

By: Representative Bennett

To: Education

HOUSE BILL NO. 174

1 AN ACT TO AMEND SECTION 37-3-2, MISSISSIPPI CODE OF 1972, TO  
 2 AUTHORIZE THE COMMISSION OF TEACHER AND ADMINISTRATOR EDUCATION,  
 3 CERTIFICATION, LICENSURE AND DEVELOPMENT TO CHARGE REASONABLE FEES  
 4 FOR APPLICATION FOR CERTIFICATES OF LICENSURE AND RENEWAL; TO  
 5 PROVIDE AN AGGRIEVED PARTY WHOSE LICENSE HAS BEEN REVOKED OR  
 6 SUSPENDED BY THE COMMISSION WITH A RIGHT TO APPEAL TO THE BOARD  
 7 OR, IN THE CASE OF AGGRIEVED PARTIES EMPLOYED BY A PUBLIC SPECIAL  
 8 PURPOSE SCHOOL, TO APPEAL TO THE CHANCERY COURT OF THE FIRST  
 9 DISTRICT OF HINDS COUNTY, MISSISSIPPI; TO REQUIRE THE COMMISSION  
 10 TO DENY APPLICATION FOR LICENSURE IF THE APPLICANT'S LICENSE HAS  
 11 BEEN REVOKED, SUSPENDED OR SURRENDERED IN ANOTHER STATE UNTIL THE  
 12 DISCIPLINING STATE CLEARS THE CHARGES AGAINST THE APPLICANT; TO  
 13 PERMIT THE COMMISSION TO PERMANENTLY REVOKE A LICENSE BASED UPON  
 14 THE SEVERITY OF THE OFFENSE; TO PROVIDE THAT KNOWINGLY OR  
 15 WILLFULLY COMMITTING ANY ACTS AFFECTING THE VALIDITY OF  
 16 ACCOUNTABILITY RESULTS SHALL BE GROUNDS FOR LICENSURE REVOCATION  
 17 OR SUSPENSION; TO PROVIDE THAT LOCAL SCHOOL BOARD-APPROVED  
 18 RESIGNATION OF A LICENSED EMPLOYEE DUE TO A VIOLATION OF THE STATE  
 19 BOARD OF EDUCATION'S PROFESSIONAL CODE OF ETHICS STANDARD OF  
 20 CONDUCT MAY RESULT IN SUSPENSION OR REVOCATION OF THE EMPLOYEE'S  
 21 LICENSE; TO PROVIDE THAT ONLY THE STATE BOARD OF EDUCATION MAY  
 22 STAY THE ENFORCEMENT OF A DECISION OR ORDER IT ISSUES, AND NOT THE  
 23 FILING OF AN APPEAL IN CHANCERY COURT; AND FOR RELATED PURPOSES.

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

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

27 37-3-2. (1) There is established within the State  
 28 Department of Education the Commission on Teacher and



29 Administrator Education, Certification and Licensure and  
30 Development. It shall be the purpose and duty of the commission  
31 to make recommendations to the State Board of Education regarding  
32 standards for the certification and licensure and continuing  
33 professional development of those who teach or perform tasks of an  
34 educational nature in the public schools of Mississippi.

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



54 (b) All appointments shall be made by the State Board  
55 of Education after consultation with the State Superintendent of  
56 Public Education. The first appointments by the State Board of  
57 Education shall be made as follows: five (5) members shall be  
58 appointed for a term of one (1) year; five (5) members shall be  
59 appointed for a term of two (2) years; and five (5) members shall  
60 be appointed for a term of three (3) years. Thereafter, all  
61 members shall be appointed for a term of four (4) years.

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

68 (4) (a) An appropriate staff member of the State Department  
69 of Education shall be designated and assigned by the State  
70 Superintendent of Public Education to serve as executive secretary  
71 and coordinator for the commission. No less than two (2) other  
72 appropriate staff members of the State Department of Education  
73 shall be designated and assigned by the State Superintendent of  
74 Public Education to serve on the staff of the commission.

75 (b) An Office of Educator Misconduct Evaluations shall  
76 be established within the State Department of Education to assist  
77 the commission in responding to infractions and violations, and in  
78 conducting hearings and enforcing the provisions of subsections



79 (11), (12), (13), (14) and (15) of this section, and violations of  
80 the Mississippi Educator Code of Ethics.

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

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

85 (b) Recommend to the State Board of Education each year  
86 approval or disapproval of each educator preparation program in  
87 the state, subject to a process and schedule determined by the  
88 State Board of Education;

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

92 (d) Establish, subject to the approval of the State  
93 Board of Education, standards for the renewal of teacher licenses  
94 in all fields;

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

98 (f) Review all existing requirements for certification  
99 and licensure;

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



102 (h) Prepare reports from time to time on current  
103 practices and issues in the general area of teacher education and  
104 certification and licensure;

105 (i) Hold hearings concerning standards for teachers'  
106 and administrators' education and certification and licensure with  
107 approval of the State Board of Education;

108 (j) Hire expert consultants with approval of the State  
109 Board of Education;

110 (k) Set up ad hoc committees to advise on specific  
111 areas; \* \* \*

112 (l) Perform such other functions as may fall within  
113 their general charge and which may be delegated to them by the  
114 State Board of Education \* \* \*; and

115 (m) Establish, subject to the approval of the State  
116 Board of Education, reasonable fees for the application for  
117 certificates of licensure and renewal.

118 (6) (a) **Standard License - Approved Program Route.** An  
119 educator entering the school system of Mississippi for the first  
120 time and meeting all requirements as established by the State  
121 Board of Education shall be granted a standard five-year license.  
122 Persons who possess two (2) years of classroom experience as an  
123 assistant teacher or who have taught for one (1) year in an  
124 accredited public or private school shall be allowed to fulfill  
125 student teaching requirements under the supervision of a qualified  
126 participating teacher approved by an accredited college of



127 education. The local school district in which the assistant  
128 teacher is employed shall compensate such assistant teachers at  
129 the required salary level during the period of time such  
130 individual is completing student teaching requirements.  
131 Applicants for a standard license shall submit to the department:  
132 (i) An application on a department form;  
133 (ii) An official transcript of completion of a  
134 teacher education program approved by the department or a  
135 nationally accredited program, subject to the following:  
136 Licensure to teach in Mississippi prekindergarten through  
137 kindergarten classrooms shall require completion of a teacher  
138 education program or a Bachelor of Science degree with child  
139 development emphasis from a program accredited by the American  
140 Association of Family and Consumer Sciences (AAFCS) or by the  
141 National Association for Education of Young Children (NAEYC) or by  
142 the National Council for Accreditation of Teacher Education  
143 (NCATE). Licensure to teach in Mississippi kindergarten, for  
144 those applicants who have completed a teacher education program,  
145 and in Grade 1 through Grade 4 shall require the completion of an  
146 interdisciplinary program of studies. Licenses for Grades 4  
147 through 8 shall require the completion of an interdisciplinary  
148 program of studies with two (2) or more areas of concentration.  
149 Licensure to teach in Mississippi Grades 7 through 12 shall  
150 require a major in an academic field other than education, or a  
151 combination of disciplines other than education. Students



152 preparing to teach a subject shall complete a major in the  
153 respective subject discipline. All applicants for standard  
154 licensure shall demonstrate that such person's college preparation  
155 in those fields was in accordance with the standards set forth by  
156 the National Council for Accreditation of Teacher Education  
157 (NCATE) or the National Association of State Directors of Teacher  
158 Education and Certification (NASDTEC) or, for those applicants who  
159 have a Bachelor of Science degree with child development emphasis,  
160 the American Association of Family and Consumer Sciences (AAFCS).  
161 Effective July 1, 2016, for initial elementary education  
162 licensure, a teacher candidate must earn a passing score on a  
163 rigorous test of scientifically research-based reading instruction  
164 and intervention and data-based decision-making principles as  
165 approved by the State Board of Education;

166 (iii) A copy of test scores evidencing  
167 satisfactory completion of nationally administered examinations of  
168 achievement, such as the Educational Testing Service's teacher  
169 testing examinations;

170 (iv) Any other document required by the State  
171 Board of Education; and

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



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

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

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

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

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

187 (i) An ACT Score of twenty-one (21) (or SAT  
188 equivalent); or

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

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

194 Beginning July 1, 2020, an individual who has attained a  
195 passing score on the Praxis Core Academic Skills for Educators or  
196 an ACT Score of twenty-one (21) (or SAT equivalent) or a minimum  
197 GPA of 3.0 on coursework prior to admission to an approved teacher  
198 education program and a passing score on the Praxis Subject  
199 Assessment in the requested area of endorsement may apply for  
200 admission to the Teach Mississippi Institute (TMI) program to





201 teach students in Grades 7 through 12 if the individual meets the  
202 requirements of this paragraph (b). The State Board of Education  
203 shall adopt rules requiring that teacher preparation institutions  
204 which provide the Teach Mississippi Institute (TMI) program for  
205 the preparation of nontraditional teachers shall meet the  
206 standards and comply with the provisions of this paragraph.

207 (i) The Teach Mississippi Institute (TMI) shall  
208 include an intensive eight-week, nine-semester-hour summer program  
209 or a curriculum of study in which the student matriculates in the  
210 fall or spring semester, which shall include, but not be limited  
211 to, instruction in education, effective teaching strategies,  
212 classroom management, state curriculum requirements, planning and  
213 instruction, instructional methods and pedagogy, using test  
214 results to improve instruction, and a one (1) semester three-hour  
215 supervised internship to be completed while the teacher is  
216 employed as a full-time teacher intern in a local school district.  
217 The TMI shall be implemented on a pilot program basis, with  
218 courses to be offered at up to four (4) locations in the state,  
219 with one (1) TMI site to be located in each of the three (3)  
220 Mississippi Supreme Court districts.

221 (ii) The school sponsoring the teacher intern  
222 shall enter into a written agreement with the institution  
223 providing the Teach Mississippi Institute (TMI) program, under  
224 terms and conditions as agreed upon by the contracting parties,  
225 providing that the school district shall provide teacher interns



226 seeking a nontraditional provisional teaching license with a  
227 one-year classroom teaching experience. The teacher intern shall  
228 successfully complete the one (1) semester three-hour intensive  
229 internship in the school district during the semester immediately  
230 following successful completion of the TMI and prior to the end of  
231 the one-year classroom teaching experience.

232 (iii) Upon completion of the nine-semester-hour  
233 TMI or the fall or spring semester option, the individual shall  
234 submit his transcript to the commission for provisional licensure  
235 of the intern teacher, and the intern teacher shall be issued a  
236 provisional teaching license by the commission, which will allow  
237 the individual to legally serve as a teacher while the person  
238 completes a nontraditional teacher preparation internship program.

239 (iv) During the semester of internship in the  
240 school district, the teacher preparation institution shall monitor  
241 the performance of the intern teacher. The school district that  
242 employs the provisional teacher shall supervise the provisional  
243 teacher during the teacher's intern year of employment under a  
244 nontraditional provisional license, and shall, in consultation  
245 with the teacher intern's mentor at the school district of  
246 employment, submit to the commission a comprehensive evaluation of  
247 the teacher's performance sixty (60) days prior to the expiration  
248 of the nontraditional provisional license. If the comprehensive  
249 evaluation establishes that the provisional teacher intern's  
250 performance fails to meet the standards of the approved



251 nontraditional teacher preparation internship program, the  
252 individual shall not be approved for a standard license.

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

258 (vi) Upon successful completion of the TMI and the  
259 internship provisional license period, applicants for a Standard  
260 License - Nontraditional Route shall submit to the commission a  
261 transcript of successful completion of the twelve (12) semester  
262 hours required in the internship program, and the employing school  
263 district shall submit to the commission a recommendation for  
264 standard licensure of the intern. If the school district  
265 recommends licensure, the applicant shall be issued a Standard  
266 License - Nontraditional Route which shall be valid for a  
267 five-year period and be renewable.

268 (vii) At the discretion of the teacher preparation  
269 institution, the individual shall be allowed to credit the twelve  
270 (12) semester hours earned in the nontraditional teacher  
271 internship program toward the graduate hours required for a Master  
272 of Arts in Teacher (MAT) Degree.

273 (viii) The local school district in which the  
274 nontraditional teacher intern or provisional licensee is employed  
275 shall compensate such teacher interns at Step 1 of the required



276 salary level during the period of time such individual is  
277 completing teacher internship requirements and shall compensate  
278 such Standard License - Nontraditional Route teachers at Step 3 of  
279 the required salary level when they complete license requirements.

280 Implementation of the TMI program provided for under this  
281 paragraph (b) shall be contingent upon the availability of funds  
282 appropriated specifically for such purpose by the Legislature.  
283 Such implementation of the TMI program may not be deemed to  
284 prohibit the State Board of Education from developing and  
285 implementing additional alternative route teacher licensure  
286 programs, as deemed appropriate by the board. The emergency  
287 certification program in effect prior to July 1, 2002, shall  
288 remain in effect.

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

295 (c) **Special License - Expert Citizen.** In order to  
296 allow a school district to offer specialized or technical courses,  
297 the State Department of Education, in accordance with rules and  
298 regulations established by the State Board of Education, may grant  
299 a one-year expert citizen-teacher license to local business or  
300 other professional personnel to teach in a public school or



301 nonpublic school accredited or approved by the state. Such person  
302 may begin teaching upon his employment by the local school board  
303 and licensure by the Mississippi Department of Education. The  
304 board shall adopt rules and regulations to administer the expert  
305 citizen-teacher license. A Special License - Expert Citizen may  
306 be renewed in accordance with the established rules and  
307 regulations of the State Department of Education.

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

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



325                   (f) **Special License - Transitional Bilingual Education.**  
326 Beginning July 1, 2003, the commission shall grant special  
327 licenses to teachers of transitional bilingual education who  
328 possess such qualifications as are prescribed in this section.  
329 Teachers of transitional bilingual education shall be compensated  
330 by local school boards at not less than one (1) step on the  
331 regular salary schedule applicable to permanent teachers licensed  
332 under this section. The commission shall grant special licenses  
333 to teachers of transitional bilingual education who present the  
334 commission with satisfactory evidence that they (i) possess a  
335 speaking and reading ability in a language, other than English, in  
336 which bilingual education is offered and communicative skills in  
337 English; (ii) are in good health and sound moral character; (iii)  
338 possess a bachelor's degree or an associate's degree in teacher  
339 education from an accredited institution of higher education; (iv)  
340 meet such requirements as to courses of study, semester hours  
341 therein, experience and training as may be required by the  
342 commission; and (v) are legally present in the United States and  
343 possess legal authorization for employment. A teacher of  
344 transitional bilingual education serving under a special license  
345 shall be under an exemption from standard licensure if he achieves  
346 the requisite qualifications therefor. Two (2) years of service  
347 by a teacher of transitional bilingual education under such an  
348 exemption shall be credited to the teacher in acquiring a Standard  
349 Educator License. Nothing in this paragraph shall be deemed to



350 prohibit a local school board from employing a teacher licensed in  
351 an appropriate field as approved by the State Department of  
352 Education to teach in a program in transitional bilingual  
353 education.

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

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

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

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



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

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

383 (d) **Administrator License - Nontraditional Route.** The  
384 board may establish a nontraditional route for licensing  
385 administrative personnel. Such nontraditional route for  
386 administrative licensure shall be available for persons holding,  
387 but not limited to, a master of business administration degree, a  
388 master of public administration degree, a master of public  
389 planning and policy degree or a doctor of jurisprudence degree  
390 from an accredited college or university, with five (5) years of  
391 administrative or supervisory experience. Successful completion  
392 of the requirements of alternate route licensure for  
393 administrators shall qualify the person for a standard  
394 administrator license.

395 Individuals seeking school administrator licensure under  
396 paragraph (b), (c) or (d) shall successfully complete a training  
397 program and an assessment process prescribed by the State Board of  
398 Education. All applicants for school administrator licensure  
399 shall meet all requirements prescribed by the department under





400 paragraph (b), (c) or (d), and the cost of the assessment process  
401 required shall be paid by the applicant.

402       (8) **Reciprocity.** The department shall grant a standard  
403 five-year license to any individual who possesses a valid standard  
404 license from another state within a period of twenty-one (21) days  
405 from the date of a completed application. The issuance of a  
406 license by reciprocity to a military-trained applicant, military  
407 spouse or person who establishes residence in this state shall be  
408 subject to the provisions of Section 73-50-1 or 73-50-2, as  
409 applicable.

410       (9) **Renewal and Reinstatement of Licenses.** The State Board  
411 of Education is authorized to establish rules and regulations for  
412 the renewal and reinstatement of educator and administrator  
413 licenses. Effective May 15, 1997, the valid standard license held  
414 by an educator shall be extended five (5) years beyond the  
415 expiration date of the license in order to afford the educator  
416 adequate time to fulfill new renewal requirements established  
417 pursuant to this subsection. An educator completing a master of  
418 education, educational specialist or doctor of education degree in  
419 May 1997 for the purpose of upgrading the educator's license to a  
420 higher class shall be given this extension of five (5) years plus  
421 five (5) additional years for completion of a higher degree. For  
422 all license types with a current valid expiration date of June 30,  
423 2021, the State Department of Education shall grant a one-year  
424 extension to June 30, 2022. Beginning July 1, 2022, and



425 thereafter, applicants for licensure renewal shall meet all  
426 requirements in effect on the date that the complete application  
427 is received by the State Department of Education.

428       (10) (a) All controversies involving the issuance,  
429 revocation, suspension or any change whatsoever in the licensure  
430 of an educator required to hold a license shall be initially heard  
431 in a hearing de novo, by the commission or by a subcommittee  
432 established by the commission and composed of commission members,  
433 or by a hearing officer retained and appointed by the commission,  
434 for the purpose of holding hearings. Any complaint seeking the  
435 denial of issuance, revocation or suspension of a license shall be  
436 by sworn affidavit filed with the Commission on Teacher and  
437 Administrator Education, Certification and Licensure and  
438 Development. The decision thereon by the commission, its  
439 subcommittee or hearing officer, shall be final \* \* \*. However,  
440 the aggrieved party \* \* \* may appeal to the State Board of  
441 Education, within ten (10) days, of the decision of the  
442 commission, its subcommittee or hearing officer. An appeal to the  
443 State Board of Education shall be perfected upon filing a notice  
444 of the appeal and by the prepayment of the costs of the  
445 preparation of the record of proceedings by the commission, its  
446 subcommittee or hearing officer. An appeal shall be on the record  
447 previously made before the commission, its subcommittee or hearing  
448 officer, unless otherwise provided by rules and regulations  
449 adopted by the board. The decision of the commission, its



450 subcommittee or hearing officer shall not be disturbed on appeal  
451 if supported by substantial evidence, was not arbitrary or  
452 capricious, within the authority of the commission, and did not  
453 violate some statutory or constitutional right. The State Board  
454 of Education in its authority may reverse, or remand with  
455 instructions, the decision of the commission, its subcommittee or  
456 hearing officer. The decision of the State Board of Education  
457 shall be final.

458 (b) An action or decision by the commission,  
459 subcommittee or hearing officer revoking or suspending a license  
460 or otherwise disciplining a licensed educator or administrator,  
461 who then becomes the aggrieved party under the provision of this  
462 section, employed by the Mississippi School of the Arts,  
463 Mississippi School for the Blind, Mississippi School for the Deaf  
464 or the Mississippi School for Mathematics and Science, shall be  
465 appealed directly to the Chancery Court of the First District of  
466 Hinds County, Mississippi, in accordance with the procedures  
467 prescribed in subsection (16) of this section.

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

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

473 (ii) The applicant has a physical, emotional or  
474 mental disability that renders the applicant unfit to perform the



475 duties authorized by the license, as certified by a licensed  
476 psychologist or psychiatrist;

477 (iii) The applicant is actively addicted to or  
478 actively dependent on alcohol or other habit-forming drugs or is a  
479 habitual user of narcotics, barbiturates, amphetamines,  
480 hallucinogens or other drugs having similar effect, at the time of  
481 application for a license;

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

484 (v) Failing or refusing to furnish reasonable  
485 evidence of identification;

486 (vi) The applicant has been convicted, has pled  
487 guilty or entered a plea of nolo contendere to a felony, as  
488 defined by federal or state law. For purposes of this  
489 subparagraph (vi) of this paragraph (a), a "guilty plea" includes  
490 a plea of guilty, entry of a plea of nolo contendere, or entry of  
491 an order granting pretrial or judicial diversion;

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

496 (b) The State Board of Education, acting through the  
497 commission, shall deny an application for any teacher or  
498 administrator license, or immediately revoke or suspend the



499 current teacher or administrator license, for one or more of the  
500 following:

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

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

510 (iii) The license holder has fondled a student as  
511 described in Section 97-5-23, or had any type of sexual  
512 involvement with a student as described in Section 97-3-95; \* \* \*

513 (iv) The license holder has failed to report  
514 sexual involvement of a school employee with a student as required  
515 by Section 97-5-24 \* \* \*; or

516 (v) Revocation, suspension or surrender of an  
517 applicant's license by another state until such time that the  
518 records predicated the revocation, suspension or surrender in the  
519 prior state have been cleared.

520 (12) The State Board of Education, acting through the  
521 commission, may revoke, suspend or refuse to renew any teacher or  
522 administrator license for specified periods of time, including  
523 permanent revocation based upon the severity of the offense, or



524 may place on probation, reprimand a licensee, or take other  
525 disciplinary action with regard to any license issued under this  
526 chapter for one or more of the following:

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

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

533           (c) Suspension or revocation of a certificate or  
534 license by another state shall result in immediate suspension or  
535 revocation and shall continue until records in the prior state  
536 have been cleared;

537           (d) The license holder has been convicted, has pled  
538 guilty or entered a plea of nolo contendere to a felony, as  
539 defined by federal or state law. For purposes of this paragraph,  
540 a "guilty plea" includes a plea of guilty, entry of a plea of nolo  
541 contendere, or entry of an order granting pretrial or judicial  
542 diversion;

543           (e) (i) The license holder knowingly and willfully  
544 committing any of the acts affecting validity of mandatory uniform  
545 test results as provided in Section 37-16-4(1); or

546                       (ii) The license holder knowingly and willfully  
547 committing any of acts affecting validity of accountability  
548 results as provided in Section 37-17-6;



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

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

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

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

564 For purposes of this subsection, probation shall be defined  
565 as a length of time determined by the commission, its subcommittee  
566 or hearing officer, and based on the severity of the offense in  
567 which the license holder shall meet certain requirements as  
568 prescribed by the commission, its subcommittee or hearing officer.  
569 Failure to complete the requirements in the time specified shall  
570 result in immediate suspension of the license for one (1) year.

571 (13) (a) Dismissal or suspension of a licensed employee by  
572 a local school board pursuant to Section 37-9-59, or a local  
573 school board-approved resignation of a licensed employee, which



574 results from a violation of any of the professional code of ethics  
575 standard of conduct adopted by the State Board of Education, may  
576 result in the suspension or revocation of a license for a length  
577 of time which shall be determined by the commission and based upon  
578 the severity of the offense.

579 (b) Any offense committed or attempted in any other  
580 state shall result in the same penalty as if committed or  
581 attempted in this state.

582 (c) A person may voluntarily surrender a license. The  
583 surrender of such license may result in the commission  
584 recommending any of the above penalties without the necessity of a  
585 hearing. However, any such license which has voluntarily been  
586 surrendered by a licensed employee may only be reinstated by a  
587 majority vote of all members of the commission present at the  
588 meeting called for such purpose.

589 (14) (a) A person whose license has been suspended or  
590 surrendered on any grounds except criminal grounds may petition  
591 for reinstatement of the license after one (1) year from the date  
592 of suspension or surrender, or after one-half (1/2) of the  
593 suspended or surrendered time has lapsed, whichever is greater. A  
594 person whose license has been suspended or revoked on any grounds  
595 or violations under subsection (12) of this section may be  
596 reinstated automatically or approved for a reinstatement hearing,  
597 upon submission of a written request to the commission. A license  
598 suspended, revoked or surrendered on criminal grounds may be





599 reinstated upon petition to the commission filed after expiration  
600 of the sentence and parole or probationary period imposed upon  
601 conviction. A revoked, suspended or surrendered license may be  
602 reinstated upon satisfactory showing of evidence of  
603 rehabilitation. The commission shall require all who petition for  
604 reinstatement to furnish evidence satisfactory to the commission  
605 of good character, good mental, emotional and physical health and  
606 such other evidence as the commission may deem necessary to  
607 establish the petitioner's rehabilitation and fitness to perform  
608 the duties authorized by the license.

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

613 (15) Reporting procedures and hearing procedures for dealing  
614 with infractions under this section shall be promulgated by the  
615 commission, subject to the approval of the State Board of  
616 Education. The revocation or suspension of a license shall be  
617 effected at the time indicated on the notice of suspension or  
618 revocation. The \* \* \* Office of Educator Misconduct shall  
619 immediately notify the superintendent of the school district or  
620 school board where the teacher or administrator is employed of any  
621 disciplinary action and also notify the teacher or administrator  
622 of such revocation or suspension and shall maintain records of  
623 action taken. The State Board of Education may reverse or remand



624 with instructions any decision of the commission, its subcommittee  
625 or hearing officer regarding a petition for reinstatement of a  
626 license, and any such decision of the State Board of Education  
627 shall be final.

628 (16) An appeal from the action of the State Board of  
629 Education in denying an application, revoking or suspending a  
630 license or otherwise disciplining any person under the provisions  
631 of this section shall be filed in the Chancery Court of the First  
632 Judicial District of Hinds County, Mississippi, on the record  
633 made, including a verbatim transcript of the testimony at the  
634 hearing. The appeal shall be filed within thirty (30) days after  
635 notification of the action of the board is mailed or served and  
636 the proceedings in chancery court shall be conducted as other  
637 matters coming before the court. The appeal shall be perfected  
638 upon filing notice of the appeal and by the prepayment of all  
639 costs, including the cost of preparation of the record of the  
640 proceedings by the State Board of Education, and the filing of a  
641 bond in the sum of Two Hundred Dollars (\$200.00) conditioned that  
642 if the action of the board be affirmed by the chancery court, the  
643 applicant or license holder shall pay the costs of the appeal and  
644 the action of the chancery court. The filing of an appeal in  
645 chancery court does not stay the enforcement of the decision or  
646 order of the State Board of Education, but the State Board of  
647 Education itself may grant a stay upon such terms and conditions  
648 as it deems proper.



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

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

661 (19) In addition to the reasons specified in subsections  
662 (12) and (13) of this section, the board shall be authorized to  
663 suspend the license of any licensee for being out of compliance  
664 with an order for support, as defined in Section 93-11-153. The  
665 procedure for suspension of a license for being out of compliance  
666 with an order for support, and the procedure for the reissuance or  
667 reinstatement of a license suspended for that purpose, and the  
668 payment of any fees for the reissuance or reinstatement of a  
669 license suspended for that purpose, shall be governed by Section  
670 93-11-157 or 93-11-163, as the case may be. Actions taken by the  
671 board in suspending a license when required by Section 93-11-157  
672 or 93-11-163 are not actions from which an appeal may be taken  
673 under this section. Any appeal of a license suspension that is



674 required by Section 93-11-157 or 93-11-163 shall be taken in  
675 accordance with the appeal procedure specified in Section  
676 93-11-157 or 93-11-163, as the case may be, rather than the  
677 procedure specified in this section. If there is any conflict  
678 between any provision of Section 93-11-157 or 93-11-163 and any  
679 provision of this chapter, the provisions of Section 93-11-157 or  
680 93-11-163, as the case may be, shall control.

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

