all who petition for  
614 reinstatement to furnish evidence satisfactory to the commission  
615 of good character, good mental, emotional and physical health and  
616 such other evidence as the commission may deem necessary to



617 establish the petitioner's rehabilitation and fitness to perform  
618 the duties authorized by the license.

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

623 (15) Reporting procedures and hearing procedures for dealing  
624 with infractions under this section shall be promulgated by the  
625 commission, subject to the approval of the State Board of  
626 Education. The revocation or suspension of a license shall be  
627 effected at the time indicated on the notice of suspension or  
628 revocation. The commission shall immediately notify the  
629 superintendent of the school district or school board where the  
630 teacher or administrator is employed of any disciplinary action  
631 and also notify the teacher or administrator of such revocation or  
632 suspension and shall maintain records of action taken. The State  
633 Board of Education may reverse or remand with instructions any  
634 decision of the commission, its subcommittee or hearing officer  
635 regarding a petition for reinstatement of a license, and any such  
636 decision of the State Board of Education shall be final.

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



642 made, including a verbatim transcript of the testimony at the  
643 hearing. The appeal shall be filed within thirty (30) days after  
644 notification of the action of the board is mailed or served and  
645 the proceedings in chancery court shall be conducted as other  
646 matters coming before the court. The appeal shall be perfected  
647 upon filing notice of the appeal and by the prepayment of all  
648 costs, including the cost of preparation of the record of the  
649 proceedings by the State Board of Education, and the filing of a  
650 bond in the sum of Two Hundred Dollars (\$200.00) conditioned that  
651 if the action of the board be affirmed by the chancery court, the  
652 applicant or license holder shall pay the costs of the appeal and  
653 the action of the chancery court.

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

658 (18) The granting of a license shall not be deemed a  
659 property right nor a guarantee of employment in any public school  
660 district. A license is a privilege indicating minimal eligibility  
661 for teaching in the public school districts of Mississippi. This  
662 section shall in no way alter or abridge the authority of local  
663 school districts to require greater qualifications or standards of  
664 performance as a prerequisite of initial or continued employment  
665 in such districts.



666 (19) In addition to the reasons specified in subsections  
667 (12) and (13) of this section, the board shall be authorized to  
668 suspend the license of any licensee for being out of compliance  
669 with an order for support, as defined in Section 93-11-153. The  
670 procedure for suspension of a license for being out of compliance  
671 with an order for support, and the procedure for the reissuance or  
672 reinstatement of a license suspended for that purpose, and the  
673 payment of any fees for the reissuance or reinstatement of a  
674 license suspended for that purpose, shall be governed by Section  
675 93-11-157 or 93-11-163, as the case may be. Actions taken by the  
676 board in suspending a license when required by Section 93-11-157  
677 or 93-11-163 are not actions from which an appeal may be taken  
678 under this section. Any appeal of a license suspension that is  
679 required by Section 93-11-157 or 93-11-163 shall be taken in  
680 accordance with the appeal procedure specified in Section  
681 93-11-157 or 93-11-163, as the case may be, rather than the  
682 procedure specified in this section. If there is any conflict  
683 between any provision of Section 93-11-157 or 93-11-163 and any  
684 provision of this chapter, the provisions of Section 93-11-157 or  
685 93-11-163, as the case may be, shall control.

686 **SECTION 2.** This act shall take effect and be in force from  
687 and after July 1, 2022.

