

By: Senator(s) DeBar, Branning, Blount

To: Education

COMMITTEE SUBSTITUTE
FOR
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, INCLUDING, BUT NOT
8 LIMITED TO, THE OPTION OF TAKING ADDITIONAL COURSEWORK OR EARNING
9 AT LEAST THE MINIMUM QUALIFYING SCORE OR HIGHER ON THE REQUIRED
10 LICENSURE SUBJECT ASSESSMENT RELEVANT TO THE ENDORSEMENT AREA FOR
11 WHICH THE LICENSURE IS SOUGHT, PROVIDED THAT THE SUBJECT
12 ASSESSMENT OPTION SHALL NOT APPLY TO CERTAIN SUBJECT AREAS,
13 INCLUDING, BUT NOT LIMITED TO, EARLY/PRIMARY EDUCATION PREK-3,
14 ELEMENTARY EDUCATION, OR SPECIAL EDUCATION EXCEPT BY SPECIAL
15 APPROVAL BY THE STATE BOARD OF EDUCATION; TO REQUIRE THE
16 DEPARTMENT OF EDUCATION TO GRANT AND RENEW ALL LICENSES AND
17 CERTIFICATIONS OF TEACHERS AND ADMINISTRATORS WITHIN 21 DAYS OF A
18 COMPLETED APPLICATION; TO PROVIDE THAT TEACHERS WHO POSSESS A
19 TEACHER LICENSE FROM ANOTHER COUNTRY OR POLITICAL SUBDIVISION
20 THEREOF SHALL BE GRANTED A STANDARD FIVE-YEAR LICENSE BY THE
21 DEPARTMENT OF EDUCATION; AND FOR RELATED PURPOSES.

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

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

25 37-3-2. (1) There is established within the State
26 Department of Education the Commission on Teacher and
27 Administrator Education, Certification and Licensure and



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

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



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

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

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

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



77 (11), (12), (13), (14) and (15) of this section, and violations of
78 the Mississippi Educator Code of Ethics.

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

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

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

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

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

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

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

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



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

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

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

108 (k) Set up ad hoc committees to advise on specific
109 areas; * * *

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

113 (m) Establish standards, subject to the approval of the
114 State Board of Education, for supplemental endorsements, provided
115 that the standards allow teachers as many options as possible to
116 receive a supplemental endorsement, including, but not limited to,
117 the option of taking additional coursework or earning at least the
118 minimum qualifying score or higher on the required licensure
119 subject assessment relevant to the endorsement area for which the
120 licensure is sought. The subject assessment option shall not
121 apply to certain subject areas, including, but not limited to,
122 Early/Primary Education PreK-3, Elementary Education, or Special
123 Education except by special approval by the State Board of
124 Education.



125 (6) (a) **Standard License - Approved Program Route.** An
126 educator entering the school system of Mississippi for the first
127 time and meeting all requirements as established by the State
128 Board of Education shall be granted a standard five-year license.
129 Persons who possess two (2) years of classroom experience as an
130 assistant teacher or who have taught for one (1) year in an
131 accredited public or private school shall be allowed to fulfill
132 student teaching requirements under the supervision of a qualified
133 participating teacher approved by an accredited college of
134 education. The local school district in which the assistant
135 teacher is employed shall compensate such assistant teachers at
136 the required salary level during the period of time such
137 individual is completing student teaching requirements.
138 Applicants for a standard license shall submit to the department:
139 (i) An application on a department form;
140 (ii) An official transcript of completion of a
141 teacher education program approved by the department or a
142 nationally accredited program, subject to the following:
143 Licensure to teach in Mississippi prekindergarten through
144 kindergarten classrooms shall require completion of a teacher
145 education program or a Bachelor of Science degree with child
146 development emphasis from a program accredited by the American
147 Association of Family and Consumer Sciences (AAFCS) or by the
148 National Association for Education of Young Children (NAEYC) or by
149 the National Council for Accreditation of Teacher Education



150 (NCATE). Licensure to teach in Mississippi kindergarten, for
151 those applicants who have completed a teacher education program,
152 and in Grade 1 through Grade 4 shall require the completion of an
153 interdisciplinary program of studies. Licenses for Grades 4
154 through 8 shall require the completion of an interdisciplinary
155 program of studies with two (2) or more areas of concentration.
156 Licensure to teach in Mississippi Grades 7 through 12 shall
157 require a major in an academic field other than education, or a
158 combination of disciplines other than education. Students
159 preparing to teach a subject shall complete a major in the
160 respective subject discipline. All applicants for standard
161 licensure shall demonstrate that such person's college preparation
162 in those fields was in accordance with the standards set forth by
163 the National Council for Accreditation of Teacher Education
164 (NCATE) or the National Association of State Directors of Teacher
165 Education and Certification (NASDTEC) or, for those applicants who
166 have a Bachelor of Science degree with child development emphasis,
167 the American Association of Family and Consumer Sciences (AAFCS).
168 Effective July 1, 2016, for initial elementary education
169 licensure, a teacher candidate must earn a passing score on a
170 rigorous test of scientifically research-based reading instruction
171 and intervention and data-based decision-making principles as
172 approved by the State Board of Education;

173 (iii) A copy of test scores evidencing
174 satisfactory completion of nationally administered examinations of



175 achievement, such as the Educational Testing Service's teacher
176 testing examinations;

177 (iv) Any other document required by the State
178 Board of Education; and

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

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

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

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

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

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

194 (i) An ACT Score of twenty-one (21) (or SAT
195 equivalent); or

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



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

201 Beginning July 1, 2020, an individual who has attained a
202 passing score on the Praxis Core Academic Skills for Educators or
203 an ACT Score of twenty-one (21) (or SAT equivalent) or a minimum
204 GPA of 3.0 on coursework prior to admission to an approved teacher
205 education program and a passing score on the Praxis Subject
206 Assessment in the requested area of endorsement may apply for
207 admission to the Teach Mississippi Institute (TMI) program to
208 teach students in Grades 7 through 12 if the individual meets the
209 requirements of this paragraph (b). The State Board of Education
210 shall adopt rules requiring that teacher preparation institutions
211 which provide the Teach Mississippi Institute (TMI) program for
212 the preparation of nontraditional teachers shall meet the
213 standards and comply with the provisions of this paragraph.

214 (i) The Teach Mississippi Institute (TMI) shall
215 include an intensive eight-week, nine-semester-hour summer program
216 or a curriculum of study in which the student matriculates in the
217 fall or spring semester, which shall include, but not be limited
218 to, instruction in education, effective teaching strategies,
219 classroom management, state curriculum requirements, planning and
220 instruction, instructional methods and pedagogy, using test
221 results to improve instruction, and a one (1) semester three-hour
222 supervised internship to be completed while the teacher is
223 employed as a full-time teacher intern in a local school district.



224 The TMI shall be implemented on a pilot program basis, with
225 courses to be offered at up to four (4) locations in the state,
226 with one (1) TMI site to be located in each of the three (3)
227 Mississippi Supreme Court districts.

228 (ii) The school sponsoring the teacher intern
229 shall enter into a written agreement with the institution
230 providing the Teach Mississippi Institute (TMI) program, under
231 terms and conditions as agreed upon by the contracting parties,
232 providing that the school district shall provide teacher interns
233 seeking a nontraditional provisional teaching license with a
234 one-year classroom teaching experience. The teacher intern shall
235 successfully complete the one (1) semester three-hour intensive
236 internship in the school district during the semester immediately
237 following successful completion of the TMI and prior to the end of
238 the one-year classroom teaching experience.

239 (iii) Upon completion of the nine-semester-hour
240 TMI or the fall or spring semester option, the individual shall
241 submit his transcript to the commission for provisional licensure
242 of the intern teacher, and the intern teacher shall be issued a
243 provisional teaching license by the commission, which will allow
244 the individual to legally serve as a teacher while the person
245 completes a nontraditional teacher preparation internship program.

246 (iv) During the semester of internship in the
247 school district, the teacher preparation institution shall monitor
248 the performance of the intern teacher. The school district that



249 employs the provisional teacher shall supervise the provisional
250 teacher during the teacher's intern year of employment under a
251 nontraditional provisional license, and shall, in consultation
252 with the teacher intern's mentor at the school district of
253 employment, submit to the commission a comprehensive evaluation of
254 the teacher's performance sixty (60) days prior to the expiration
255 of the nontraditional provisional license. If the comprehensive
256 evaluation establishes that the provisional teacher intern's
257 performance fails to meet the standards of the approved
258 nontraditional teacher preparation internship program, the
259 individual shall not be approved for a standard license.

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

265 (vi) Upon successful completion of the TMI and the
266 internship provisional license period, applicants for a Standard
267 License - Nontraditional Route shall submit to the commission a
268 transcript of successful completion of the twelve (12) semester
269 hours required in the internship program, and the employing school
270 district shall submit to the commission a recommendation for
271 standard licensure of the intern. If the school district
272 recommends licensure, the applicant shall be issued a Standard



273 License - Nontraditional Route which shall be valid for a
274 five-year period and be renewable.

275 (vii) At the discretion of the teacher preparation
276 institution, the individual shall be allowed to credit the twelve
277 (12) semester hours earned in the nontraditional teacher
278 internship program toward the graduate hours required for a Master
279 of Arts in Teacher (MAT) Degree.

280 (viii) The local school district in which the
281 nontraditional teacher intern or provisional licensee is employed
282 shall compensate such teacher interns at Step 1 of the required
283 salary level during the period of time such individual is
284 completing teacher internship requirements and shall compensate
285 such Standard License - Nontraditional Route teachers at Step 3 of
286 the required salary level when they complete license requirements.

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

296 A Standard License - Approved Program Route shall be issued
297 for a five-year period, and may be renewed. Recognizing teaching



298 as a profession, a hiring preference shall be granted to persons
299 holding a Standard License - Approved Program Route or Standard
300 License - Nontraditional Teaching Route over persons holding any
301 other license.

302 (c) **Special License - Expert Citizen.** In order to
303 allow a school district to offer specialized or technical courses,
304 the State Department of Education, in accordance with rules and
305 regulations established by the State Board of Education, may grant
306 a one-year expert citizen-teacher license to local business or
307 other professional personnel to teach in a public school or
308 nonpublic school accredited or approved by the state. Such person
309 may begin teaching upon his employment by the local school board
310 and licensure by the Mississippi Department of Education. The
311 board shall adopt rules and regulations to administer the expert
312 citizen-teacher license. A Special License - Expert Citizen may
313 be renewed in accordance with the established rules and
314 regulations of the State Department of Education.

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

321 (e) **Nonlicensed Teaching Personnel.** A nonlicensed
322 person may teach for a maximum of three (3) periods per teaching



323 day in a public school district or a nonpublic school
324 accredited/approved by the state. Such person shall submit to the
325 department a transcript or record of his education and experience
326 which substantiates his preparation for the subject to be taught
327 and shall meet other qualifications specified by the commission
328 and approved by the State Board of Education. In no case shall
329 any local school board hire nonlicensed personnel as authorized
330 under this paragraph in excess of five percent (5%) of the total
331 number of licensed personnel in any single school.

332 (f) **Special License - Transitional Bilingual Education.**

333 Beginning July 1, 2003, the commission shall grant special
334 licenses to teachers of transitional bilingual education who
335 possess such qualifications as are prescribed in this section.
336 Teachers of transitional bilingual education shall be compensated
337 by local school boards at not less than one (1) step on the
338 regular salary schedule applicable to permanent teachers licensed
339 under this section. The commission shall grant special licenses
340 to teachers of transitional bilingual education who present the
341 commission with satisfactory evidence that they (i) possess a
342 speaking and reading ability in a language, other than English, in
343 which bilingual education is offered and communicative skills in
344 English; (ii) are in good health and sound moral character; (iii)
345 possess a bachelor's degree or an associate's degree in teacher
346 education from an accredited institution of higher education; (iv)
347 meet such requirements as to courses of study, semester hours



348 therein, experience and training as may be required by the
349 commission; and (v) are legally present in the United States and
350 possess legal authorization for employment. A teacher of
351 transitional bilingual education serving under a special license
352 shall be under an exemption from standard licensure if he achieves
353 the requisite qualifications therefor. Two (2) years of service
354 by a teacher of transitional bilingual education under such an
355 exemption shall be credited to the teacher in acquiring a Standard
356 Educator License. Nothing in this paragraph shall be deemed to
357 prohibit a local school board from employing a teacher licensed in
358 an appropriate field as approved by the State Department of
359 Education to teach in a program in transitional bilingual
360 education.

361 (g) In the event any school district meets the highest
362 accreditation standards as defined by the State Board of Education
363 in the accountability system, the State Board of Education, in its
364 discretion, may exempt such school district from any restrictions
365 in paragraph (e) relating to the employment of nonlicensed
366 teaching personnel.

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



372 (7) **Administrator License.** The State Board of Education is
373 authorized to establish rules and regulations and to administer
374 the licensure process of the school administrators in the State of
375 Mississippi. There will be four (4) categories of administrator
376 licensure with exceptions only through special approval of the
377 State Board of Education.

378 (a) **Administrator License - Nonpracticing.** Those
379 educators holding administrative endorsement but having no
380 administrative experience or not serving in an administrative
381 position on January 15, 1997.

382 (b) **Administrator License - Entry Level.** Those
383 educators holding administrative endorsement and having met the
384 department's qualifications to be eligible for employment in a
385 Mississippi school district. Administrator License - Entry Level
386 shall be issued for a five-year period and shall be nonrenewable.

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

390 (d) **Administrator License - Nontraditional Route.** The
391 board may establish a nontraditional route for licensing
392 administrative personnel. Such nontraditional route for
393 administrative licensure shall be available for persons holding,
394 but not limited to, a master of business administration degree, a
395 master of public administration degree, a master of public
396 planning and policy degree or a doctor of jurisprudence degree



397 from an accredited college or university, with five (5) years of
398 administrative or supervisory experience. Successful completion
399 of the requirements of alternate route licensure for
400 administrators shall qualify the person for a standard
401 administrator license.

402 Individuals seeking school administrator licensure under
403 paragraph (b), (c) or (d) shall successfully complete a training
404 program and an assessment process prescribed by the State Board of
405 Education. All applicants for school administrator licensure
406 shall meet all requirements prescribed by the department under
407 paragraph (b), (c) or (d), and the cost of the assessment process
408 required shall be paid by the applicant.

409 (8) **Reciprocity.** The department shall grant a standard
410 five-year license to any individual who possesses a valid standard
411 license from another state, or another country or political
412 subdivision thereof, within a period of twenty-one (21) days from
413 the date of a completed application. The issuance of a license by
414 reciprocity to a military-trained applicant, military spouse or
415 person who establishes residence in this state shall be subject to
416 the provisions of Section 73-50-1 or 73-50-2, as applicable.

417 (9) **Renewal and Reinstatement of Licenses.** The State Board
418 of Education is authorized to establish rules and regulations for
419 the renewal and reinstatement of educator and administrator
420 licenses. Effective May 15, 1997, the valid standard license held
421 by an educator shall be extended five (5) years beyond the



422 expiration date of the license in order to afford the educator
423 adequate time to fulfill new renewal requirements established
424 pursuant to this subsection. An educator completing a master of
425 education, educational specialist or doctor of education degree in
426 May 1997 for the purpose of upgrading the educator's license to a
427 higher class shall be given this extension of five (5) years plus
428 five (5) additional years for completion of a higher degree. For
429 all license types with a current valid expiration date of June 30,
430 2021, the State Department of Education shall grant a one-year
431 extension to June 30, 2022. Beginning July 1, 2022, and
432 thereafter, applicants for licensure renewal shall meet all
433 requirements in effect on the date that the complete application
434 is received by the State Department of Education.

435 (10) All controversies involving the issuance, revocation,
436 suspension or any change whatsoever in the licensure of an
437 educator required to hold a license shall be initially heard in a
438 hearing de novo, by the commission or by a subcommittee
439 established by the commission and composed of commission members,
440 or by a hearing officer retained and appointed by the commission,
441 for the purpose of holding hearings. Any complaint seeking the
442 denial of issuance, revocation or suspension of a license shall be
443 by sworn affidavit filed with the Commission on Teacher and
444 Administrator Education, Certification and Licensure and
445 Development. The decision thereon by the commission, its
446 subcommittee or hearing officer, shall be final, unless the



447 aggrieved party shall appeal to the State Board of Education,
448 within ten (10) days, of the decision of the commission, its
449 subcommittee or hearing officer. An appeal to the State Board of
450 Education shall be perfected upon filing a notice of the appeal
451 and by the prepayment of the costs of the preparation of the
452 record of proceedings by the commission, its subcommittee or
453 hearing officer. An appeal shall be on the record previously made
454 before the commission, its subcommittee or hearing officer, unless
455 otherwise provided by rules and regulations adopted by the board.
456 The decision of the commission, its subcommittee or hearing
457 officer shall not be disturbed on appeal if supported by
458 substantial evidence, was not arbitrary or capricious, within the
459 authority of the commission, and did not violate some statutory or
460 constitutional right. The State Board of Education in its
461 authority may reverse, or remand with instructions, the decision
462 of the commission, its subcommittee or hearing officer. The
463 decision of the State Board of Education shall be final.

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

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

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



471 duties authorized by the license, as certified by a licensed
472 psychologist or psychiatrist;

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

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

480 (v) Failing or refusing to furnish reasonable
481 evidence of identification;

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

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

492 (b) The State Board of Education, acting through the
493 commission, shall deny an application for any teacher or
494 administrator license, or immediately revoke the current teacher
495 or administrator license, for one or more of the following:



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

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

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

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

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

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



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

523 (c) Suspension or revocation of a certificate or
524 license by another state shall result in immediate suspension or
525 revocation and shall continue until records in the prior state
526 have been cleared;

527 (d) The license holder has been convicted, has pled
528 guilty or entered a plea of nolo contendere to a felony, as
529 defined by federal or state law. For purposes of this paragraph,
530 a "guilty plea" includes a plea of guilty, entry of a plea of nolo
531 contendere, or entry of an order granting pretrial or judicial
532 diversion;

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

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

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

543 (h) The license holder submitted a false certification
544 to the State Department of Education that a statewide test was



545 administered in strict accordance with the Requirements of the
546 Mississippi Statewide Assessment System; or

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

551 For purposes of this subsection, probation shall be defined
552 as a length of time determined by the commission, its subcommittee
553 or hearing officer, and based on the severity of the offense in
554 which the license holder shall meet certain requirements as
555 prescribed by the commission, its subcommittee or hearing officer.
556 Failure to complete the requirements in the time specified shall
557 result in immediate suspension of the license for one (1) year.

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

563 (b) Any offense committed or attempted in any other
564 state shall result in the same penalty as if committed or
565 attempted in this state.

566 (c) A person may voluntarily surrender a license. The
567 surrender of such license may result in the commission
568 recommending any of the above penalties without the necessity of a
569 hearing. However, any such license which has voluntarily been



570 surrendered by a licensed employee may only be reinstated by a
571 majority vote of all members of the commission present at the
572 meeting called for such purpose.

573 (14) (a) A person whose license has been suspended or
574 surrendered on any grounds except criminal grounds may petition
575 for reinstatement of the license after one (1) year from the date
576 of suspension or surrender, or after one-half (1/2) of the
577 suspended or surrendered time has lapsed, whichever is greater. A
578 person whose license has been suspended or revoked on any grounds
579 or violations under subsection (12) of this section may be
580 reinstated automatically or approved for a reinstatement hearing,
581 upon submission of a written request to the commission. A license
582 suspended, revoked or surrendered on criminal grounds may be
583 reinstated upon petition to the commission filed after expiration
584 of the sentence and parole or probationary period imposed upon
585 conviction. A revoked, suspended or surrendered license may be
586 reinstated upon satisfactory showing of evidence of
587 rehabilitation. The commission shall require all who petition for
588 reinstatement to furnish evidence satisfactory to the commission
589 of good character, good mental, emotional and physical health and
590 such other evidence as the commission may deem necessary to
591 establish the petitioner's rehabilitation and fitness to perform
592 the duties authorized by the license.

593 (b) A person whose license expires while under
594 investigation by the Office of Educator Misconduct for an alleged



595 violation may not be reinstated without a hearing before the
596 commission if required based on the results of the investigation.

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

611 (16) An appeal from the action of the State Board of
612 Education in denying an application, revoking or suspending a
613 license or otherwise disciplining any person under the provisions
614 of this section shall be filed in the Chancery Court of the First
615 Judicial District of Hinds County, Mississippi, on the record
616 made, including a verbatim transcript of the testimony at the
617 hearing. The appeal shall be filed within thirty (30) days after
618 notification of the action of the board is mailed or served and
619 the proceedings in chancery court shall be conducted as other



620 matters coming before the court. The appeal shall be perfected
621 upon filing notice of the appeal and by the prepayment of all
622 costs, including the cost of preparation of the record of the
623 proceedings by the State Board of Education, and the filing of a
624 bond in the sum of Two Hundred Dollars (\$200.00) conditioned that
625 if the action of the board be affirmed by the chancery court, the
626 applicant or license holder shall pay the costs of the appeal and
627 the action of the chancery court.

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

632 (18) The granting of a license shall not be deemed a
633 property right nor a guarantee of employment in any public school
634 district. A license is a privilege indicating minimal eligibility
635 for teaching in the public school districts of Mississippi. This
636 section shall in no way alter or abridge the authority of local
637 school districts to require greater qualifications or standards of
638 performance as a prerequisite of initial or continued employment
639 in such districts.

640 (19) In addition to the reasons specified in subsections
641 (12) and (13) of this section, the board shall be authorized to
642 suspend the license of any licensee for being out of compliance
643 with an order for support, as defined in Section 93-11-153. The
644 procedure for suspension of a license for being out of compliance



645 with an order for support, and the procedure for the reissuance or
646 reinstatement of a license suspended for that purpose, and the
647 payment of any fees for the reissuance or reinstatement of a
648 license suspended for that purpose, shall be governed by Section
649 93-11-157 or 93-11-163, as the case may be. Actions taken by the
650 board in suspending a license when required by Section 93-11-157
651 or 93-11-163 are not actions from which an appeal may be taken
652 under this section. Any appeal of a license suspension that is
653 required by Section 93-11-157 or 93-11-163 shall be taken in
654 accordance with the appeal procedure specified in Section
655 93-11-157 or 93-11-163, as the case may be, rather than the
656 procedure specified in this section. If there is any conflict
657 between any provision of Section 93-11-157 or 93-11-163 and any
658 provision of this chapter, the provisions of Section 93-11-157 or
659 93-11-163, as the case may be, shall control.

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

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

