

By: Representative Porter

To: Education

HOUSE BILL NO. 62

1 AN ACT TO AMEND SECTION 37-3-2, MISSISSIPPI CODE OF 1972, TO
2 ESTABLISH AN ADDITIONAL NONTRADITIONAL TEACHING ROUTE TO TEACHER
3 LICENSURE; TO PRESCRIBE THE ELIGIBILITY CRITERIA AND CONDITIONS
4 THAT MUST BE SATISFIED BY AN APPLICANT IN ORDER TO BE GRANTED A
5 STANDARD TEACHING LICENSE THROUGH THE ALTERNATE ROUTE; AND FOR
6 RELATED PURPOSES.

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

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

10 37-3-2. (1) There is established within the State
11 Department of Education the Commission on Teacher and
12 Administrator Education, Certification and Licensure and
13 Development. It shall be the purpose and duty of the commission
14 to make recommendations to the State Board of Education regarding
15 standards for the certification and licensure and continuing
16 professional development of those who teach or perform tasks of an
17 educational nature in the public schools of Mississippi.

18 (2) (a) The commission shall be composed of fifteen (15)
19 qualified members. The membership of the commission shall be
20 composed of the following members to be appointed, three (3) from



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

37 (b) All appointments shall be made by the State Board
38 of Education after consultation with the State Superintendent of
39 Public Education. The first appointments by the State Board of
40 Education shall be made as follows: five (5) members shall be
41 appointed for a term of one (1) year; five (5) members shall be
42 appointed for a term of two (2) years; and five (5) members shall
43 be appointed for a term of three (3) years. Thereafter, all
44 members shall be appointed for a term of four (4) years.



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

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

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

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

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

68 (b) Recommend to the State Board of Education each year
69 approval or disapproval of each educator preparation program in



70 the state, subject to a process and schedule determined by the
71 State Board of Education;

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

75 (d) Establish, subject to the approval of the State
76 Board of Education, standards for the renewal of teacher licenses
77 in all fields;

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

81 (f) Review all existing requirements for certification
82 and licensure;

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

85 (h) Prepare reports from time to time on current
86 practices and issues in the general area of teacher education and
87 certification and licensure;

88 (i) Hold hearings concerning standards for teachers'
89 and administrators' education and certification and licensure with
90 approval of the State Board of Education;

91 (j) Hire expert consultants with approval of the State
92 Board of Education;

93 (k) Set up ad hoc committees to advise on specific
94 areas;



95 (1) Perform such other functions as may fall within
96 their general charge and which may be delegated to them by the
97 State Board of Education; and

98 (m) Establish standards, subject to the approval of the
99 State Board of Education, for supplemental endorsements, provided
100 that the standards allow teachers as many options as possible to
101 receive a supplemental endorsement, including, but not limited to,
102 the option of taking additional coursework or earning at least the
103 minimum qualifying score or higher on the required licensure
104 subject assessment relevant to the endorsement area for which the
105 licensure is sought. The subject assessment option shall not
106 apply to certain subject areas, including, but not limited to,
107 Early/Primary Education PreK-3, Elementary Education, or Special
108 Education, except by special approval by the State Board of
109 Education.

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) (i) **Standard License - Nontraditional Teaching**
176 **Route.** 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 1. An ACT Score of twenty-one (21) (or SAT
180 equivalent); or

181 2. Except as otherwise provided under
182 subparagraph (iv) of this paragraph (b), achieve a qualifying
183 passing score on the Praxis Core Academic Skills for Educators
184 examination as established by the State Board of Education; or

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

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



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

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

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



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

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

232 4. During the semester of internship in the
233 school district, the teacher preparation institution shall monitor
234 the performance of the intern teacher. The school district that
235 employs the provisional teacher shall supervise the provisional
236 teacher during the teacher's intern year of employment under a
237 nontraditional provisional license, and shall, in consultation
238 with the teacher intern's mentor at the school district of
239 employment, submit to the commission a comprehensive evaluation of
240 the teacher's performance sixty (60) days prior to the expiration
241 of the nontraditional provisional license. If the comprehensive
242 evaluation establishes that the provisional teacher intern's
243 performance fails to meet the standards of the approved



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

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

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

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

267 8. The local school district in which the
268 nontraditional teacher intern or provisional licensee is employed



269 shall compensate such teacher interns at Step 1 of the required
270 salary level during the period of time such individual is
271 completing teacher internship requirements and shall compensate
272 such Standard License - Nontraditional Route teachers at Step 3 of
273 the required salary level when they complete license requirements.

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

283 (iv) Beginning January 1, 2024, an individual who
284 has received an undergraduate or a graduate degree in any subject
285 matter or educational discipline, who completes the college course
286 of study specific to that degree with at least eighteen (18) hours
287 in the same content area with a minimum 3.0 GPA on pre-major
288 coursework at a regionally or nationally accredited baccalaureate
289 degree granting college or university, and who has been
290 unsuccessful in achieving the qualifying passing score on the
291 Praxis Core Academic Skills for Educators examination after three
292 (3) or more attempts may apply for a nontraditional provisional
293 license to teach in Mississippi. The applicant must have



294 completed required additional coursework, including, but not
295 limited to, instruction in education, effective teaching
296 strategies, classroom management, state curriculum requirements,
297 planning and instruction, instructional methods and pedagogy, and
298 using test results to improve instruction. The applicant must be
299 issued a nontraditional provisional license to teach in
300 Mississippi if, when submitting the application for licensure
301 under this subparagraph (iv), the applicant:

302 1. Includes an official transcript in a
303 sealed envelope or e-Scrip bearing the seal or signature of the
304 registrar of the institution from which the transcript was
305 requested;

306 2. Commits to entering into a contract for
307 employment in a school district situated within a geographical
308 area of the state where there exists a critical shortage of
309 teachers, as designated by the State Board of Education, for not
310 less than one (1) year but no more than three (3) years;

311 3. Agrees to be under the supervision of the
312 school district of employ and assigned to a mentor teacher for the
313 duration of his or her employment in the district; and

314 4. Agrees to have his or her performance
315 monitored by the State Department of Education, in consultation
316 with the school district of employment and assigned mentor
317 teacher. The mentor teacher annually shall evaluate and assess
318 the individual using a comprehensive benchmark assessment



319 developed by the State Department of Education in order to
320 determine the provisional teacher's performance and shall submit
321 to the commission a comprehensive evaluation and assessment report
322 of the teacher's performance sixty (60) days before the expiration
323 of the nontraditional provisional license. If the comprehensive
324 evaluation and assessment establish that the provisional teacher's
325 performance meets the benchmarks and standards approved by the
326 commission for licensure under this subparagraph, the individual
327 must be approved for a standard license. If the comprehensive
328 evaluation and assessment establish that the provisional teacher's
329 performance fails to meet the benchmarks and standards approved by
330 the commission for licensure under this subparagraph, the
331 individual may not be approved for a standard license.

332 (* * *y) A Standard License - Approved Program
333 Route shall be issued for a five-year period, and may be renewed.
334 Recognizing teaching as a profession, a hiring preference shall be
335 granted to persons holding a Standard License - Approved Program
336 Route or Standard License - Nontraditional Teaching Route over
337 persons holding any other license.

338 (c) **Special License - Expert Citizen.** In order to
339 allow a school district to offer specialized or technical courses,
340 the State Department of Education, in accordance with rules and
341 regulations established by the State Board of Education, may grant
342 a five-year expert citizen-teacher license to local business or
343 other professional personnel to teach in a public school or



344 nonpublic school accredited or approved by the state. Such person
345 shall be required to have a high school diploma, an
346 industry-recognized certification related to the subject area in
347 which they are teaching and a minimum of five (5) years of
348 relevant experience but shall not be required to hold an associate
349 or bachelor's degree, provided that he or she possesses the
350 minimum qualifications required for his or her profession, and may
351 begin teaching upon his employment by the local school board and
352 licensure by the Mississippi Department of Education. If a school
353 board hires a career technical education pathway instructor who
354 does not have an industry certification in his or her area of
355 expertise but does have the required experience, the school board
356 shall spread their decision on the minutes at their next meeting
357 and provide a detailed explanation for why they hired the
358 instructor. Such instructor shall present the minutes of the
359 school board to the State Department of Education when he or she
360 applies for an expert citizen license. The board shall adopt
361 rules and regulations to administer the expert citizen-teacher
362 license. A Special License - Expert Citizen may be renewed in
363 accordance with the established rules and regulations of the State
364 Department of Education.

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



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

371 (e) **Nonlicensed Teaching Personnel.** A nonlicensed
372 person may teach for a maximum of three (3) periods per teaching
373 day in a public school district or a nonpublic school
374 accredited/approved by the state. Such person shall submit to the
375 department a transcript or record of his education and experience
376 which substantiates his preparation for the subject to be taught
377 and shall meet other qualifications specified by the commission
378 and approved by the State Board of Education. In no case shall
379 any local school board hire nonlicensed personnel as authorized
380 under this paragraph in excess of five percent (5%) of the total
381 number of licensed personnel in any single school.

382 (f) **Special License - Transitional Bilingual Education.**
383 Beginning July 1, 2003, the commission shall grant special
384 licenses to teachers of transitional bilingual education who
385 possess such qualifications as are prescribed in this section.
386 Teachers of transitional bilingual education shall be compensated
387 by local school boards at not less than one (1) step on the
388 regular salary schedule applicable to permanent teachers licensed
389 under this section. The commission shall grant special licenses
390 to teachers of transitional bilingual education who present the
391 commission with satisfactory evidence that they (i) possess a
392 speaking and reading ability in a language, other than English, in
393 which bilingual education is offered and communicative skills in



394 English; (ii) are in good health and sound moral character; (iii)
395 possess a bachelor's degree or an associate's degree in teacher
396 education from an accredited institution of higher education; (iv)
397 meet such requirements as to courses of study, semester hours
398 therein, experience and training as may be required by the
399 commission; and (v) are legally present in the United States and
400 possess legal authorization for employment. A teacher of
401 transitional bilingual education serving under a special license
402 shall be under an exemption from standard licensure if he achieves
403 the requisite qualifications therefor. Two (2) years of service
404 by a teacher of transitional bilingual education under such an
405 exemption shall be credited to the teacher in acquiring a Standard
406 Educator License. Nothing in this paragraph shall be deemed to
407 prohibit a local school board from employing a teacher licensed in
408 an appropriate field as approved by the State Department of
409 Education to teach in a program in transitional bilingual
410 education.

411 (g) In the event any school district meets the highest
412 accreditation standards as defined by the State Board of Education
413 in the accountability system, the State Board of Education, in its
414 discretion, may exempt such school district from any restrictions
415 in paragraph (e) relating to the employment of nonlicensed
416 teaching personnel.

417 (h) **Highly Qualified Teachers.** Beginning July 1, 2006,
418 any teacher from any state meeting the federal definition of



419 highly qualified, as described in the No Child Left Behind Act,
420 must be granted a standard five-year license by the State
421 Department of Education.

422 (7) **Administrator License.** The State Board of Education is
423 authorized to establish rules and regulations and to administer
424 the licensure process of the school administrators in the State of
425 Mississippi. There will be four (4) categories of administrator
426 licensure with exceptions only through special approval of the
427 State Board of Education.

428 (a) **Administrator License - Nonpracticing.** Those
429 educators holding administrative endorsement but having no
430 administrative experience or not serving in an administrative
431 position on January 15, 1997.

432 (b) **Administrator License - Entry Level.** Those
433 educators holding administrative endorsement and having met the
434 department's qualifications to be eligible for employment in a
435 Mississippi school district. Administrator License - Entry Level
436 shall be issued for a five-year period and shall be nonrenewable.

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

440 (d) **Administrator License - Nontraditional Route.** The
441 board may establish a nontraditional route for licensing
442 administrative personnel. Such nontraditional route for
443 administrative licensure shall be available for persons holding,



444 but not limited to, a master of business administration degree, a
445 master of public administration degree, a master of public
446 planning and policy degree or a doctor of jurisprudence degree
447 from an accredited college or university, with five (5) years of
448 administrative or supervisory experience. Successful completion
449 of the requirements of alternate route licensure for
450 administrators shall qualify the person for a standard
451 administrator license.

452 Individuals seeking school administrator licensure under
453 paragraph (b), (c) or (d) shall successfully complete a training
454 program and an assessment process prescribed by the State Board of
455 Education. All applicants for school administrator licensure
456 shall meet all requirements prescribed by the department under
457 paragraph (b), (c) or (d), and the cost of the assessment process
458 required shall be paid by the applicant.

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

467 (9) **Renewal and Reinstatement of Licenses.** The State Board
468 of Education is authorized to establish rules and regulations for



469 the renewal and reinstatement of educator and administrator
470 licenses. Effective May 15, 1997, the valid standard license held
471 by an educator shall be extended five (5) years beyond the
472 expiration date of the license in order to afford the educator
473 adequate time to fulfill new renewal requirements established
474 pursuant to this subsection. An educator completing a master of
475 education, educational specialist or doctor of education degree in
476 May 1997 for the purpose of upgrading the educator's license to a
477 higher class shall be given this extension of five (5) years plus
478 five (5) additional years for completion of a higher degree. For
479 all license types with a current valid expiration date of June 30,
480 2021, the State Department of Education shall grant a one-year
481 extension to June 30, 2022. Beginning July 1, 2022, and
482 thereafter, applicants for licensure renewal shall meet all
483 requirements in effect on the date that the complete application
484 is received by the State Department of Education.

485 (10) All controversies involving the issuance, revocation,
486 suspension or any change whatsoever in the licensure of an
487 educator required to hold a license shall be initially heard in a
488 hearing de novo, by the commission or by a subcommittee
489 established by the commission and composed of commission members,
490 or by a hearing officer retained and appointed by the commission,
491 for the purpose of holding hearings. Any complaint seeking the
492 denial of issuance, revocation or suspension of a license shall be
493 by sworn affidavit filed with the Commission on Teacher and



494 Administrator Education, Certification and Licensure and
495 Development. The decision thereon by the commission, its
496 subcommittee or hearing officer, shall be final, unless the
497 aggrieved party shall appeal to the State Board of Education,
498 within ten (10) days, of the decision of the commission, its
499 subcommittee or hearing officer. An appeal to the State Board of
500 Education shall be perfected upon filing a notice of the appeal
501 and by the prepayment of the costs of the preparation of the
502 record of proceedings by the commission, its subcommittee or
503 hearing officer. An appeal shall be on the record previously made
504 before the commission, its subcommittee or hearing officer, unless
505 otherwise provided by rules and regulations adopted by the board.
506 The decision of the commission, its subcommittee or hearing
507 officer shall not be disturbed on appeal if supported by
508 substantial evidence, was not arbitrary or capricious, within the
509 authority of the commission, and did not violate some statutory or
510 constitutional right. The State Board of Education in its
511 authority may reverse, or remand with instructions, the decision
512 of the commission, its subcommittee or hearing officer. The
513 decision of the State Board of Education shall be final.

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

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



519 (ii) The applicant has a physical, emotional or
520 mental disability that renders the applicant unfit to perform the
521 duties authorized by the license, as certified by a licensed
522 psychologist or psychiatrist;

523 (iii) The applicant is actively addicted to or
524 actively dependent on alcohol or other habit-forming drugs or is a
525 habitual user of narcotics, barbiturates, amphetamines,
526 hallucinogens or other drugs having similar effect, at the time of
527 application for a license;

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

530 (v) Failing or refusing to furnish reasonable
531 evidence of identification;

532 (vi) The applicant has been convicted, has pled
533 guilty or entered a plea of nolo contendere to a felony, as
534 defined by federal or state law. For purposes of this
535 subparagraph (vi) of this paragraph (a), a "guilty plea" includes
536 a plea of guilty, entry of a plea of nolo contendere, or entry of
537 an order granting pretrial or judicial diversion;

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

542 (b) The State Board of Education, acting through the
543 commission, shall deny an application for any teacher or



544 administrator license, or immediately revoke the current teacher
545 or administrator license, for one or more of the following:

546 (i) If the applicant or licensee has been
547 convicted, has pled guilty or entered a plea of nolo contendere to
548 a sex offense as defined by federal or state law. For purposes of
549 this subparagraph (i) of this paragraph (b), a "guilty plea"
550 includes a plea of guilty, entry of a plea of nolo contendere, or
551 entry of an order granting pretrial or judicial diversion;

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

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

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

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



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

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

573 (c) Suspension or revocation of a certificate or
574 license by another state shall result in immediate suspension or
575 revocation and shall continue until records in the prior state
576 have been cleared;

577 (d) The license holder has been convicted, has pled
578 guilty or entered a plea of nolo contendere to a felony, as
579 defined by federal or state law. For purposes of this paragraph,
580 a "guilty plea" includes a plea of guilty, entry of a plea of nolo
581 contendere, or entry of an order granting pretrial or judicial
582 diversion;

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

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

589 (g) The license holder served as superintendent or
590 principal in a school district during the time preceding and/or



591 that resulted in the Governor declaring a state of emergency and
592 the State Board of Education appointing a conservator;

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

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

601 For purposes of this subsection, probation shall be defined
602 as a length of time determined by the commission, its subcommittee
603 or hearing officer, and based on the severity of the offense in
604 which the license holder shall meet certain requirements as
605 prescribed by the commission, its subcommittee or hearing officer.
606 Failure to complete the requirements in the time specified shall
607 result in immediate suspension of the license for one (1) year.

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

613 (b) Any offense committed or attempted in any other
614 state shall result in the same penalty as if committed or
615 attempted in this state.



616 (c) A person may voluntarily surrender a license. The
617 surrender of such license may result in the commission
618 recommending any of the above penalties without the necessity of a
619 hearing. However, any such license which has voluntarily been
620 surrendered by a licensed employee may only be reinstated by a
621 majority vote of all members of the commission present at the
622 meeting called for such purpose.

623 (14) (a) A person whose license has been suspended or
624 surrendered on any grounds except criminal grounds may petition
625 for reinstatement of the license after one (1) year from the date
626 of suspension or surrender, or after one-half (1/2) of the
627 suspended or surrendered time has lapsed, whichever is greater. A
628 person whose license has been suspended or revoked on any grounds
629 or violations under subsection (12) of this section may be
630 reinstated automatically or approved for a reinstatement hearing,
631 upon submission of a written request to the commission. A license
632 suspended, revoked or surrendered on criminal grounds may be
633 reinstated upon petition to the commission filed after expiration
634 of the sentence and parole or probationary period imposed upon
635 conviction. A revoked, suspended or surrendered license may be
636 reinstated upon satisfactory showing of evidence of
637 rehabilitation. The commission shall require all who petition for
638 reinstatement to furnish evidence satisfactory to the commission
639 of good character, good mental, emotional and physical health and
640 such other evidence as the commission may deem necessary to



641 establish the petitioner's rehabilitation and fitness to perform
642 the duties authorized by the license.

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

647 (15) Reporting procedures and hearing procedures for dealing
648 with infractions under this section shall be promulgated by the
649 commission, subject to the approval of the State Board of
650 Education. The revocation or suspension of a license shall be
651 effected at the time indicated on the notice of suspension or
652 revocation. The commission shall immediately notify the
653 superintendent of the school district or school board where the
654 teacher or administrator is employed of any disciplinary action
655 and also notify the teacher or administrator of such revocation or
656 suspension and shall maintain records of action taken. The State
657 Board of Education may reverse or remand with instructions any
658 decision of the commission, its subcommittee or hearing officer
659 regarding a petition for reinstatement of a license, and any such
660 decision of the State Board of Education shall be final.

661 (16) An appeal from the action of the State Board of
662 Education in denying an application, revoking or suspending a
663 license or otherwise disciplining any person under the provisions
664 of this section shall be filed in the Chancery Court of the First
665 Judicial District of Hinds County, Mississippi, on the record



666 made, including a verbatim transcript of the testimony at the
667 hearing. The appeal shall be filed within thirty (30) days after
668 notification of the action of the board is mailed or served and
669 the proceedings in chancery court shall be conducted as other
670 matters coming before the court. The appeal shall be perfected
671 upon filing notice of the appeal and by the prepayment of all
672 costs, including the cost of preparation of the record of the
673 proceedings by the State Board of Education, and the filing of a
674 bond in the sum of Two Hundred Dollars (\$200.00) conditioned that
675 if the action of the board be affirmed by the chancery court, the
676 applicant or license holder shall pay the costs of the appeal and
677 the action of the chancery court.

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

682 (18) The granting of a license shall not be deemed a
683 property right nor a guarantee of employment in any public school
684 district. A license is a privilege indicating minimal eligibility
685 for teaching in the public school districts of Mississippi. This
686 section shall in no way alter or abridge the authority of local
687 school districts to require greater qualifications or standards of
688 performance as a prerequisite of initial or continued employment
689 in such districts.



690 (19) In addition to the reasons specified in subsections
691 (12) and (13) of this section, the board shall be authorized to
692 suspend the license of any licensee for being out of compliance
693 with an order for support, as defined in Section 93-11-153. The
694 procedure for suspension of a license for being out of compliance
695 with an order for support, and the procedure for the reissuance or
696 reinstatement of a license suspended for that purpose, and the
697 payment of any fees for the reissuance or reinstatement of a
698 license suspended for that purpose, shall be governed by Section
699 93-11-157 or 93-11-163, as the case may be. Actions taken by the
700 board in suspending a license when required by Section 93-11-157
701 or 93-11-163 are not actions from which an appeal may be taken
702 under this section. Any appeal of a license suspension that is
703 required by Section 93-11-157 or 93-11-163 shall be taken in
704 accordance with the appeal procedure specified in Section
705 93-11-157 or 93-11-163, as the case may be, rather than the
706 procedure specified in this section. If there is any conflict
707 between any provision of Section 93-11-157 or 93-11-163 and any
708 provision of this chapter, the provisions of Section 93-11-157 or
709 93-11-163, as the case may be, shall control.

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



715 **SECTION 2.** This act shall take effect and be in force from
716 and after July 1, 2023.

