

By: Senator(s) DeBar

To: Education

SENATE BILL NO. 2423

1 AN ACT TO AMEND SECTION 37-3-2, MISSISSIPPI CODE OF 1972, TO  
 2 PROVIDE THAT IT SHALL BE THE DUTY OF THE COMMISSION ON TEACHER AND  
 3 ADMINISTRATOR EDUCATION, CERTIFICATION AND LICENSURE AND  
 4 DEVELOPMENT TO ESTABLISH STANDARDS, SUBJECT TO THE APPROVAL OF THE  
 5 STATE BOARD OF EDUCATION, FOR TEACHER SUPPLEMENTAL ENDORSEMENTS,  
 6 PROVIDED THAT THE STANDARDS ALLOW TEACHERS AS MANY OPTIONS AS  
 7 POSSIBLE TO RECEIVE A SUPPLEMENTAL ENDORSEMENT; TO REQUIRE THE  
 8 DEPARTMENT OF EDUCATION TO GRANT AND RENEW ALL LICENSES AND  
 9 CERTIFICATIONS OF TEACHERS AND ADMINISTRATORS WITHIN 21 DAYS OF A  
 10 COMPLETED APPLICATION; AND FOR RELATED PURPOSES.

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

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

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



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

41           (b)   All appointments shall be made by the State Board  
42 of Education after consultation with the State Superintendent of  
43 Public Education. The first appointments by the State Board of  
44 Education shall be made as follows: five (5) members shall be  
45 appointed for a term of one (1) year; five (5) members shall be  
46 appointed for a term of two (2) years; and five (5) members shall



47 be appointed for a term of three (3) years. Thereafter, all  
48 members shall be appointed for a term of four (4) years.

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

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

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

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

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



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

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

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

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

85           (f) Review all existing requirements for certification  
86 and licensure;

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

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

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

95           (j) Hire expert consultants with approval of the State  
96 Board of Education;



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

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

102 (m) Establish standards, subject to the approval of the  
103 State Board of Education, for supplemental endorsements, provided  
104 that the standards allow teachers as many options as possible to  
105 receive a supplemental endorsement, including, but not limited to,  
106 the option of taking additional coursework or scoring at or higher  
107 than the designated cut score on a section of the Praxis  
108 examination relevant to the endorsement if such section of the  
109 examination is administered.

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



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



147 in those fields was in accordance with the standards set forth by  
148 the National Council for Accreditation of Teacher Education  
149 (NCATE) or the National Association of State Directors of Teacher  
150 Education and Certification (NASDTEC) or, for those applicants who  
151 have a Bachelor of Science degree with child development emphasis,  
152 the American Association of Family and Consumer Sciences (AAFCS).  
153 Effective July 1, 2016, for initial elementary education  
154 licensure, a teacher candidate must earn a passing score on a  
155 rigorous test of scientifically research-based reading instruction  
156 and intervention and data-based decision-making principles as  
157 approved by the State Board of Education;

158 (iii) A copy of test scores evidencing  
159 satisfactory completion of nationally administered examinations of  
160 achievement, such as the Educational Testing Service's teacher  
161 testing examinations;

162 (iv) Any other document required by the State  
163 Board of Education; and

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

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



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

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

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

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

179                   (i) An ACT Score of twenty-one (21) (or SAT  
180 equivalent); or

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

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

186                   Beginning July 1, 2020, an individual who has attained a  
187 passing score on the Praxis Core Academic Skills for Educators or  
188 an ACT Score of twenty-one (21) (or SAT equivalent) or a minimum  
189 GPA of 3.0 on coursework prior to admission to an approved teacher  
190 education program and a passing score on the Praxis Subject  
191 Assessment in the requested area of endorsement may apply for  
192 admission to the Teach Mississippi Institute (TMI) program to  
193 teach students in Grades 7 through 12 if the individual meets the  
194 requirements of this paragraph (b). The State Board of Education





195 shall adopt rules requiring that teacher preparation institutions  
196 which provide the Teach Mississippi Institute (TMI) program for  
197 the preparation of nontraditional teachers shall meet the  
198 standards and comply with the provisions of this paragraph.

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

213 (ii) The school sponsoring the teacher intern  
214 shall enter into a written agreement with the institution  
215 providing the Teach Mississippi Institute (TMI) program, under  
216 terms and conditions as agreed upon by the contracting parties,  
217 providing that the school district shall provide teacher interns  
218 seeking a nontraditional provisional teaching license with a  
219 one-year classroom teaching experience. The teacher intern shall



220 successfully complete the one (1) semester three-hour intensive  
221 internship in the school district during the semester immediately  
222 following successful completion of the TMI and prior to the end of  
223 the one-year classroom teaching experience.

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

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



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

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

260 (vii) At the discretion of the teacher preparation  
261 institution, the individual shall be allowed to credit the twelve  
262 (12) semester hours earned in the nontraditional teacher  
263 internship program toward the graduate hours required for a Master  
264 of Arts in Teacher (MAT) Degree.

265 (viii) The local school district in which the  
266 nontraditional teacher intern or provisional licensee is employed  
267 shall compensate such teacher interns at Step 1 of the required  
268 salary level during the period of time such individual is  
269 completing teacher internship requirements and shall compensate



270 such Standard License - Nontraditional Route teachers at Step 3 of  
271 the required salary level when they complete license requirements.

272 Implementation of the TMI program provided for under this  
273 paragraph (b) shall be contingent upon the availability of funds  
274 appropriated specifically for such purpose by the Legislature.  
275 Such implementation of the TMI program may not be deemed to  
276 prohibit the State Board of Education from developing and  
277 implementing additional alternative route teacher licensure  
278 programs, as deemed appropriate by the board. The emergency  
279 certification program in effect prior to July 1, 2002, shall  
280 remain in effect.

281 A Standard License - Approved Program Route shall be issued  
282 for a five-year period, and may be renewed. Recognizing teaching  
283 as a profession, a hiring preference shall be granted to persons  
284 holding a Standard License - Approved Program Route or Standard  
285 License - Nontraditional Teaching Route over persons holding any  
286 other license.

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



295 and licensure by the Mississippi Department of Education. The  
296 board shall adopt rules and regulations to administer the expert  
297 citizen-teacher license. A Special License - Expert Citizen may  
298 be renewed in accordance with the established rules and  
299 regulations of the State Department of Education.

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

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

317 (f) **Special License - Transitional Bilingual Education.**  
318 Beginning July 1, 2003, the commission shall grant special  
319 licenses to teachers of transitional bilingual education who



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



344 Education to teach in a program in transitional bilingual  
345 education.

346 (g) In the event any school district meets the highest  
347 accreditation standards as defined by the State Board of Education  
348 in the accountability system, the State Board of Education, in its  
349 discretion, may exempt such school district from any restrictions  
350 in paragraph (e) relating to the employment of nonlicensed  
351 teaching personnel.

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

357 (7) **Administrator License.** The State Board of Education is  
358 authorized to establish rules and regulations and to administer  
359 the licensure process of the school administrators in the State of  
360 Mississippi. There will be four (4) categories of administrator  
361 licensure with exceptions only through special approval of the  
362 State Board of Education.

363 (a) **Administrator License - Nonpracticing.** Those  
364 educators holding administrative endorsement but having no  
365 administrative experience or not serving in an administrative  
366 position on January 15, 1997.

367 (b) **Administrator License - Entry Level.** Those  
368 educators holding administrative endorsement and having met the



369 department's qualifications to be eligible for employment in a  
370 Mississippi school district. Administrator License - Entry Level  
371 shall be issued for a five-year period and shall be nonrenewable.

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

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

387 Individuals seeking school administrator licensure under  
388 paragraph (b), (c) or (d) shall successfully complete a training  
389 program and an assessment process prescribed by the State Board of  
390 Education. All applicants for school administrator licensure  
391 shall meet all requirements prescribed by the department under  
392 paragraph (b), (c) or (d), and the cost of the assessment process  
393 required shall be paid by the applicant.





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

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



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

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



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

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

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

454 (ii) The applicant has a physical, emotional or  
455 mental disability that renders the applicant unfit to perform the  
456 duties authorized by the license, as certified by a licensed  
457 psychologist or psychiatrist;

458 (iii) The applicant is actively addicted to or  
459 actively dependent on alcohol or other habit-forming drugs or is a  
460 habitual user of narcotics, barbiturates, amphetamines,  
461 hallucinogens or other drugs having similar effect, at the time of  
462 application for a license;

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

465 (v) Failing or refusing to furnish reasonable  
466 evidence of identification;



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

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

477                   (b) The State Board of Education, acting through the  
478 commission, shall deny an application for any teacher or  
479 administrator license, or immediately revoke the current teacher  
480 or administrator license, for one or more of the following:

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

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



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

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

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

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

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

508 (c) Suspension or revocation of a certificate or  
509 license by another state shall result in immediate suspension or  
510 revocation and shall continue until records in the prior state  
511 have been cleared;

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



515 a "guilty plea" includes a plea of guilty, entry of a plea of nolo  
516 contendere, or entry of an order granting pretrial or judicial  
517 diversion;

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

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

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

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

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

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



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

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

548 (b) Any offense committed or attempted in any other  
549 state shall result in the same penalty as if committed or  
550 attempted in this state.

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

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



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

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

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





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

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

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



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

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

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



640 93-11-157 or 93-11-163, as the case may be, rather than the  
641 procedure specified in this section. If there is any conflict  
642 between any provision of Section 93-11-157 or 93-11-163 and any  
643 provision of this chapter, the provisions of Section 93-11-157 or  
644 93-11-163, as the case may be, shall control.

645 (20) The Department of Education shall grant and renew all  
646 licenses and certifications of teachers and administrators within  
647 twenty-one (21) days from the date of a completed application if  
648 the applicant has otherwise met all established requirements for  
649 the license or certification.

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

