

By: Senator(s) DeBar

To: Education

SENATE BILL NO. 2674

1 AN ACT TO AMEND SECTION 37-3-2, MISSISSIPPI CODE OF 1972, TO  
 2 PROVIDE CERTAIN APPEAL RIGHTS TO LICENSED EDUCATORS AND  
 3 ADMINISTRATORS WHO HAVE HAD THEIR LICENSE SUSPENDED OR REVOKED; TO  
 4 PROVIDE THAT REVOCATION, SUSPENSION OR SURRENDER OF AN APPLICANT'S  
 5 LICENSE BY ANOTHER STATE SHALL RESULT IN IMMEDIATE DENIAL OF  
 6 LICENSURE UNTIL SUCH TIME THAT THE RECORDS PREDICATING SUCH ACT IN  
 7 THE PRIOR STATE HAVE BEEN CLEARED; TO PROVIDE THAT THE BOARD OF  
 8 EDUCATION MAY REVOKE, SUSPEND OR REFUSE TO RENEW ANY TEACHER OR  
 9 ADMINISTRATOR LICENSE FOR A LICENSE HOLDER KNOWINGLY OR WILLFULLY  
 10 COMMITTING ANY ACTS AFFECTING VALIDITY OF ACCOUNTABILITY RESULTS;  
 11 TO DELETE CERTAIN OUTDATED PROVISIONS; AND FOR RELATED PURPOSES.

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

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

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



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

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



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

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

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

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

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

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



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

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

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

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

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

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

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

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

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



98 (k) Set up ad hoc committees to advise on specific  
99 areas; and

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

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

- 117 (i) An application on a department form;  
118 (ii) An official transcript of completion of a  
119 teacher education program approved by the department or a  
120 nationally accredited program, subject to the following:  
121 Licensure to teach in Mississippi prekindergarten through  
122 kindergarten classrooms shall require completion of a teacher



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



148 rigorous test of scientifically research-based reading instruction  
149 and intervention and data-based decision-making principles as  
150 approved by the State Board of Education;

151 (iii) A copy of test scores evidencing  
152 satisfactory completion of nationally administered examinations of  
153 achievement, such as the Educational Testing Service's teacher  
154 testing examinations;

155 (iv) Any other document required by the State  
156 Board of Education; and

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

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

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

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

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

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



- 172 (i) An ACT Score of twenty-one (21) (or SAT  
173 equivalent); or
- 174 (ii) Achieve a qualifying passing score on the  
175 Praxis Core Academic Skills for Educators examination as  
176 established by the State Board of Education; or
- 177 (iii) A minimum GPA of 3.0 on coursework prior to  
178 admission to an approved teacher education program.

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

192 (i) The Teach Mississippi Institute (TMI) shall  
193 include an intensive eight-week, nine-semester-hour summer program  
194 or a curriculum of study in which the student matriculates in the  
195 fall or spring semester, which shall include, but not be limited  
196 to, instruction in education, effective teaching strategies,





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

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

217                   (iii) Upon completion of the nine-semester-hour  
218 TMI or the fall or spring semester option, the individual shall  
219 submit his transcript to the commission for provisional licensure  
220 of the intern teacher, and the intern teacher shall be issued a  
221 provisional teaching license by the commission, which will allow



222 the individual to legally serve as a teacher while the person  
223 completes a nontraditional teacher preparation internship program.

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

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

243 (vi) Upon successful completion of the TMI and the  
244 internship provisional license period, applicants for a Standard  
245 License - Nontraditional Route shall submit to the commission a  
246 transcript of successful completion of the twelve (12) semester



247 hours required in the internship program, and the employing school  
248 district shall submit to the commission a recommendation for  
249 standard licensure of the intern. If the school district  
250 recommends licensure, the applicant shall be issued a Standard  
251 License - Nontraditional Route which shall be valid for a  
252 five-year period and be renewable.

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

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

265 Implementation of the TMI program provided for under this  
266 paragraph (b) shall be contingent upon the availability of funds  
267 appropriated specifically for such purpose by the Legislature.  
268 Such implementation of the TMI program may not be deemed to  
269 prohibit the State Board of Education from developing and  
270 implementing additional alternative route teacher licensure  
271 programs, as deemed appropriate by the board. The emergency



272 certification program in effect prior to July 1, 2002, shall  
273 remain in effect.

274 A Standard License - Approved Program Route shall be issued  
275 for a five-year period, and may be renewed. Recognizing teaching  
276 as a profession, a hiring preference shall be granted to persons  
277 holding a Standard License - Approved Program Route or Standard  
278 License - Nontraditional Teaching Route over persons holding any  
279 other license.

280 (c) **Special License - Expert Citizen.** In order to  
281 allow a school district to offer specialized or technical courses,  
282 the State Department of Education, in accordance with rules and  
283 regulations established by the State Board of Education, may grant  
284 a one-year expert citizen-teacher license to local business or  
285 other professional personnel to teach in a public school or  
286 nonpublic school accredited or approved by the state. Such person  
287 may begin teaching upon his employment by the local school board  
288 and licensure by the Mississippi Department of Education. The  
289 board shall adopt rules and regulations to administer the expert  
290 citizen-teacher license. A Special License - Expert Citizen may  
291 be renewed in accordance with the established rules and  
292 regulations of the State Department of Education.

293 (d) **Special License - Nonrenewable.** The State Board of  
294 Education is authorized to establish rules and regulations to  
295 allow those educators not meeting requirements in paragraph (a),  
296 (b) or (c) of this subsection (6) to be licensed for a period of



297 not more than three (3) years, except by special approval of the  
298 State Board of Education.

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

310 (f) **Special License - Transitional Bilingual Education.**  
311 Beginning July 1, 2003, the commission shall grant special  
312 licenses to teachers of transitional bilingual education who  
313 possess such qualifications as are prescribed in this section.  
314 Teachers of transitional bilingual education shall be compensated  
315 by local school boards at not less than one (1) step on the  
316 regular salary schedule applicable to permanent teachers licensed  
317 under this section. The commission shall grant special licenses  
318 to teachers of transitional bilingual education who present the  
319 commission with satisfactory evidence that they (i) possess a  
320 speaking and reading ability in a language, other than English, in  
321 which bilingual education is offered and communicative skills in



322 English; (ii) are in good health and sound moral character; (iii)  
323 possess a bachelor's degree or an associate's degree in teacher  
324 education from an accredited institution of higher education; (iv)  
325 meet such requirements as to courses of study, semester hours  
326 therein, experience and training as may be required by the  
327 commission; and (v) are legally present in the United States and  
328 possess legal authorization for employment. A teacher of  
329 transitional bilingual education serving under a special license  
330 shall be under an exemption from standard licensure if he achieves  
331 the requisite qualifications therefor. Two (2) years of service  
332 by a teacher of transitional bilingual education under such an  
333 exemption shall be credited to the teacher in acquiring a Standard  
334 Educator License. Nothing in this paragraph shall be deemed to  
335 prohibit a local school board from employing a teacher licensed in  
336 an appropriate field as approved by the State Department of  
337 Education to teach in a program in transitional bilingual  
338 education.

339 (g) In the event any school district meets the highest  
340 accreditation standards as defined by the State Board of Education  
341 in the accountability system, the State Board of Education, in its  
342 discretion, may exempt such school district from any restrictions  
343 in paragraph (e) relating to the employment of nonlicensed  
344 teaching personnel.

345 \* \* \*



346           (7) **Administrator License.** The State Board of Education is  
347 authorized to establish rules and regulations and to administer  
348 the licensure process of the school administrators in the State of  
349 Mississippi. There will be four (4) categories of administrator  
350 licensure with exceptions only through special approval of the  
351 State Board of Education.

352           (a) **Administrator License - Nonpracticing.** Those  
353 educators holding administrative endorsement but having no  
354 administrative experience or not serving in an administrative  
355 position on January 15, 1997.

356           (b) **Administrator License - Entry Level.** Those  
357 educators holding administrative endorsement and having met the  
358 department's qualifications to be eligible for employment in a  
359 Mississippi school district. Administrator License - Entry Level  
360 shall be issued for a five-year period and shall be nonrenewable.

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

364           (d) **Administrator License - Nontraditional Route.** The  
365 board may establish a nontraditional route for licensing  
366 administrative personnel. Such nontraditional route for  
367 administrative licensure shall be available for persons holding,  
368 but not limited to, a master of business administration degree, a  
369 master of public administration degree, a master of public  
370 planning and policy degree or a doctor of jurisprudence degree



371 from an accredited college or university, with five (5) years of  
372 administrative or supervisory experience. Successful completion  
373 of the requirements of alternate route licensure for  
374 administrators shall qualify the person for a standard  
375 administrator license.

376 Individuals seeking school administrator licensure under  
377 paragraph (b), (c) or (d) shall successfully complete a training  
378 program and an assessment process prescribed by the State Board of  
379 Education. All applicants for school administrator licensure  
380 shall meet all requirements prescribed by the department under  
381 paragraph (b), (c) or (d), and the cost of the assessment process  
382 required shall be paid by the applicant.

383 (8) **Reciprocity.** The department shall grant a standard  
384 five-year license to any individual who possesses a valid standard  
385 license from another state within a period of twenty-one (21) days  
386 from the date of a completed application. The issuance of a  
387 license by reciprocity to a military-trained applicant, military  
388 spouse or person who establishes residence in this state shall be  
389 subject to the provisions of Section 73-50-1 or 73-50-2, as  
390 applicable.

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





396 expiration date of the license in order to afford the educator  
397 adequate time to fulfill new renewal requirements established  
398 pursuant to this subsection. An educator completing a master of  
399 education, educational specialist or doctor of education degree in  
400 May 1997 for the purpose of upgrading the educator's license to a  
401 higher class shall be given this extension of five (5) years plus  
402 five (5) additional years for completion of a higher degree. For  
403 all license types with a current valid expiration date of June 30,  
404 2021, the State Department of Education shall grant a one-year  
405 extension to June 30, 2022. Beginning July 1, 2022, and  
406 thereafter, applicants for licensure renewal shall meet all  
407 requirements in effect on the date that the complete application  
408 is received by the State Department of Education.

409 (10) All controversies involving the issuance, revocation,  
410 suspension or any change whatsoever in the licensure of an  
411 educator required to hold a license shall be initially heard in a  
412 hearing de novo, by the commission or by a subcommittee  
413 established by the commission and composed of commission members,  
414 or by a hearing officer retained and appointed by the commission,  
415 for the purpose of holding hearings. Any complaint seeking the  
416 denial of issuance, revocation or suspension of a license shall be  
417 by sworn affidavit filed with the Commission on Teacher and  
418 Administrator Education, Certification and Licensure and  
419 Development. The decision thereon by the commission, its  
420 subcommittee or hearing officer, shall be final \* \* \*. However,



421 the aggrieved party \* \* \* may appeal to the State Board of  
422 Education, within ten (10) days, of the decision of the  
423 commission, its subcommittee or hearing officer. An appeal to the  
424 State Board of Education shall be perfected upon filing a notice  
425 of the appeal and by the prepayment of the costs of the  
426 preparation of the record of proceedings by the commission, its  
427 subcommittee or hearing officer. An appeal shall be on the record  
428 previously made before the commission, its subcommittee or hearing  
429 officer, unless otherwise provided by rules and regulations  
430 adopted by the board. The decision of the commission, its  
431 subcommittee or hearing officer shall not be disturbed on appeal  
432 if supported by substantial evidence, was not arbitrary or  
433 capricious, within the authority of the commission, and did not  
434 violate some statutory or constitutional right. The State Board  
435 of Education in its authority may reverse, or remand with  
436 instructions, the decision of the commission, its subcommittee or  
437 hearing officer. The decision of the State Board of Education  
438 shall be final.

439 An action or decision by the commission, subcommittee or  
440 hearing officer in revoking or suspending a license or otherwise  
441 disciplining a licensed educator or administrator employed by the  
442 Mississippi School of the Arts, Mississippi School for the Blind,  
443 Mississippi School for the Deaf, or Mississippi School for  
444 Mathematics and Science shall be appealed directly to the Chancery  
445 Court of the First District of Hinds County, Mississippi, in



446 accordance with the procedures provided in subsection (16) of this  
447 section.

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

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

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

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

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

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

466 (vi) The applicant has been convicted, has pled  
467 guilty or entered a plea of nolo contendere to a felony, as  
468 defined by federal or state law. For purposes of this  
469 subparagraph (vi) of this paragraph (a), a "guilty plea" includes



470 a plea of guilty, entry of a plea of nolo contendere, or entry of  
471 an order granting pretrial or judicial diversion;

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

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



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 (c) Revocation, suspension or surrender of an  
497 applicant's certificate or license by another state shall result  
498 in immediate denial of licensure until such time that the records  
499 predicating the revocation, suspension or surrender in the other  
500 state have been cleared.

501 (12) The State Board of Education, acting through the  
502 commission, may revoke, suspend or refuse to renew any teacher or  
503 administrator license for specified periods of time, including  
504 permanent revocation based upon the severity of the offense, or  
505 may place on probation, reprimand a licensee, or take other  
506 disciplinary action with regard to any license issued under this  
507 chapter for one or more of the following:

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

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

514 (c) Suspension or revocation of a certificate or  
515 license by another state shall result in immediate suspension or  
516 revocation and shall continue until records in the prior state  
517 have been cleared;



518           (d) The license holder has been convicted, has pled  
519 guilty or entered a plea of nolo contendere to a felony, as  
520 defined by federal or state law. For purposes of this paragraph,  
521 a "guilty plea" includes a plea of guilty, entry of a plea of nolo  
522 contendere, or entry of an order granting pretrial or judicial  
523 diversion;

524           (e) The license holder knowingly and willfully  
525 committing any of the acts affecting validity of mandatory uniform  
526 test results as provided in Section 37-16-4(1), or knowingly and  
527 willfully committing any acts affecting validity of accountability  
528 results;

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

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

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

540           (i) The license holder has failed to comply with the  
541 Procedures for Reporting Infractions as promulgated by the



542 commission and approved by the State Board of Education pursuant  
543 to subsection (15) of this section.

544 For purposes of this subsection, probation shall be defined  
545 as a length of time determined by the commission, its subcommittee  
546 or hearing officer, and based on the severity of the offense in  
547 which the license holder shall meet certain requirements as  
548 prescribed by the commission, its subcommittee or hearing officer.  
549 Failure to complete the requirements in the time specified shall  
550 result in immediate suspension of the license for one (1) year.

551 (13) (a) Dismissal or suspension of a licensed employee by  
552 a local school board pursuant to Section 37-9-59, or a local  
553 school board approved resignation of a licensed employee which  
554 results from a violation of any of the professional code of ethics  
555 standards of conduct adopted by the State Board of Education may  
556 result in the suspension or revocation of a license for a length  
557 of time which shall be determined by the commission and based upon  
558 the severity of the offense.

559 (b) Any offense committed or attempted in any other  
560 state shall result in the same penalty as if committed or  
561 attempted in this state.

562 (c) A person may voluntarily surrender a license. The  
563 surrender of such license may result in the commission  
564 recommending any of the above penalties without the necessity of a  
565 hearing. However, any such license which has voluntarily been  
566 surrendered by a licensed employee may only be reinstated by a



567 majority vote of all members of the commission present at the  
568 meeting called for such purpose.

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

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





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

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

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



616 the proceedings in chancery court shall be conducted as other  
617 matters coming before the court. The appeal shall be perfected  
618 upon filing notice of the appeal and by the prepayment of all  
619 costs, including the cost of preparation of the record of the  
620 proceedings by the State Board of Education, and the filing of a  
621 bond in the sum of Two Hundred Dollars (\$200.00) conditioned that  
622 if the action of the board be affirmed by the chancery court, the  
623 applicant or license holder shall pay the costs of the appeal and  
624 the action of the chancery court. The filing of an appeal in  
625 chancery court shall not stay enforcement of the decision or order  
626 of the State Board of Education, but the board may agree to a stay  
627 upon such terms and conditions as it deems proper.

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

