

By: Representative Crawford

To: Education

HOUSE BILL NO. 293

1 AN ACT TO AMEND SECTION 37-3-2, MISSISSIPPI CODE OF 1972, TO  
 2 REQUIRE THE DENIAL OF AN APPLICATION FOR TEACHER OR ADMINISTRATOR  
 3 LICENSURE, OR THE REVOCATION OF AN EXISTING TEACHER OR  
 4 ADMINISTRATOR LICENSE, OF A PERSON WHO HAS PHYSICALLY ABUSED A  
 5 STUDENT; TO BRING FORWARD SECTIONS 97-3-95, 97-5-23, 97-5-24 AND  
 6 97-29-3, MISSISSIPPI CODE OF 1972, FOR PURPOSES OF POSSIBLE  
 7 AMENDMENT; AND FOR RELATED PURPOSES.

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

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

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

19 (2) (a) The commission shall be composed of fifteen (15)  
 20 qualified members. The membership of the commission shall be



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

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



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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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



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

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

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



121 teacher is employed shall compensate such assistant teachers at  
122 the required salary level during the period of time such  
123 individual is completing student teaching requirements.

124 Applicants for a standard license shall submit to the department:

125 (i) An application on a department form;

126 (ii) An official transcript of completion of a  
127 teacher education program approved by the department or a  
128 nationally accredited program, subject to the following:

129 Licensure to teach in Mississippi prekindergarten through  
130 kindergarten classrooms shall require completion of a teacher  
131 education program or a Bachelor of Science degree with child  
132 development emphasis from a program accredited by the American  
133 Association of Family and Consumer Sciences (AAFCS) or by the  
134 National Association for Education of Young Children (NAEYC) or by  
135 the National Council for Accreditation of Teacher Education  
136 (NCATE). Licensure to teach in Mississippi kindergarten, for  
137 those applicants who have completed a teacher education program,  
138 and in Grade 1 through Grade 4 shall require the completion of an  
139 interdisciplinary program of studies. Licenses for Grades 4  
140 through 8 shall require the completion of an interdisciplinary  
141 program of studies with two (2) or more areas of concentration.  
142 Licensure to teach in Mississippi Grades 7 through 12 shall  
143 require a major in an academic field other than education, or a  
144 combination of disciplines other than education. Students  
145 preparing to teach a subject shall complete a major in the



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

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

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

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

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



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

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

176                   (b) (i) **Standard License - Nontraditional Teaching**

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

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

182                   2. Achieve a qualifying passing score on the  
183 Praxis Core Academic Skills for Educators examination as  
184 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) A Standard License - Approved Program Route  
284 shall be issued for a five-year period, and may be renewed.  
285 Recognizing teaching as a profession, a hiring preference shall be  
286 granted to persons holding a Standard License - Approved Program  
287 Route or Standard License - Nontraditional Teaching Route over  
288 persons holding any other license.

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



296 shall be required to have a high school diploma, an  
297 industry-recognized certification related to the subject area in  
298 which they are teaching and a minimum of five (5) years of  
299 relevant experience but shall not be required to hold an associate  
300 or bachelor's degree, provided that he or she possesses the  
301 minimum qualifications required for his or her profession, and may  
302 begin teaching upon his employment by the local school board and  
303 licensure by the Mississippi Department of Education. If a school  
304 board hires a career technical education pathway instructor who  
305 does not have an industry certification in his or her area of  
306 expertise but does have the required experience, the school board  
307 shall spread their decision on the minutes at their next meeting  
308 and provide a detailed explanation for why they hired the  
309 instructor. Such instructor shall present the minutes of the  
310 school board to the State Department of Education when he or she  
311 applies for an expert citizen license. The board shall adopt  
312 rules and regulations to administer the expert citizen-teacher  
313 license. A Special License - Expert Citizen may be renewed in  
314 accordance with the established rules and regulations of the State  
315 Department of Education.

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



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

322           (e) **Nonlicensed Teaching Personnel.** A nonlicensed  
323 person may teach for a maximum of three (3) periods per teaching  
324 day in a public school district or a nonpublic school  
325 accredited/approved by the state. Such person shall submit to the  
326 department a transcript or record of his education and experience  
327 which substantiates his preparation for the subject to be taught  
328 and shall meet other qualifications specified by the commission  
329 and approved by the State Board of Education. In no case shall  
330 any local school board hire nonlicensed personnel as authorized  
331 under this paragraph in excess of five percent (5%) of the total  
332 number of licensed personnel in any single school.

333           (f) **Special License - Transitional Bilingual Education.**  
334 Beginning July 1, 2003, the commission shall grant special  
335 licenses to teachers of transitional bilingual education who  
336 possess such qualifications as are prescribed in this section.  
337 Teachers of transitional bilingual education shall be compensated  
338 by local school boards at not less than one (1) step on the  
339 regular salary schedule applicable to permanent teachers licensed  
340 under this section. The commission shall grant special licenses  
341 to teachers of transitional bilingual education who present the  
342 commission with satisfactory evidence that they (i) possess a  
343 speaking and reading ability in a language, other than English, in  
344 which bilingual education is offered and communicative skills in



345 English; (ii) are in good health and sound moral character; (iii)  
346 possess a bachelor's degree or an associate's degree in teacher  
347 education from an accredited institution of higher education; (iv)  
348 meet such requirements as to courses of study, semester hours  
349 therein, experience and training as may be required by the  
350 commission; and (v) are legally present in the United States and  
351 possess legal authorization for employment. A teacher of  
352 transitional bilingual education serving under a special license  
353 shall be under an exemption from standard licensure if he achieves  
354 the requisite qualifications therefor. Two (2) years of service  
355 by a teacher of transitional bilingual education under such an  
356 exemption shall be credited to the teacher in acquiring a Standard  
357 Educator License. Nothing in this paragraph shall be deemed to  
358 prohibit a local school board from employing a teacher licensed in  
359 an appropriate field as approved by the State Department of  
360 Education to teach in a program in transitional bilingual  
361 education.

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

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



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

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

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

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

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

391           (d) **Administrator License - Nontraditional Route.** The  
392 board may establish a nontraditional route for licensing  
393 administrative personnel. Such nontraditional route for  
394 administrative licensure shall be available for persons holding,





395 but not limited to, a master of business administration degree, a  
396 master of public administration degree, a master of public  
397 planning and policy degree or a doctor of jurisprudence degree  
398 from an accredited college or university, with five (5) years of  
399 administrative or supervisory experience. Successful completion  
400 of the requirements of alternate route licensure for  
401 administrators shall qualify the person for a standard  
402 administrator license.

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

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

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



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

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



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

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

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



470 (ii) The applicant has a physical, emotional or  
471 mental disability that renders the applicant unfit to perform the  
472 duties authorized by the license, as certified by a licensed  
473 psychologist or psychiatrist;

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

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

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

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

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

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



495 administrator license, or immediately revoke the current teacher  
496 or administrator license, for one or more of the following:

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

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

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

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

512 (v) The applicant or license holder has been  
513 convicted, pled guilty or entered a plea of nolo contendere to  
514 physical child abuse of a student; or

515 (vi) The applicant or license holder is on  
516 probation or post-release supervision for a conviction of physical  
517 child abuse of a student.

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



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

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

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

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

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

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



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

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

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

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

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

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



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

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

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

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





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

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

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



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

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

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



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

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



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

672           **SECTION 2.** Section 97-3-95, Mississippi Code of 1972, is  
673 brought forward as follows:

674           97-3-95. (1) A person is guilty of sexual battery if he or  
675 she engages in sexual penetration with:

676                   (a) Another person without his or her consent;

677                   (b) A mentally defective, mentally incapacitated or  
678 physically helpless person;

679                   (c) A child at least fourteen (14) but under sixteen  
680 (16) years of age, if the person is thirty-six (36) or more months  
681 older than the child; or

682                   (d) A child under the age of fourteen (14) years of  
683 age, if the person is twenty-four (24) or more months older than  
684 the child.

685           (2) A person is guilty of sexual battery if he or she  
686 engages in sexual penetration with a child under the age of  
687 eighteen (18) years if the person is in a position of trust or  
688 authority over the child including, without limitation, the  
689 child's teacher, counselor, physician, psychiatrist, psychologist,  
690 minister, priest, physical therapist, chiropractor, legal  
691 guardian, parent, stepparent, aunt, uncle, scout leader or coach.



692           **SECTION 3.** Section 97-5-23, Mississippi Code of 1972, is  
693 brought forward as follows:

694           97-5-23. (1) Any person above the age of eighteen (18)  
695 years, who, for the purpose of gratifying his or her lust, or  
696 indulging his or her depraved licentious sexual desires, shall  
697 handle, touch or rub with hands or any part of his or her body or  
698 any member thereof, or with any object, any child under the age of  
699 sixteen (16) years, with or without the child's consent, or a  
700 mentally defective, mentally incapacitated or physically helpless  
701 person as defined in Section 97-3-97, shall be guilty of a felony  
702 and, upon conviction thereof, shall be fined in a sum not less  
703 than One Thousand Dollars (\$1,000.00) nor more than Five Thousand  
704 Dollars (\$5,000.00), or be committed to the custody of the State  
705 Department of Corrections not less than two (2) years nor more  
706 than fifteen (15) years, or be punished by both such fine and  
707 imprisonment, at the discretion of the court.

708           (2) Any person above the age of eighteen (18) years, who,  
709 for the purpose of gratifying his or her lust, or indulging his or  
710 her depraved licentious sexual desires, shall handle, touch or rub  
711 with hands or any part of his or her body or any member thereof,  
712 any child younger than himself or herself and under the age of  
713 eighteen (18) years who is not such person's spouse, with or  
714 without the child's consent, when the person occupies a position  
715 of trust or authority over the child shall be guilty of a felony  
716 and, upon conviction thereof, shall be fined in a sum not less



717 than One Thousand Dollars (\$1,000.00) nor more than Five Thousand  
718 Dollars (\$5,000.00), or be committed to the custody of the State  
719 Department of Corrections not less than two (2) years nor more  
720 than fifteen (15) years, or be punished by both such fine and  
721 imprisonment, at the discretion of the court. A person in a  
722 position of trust or authority over a child includes without  
723 limitation a child's teacher, counselor, physician, psychiatrist,  
724 psychologist, minister, priest, physical therapist, chiropractor,  
725 legal guardian, parent, stepparent, aunt, uncle, scout leader or  
726 coach.

727 (3) Upon a second conviction for an offense under this  
728 section or a substantially similar offense under the laws of  
729 another state, the person so convicted shall be punished by  
730 commitment to the State Department of Corrections for a term not  
731 to exceed twenty (20) years.

732 **SECTION 4.** Section 97-5-24, Mississippi Code of 1972, is  
733 brought forward as follows:

734 97-5-24. If any person eighteen (18) years or older who is  
735 employed by any public school district or private school in this  
736 state is accused of fondling or having any type of sexual  
737 involvement with any child under the age of eighteen (18) years  
738 who is enrolled in such school, the principal of such school and  
739 the superintendent of such school district shall timely notify the  
740 district attorney with jurisdiction where the school is located of  
741 such accusation, the Mississippi Department of Education and the



742 Department of Human Services, provided that such accusation is  
743 reported to the principal and to the school superintendent and  
744 that there is a reasonable basis to believe that such accusation  
745 is true. Any superintendent, or his designee, who fails to make a  
746 report required by this section shall be subject to the penalties  
747 provided in Section 37-11-35. Any superintendent, principal,  
748 teacher or other school personnel participating in the making of a  
749 required report pursuant to this section or participating in any  
750 judicial proceeding resulting therefrom shall be presumed to be  
751 acting in good faith. Any person reporting in good faith shall be  
752 immune from any civil liability that might otherwise be incurred  
753 or imposed.

754 **SECTION 5.** Section 97-29-3, Mississippi Code of 1972, is  
755 brought forward as follows:

756 97-29-3. If any teacher and any pupil under eighteen (18)  
757 years of age of such teacher, not being married to each other,  
758 shall have sexual intercourse, each with the other, they shall,  
759 for every such offense, be fined in any sum, not more than Five  
760 Hundred Dollars (\$500.00) each, and the teacher may be imprisoned  
761 not less than three (3) months nor more than six (6) months.

762 **SECTION 6.** This act shall take effect and be in force from  
763 and after July 1, 2023.

