

By: Representative Felsher

To: Education

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1059

1 AN ACT TO AMEND SECTION 37-3-2, MISSISSIPPI CODE OF 1972, TO  
2 REVISE THE QUALIFICATIONS FOR THE TRADITIONAL AND ALTERNATE ROUTE  
3 TO OBTAIN TEACHER LICENSURE; TO REMOVE THE PRESCRIBED MINIMUM ACT  
4 SCORE AND GPA ON COURSEWORK REQUIRED FOR ENTRY INTO AN APPROVED  
5 EDUCATOR PREPARATION PROGRAM; TO PROVIDE THAT FROM AND AFTER JULY  
6 1, 2022, APPLICANTS FOR LICENSURE MUST DEMONSTRATE SUBJECT MATTER  
7 COMPETENCY AS APPROVED BY THE STATE BOARD OF EDUCATION; TO  
8 PRESCRIBE THE MINIMUM CRITERIA REQUIRED TO EVIDENCE SUCH  
9 COMPETENCY; TO REPLACE THE CRITERIA REQUIREMENT FOR NCATE  
10 ACCREDITATION WITH AN ACCREDITOR FOR EDUCATION PREPARATION  
11 PROGRAMS APPROVED BY THE STATE BOARD OF EDUCATION; TO REQUIRE A  
12 TWO SEMESTER SIX-HOUR SUPERVISED INTERNSHIP TO BE COMPLETED WHILE  
13 THE TEACHER IS EMPLOYED AS A FULL-TIME TEACHER INTERN IN A LOCAL  
14 SCHOOL DISTRICT, TO PERMIT THE TEACH MISSISSIPPI INSTITUTE TO  
15 OFFER AT ANY STATE BOARD OF EDUCATION-APPROVED EPP WITH AN  
16 APPROVED TMI PROGRAM; TO REQUIRE THE EPP AND SCHOOL DISTRICT OF  
17 INTERNSHIP TO MONITOR THE PERFORMANCE OF INTERN TEACHER; TO  
18 REQUIRE APPLICANTS FOR A STANDARD LICENSE-NONTRADITIONAL ROUTE TO  
19 SUBMIT A TRANSCRIPT EVIDENCING THE COMPLETION OF 15 SEMESTER HOURS  
20 IN THE INTERNSHIP PROGRAM; AND FOR RELATED PURPOSES.

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

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

24 37-3-2. (1) There is established within the State  
25 Department of Education the Commission on Teacher and  
26 Administrator Education, Certification and Licensure and  
27 Development. It shall be the purpose and duty of the commission



28 to make recommendations to the State Board of Education regarding  
29 standards for the certification and licensure and continuing  
30 professional development of those who teach or perform tasks of an  
31 educational nature in the public schools of Mississippi.

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

51 (b) All appointments shall be made by the State Board  
52 of Education after consultation with the State Superintendent of



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

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

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

72 (b) An Office of Educator Misconduct Evaluations shall  
73 be established within the State Department of Education to assist  
74 the commission in responding to infractions and violations, and in  
75 conducting hearings and enforcing the provisions of subsections  
76 (11), (12), (13), (14) and (15) of this section, and violations of  
77 the Mississippi Educator Code of Ethics.



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

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

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

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

89 (d) Establish, subject to the approval of the State  
90 Board of Education, standards for the renewal of teacher licenses  
91 in all fields;

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

95 (f) Review all existing requirements for certification  
96 and licensure;

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

99 (h) Prepare reports from time to time on current  
100 practices and issues in the general area of teacher education and  
101 certification and licensure;



102 (i) Hold hearings concerning standards for teachers'  
103 and administrators' education and certification and licensure with  
104 approval of the State Board of Education;

105 (j) Hire expert consultants with approval of the State  
106 Board of Education;

107 (k) Set up ad hoc committees to advise on specific  
108 areas; and

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

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

126 (i) An application on a department form;



127 (ii) An official transcript of completion of a  
128 teacher education program approved by the department or a  
129 nationally accredited program, subject to the following:  
130 Licensure to teach in Mississippi prekindergarten through  
131 kindergarten classrooms shall require completion of a teacher  
132 education program or a Bachelor of Science degree with child  
133 development emphasis from a preparation program \* \* \* in  
134 accordance with the standards set forth by the American  
135 Association of Family and Consumer Sciences (AAFCS) or by the  
136 National Association for Education of Young Children (NAEYC) or by  
137 the \* \* \* national accreditor for education preparation providers  
138 approved by the State Board of Education. Licensure to teach in  
139 Mississippi kindergarten, for those applicants who have completed  
140 a teacher education program, and in Grade 1 through Grade 4 shall  
141 require the completion of an interdisciplinary program of studies.  
142 Licenses for Grades 4 through 8 shall require the completion of an  
143 interdisciplinary program of studies with two (2) or more areas of  
144 concentration. Licensure to teach in Mississippi Grades 7 through  
145 12 shall require a major in an academic field other than  
146 education, or a combination of disciplines other than education.  
147 Students preparing to teach a subject shall complete a major in  
148 the respective subject discipline. All applicants for standard  
149 licensure shall demonstrate that such person's college preparation  
150 in those fields was in accordance with the standards set forth by  
151 the \* \* \* national accreditor for educator preparation providers



152 approved by the State Board of Education or the National  
153 Association of State Directors of Teacher Education and  
154 Certification (NASDTEC) or, for those applicants who have a  
155 Bachelor of Science degree with child development emphasis, the  
156 American Association of Family and Consumer Sciences (AAFCS).  
157 Effective July 1, 2016, for initial elementary education  
158 licensure, a teacher candidate must earn a passing score on a  
159 rigorous test of scientifically research-based reading instruction  
160 and intervention and data-based decision-making principles as  
161 approved by the State Board of Education;

162 \* \* \*

163 ( \* \* \* iii) From and after July 1, \* \* \* 2022, no  
164 teacher candidate shall be licensed to teach in Mississippi who  
165 did not meet the following criteria for entrance into an approved  
166 teacher education program as established by the State Board of  
167 Education:

168 1. \* \* \* A qualifying passing ACT Score \* \* \*  
169 (or SAT equivalent); or

170 2. \* \* \* A qualifying passing score on the  
171 Praxis Core Academic Skills for Educators examination \* \* \*; or

172 3. A minimum GPA \* \* \* on coursework prior to  
173 admission to an approved teacher education program \* \* \*;

174 (iv) From and after July 1, 2022, no teacher  
175 candidate shall be licensed to teach in Mississippi who did not



176 meet the following criteria for demonstrating subject matter  
177 competency as approved by the State Board of Education:

178 1. A qualifying passing score on a content  
179 area assessment; or

180 2. An official score report evidencing an  
181 attempted content area assessment; and

182 3. Satisfactory completion of an approved  
183 teacher education program; and

184 4. At least three (3) years of relevant  
185 teaching experience in the content area with performance-based  
186 evidence of educator effectiveness as determined by rules and  
187 regulations established by the State Board of Education; and

188 (v) Any other document required by the State Board  
189 of Education.

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

191 (i) From and after July 1, \* \* \* 2022, no teacher  
192 candidate shall be licensed to teach in Mississippi under the  
193 alternate route who did not meet the following criteria as  
194 established by the State Board of Education:

195 \* \* \* 1. \* \* \* A qualifying passing ACT  
196 Score \* \* \* (or SAT equivalent); or

197 \* \* \* 2. \* \* \* A qualifying passing score on  
198 the Praxis Core Academic Skills for Educators examination \* \* \*;  
199 or





200                   \* \* \*3. A minimum GPA \* \* \* on coursework  
201 prior to admission to an approved teacher education program \* \* \*;  
202 and

203                   4. From and after July 1, 2022, no teacher  
204 candidate shall be licensed to teach in Mississippi who did not  
205 meet the following criteria for demonstrating subject matter  
206 competency as approved by the State Board of Education:

207                   a. A qualifying passing score on a  
208 content area assessment; or

209                   b. An official score report evidencing  
210 an attempted content area assessment; and

211                   c. Satisfactory completion of an  
212 approved teacher education program; and

213                   d. At least three (3) years of relevant  
214 teaching experience in the content area with performance-based  
215 evidence of educator effectiveness as determined by rules and  
216 regulations established by the State Board of Education.

217                   (ii) Beginning July 1, \* \* \* 2022, an individual  
218 who \* \* \* meets the requirements of this paragraph (b) may apply  
219 for admission to the Teach Mississippi Institute (TMI) program to  
220 teach students in Grades 7 through 12 \* \* \*. The State Board of  
221 Education shall adopt rules requiring that \* \* \* Educator  
222 Preparation Programs (EPPs) which provide the Teach Mississippi  
223 Institute (TMI) program for the preparation of nontraditional



224 teachers shall meet the standards and comply with the provisions  
225 of this paragraph.

226                   \* \* \*1. The Teach Mississippi Institute  
227 (TMI) shall include \* \* \* nine-semester-hour summer program or a  
228 curriculum of study in which the student matriculates in the fall  
229 or spring semester, which shall include, but not be limited to,  
230 instruction in education, \* \* \* instruction in teaching strategies  
231 for students with disabilities, classroom management, state  
232 curriculum requirements, planning and instruction, instructional  
233 methods and pedagogy, using test results to improve instruction,  
234 and a \* \* \* two (2) semester \* \* \* six-hour supervised internship  
235 to be completed while the teacher is employed as a full-time  
236 teacher intern in a local school district. \* \* \* TMI  
237 courses \* \* \* may be offered at \* \* \* any EPP with a State Board  
238 of Education approved TMI program.

239                   \* \* \*2. The school sponsoring the teacher  
240 intern shall enter into a written agreement with the \* \* \* EPP  
241 providing the Teach Mississippi Institute (TMI) program, under  
242 terms and conditions as agreed upon by the contracting parties,  
243 providing that the school district shall provide teacher interns  
244 seeking a nontraditional provisional teaching license with a  
245 one-year internship and classroom teaching experience. The  
246 teacher intern shall successfully complete the \* \* \* two (2)  
247 semester \* \* \* six-hour intensive internship in the school  
248 district during the \* \* \* year-long teaching experience.



249                   \* \* \*3. Upon completion of the  
250 nine-semester-hour TMI or the fall or spring semester option, the  
251 individual shall submit his transcript to the commission for  
252 provisional licensure of the intern teacher, and the intern  
253 teacher shall be issued a provisional teaching license by the  
254 commission, which will allow the individual to legally serve as a  
255 teacher while the person completes a nontraditional teacher  
256 preparation internship program.

257                   \* \* \*4. During the semesters of internship  
258 in the school district, the \* \* \* EPP and school district shall  
259 monitor the performance of the intern teacher. The school  
260 district that employs the provisional teacher shall supervise the  
261 provisional teacher during the teacher's intern year of employment  
262 under a nontraditional provisional license, and shall, in  
263 consultation with the teacher intern's mentor at the school  
264 district of employment, submit to the commission a comprehensive  
265 evaluation of the teacher's performance sixty (60) days prior to  
266 the expiration of the nontraditional provisional license. If the  
267 comprehensive evaluation establishes that the provisional teacher  
268 intern's performance fails to meet the standards of the approved  
269 nontraditional teacher preparation internship program, the  
270 individual shall not be approved for a standard license.

271                   \* \* \*5. An individual issued a provisional  
272 teaching license under this nontraditional route shall  
273 successfully complete, at a minimum, a one-year beginning teacher



274 mentoring and induction program administered by the employing  
275 school district with the assistance of the State Department of  
276 Education.

277                   \* \* \*6. Upon successful completion of the  
278 TMI and the internship provisional license period, applicants for  
279 a Standard License - Nontraditional Route shall submit to the  
280 commission a transcript of successful completion of the \* \* \*  
281 fifteen (15) semester hours required in the internship program,  
282 and the employing school district shall submit to the commission a  
283 recommendation for standard licensure of the intern. If the  
284 school district recommends licensure, the applicant shall be  
285 issued a Standard License - Nontraditional Route which shall be  
286 valid for a five-year period and be renewable.

287                   \* \* \*7. At the discretion of the \* \* \* EPP,  
288 the individual shall be allowed to credit the \* \* \* fifteen (15)  
289 semester hours earned in the nontraditional teacher internship  
290 program toward the graduate hours required for a Master of Arts in  
291 Teacher (MAT) Degree.

292                   \* \* \*8. The local school district in which  
293 the nontraditional teacher intern or provisional licensee is  
294 employed shall compensate such teacher interns at Step 1 of the  
295 required salary level during the period of time such individual is  
296 completing teacher internship requirements and shall compensate  
297 such Standard License - Nontraditional Route teachers at Step 3 of  
298 the required salary level when they complete license requirements.



299                   (iii) Implementation of the TMI program provided  
300 for under this paragraph (b) shall be contingent upon the  
301 availability of funds appropriated specifically for such purpose  
302 by the Legislature. Such implementation of the TMI program may  
303 not be deemed to prohibit the State Board of Education from  
304 developing and implementing additional alternative route teacher  
305 licensure programs, as deemed appropriate by the board. The  
306 emergency certification program in effect prior to July 1, 2002,  
307 shall remain in effect.

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

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



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

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

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

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



349 by local school boards at not less than one (1) step on the  
350 regular salary schedule applicable to permanent teachers licensed  
351 under this section. The commission shall grant special licenses  
352 to teachers of transitional bilingual education who present the  
353 commission with satisfactory evidence that they (i) possess a  
354 speaking and reading ability in a language, other than English, in  
355 which bilingual education is offered and communicative skills in  
356 English; (ii) are in good health and sound moral character; (iii)  
357 possess a bachelor's degree or an associate's degree in teacher  
358 education from an accredited institution of higher education; (iv)  
359 meet such requirements as to courses of study, semester hours  
360 therein, experience and training as may be required by the  
361 commission; and (v) are legally present in the United States and  
362 possess legal authorization for employment. A teacher of  
363 transitional bilingual education serving under a special license  
364 shall be under an exemption from standard licensure if he achieves  
365 the requisite qualifications therefor. Two (2) years of service  
366 by a teacher of transitional bilingual education under such an  
367 exemption shall be credited to the teacher in acquiring a Standard  
368 Educator License. Nothing in this paragraph shall be deemed to  
369 prohibit a local school board from employing a teacher licensed in  
370 an appropriate field as approved by the State Department of  
371 Education to teach in a program in transitional bilingual  
372 education.



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

379 \* \* \*

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

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

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

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





398           (d) **Administrator License - Nontraditional Route.** The  
399 board may establish a nontraditional route for licensing  
400 administrative personnel. Such nontraditional route for  
401 administrative licensure shall be available for persons holding,  
402 but not limited to, a master of business administration degree, a  
403 master of public administration degree, a master of public  
404 planning and policy degree or a doctor of jurisprudence degree  
405 from an accredited college or university, with five (5) years of  
406 administrative or supervisory experience. Successful completion  
407 of the requirements of alternate route licensure for  
408 administrators shall qualify the person for a standard  
409 administrator license.

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

417           (8) **Reciprocity.** The department shall grant a standard  
418 five-year license to any individual who possesses a valid standard  
419 license from another state within a period of twenty-one (21) days  
420 from the date of a completed application. The issuance of a  
421 license by reciprocity to a military-trained applicant, military  
422 spouse or person who establishes residence in this state shall be



423 subject to the provisions of Section 73-50-1 or 73-50-2, as  
424 applicable.

425       (9) **Renewal and Reinstatement of Licenses.** The State Board  
426 of Education is authorized to establish rules and regulations for  
427 the renewal and reinstatement of educator and administrator  
428 licenses. Effective May 15, 1997, the valid standard license held  
429 by an educator shall be extended five (5) years beyond the  
430 expiration date of the license in order to afford the educator  
431 adequate time to fulfill new renewal requirements established  
432 pursuant to this subsection. An educator completing a master of  
433 education, educational specialist or doctor of education degree in  
434 May 1997 for the purpose of upgrading the educator's license to a  
435 higher class shall be given this extension of five (5) years plus  
436 five (5) additional years for completion of a higher degree. For  
437 all license types with a current valid expiration date of June 30,  
438 2021, the State Department of Education shall grant a one-year  
439 extension to June 30, 2022. Beginning July 1, 2022, and  
440 thereafter, applicants for licensure renewal shall meet all  
441 requirements in effect on the date that the complete application  
442 is received by the State Department of Education.

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



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



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

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

477                   (ii) The applicant has a physical, emotional or  
478 mental disability that renders the applicant unfit to perform the  
479 duties authorized by the license, as certified by a licensed  
480 psychologist or psychiatrist;

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

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

488                   (v) Failing or refusing to furnish reasonable  
489 evidence of identification;

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



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

500 (b) The State Board of Education, acting through the  
501 commission, shall deny an application for any teacher or  
502 administrator license, or immediately revoke the current teacher  
503 or administrator license, for one or more of the following:

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

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

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

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

519 (12) The State Board of Education, acting through the  
520 commission, may revoke, suspend or refuse to renew any teacher or



521 administrator license for specified periods of time or may place  
522 on probation, reprimand a licensee, or take other disciplinary  
523 action with regard to any license issued under this chapter for  
524 one or more of the following:

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

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

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

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

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



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

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

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

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

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

566 (13) (a) Dismissal or suspension of a licensed employee by  
567 a local school board pursuant to Section 37-9-59 may result in the  
568 suspension or revocation of a license for a length of time which



569 shall be determined by the commission and based upon the severity  
570 of the offense.

571 (b) Any offense committed or attempted in any other  
572 state shall result in the same penalty as if committed or  
573 attempted in this state.

574 (c) A person may voluntarily surrender a license. The  
575 surrender of such license may result in the commission  
576 recommending any of the above penalties without the necessity of a  
577 hearing. However, any such license which has voluntarily been  
578 surrendered by a licensed employee may only be reinstated by a  
579 majority vote of all members of the commission present at the  
580 meeting called for such purpose.

581 (14) (a) A person whose license has been suspended or  
582 surrendered on any grounds except criminal grounds may petition  
583 for reinstatement of the license after one (1) year from the date  
584 of suspension or surrender, or after one-half (1/2) of the  
585 suspended or surrendered time has lapsed, whichever is greater. A  
586 person whose license has been suspended or revoked on any grounds  
587 or violations under subsection (12) of this section may be  
588 reinstated automatically or approved for a reinstatement hearing,  
589 upon submission of a written request to the commission. A license  
590 suspended, revoked or surrendered on criminal grounds may be  
591 reinstated upon petition to the commission filed after expiration  
592 of the sentence and parole or probationary period imposed upon  
593 conviction. A revoked, suspended or surrendered license may be





594 reinstated upon satisfactory showing of evidence of  
595 rehabilitation. The commission shall require all who petition for  
596 reinstatement to furnish evidence satisfactory to the commission  
597 of good character, good mental, emotional and physical health and  
598 such other evidence as the commission may deem necessary to  
599 establish the petitioner's rehabilitation and fitness to perform  
600 the duties authorized by the license.

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

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



619 (16) An appeal from the action of the State Board of  
620 Education in denying an application, revoking or suspending a  
621 license or otherwise disciplining any person under the provisions  
622 of this section shall be filed in the Chancery Court of the First  
623 Judicial District of Hinds County, Mississippi, on the record  
624 made, including a verbatim transcript of the testimony at the  
625 hearing. The appeal shall be filed within thirty (30) days after  
626 notification of the action of the board is mailed or served and  
627 the proceedings in chancery court shall be conducted as other  
628 matters coming before the court. The appeal shall be perfected  
629 upon filing notice of the appeal and by the prepayment of all  
630 costs, including the cost of preparation of the record of the  
631 proceedings by the State Board of Education, and the filing of a  
632 bond in the sum of Two Hundred Dollars (\$200.00) conditioned that  
633 if the action of the board be affirmed by the chancery court, the  
634 applicant or license holder shall pay the costs of the appeal and  
635 the action of the chancery court.

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

640 (18) The granting of a license shall not be deemed a  
641 property right nor a guarantee of employment in any public school  
642 district. A license is a privilege indicating minimal eligibility  
643 for teaching in the public school districts of Mississippi. This



644 section shall in no way alter or abridge the authority of local  
645 school districts to require greater qualifications or standards of  
646 performance as a prerequisite of initial or continued employment  
647 in such districts.

648 (19) In addition to the reasons specified in subsections  
649 (12) and (13) of this section, the board shall be authorized to  
650 suspend the license of any licensee for being out of compliance  
651 with an order for support, as defined in Section 93-11-153. The  
652 procedure for suspension of a license for being out of compliance  
653 with an order for support, and the procedure for the reissuance or  
654 reinstatement of a license suspended for that purpose, and the  
655 payment of any fees for the reissuance or reinstatement of a  
656 license suspended for that purpose, shall be governed by Section  
657 93-11-157 or 93-11-163, as the case may be. Actions taken by the  
658 board in suspending a license when required by Section 93-11-157  
659 or 93-11-163 are not actions from which an appeal may be taken  
660 under this section. Any appeal of a license suspension that is  
661 required by Section 93-11-157 or 93-11-163 shall be taken in  
662 accordance with the appeal procedure specified in Section  
663 93-11-157 or 93-11-163, as the case may be, rather than the  
664 procedure specified in this section. If there is any conflict  
665 between any provision of Section 93-11-157 or 93-11-163 and any  
666 provision of this chapter, the provisions of Section 93-11-157 or  
667 93-11-163, as the case may be, shall control.



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

