

By: Representatives Felsher, Hulum, McLean

To: Education

HOUSE BILL NO. 1161

1 AN ACT TO ENACT THE INTERSTATE TEACHER MOBILITY COMPACT AND  
2 PROVIDE THAT THE STATE OF MISSISSIPPI ENTERS THE COMPACT WITH  
3 OTHER STATES THAT JOIN IN THE COMPACT; TO AMEND SECTION 37-3-2,  
4 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THE ACT;  
5 AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** The Interstate Teacher Mobility Compact is  
8 enacted into law and entered into by this state with any and all  
9 states legally joining in the Compact in accordance with its  
10 terms, in the form substantially as follows:

11 **INTERSTATE TEACHER MOBILITY COMPACT**

12 **ARTICLE I.**

13 **PURPOSE.**

14 The purpose of this Compact is to facilitate the mobility of  
15 teachers across the Member States, with the goal of supporting  
16 teachers through a new pathway to licensure. Through this  
17 Compact, the Member States seek to establish a collective  
18 regulatory framework that expedites and enhances the ability of  
19 teachers to move across state lines. This Compact is intended to



20 achieve the following objectives and should be interpreted  
21 accordingly. The Member States hereby ratify the same intentions  
22 by subscribing hereto.

23 A. Create a streamlined pathway to licensure mobility for  
24 teachers;

25 B. Support the relocation of eligible military spouses;

26 C. Facilitate and enhance the exchange of licensure,  
27 investigative, and disciplinary information between the Member  
28 States;

29 D. Enhance the power of state and district level education  
30 officials to hire qualified, competent teachers by removing  
31 barriers to the employment of out-of-state teachers;

32 E. Support the retention of teachers in the profession by  
33 removing barriers to relicensure in a new state; and

34 F. Maintain state sovereignty in the regulation of the  
35 teaching profession.

36 **ARTICLE II.**

37 **DEFINITIONS.**

38 As used in this Compact, and except as otherwise provided,  
39 the following definitions shall govern the terms herein:

40 A. "Active military member" means any person with full-time  
41 duty status in the uniformed service of the United States,  
42 including members of the National Guard and Reserve.

43 B. "Adverse action" means any limitation or restriction  
44 imposed by a Member State's licensing authority, such as



45 revocation, suspension, reprimand, probation, or limitation on the  
46 licensee's ability to work as a teacher.

47 C. "Bylaws" means those bylaws established by the  
48 Commission.

49 D. "Career and technical education license" means a current,  
50 valid authorization issued by a Member State's Licensing Authority  
51 allowing an individual to serve as a teacher in P-12 public  
52 educational settings in a specific career and technical education  
53 area.

54 E. "Charter Member States" means a Member State that has  
55 enacted legislation to adopt this Compact where such legislation  
56 predates the initial meeting of the Commission after the effective  
57 date of the Compact.

58 F. "Commission" means the interstate administrative body  
59 which membership consists of delegates of all states that have  
60 enacted this Compact, and which is known as the Interstate Teacher  
61 Mobility Compact Commission.

62 G. "Commissioner" means the delegate of a Member State.

63 H. "Eligible license" means a license to engage in the  
64 teaching profession which requires at least a bachelor's degree  
65 and the completion of a state-approved program for teacher  
66 licensure.

67 I. "Eligible military spouse" means the spouse of any  
68 individual in full-time duty status in the active uniformed  
69 service of the United States, including members of the National



70 Guard and Reserve on active duty moving as a result of a military  
71 mission or military career progression requirements or are on  
72 their terminal move as a result of separation or retirement (to  
73 include surviving spouses of deceased military members).

74 J. "Executive committee" means a group of Commissioners  
75 elected or appointed to act on behalf of, and within the powers  
76 granted to them by, the Commission as provided for herein.

77 K. "Licensing Authority" means an official, agency, board,  
78 or other entity of a state that is responsible for the licensing  
79 and regulation of teachers authorized to teach in P-12 public  
80 educational settings.

81 L. "Member State" means any state that has adopted this  
82 Compact, including all agencies and officials of such a state.

83 M. "Receiving State" means any State where a teacher has  
84 applied for licensure under this Compact.

85 N. "Rule" means any regulation promulgated by the Commission  
86 under this Compact, which shall have the force of law in each  
87 Member State.

88 O. "State" means a state, territory, or possession of the  
89 United States, and the District of Columbia.

90 P. "State practice laws" means a Member State's laws, rules,  
91 and regulations that govern the teaching profession, define the  
92 scope of such profession, and create the methods and grounds for  
93 imposing discipline.



94 Q. "State specific requirements" means a requirement for  
95 licensure covered in coursework or examination that includes  
96 content of unique interest to the state.

97 R. "Teacher" means an individual who currently holds an  
98 authorization from a Member State that forms the basis for  
99 employment in the P-12 public schools of the State to provide  
100 instruction in a specific subject area, grade level, or student  
101 population.

102 S. "Unencumbered license" means a current, valid  
103 authorization issued by a Member State's Licensing Authority  
104 allowing an individual to serve as a teacher in P-12 public  
105 educational settings. An unencumbered license is not a  
106 restricted, probationary, provisional, substitute or temporary  
107 credential.

108 **ARTICLE III.**

109 **LICENSURE UNDER THE COMPACT.**

110 A. Licensure under this Compact pertains only to the initial  
111 grant of a license by the receiving state. Nothing herein applies  
112 to any subsequent or ongoing compliance requirements that a  
113 receiving state might require for teachers.

114 B. Each Member State shall, in accordance with the rules of  
115 the Commission, define, compile, and update as necessary, a list  
116 of eligible licenses and career and technical education licenses  
117 that the Member State is willing to consider for equivalency under  
118 this Compact and provide the list to the Commission. The list



119 shall include those licenses that a receiving state is willing to  
120 grant to teachers from other Member States, pending a  
121 determination of equivalency by the receiving state's licensing  
122 authority.

123 C. Upon the receipt of an application for licensure by a  
124 teacher holding an unencumbered eligible license, the receiving  
125 state shall determine which of the receiving state's eligible  
126 licenses the teacher is qualified to hold and shall grant such a  
127 license or licenses to the applicant. Such a determination shall  
128 be made in the sole discretion of the receiving state's licensing  
129 authority and may include a determination that the applicant is  
130 not eligible for any of the receiving state's eligible licenses.  
131 For all teachers who hold an unencumbered license, the receiving  
132 state shall grant one or more unencumbered license(s) that, in the  
133 receiving state's sole discretion, are equivalent to the  
134 license(s) held by the teacher in any other Member State.

135 D. For active military members and eligible military spouses  
136 who hold a license that is not unencumbered, the receiving state  
137 shall grant an equivalent license or licenses that, in the  
138 receiving state's sole discretion, is equivalent to the license or  
139 licenses held by the teacher in any other Member State, except  
140 where the receiving state does not have an equivalent license.

141 E. For a teacher holding an unencumbered career and  
142 technical education license, the receiving state shall grant an  
143 unencumbered license equivalent to the career and technical



144 education license held by the applying teacher and issued by  
145 another Member State, as determined by the receiving state in its  
146 sole discretion, except where a career and technical education  
147 teacher does not hold a bachelor's degree and the receiving state  
148 requires a bachelor's degree for licenses to teach career and  
149 technical education. A receiving state may require career and  
150 technical education teachers to meet state industry recognized  
151 requirements, if required by law in the receiving state.

152 **ARTICLE IV.**

153 **LICENSURE NOT UNDER THE COMPACT.**

154 A. Except as provided in Article III above, nothing in this  
155 Compact shall be construed to limit or inhibit the power of a  
156 Member State to regulate licensure or endorsements overseen by the  
157 Member State's licensing authority.

158 B. When a teacher is required to renew a license received  
159 pursuant to this Compact, the state granting such a license may  
160 require the teacher to complete state specific requirements as a  
161 condition of licensure renewal or advancement in that state.

162 C. For the purposes of determining compensation, a receiving  
163 state may require additional information from teachers receiving a  
164 license under the provisions of this Compact.

165 D. Nothing in this Compact shall be construed to limit the  
166 power of a Member State to control and maintain ownership of its  
167 information pertaining to teachers, or limit the application of a



168 Member State's laws or regulations governing the ownership, use,  
169 or dissemination of information pertaining to teachers.

170 E. Nothing in this Compact shall be construed to invalidate  
171 or alter any existing agreement or other cooperative arrangement  
172 which a Member State may already be a party to, or limit the  
173 ability of a Member State to participate in any future agreement  
174 or other cooperative arrangement to:

175 1. Award teaching licenses or other benefits based on  
176 additional professional credentials, including, but not limited  
177 to, National Board Certification;

178 2. Participate in the exchange of names of teachers  
179 whose license has been subject to an adverse action by a Member  
180 State; or

181 3. Participate in any agreement or cooperative  
182 arrangement with a non-Member State.

183 **ARTICLE V.**

184 **TEACHER QUALIFICATIONS AND REQUIREMENTS FOR**  
185 **LICENSURE UNDER THE COMPACT.**

186 A. Except as provided for active military members or  
187 eligible military spouses in Article III.D above, a teacher may  
188 only be eligible to receive a license under this compact where  
189 that teacher holds an unencumbered license in a Member State.

190 B. A teacher eligible to receive a license under this  
191 Compact shall, unless otherwise provided for herein:





192           1. Upon their application to receive a license under  
193 this Compact, undergo a criminal background check in the receiving  
194 state in accordance with the laws and regulations of the receiving  
195 state; and

196           2. Provide the receiving state with information in  
197 addition to the information required for licensure for the  
198 purposes of determining compensation, if applicable.

199   **ARTICLE VI.**

200   **DISCIPLINE/ADVERSE ACTIONS**

201           A. Nothing in this Compact shall be deemed or construed to  
202 limit the authority of a Member State to investigate or impose  
203 disciplinary measures on teachers according to the state practice  
204 laws thereof.

205           B. Member States shall be authorized to receive, and shall  
206 provide, files and information regarding the investigation and  
207 discipline, if any, of teachers in other Member States upon  
208 request. Any Member State receiving such information or files  
209 shall protect and maintain the security and confidentiality  
210 thereof, in at least the same manner that it maintains its own  
211 investigatory or disciplinary files and information. Prior to  
212 disclosing any disciplinary or investigatory information received  
213 from another Member State, the disclosing state shall communicate  
214 its intention and purpose for such disclosure to the Member State  
215 which originally provided that information.

216   **ARTICLE VII.**



217                   **ESTABLISHMENT OF THE INTERSTATE TEACHER MOBILITY**

218                                   **COMPACT COMMISSION.**

219           A. The Interstate Compact Member States hereby create and  
220 establish a joint public agency known as the Interstate Teacher  
221 Mobility Compact Commission:

222                   1. The Commission is a joint interstate governmental  
223 agency comprised of states that have enacted the Interstate  
224 Teacher Mobility Compact.

225                   2. Nothing in this Interstate Compact shall be  
226 construed to be a waiver of sovereign immunity.

227           B. Membership, voting, and meetings:

228                   1. Each Member State shall have and be limited to one  
229 (1) delegate to the Commission, who shall be given the title of  
230 Commissioner.

231                   2. The Commissioner shall be the primary administrative  
232 officer of the state licensing authority or their designee.

233                   3. Any Commissioner may be removed or suspended from  
234 office as provided by the law of the state from which the  
235 Commissioner is appointed.

236                   4. The Member State shall fill any vacancy occurring in  
237 the Commission within ninety (90) days.

238                   5. Each Commissioner shall be entitled to one (1) vote  
239 about the promulgation of rules and creation of bylaws and shall  
240 otherwise have an opportunity to participate in the business and  
241 affairs of the Commission. A Commissioner shall vote in person or



242 by such other means as provided in the bylaws. The bylaws may  
243 provide for Commissioners' participation in meetings by telephone  
244 or other means of communication.

245 6. The Commission shall meet at least once during each  
246 calendar year. Additional meetings shall be held as set forth in  
247 the bylaws.

248 7. The Commission shall establish by rule a term of  
249 office for Commissioners.

250 C. The Commission shall have the following powers and  
251 duties:

252 1. Establish a code of ethics for the Commission.

253 2. Establish the fiscal year of the Commission.

254 3. Establish bylaws for the Commission.

255 4. Maintain its financial records in accordance with  
256 the bylaws of the Commission.

257 5. Meet and take such actions as are consistent with  
258 the provisions of this Interstate Compact, the bylaws, and rules  
259 of the Commission.

260 6. Promulgate uniform rules to implement and administer  
261 this Interstate Compact. The rules shall have the force and  
262 effect of law and shall be binding in all Member States. In the  
263 event the Commission exercises its rulemaking authority in a  
264 manner that is beyond the scope of the purposes of the Compact, or  
265 the powers granted hereunder, then such an action by the  
266 Commission shall be invalid and have no force and effect of law.



267           7. Bring and prosecute legal proceedings or actions in  
268 the name of the Commission, provided that the standing of any  
269 Member State licensing authority to sue or be sued under  
270 applicable law shall not be affected.

271           8. Purchase and maintain insurance and bonds.

272           9. Borrow, accept, or contract for services of  
273 personnel, including, but not limited to, employees of a Member  
274 State, or an associated nongovernmental organization that is open  
275 to membership by all states.

276           10. Hire employees, elect, or appoint officers, fix  
277 compensation, define duties, grant such individuals appropriate  
278 authority to carry out the purposes of the Compact, and establish  
279 the Commission's personnel policies and programs relating to  
280 conflicts of interest, qualifications of personnel, and other  
281 related personnel matters.

282           11. Lease, purchase, accept appropriate gifts or  
283 donations of, or otherwise own, hold, improve, or use, any  
284 property, real, personal or mixed, provided that at all times the  
285 Commission shall avoid any appearance of impropriety.

286           12. Sell, convey, mortgage, pledge, lease, exchange,  
287 abandon, or otherwise dispose of any property real, personal, or  
288 mixed.

289           13. Establish a budget and make expenditures.

290           14. Borrow money.



291           15. Appoint committees, including standing committees  
292 composed of members and such other interested persons as may be  
293 designated in this Interstate Compact, rules, or bylaws.

294           16. Provide and receive information from, and cooperate  
295 with, law enforcement agencies.

296           17. Establish and elect an Executive Committee.

297           18. Establish and develop a charter for an Executive  
298 Information Governance Committee to advise on facilitating  
299 exchange of information; use of information, data privacy, and  
300 technical support needs, and provide reports as needed.

301           19. Perform such other functions as may be necessary or  
302 appropriate to achieve the purposes of this Interstate Compact  
303 consistent with the state regulation of teacher licensure.

304           20. Determine whether a state's adopted language is  
305 materially different from the model Compact language such that the  
306 state would not qualify for participation in the Compact.

307           D. The Executive Committee of the Interstate Teacher  
308 Mobility Compact Commission.

309           1. The Executive Committee shall have the power to act  
310 on behalf of the Commission according to the terms of this  
311 Interstate Compact.

312           2. The Executive Committee shall be composed of eight  
313 (8) voting members:

314           a. The Commission chair, vice chair, and  
315 treasurer; and



316                   b. Five (5) members who are elected by the  
317 Commission from the current membership:

318                    i. Four (4) voting members representing  
319 geographic regions in accordance with Commission rules; and  
320                    ii. One at-large voting member in accordance  
321 with Commission rules.

322                   3. The Commission may add or remove members of the  
323 Executive Committee as provided in Commission rules.

324                   4. The Executive Committee shall meet at least once  
325 annually.

326                   5. The Executive Committee shall have the following  
327 duties and responsibilities:

328                    a. Recommend to the entire Commission changes to  
329 the rules or bylaws, changes to the Compact legislation, fees paid  
330 by Interstate Compact Member States such as annual dues, and any  
331 Compact fee charged by the Member States on behalf of the  
332 Commission.

333                    b. Ensure Commission administration services are  
334 appropriately provided, contractual or otherwise.

335                    c. Prepare and recommend the budget.

336                    d. Maintain financial records on behalf of the  
337 Commission.

338                    e. Monitor compliance of Member States and provide  
339 reports to the Commission.



340 f. Perform other duties as provided in rules or  
341 bylaws.

342 6. Meetings of the Commission:

343 a. All meetings shall be open to the public, and  
344 public notice of meetings shall be given in accordance with  
345 Commission bylaws.

346 b. The Commission or the Executive Committee or  
347 other committees of the Commission may convene in a closed,  
348 nonpublic meeting if the Commission or Executive Committee or  
349 other committees of the Commission must discuss:

350 i. Noncompliance of a Member State with its  
351 obligations under the Compact.

352 ii. The employment, compensation, discipline  
353 or other matters, practices or procedures related to specific  
354 employees or other matters related to the Commission's internal  
355 personnel practices and procedures.

356 iii. Current, threatened, or reasonably  
357 anticipated litigation.

358 iv. Negotiation of contracts for the  
359 purchase, lease, or sale of goods, services, or real estate.

360 v. Accusing any person of a crime or formally  
361 censuring any person.

362 vi. Disclosure of trade secrets or commercial  
363 or financial information that is privileged or confidential.



364                   vii. Disclosure of information of a personal  
365 nature where disclosure would constitute a clearly unwarranted  
366 invasion of personal privacy.

367                   viii. Disclosure of investigative records  
368 compiled for law enforcement purposes.

369                   ix. Disclosure of information related to any  
370 investigative reports prepared by or on behalf of or for use of  
371 the Commission or other committee charged with responsibility of  
372 investigation or determination of compliance issues pursuant to  
373 the Compact.

374                   x. Matters specifically exempted from  
375 disclosure by federal or Member State statute.

376                   xi. Other matters as set forth by Commission  
377 bylaws and rules.

378                   c. If a meeting, or portion of a meeting, is  
379 closed pursuant to this provision, the Commission's legal counsel  
380 or designee shall certify that the meeting may be closed and shall  
381 reference each relevant exempting provision.

382                   d. The Commission shall keep minutes of Commission  
383 meetings and shall provide a full and accurate summary of actions  
384 taken, and the reasons therefore, including a description of the  
385 views expressed. All documents considered in connection with an  
386 action shall be identified in such minutes. All minutes and  
387 documents of a closed meeting shall remain under seal, subject to





388 release by a majority vote of the Commission or order of a court  
389 of competent jurisdiction.

390 7. Financing of the Commission:

391 a. The Commission shall pay, or provide for the  
392 payment of, the reasonable expenses of its establishment,  
393 organization, and ongoing activities.

394 b. The Commission may accept all appropriate  
395 donations and grants of money, equipment, supplies, materials, and  
396 services, and receive, utilize, and dispose of the same, provided  
397 that at all times the Commission shall avoid any appearance of  
398 impropriety or conflict of interest.

399 c. The Commission may levy on and collect an  
400 annual assessment from each Member State or impose fees on other  
401 parties to cover the cost of the operations and activities of the  
402 Commission, in accordance with the Commission rules.

403 d. The Commission shall not incur obligations of  
404 any kind prior to securing the funds adequate to meet the same;  
405 nor shall the Commission pledge the credit of any of the Member  
406 States, except by and with the authority of the Member State.

407 e. The Commission shall keep accurate accounts of  
408 all receipts and disbursements. The receipts and disbursements of  
409 the Commission shall be subject to accounting procedures  
410 established under Commission bylaws. All receipts and  
411 disbursements of funds of the Commission shall be reviewed  
412 annually in accordance with Commission bylaws, and a report of the



413 review shall be included in and become part of the annual report  
414 of the Commission.

415 8. Qualified immunity, defense, and indemnification:

416 a. The members, officers, executive director,  
417 employees and representatives of the Commission shall be immune  
418 from suit and liability, either personally or in their official  
419 capacity, for any claim for damage to or loss of property or  
420 personal injury or other civil liability caused by or arising out  
421 of any actual or alleged act, error or omission that occurred, or  
422 that the person against whom the claim is made had a reasonable  
423 basis for believing occurred within the scope of Commission  
424 employment, duties or responsibilities; provided that nothing in  
425 this paragraph shall be construed to protect any such person from  
426 suit or liability for any damage, loss, injury, or liability  
427 caused by the intentional or willful or wanton misconduct of that  
428 person.

429 b. The Commission shall defend any member,  
430 officer, executive director, employee, or representative of the  
431 Commission in any civil action seeking to impose liability arising  
432 out of any actual or alleged act, error, or omission that occurred  
433 within the scope of Commission employment, duties, or  
434 responsibilities, or that the person against whom the claim is  
435 made had a reasonable basis for believing occurred within the  
436 scope of Commission employment, duties, or responsibilities;  
437 provided that nothing herein shall be construed to prohibit that



438 person from retaining his or her own counsel; and provided  
439 further, that the actual or alleged act, error, or omission did  
440 not result from that person's intentional or willful or wanton  
441 misconduct.

442 c. The Commission shall indemnify and hold  
443 harmless any member, officer, executive director, employee, or  
444 representative of the Commission for the amount of any settlement  
445 or judgment obtained against that person arising out of any actual  
446 or alleged act, error or omission that occurred within the scope  
447 of Commission employment, duties, or responsibilities, or that  
448 such person had a reasonable basis for believing occurred within  
449 the scope of Commission employment, duties, or responsibilities,  
450 provided that the actual or alleged act, error, or omission did  
451 not result from the intentional or willful or wanton misconduct of  
452 that person.

453 **ARTICLE VIII.**

454 **RULEMAKING.**

455 A. The Commission shall exercise its rulemaking powers  
456 pursuant to the criteria set forth in this Interstate Compact and  
457 the rules adopted thereunder. Rules and amendments shall become  
458 binding as of the date specified in each rule or amendment.

459 B. The Commission shall promulgate reasonable rules to  
460 achieve the intent and purpose of this Interstate Compact. In the  
461 event the Commission exercises its rulemaking authority in a  
462 manner that is beyond purpose and intent of this Interstate



463 Compact, or the powers granted hereunder, then such an action by  
464 the Commission shall be invalid and have no force and effect of  
465 law in the Member States.

466 C. If a majority of the legislatures of the Member States  
467 rejects a rule, by enactment of a statute or resolution in the  
468 same manner used to adopt the Compact within four (4) years of the  
469 date of adoption of the rule, then such rule shall have no further  
470 force and effect in any Member State.

471 D. Rules or amendments to the rules shall be adopted or  
472 ratified at a regular or special meeting of the Commission in  
473 accordance with Commission rules and bylaws.

474 E. Upon determination that an emergency exists, the  
475 Commission may consider and adopt an emergency rule with  
476 forty-eight (48) hours' notice, with opportunity to comment,  
477 provided that the usual rulemaking procedures shall be  
478 retroactively applied to the rule as soon as reasonably possible,  
479 in no event later than ninety (90) days after the effective date  
480 of the rule. For the purposes of this provision, an emergency  
481 rule is one that must be adopted immediately in order to:

482 a. Meet an imminent threat to public health, safety, or  
483 welfare.

484 1. Prevent a loss of Commission or Member State  
485 funds;

486 2. Meet a deadline for the promulgation of an  
487 administrative rule that is established by federal law or rule; or



488 3. Protect public health and safety.

489 **ARTICLE IX.**

490 **FACILITATING INFORMATION EXCHANGE.**

491 A. The Commission shall provide for facilitating the  
492 exchange of information to administer and implement the provisions  
493 of this Compact in accordance with the rules of the Commission,  
494 consistent with generally accepted data protection principles.

495 B. Nothing in this Compact shall be deemed or construed to  
496 alter, limit, or inhibit the power of a Member State to control  
497 and maintain ownership of its licensee information or alter,  
498 limit, or inhibit the laws or regulations governing licensee  
499 information in the Member State.

500 **ARTICLE X.**

501 **OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT.**

502 A. Oversight:

503 1. The executive and judicial branches of state  
504 government in each Member State shall enforce this Compact and  
505 take all actions necessary and appropriate to effectuate the  
506 Compact's purposes and intent. The provisions of this Compact  
507 shall have standing as statutory law.

508 2. Venue is proper and judicial proceedings by or  
509 against the Commission shall be brought solely and exclusively in  
510 a court of competent jurisdiction where the principal office of  
511 the Commission is located. The Commission may waive venue and  
512 jurisdictional defenses to the extent it adopts or consents to



513 participate in alternative dispute resolution proceedings.  
514 Nothing herein shall affect or limit the selection or propriety of  
515 venue in any action against a licensee for professional  
516 malpractice, misconduct or any such similar matter.

517           3. All courts and all administrative agencies shall  
518 take judicial notice of the Compact, the rules of the Commission,  
519 and any information provided to a Member State pursuant thereto in  
520 any judicial or quasi-judicial proceeding in a Member State  
521 pertaining to the subject matter of this Compact, or which may  
522 affect the powers, responsibilities, or actions of the Commission.

523           4. The Commission shall be entitled to receive service  
524 of process in any proceeding regarding the enforcement or  
525 interpretation of the Compact and shall have standing to intervene  
526 in such a proceeding for all purposes. Failure to provide the  
527 Commission service of process shall render a judgment or order  
528 void as to the Commission, this Compact, or promulgated rules.

529           B. Default, Technical Assistance, and Termination.

530           1. If the Commission determines that a Member State has  
531 defaulted in the performance of its obligations or  
532 responsibilities under this Compact or the promulgated rules, the  
533 Commission shall:

534           a. Provide written notice to the defaulting state  
535 and other Member States of the nature of the default, the proposed  
536 means of curing the default or any other action to be taken by the  
537 Commission; and



538                   b. Provide remedial training and specific  
539 technical assistance regarding the default.

540           C. If a state in default fails to cure the default, the  
541 defaulting State may be terminated from the Compact upon an  
542 affirmative vote of a majority of the Commissioners of the Member  
543 States, and all rights, privileges and benefits conferred on that  
544 state by this Compact may be terminated on the effective date of  
545 termination. A cure of the default does not relieve the offending  
546 state of obligations or liabilities incurred during the period of  
547 default.

548           D. Termination of membership in the Compact shall be imposed  
549 only after all other means of securing compliance have been  
550 exhausted. Notice of intent to suspend or terminate shall be  
551 given by the Commission to the Governor, the majority and minority  
552 leaders of the defaulting state's legislature, the state licensing  
553 authority and each of the Member States.

554           E. A state that has been terminated is responsible for all  
555 assessments, obligations, and liabilities incurred through the  
556 effective date of termination, including obligations that extend  
557 beyond the effective date of termination.

558           F. The Commission shall not bear any costs related to a  
559 state that is found to be in default or that has been terminated  
560 from the Compact, unless agreed upon in writing between the  
561 Commission and the defaulting state.



562 G. The defaulting state may appeal the action of the  
563 Commission by petitioning the United States District Court for the  
564 District of Columbia or the federal district where the Commission  
565 has its principal offices. The prevailing party shall be awarded  
566 all costs of such litigation, including reasonable attorney's  
567 fees.

568 H. Dispute Resolution:

569 1. Upon request by a Member State, the Commission shall  
570 attempt to resolve disputes related to the Compact that arise  
571 among Member States and between Member and non-Member States.

572 2. The Commission shall promulgate a rule providing for  
573 both binding and nonbinding alternative dispute resolution for  
574 disputes as appropriate.

575 I. Enforcement:

576 1. The Commission, in the reasonable exercise of its  
577 discretion, shall enforce the provisions and rules of this  
578 Compact.

579 2. By majority vote, the Commission may initiate legal  
580 action in the United States District Court for the District of  
581 Columbia or the federal district where the Commission has its  
582 principal offices against a Member State in default to enforce  
583 compliance with the provisions of the Compact and its promulgated  
584 rules and bylaws. The relief sought may include both injunctive  
585 relief and damages. In the event judicial enforcement is  
586 necessary, the prevailing party shall be awarded all costs of such





587 litigation, including reasonable attorney's fees. The remedies  
588 herein shall not be the exclusive remedies of the Commission. The  
589 Commission may pursue any other remedies available under federal  
590 or state law.

591 **ARTICLE XI.**

592 **EFFECTUATION, WITHDRAWAL, AND AMENDMENT.**

593 A. The Compact shall come into effect on the date on which  
594 the Compact statute is enacted into law in the tenth Member State.

595 1. On or after the effective date of the Compact, the  
596 Commission shall convene and review the enactment of each of the  
597 Charter Member States to determine if the statute enacted by each  
598 such Charter Member State is materially different from the model  
599 Compact statute.

600 2. A Charter Member State whose enactment is found to  
601 be materially different from the model Compact statute shall be  
602 entitled to the default process set forth in 504 Article X.

603 3. Member States enacting the Compact subsequent to the  
604 Charter Member States shall be subject to the process set forth in  
605 Article VII.C.20 to determine if their enactments are materially  
606 different from the model Compact statute and whether they qualify  
607 for participation in the Compact.

608 B. If any Member State is later found to be in default, or  
609 is terminated or withdraws from the Compact, the Commission shall  
610 remain in existence and the Compact shall remain in effect even if  
611 the number of Member States should be less than ten (10).



612 C. Any state that joins the Compact after the Commission's  
613 initial adoption of the rules and bylaws shall be subject to the  
614 rules and bylaws as they exist on the date on which the Compact  
615 becomes law in that state. Any rule that has been previously  
616 adopted by the Commission shall have the full force and effect of  
617 law on the day the Compact becomes law in that state, as the rules  
618 and bylaws may be amended as provided in this Compact.

619 D. Any Member State may withdraw from this Compact by  
620 enacting a statute repealing the same.

621 1. A Member State's withdrawal shall not take effect  
622 until six (6) months after enactment of the repealing statute.

623 2. Withdrawal shall not affect the continuing  
624 requirement of the withdrawing state's licensing authority to  
625 comply with the investigative and adverse action reporting  
626 requirements of this act prior to the effective date of  
627 withdrawal.

628 E. This Compact may be amended by the Member States. No  
629 amendment to this Compact shall become effective and binding upon  
630 any Member State until it is enacted into the laws of all Member  
631 States.

632 **ARTICLE XII.**

633 **CONSTRUCTION AND SEVERABILITY.**

634 This Compact shall be liberally construed to effectuate the  
635 purposes thereof. The provisions of this Compact shall be  
636 severable and if any phrase, clause, sentence, or provision of



637 this Compact is declared to be contrary to the constitution of any  
638 Member State or a state seeking membership in the Compact, or of  
639 the United States or the applicability thereof to any other  
640 government, agency, person or circumstance is held invalid, the  
641 validity of the remainder of this Compact and the applicability  
642 thereof to any government, agency, person, or circumstance shall  
643 not be affected thereby. If this Compact shall be held contrary  
644 to the constitution of any Member State, the Compact shall remain  
645 in full force and effect as to the remaining Member States and in  
646 full force and effect as to the Member State affected as to all  
647 severable matters.

648 **ARTICLE XIII.**

649 **CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS.**

650 A. Nothing herein shall prevent or inhibit the enforcement  
651 of any other law of a Member State that is not inconsistent with  
652 the Compact.

653 B. Any laws, statutes, regulations, or other legal  
654 requirements in a Member State in conflict with the Compact are  
655 superseded to the extent of the conflict.

656 C. All permissible agreements between the Commission and the  
657 Member States are binding in accordance with their terms.

658 **SECTION 2.** Section 37-3-2, Mississippi Code of 1972, is  
659 amended as follows:

660 37-3-2. (1) There is established within the State  
661 Department of Education the Commission on Teacher and



662 Administrator Education, Certification and Licensure and  
663 Development. It shall be the purpose and duty of the commission  
664 to make recommendations to the State Board of Education regarding  
665 standards for the certification and licensure and continuing  
666 professional development of those who teach or perform tasks of an  
667 educational nature in the public schools of Mississippi.

668 (2) (a) The commission shall be composed of fifteen (15)  
669 qualified members. The membership of the commission shall be  
670 composed of the following members to be appointed, three (3) from  
671 each of the four (4) congressional districts, as such districts  
672 existed on January 1, 2011, in accordance with the population  
673 calculations determined by the 2010 federal decennial census,  
674 including: four (4) classroom teachers; three (3) school  
675 administrators; one (1) representative of schools of education of  
676 public institutions of higher learning located within the state to  
677 be recommended by the Board of Trustees of State Institutions of  
678 Higher Learning; one (1) representative from the schools of  
679 education of independent institutions of higher learning to be  
680 recommended by the Board of the Mississippi Association of  
681 Independent Colleges; one (1) representative from public community  
682 and junior colleges located within the state to be recommended by  
683 the Mississippi Community College Board; one (1) local school  
684 board member; and four (4) laypersons. Three (3) members of the  
685 commission, at the sole discretion of the State Board of  
686 Education, shall be appointed from the state at large.



687 (b) All appointments shall be made by the State Board  
688 of Education after consultation with the State Superintendent of  
689 Public Education. The first appointments by the State Board of  
690 Education shall be made as follows: five (5) members shall be  
691 appointed for a term of one (1) year; five (5) members shall be  
692 appointed for a term of two (2) years; and five (5) members shall  
693 be appointed for a term of three (3) years. Thereafter, all  
694 members shall be appointed for a term of four (4) years.

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

701 (4) (a) An appropriate staff member of the State Department  
702 of Education shall be designated and assigned by the State  
703 Superintendent of Public Education to serve as executive secretary  
704 and coordinator for the commission. No less than two (2) other  
705 appropriate staff members of the State Department of Education  
706 shall be designated and assigned by the State Superintendent of  
707 Public Education to serve on the staff of the commission.

708 (b) An Office of Educator Misconduct Evaluations shall  
709 be established within the State Department of Education to assist  
710 the commission in responding to infractions and violations, and in  
711 conducting hearings and enforcing the provisions of subsections



712 (11), (12), (13), (14) and (15) of this section, and violations of  
713 the Mississippi Educator Code of Ethics.

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

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

718 (b) Recommend to the State Board of Education each year  
719 approval or disapproval of each educator preparation program in  
720 the state, subject to a process and schedule determined by the  
721 State Board of Education;

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

725 (d) Establish, subject to the approval of the State  
726 Board of Education, standards for the renewal of teacher licenses  
727 in all fields;

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

731 (f) Review all existing requirements for certification  
732 and licensure;

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



735 (h) Prepare reports from time to time on current  
736 practices and issues in the general area of teacher education and  
737 certification and licensure;

738 (i) Hold hearings concerning standards for teachers'  
739 and administrators' education and certification and licensure with  
740 approval of the State Board of Education;

741 (j) Hire expert consultants with approval of the State  
742 Board of Education;

743 (k) Set up ad hoc committees to advise on specific  
744 areas;

745 (l) Perform such other functions as may fall within  
746 their general charge and which may be delegated to them by the  
747 State Board of Education; and

748 (m) Establish standards, subject to the approval of the  
749 State Board of Education, for supplemental endorsements, provided  
750 that the standards allow teachers as many options as possible to  
751 receive a supplemental endorsement, including, but not limited to,  
752 the option of taking additional coursework or earning at least the  
753 minimum qualifying score or higher on the required licensure  
754 subject assessment relevant to the endorsement area for which the  
755 licensure is sought. The subject assessment option shall not  
756 apply to certain subject areas, including, but not limited to,  
757 Early/Primary Education PreK-3, Elementary Education, or Special  
758 Education, except by special approval by the State Board of  
759 Education.



760           (6)   (a)   **Standard License - Approved Program Route.**   An  
761 educator entering the school system of Mississippi for the first  
762 time and meeting all requirements as established by the State  
763 Board of Education shall be granted a standard five-year license.  
764 Persons who possess two (2) years of classroom experience as an  
765 assistant teacher or who have taught for one (1) year in an  
766 accredited public or private school shall be allowed to fulfill  
767 student teaching requirements under the supervision of a qualified  
768 participating teacher approved by an accredited college of  
769 education. The local school district in which the assistant  
770 teacher is employed shall compensate such assistant teachers at  
771 the required salary level during the period of time such  
772 individual is completing student teaching requirements.  
773 Applicants for a standard license shall submit to the department:  
774                   (i)   An application on a department form;  
775                   (ii)  An official transcript of completion of a  
776 teacher education program approved by the department or a  
777 nationally accredited program, subject to the following:  
778 Licensure to teach in Mississippi prekindergarten through  
779 kindergarten classrooms shall require completion of a teacher  
780 education program or a Bachelor of Science degree with child  
781 development emphasis from a program accredited by the American  
782 Association of Family and Consumer Sciences (AAFCS) or by the  
783 National Association for Education of Young Children (NAEYC) or by  
784 the National Council for Accreditation of Teacher Education





785 (NCATE). Licensure to teach in Mississippi kindergarten, for  
786 those applicants who have completed a teacher education program,  
787 and in Grade 1 through Grade 4 shall require the completion of an  
788 interdisciplinary program of studies. Licenses for Grades 4  
789 through 8 shall require the completion of an interdisciplinary  
790 program of studies with two (2) or more areas of concentration.  
791 Licensure to teach in Mississippi Grades 7 through 12 shall  
792 require a major in an academic field other than education, or a  
793 combination of disciplines other than education. Students  
794 preparing to teach a subject shall complete a major in the  
795 respective subject discipline. All applicants for standard  
796 licensure shall demonstrate that such person's college preparation  
797 in those fields was in accordance with the standards set forth by  
798 the National Council for Accreditation of Teacher Education  
799 (NCATE) or the National Association of State Directors of Teacher  
800 Education and Certification (NASDTEC) or, for those applicants who  
801 have a Bachelor of Science degree with child development emphasis,  
802 the American Association of Family and Consumer Sciences (AAFCS).  
803 Effective July 1, 2016, for initial elementary education  
804 licensure, a teacher candidate must earn a passing score on a  
805 rigorous test of scientifically research-based reading instruction  
806 and intervention and data-based decision-making principles as  
807 approved by the State Board of Education;

808 (iii) A copy of test scores evidencing  
809 satisfactory completion of nationally administered examinations of



810 achievement, such as the Educational Testing Service's teacher  
811 testing examinations;

812 (iv) Any other document required by the State  
813 Board of Education; and

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

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

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

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

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

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

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

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



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

836                   (ii) Beginning July 1, 2020, an individual who has  
837 attained a passing score on the Praxis Core Academic Skills for  
838 Educators or an ACT Score of twenty-one (21) (or SAT equivalent)  
839 or a minimum GPA of 3.0 on coursework prior to admission to an  
840 approved teacher education program and a passing score on the  
841 Praxis Subject Assessment in the requested area of endorsement may  
842 apply for admission to the Teach Mississippi Institute (TMI)  
843 program to teach students in Grades 7 through 12 if the individual  
844 meets the requirements of this paragraph (b). The State Board of  
845 Education shall adopt rules requiring that teacher preparation  
846 institutions which provide the Teach Mississippi Institute (TMI)  
847 program for the preparation of nontraditional teachers shall meet  
848 the standards and comply with the provisions of this paragraph.

849                   1. The Teach Mississippi Institute (TMI)  
850 shall include an intensive eight-week, nine-semester-hour summer  
851 program or a curriculum of study in which the student matriculates  
852 in the fall or spring semester, which shall include, but not be  
853 limited to, instruction in education, effective teaching  
854 strategies, classroom management, state curriculum requirements,  
855 planning and instruction, instructional methods and pedagogy,  
856 using test results to improve instruction, and a one (1) semester  
857 three-hour supervised internship to be completed while the teacher  
858 is employed as a full-time teacher intern in a local school



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

863                   2. The school sponsoring the teacher intern  
864 shall enter into a written agreement with the institution  
865 providing the Teach Mississippi Institute (TMI) program, under  
866 terms and conditions as agreed upon by the contracting parties,  
867 providing that the school district shall provide teacher interns  
868 seeking a nontraditional provisional teaching license with a  
869 one-year classroom teaching experience. The teacher intern shall  
870 successfully complete the one (1) semester three-hour intensive  
871 internship in the school district during the semester immediately  
872 following successful completion of the TMI and prior to the end of  
873 the one-year classroom teaching experience.

874                   3. Upon completion of the nine-semester-hour  
875 TMI or the fall or spring semester option, the individual shall  
876 submit his transcript to the commission for provisional licensure  
877 of the intern teacher, and the intern teacher shall be issued a  
878 provisional teaching license by the commission, which will allow  
879 the individual to legally serve as a teacher while the person  
880 completes a nontraditional teacher preparation internship program.

881                   4. During the semester of internship in the  
882 school district, the teacher preparation institution shall monitor  
883 the performance of the intern teacher. The school district that



884 employs the provisional teacher shall supervise the provisional  
885 teacher during the teacher's intern year of employment under a  
886 nontraditional provisional license, and shall, in consultation  
887 with the teacher intern's mentor at the school district of  
888 employment, submit to the commission a comprehensive evaluation of  
889 the teacher's performance sixty (60) days prior to the expiration  
890 of the nontraditional provisional license. If the comprehensive  
891 evaluation establishes that the provisional teacher intern's  
892 performance fails to meet the standards of the approved  
893 nontraditional teacher preparation internship program, the  
894 individual shall not be approved for a standard license.

895           5. An individual issued a provisional  
896 teaching license under this nontraditional route shall  
897 successfully complete, at a minimum, a one-year beginning teacher  
898 mentoring and induction program administered by the employing  
899 school district with the assistance of the State Department of  
900 Education.

901           6. Upon successful completion of the TMI and  
902 the internship provisional license period, applicants for a  
903 Standard License - Nontraditional Route shall submit to the  
904 commission a transcript of successful completion of the twelve  
905 (12) semester hours required in the internship program, and the  
906 employing school district shall submit to the commission a  
907 recommendation for standard licensure of the intern. If the  
908 school district recommends licensure, the applicant shall be



909 issued a Standard License - Nontraditional Route which shall be  
910 valid for a five-year period and be renewable.

911                   7. At the discretion of the teacher  
912 preparation institution, the individual shall be allowed to credit  
913 the twelve (12) semester hours earned in the nontraditional  
914 teacher internship program toward the graduate hours required for  
915 a Master of Arts in Teacher (MAT) Degree.

916                   8. The local school district in which the  
917 nontraditional teacher intern or provisional licensee is employed  
918 shall compensate such teacher interns at Step 1 of the required  
919 salary level during the period of time such individual is  
920 completing teacher internship requirements and shall compensate  
921 such Standard License - Nontraditional Route teachers at Step 3 of  
922 the required salary level when they complete license requirements.

923                   (iii) Implementation of the TMI program provided  
924 for under this paragraph (b) shall be contingent upon the  
925 availability of funds appropriated specifically for such purpose  
926 by the Legislature. Such implementation of the TMI program may  
927 not be deemed to prohibit the State Board of Education from  
928 developing and implementing additional alternative route teacher  
929 licensure programs, as deemed appropriate by the board. The  
930 emergency certification program in effect prior to July 1, 2002,  
931 shall remain in effect.

932                   (iv) A Standard License - Approved Program Route  
933 shall be issued for a five-year period, and may be renewed.



934 Recognizing teaching as a profession, a hiring preference shall be  
935 granted to persons holding a Standard License - Approved Program  
936 Route or Standard License - Nontraditional Teaching Route over  
937 persons holding any other license.

938           (c) **Special License - Expert Citizen.** In order to  
939 allow a school district to offer specialized or technical courses,  
940 the State Department of Education, in accordance with rules and  
941 regulations established by the State Board of Education, may grant  
942 a five-year expert citizen-teacher license to local business or  
943 other professional personnel to teach in a public school or  
944 nonpublic school accredited or approved by the state. Such person  
945 shall be required to have a high school diploma, an  
946 industry-recognized certification related to the subject area in  
947 which they are teaching and a minimum of five (5) years of  
948 relevant experience but shall not be required to hold an associate  
949 or bachelor's degree, provided that he or she possesses the  
950 minimum qualifications required for his or her profession, and may  
951 begin teaching upon his employment by the local school board and  
952 licensure by the Mississippi Department of Education. If a school  
953 board hires a career technical education pathway instructor who  
954 does not have an industry certification in his or her area of  
955 expertise but does have the required experience, the school board  
956 shall spread their decision on the minutes at their next meeting  
957 and provide a detailed explanation for why they hired the  
958 instructor. Such instructor shall present the minutes of the



959 school board to the State Department of Education when he or she  
960 applies for an expert citizen license. The board shall adopt  
961 rules and regulations to administer the expert citizen-teacher  
962 license. A Special License - Expert Citizen may be renewed in  
963 accordance with the established rules and regulations of the State  
964 Department of Education.

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

971 (e) **Nonlicensed Teaching Personnel.** A nonlicensed  
972 person may teach for a maximum of three (3) periods per teaching  
973 day in a public school district or a nonpublic school  
974 accredited/approved by the state. Such person shall submit to the  
975 department a transcript or record of his education and experience  
976 which substantiates his preparation for the subject to be taught  
977 and shall meet other qualifications specified by the commission  
978 and approved by the State Board of Education. In no case shall  
979 any local school board hire nonlicensed personnel as authorized  
980 under this paragraph in excess of five percent (5%) of the total  
981 number of licensed personnel in any single school.

982 (f) **Special License - Transitional Bilingual Education.**  
983 Beginning July 1, 2003, the commission shall grant special





984 licenses to teachers of transitional bilingual education who  
985 possess such qualifications as are prescribed in this section.  
986 Teachers of transitional bilingual education shall be compensated  
987 by local school boards at not less than one (1) step on the  
988 regular salary schedule applicable to permanent teachers licensed  
989 under this section. The commission shall grant special licenses  
990 to teachers of transitional bilingual education who present the  
991 commission with satisfactory evidence that they (i) possess a  
992 speaking and reading ability in a language, other than English, in  
993 which bilingual education is offered and communicative skills in  
994 English; (ii) are in good health and sound moral character; (iii)  
995 possess a bachelor's degree or an associate's degree in teacher  
996 education from an accredited institution of higher education; (iv)  
997 meet such requirements as to courses of study, semester hours  
998 therein, experience and training as may be required by the  
999 commission; and (v) are legally present in the United States and  
1000 possess legal authorization for employment. A teacher of  
1001 transitional bilingual education serving under a special license  
1002 shall be under an exemption from standard licensure if he achieves  
1003 the requisite qualifications therefor. Two (2) years of service  
1004 by a teacher of transitional bilingual education under such an  
1005 exemption shall be credited to the teacher in acquiring a Standard  
1006 Educator License. Nothing in this paragraph shall be deemed to  
1007 prohibit a local school board from employing a teacher licensed in  
1008 an appropriate field as approved by the State Department of



1009 Education to teach in a program in transitional bilingual  
1010 education.

1011 (g) In the event any school district meets the highest  
1012 accreditation standards as defined by the State Board of Education  
1013 in the accountability system, the State Board of Education, in its  
1014 discretion, may exempt such school district from any restrictions  
1015 in paragraph (e) relating to the employment of nonlicensed  
1016 teaching personnel.

1017 (h) **Highly Qualified Teachers.** Beginning July 1, 2006,  
1018 any teacher from any state meeting the federal definition of  
1019 highly qualified, as described in the No Child Left Behind Act,  
1020 must be granted a standard five-year license by the State  
1021 Department of Education.

1022 (7) **Administrator License.** The State Board of Education is  
1023 authorized to establish rules and regulations and to administer  
1024 the licensure process of the school administrators in the State of  
1025 Mississippi. There will be four (4) categories of administrator  
1026 licensure with exceptions only through special approval of the  
1027 State Board of Education.

1028 (a) **Administrator License - Nonpracticing.** Those  
1029 educators holding administrative endorsement but having no  
1030 administrative experience or not serving in an administrative  
1031 position on January 15, 1997.

1032 (b) **Administrator License - Entry Level.** Those  
1033 educators holding administrative endorsement and having met the



1034 department's qualifications to be eligible for employment in a  
1035 Mississippi school district. Administrator License - Entry Level  
1036 shall be issued for a five-year period and shall be nonrenewable.

1037 (c) **Standard Administrator License - Career Level.** An  
1038 administrator who has met all the requirements of the department  
1039 for standard administrator licensure.

1040 (d) **Administrator License - Nontraditional Route.** The  
1041 board may establish a nontraditional route for licensing  
1042 administrative personnel. Such nontraditional route for  
1043 administrative licensure shall be available for persons holding,  
1044 but not limited to, a master of business administration degree, a  
1045 master of public administration degree, a master of public  
1046 planning and policy degree or a doctor of jurisprudence degree  
1047 from an accredited college or university, with five (5) years of  
1048 administrative or supervisory experience. Successful completion  
1049 of the requirements of alternate route licensure for  
1050 administrators shall qualify the person for a standard  
1051 administrator license.

1052 Individuals seeking school administrator licensure under  
1053 paragraph (b), (c) or (d) shall successfully complete a training  
1054 program and an assessment process prescribed by the State Board of  
1055 Education. All applicants for school administrator licensure  
1056 shall meet all requirements prescribed by the department under  
1057 paragraph (b), (c) or (d), and the cost of the assessment process  
1058 required shall be paid by the applicant.



1059           (8) **Reciprocity.** The department shall grant a standard  
1060 five-year license to any individual who possesses a valid standard  
1061 license from another state, or another country or political  
1062 subdivision thereof, within a period of twenty-one (21) days from  
1063 the date of a completed application. The issuance of a license by  
1064 reciprocity to a military-trained applicant, military spouse or  
1065 person who establishes residence in this state shall be subject to  
1066 the provisions of Section 73-50-1 or 73-50-2, as applicable. The  
1067 department shall comply with the Interstate Teacher Mobility  
1068 Compact. Upon the receipt of an application for licensure by a  
1069 teacher holding an unencumbered eligible license in accordance  
1070 with the Interstate Teacher Mobility Compact, the department shall  
1071 determine which of the eligible licenses the teacher is qualified  
1072 to hold and shall grant such a license or licenses to the  
1073 applicant if the applicant is eligible.

1074           (9) **Renewal and Reinstatement of Licenses.** The State Board  
1075 of Education is authorized to establish rules and regulations for  
1076 the renewal and reinstatement of educator and administrator  
1077 licenses. Effective May 15, 1997, the valid standard license held  
1078 by an educator shall be extended five (5) years beyond the  
1079 expiration date of the license in order to afford the educator  
1080 adequate time to fulfill new renewal requirements established  
1081 pursuant to this subsection. An educator completing a master of  
1082 education, educational specialist or doctor of education degree in  
1083 May 1997 for the purpose of upgrading the educator's license to a



1084 higher class shall be given this extension of five (5) years plus  
1085 five (5) additional years for completion of a higher degree. For  
1086 all license types with a current valid expiration date of June 30,  
1087 2021, the State Department of Education shall grant a one-year  
1088 extension to June 30, 2022. Beginning July 1, 2022, and  
1089 thereafter, applicants for licensure renewal shall meet all  
1090 requirements in effect on the date that the complete application  
1091 is received by the State Department of Education.

1092 (10) All controversies involving the issuance, revocation,  
1093 suspension or any change whatsoever in the licensure of an  
1094 educator required to hold a license shall be initially heard in a  
1095 hearing de novo, by the commission or by a subcommittee  
1096 established by the commission and composed of commission members,  
1097 or by a hearing officer retained and appointed by the commission,  
1098 for the purpose of holding hearings. Any complaint seeking the  
1099 denial of issuance, revocation or suspension of a license shall be  
1100 by sworn affidavit filed with the Commission on Teacher and  
1101 Administrator Education, Certification and Licensure and  
1102 Development. The decision thereon by the commission, its  
1103 subcommittee or hearing officer, shall be final, unless the  
1104 aggrieved party shall appeal to the State Board of Education,  
1105 within ten (10) days, of the decision of the commission, its  
1106 subcommittee or hearing officer. An appeal to the State Board of  
1107 Education shall be perfected upon filing a notice of the appeal  
1108 and by the prepayment of the costs of the preparation of the



1109 record of proceedings by the commission, its subcommittee or  
1110 hearing officer. An appeal shall be on the record previously made  
1111 before the commission, its subcommittee or hearing officer, unless  
1112 otherwise provided by rules and regulations adopted by the board.  
1113 The decision of the commission, its subcommittee or hearing  
1114 officer shall not be disturbed on appeal if supported by  
1115 substantial evidence, was not arbitrary or capricious, within the  
1116 authority of the commission, and did not violate some statutory or  
1117 constitutional right. The State Board of Education in its  
1118 authority may reverse, or remand with instructions, the decision  
1119 of the commission, its subcommittee or hearing officer. The  
1120 decision of the State Board of Education shall be final.

1121 (11) (a) The State Board of Education, acting through the  
1122 commission, may deny an application for any teacher or  
1123 administrator license for one or more of the following:

1124 (i) Lack of qualifications which are prescribed by  
1125 law or regulations adopted by the State Board of Education;

1126 (ii) The applicant has a physical, emotional or  
1127 mental disability that renders the applicant unfit to perform the  
1128 duties authorized by the license, as certified by a licensed  
1129 psychologist or psychiatrist;

1130 (iii) The applicant is actively addicted to or  
1131 actively dependent on alcohol or other habit-forming drugs or is a  
1132 habitual user of narcotics, barbiturates, amphetamines,



1133 hallucinogens or other drugs having similar effect, at the time of  
1134 application for a license;

1135 (iv) Fraud or deceit committed by the applicant in  
1136 securing or attempting to secure such certification and license;

1137 (v) Failing or refusing to furnish reasonable  
1138 evidence of identification;

1139 (vi) The applicant has been convicted, has pled  
1140 guilty or entered a plea of nolo contendere to a felony, as  
1141 defined by federal or state law. For purposes of this  
1142 subparagraph (vi) of this paragraph (a), a "guilty plea" includes  
1143 a plea of guilty, entry of a plea of nolo contendere, or entry of  
1144 an order granting pretrial or judicial diversion;

1145 (vii) The applicant or licensee is on probation or  
1146 post-release supervision for a felony or conviction, as defined by  
1147 federal or state law. However, this disqualification expires upon  
1148 the end of the probationary or post-release supervision period.

1149 (b) The State Board of Education, acting through the  
1150 commission, shall deny an application for any teacher or  
1151 administrator license, or immediately revoke the current teacher  
1152 or administrator license, for one or more of the following:

1153 (i) If the applicant or licensee has been  
1154 convicted, has pled guilty or entered a plea of nolo contendere to  
1155 a sex offense as defined by federal or state law. For purposes of  
1156 this subparagraph (i) of this paragraph (b), a "guilty plea"



1157 includes a plea of guilty, entry of a plea of nolo contendere, or  
1158 entry of an order granting pretrial or judicial diversion;

1159 (ii) The applicant or licensee is on probation or  
1160 post-release supervision for a sex offense conviction, as defined  
1161 by federal or state law;

1162 (iii) The license holder has fondled a student as  
1163 described in Section 97-5-23, or had any type of sexual  
1164 involvement with a student as described in Section 97-3-95; or

1165 (iv) The license holder has failed to report  
1166 sexual involvement of a school employee with a student as required  
1167 by Section 97-5-24.

1168 (12) The State Board of Education, acting through the  
1169 commission, may revoke, suspend or refuse to renew any teacher or  
1170 administrator license for specified periods of time or may place  
1171 on probation, reprimand a licensee, or take other disciplinary  
1172 action with regard to any license issued under this chapter for  
1173 one or more of the following:

1174 (a) Breach of contract or abandonment of employment may  
1175 result in the suspension of the license for one (1) school year as  
1176 provided in Section 37-9-57;

1177 (b) Obtaining a license by fraudulent means shall  
1178 result in immediate suspension and continued suspension for one  
1179 (1) year after correction is made;

1180 (c) Suspension or revocation of a certificate or  
1181 license by another state shall result in immediate suspension or





1182 revocation and shall continue until records in the prior state  
1183 have been cleared;

1184 (d) The license holder has been convicted, has pled  
1185 guilty or entered a plea of nolo contendere to a felony, as  
1186 defined by federal or state law. For purposes of this paragraph,  
1187 a "guilty plea" includes a plea of guilty, entry of a plea of nolo  
1188 contendere, or entry of an order granting pretrial or judicial  
1189 diversion;

1190 (e) The license holder knowingly and willfully  
1191 committing any of the acts affecting validity of mandatory uniform  
1192 test results as provided in Section 37-16-4(1);

1193 (f) The license holder has engaged in unethical conduct  
1194 relating to an educator/student relationship as identified by the  
1195 State Board of Education in its rules;

1196 (g) The license holder served as superintendent or  
1197 principal in a school district during the time preceding and/or  
1198 that resulted in the Governor declaring a state of emergency and  
1199 the State Board of Education appointing a conservator;

1200 (h) The license holder submitted a false certification  
1201 to the State Department of Education that a statewide test was  
1202 administered in strict accordance with the Requirements of the  
1203 Mississippi Statewide Assessment System; or

1204 (i) The license holder has failed to comply with the  
1205 Procedures for Reporting Infractions as promulgated by the



1206 commission and approved by the State Board of Education pursuant  
1207 to subsection (15) of this section.

1208         For purposes of this subsection, probation shall be defined  
1209 as a length of time determined by the commission, its subcommittee  
1210 or hearing officer, and based on the severity of the offense in  
1211 which the license holder shall meet certain requirements as  
1212 prescribed by the commission, its subcommittee or hearing officer.  
1213 Failure to complete the requirements in the time specified shall  
1214 result in immediate suspension of the license for one (1) year.

1215         (13) (a) Dismissal or suspension of a licensed employee by  
1216 a local school board pursuant to Section 37-9-59 may result in the  
1217 suspension or revocation of a license for a length of time which  
1218 shall be determined by the commission and based upon the severity  
1219 of the offense.

1220         (b) Any offense committed or attempted in any other  
1221 state shall result in the same penalty as if committed or  
1222 attempted in this state.

1223         (c) A person may voluntarily surrender a license. The  
1224 surrender of such license may result in the commission  
1225 recommending any of the above penalties without the necessity of a  
1226 hearing. However, any such license which has voluntarily been  
1227 surrendered by a licensed employee may only be reinstated by a  
1228 majority vote of all members of the commission present at the  
1229 meeting called for such purpose.



1230           (14) (a) A person whose license has been suspended or  
1231 surrendered on any grounds except criminal grounds may petition  
1232 for reinstatement of the license after one (1) year from the date  
1233 of suspension or surrender, or after one-half (1/2) of the  
1234 suspended or surrendered time has lapsed, whichever is greater. A  
1235 person whose license has been suspended or revoked on any grounds  
1236 or violations under subsection (12) of this section may be  
1237 reinstated automatically or approved for a reinstatement hearing,  
1238 upon submission of a written request to the commission. A license  
1239 suspended, revoked or surrendered on criminal grounds may be  
1240 reinstated upon petition to the commission filed after expiration  
1241 of the sentence and parole or probationary period imposed upon  
1242 conviction. A revoked, suspended or surrendered license may be  
1243 reinstated upon satisfactory showing of evidence of  
1244 rehabilitation. The commission shall require all who petition for  
1245 reinstatement to furnish evidence satisfactory to the commission  
1246 of good character, good mental, emotional and physical health and  
1247 such other evidence as the commission may deem necessary to  
1248 establish the petitioner's rehabilitation and fitness to perform  
1249 the duties authorized by the license.

1250           (b) A person whose license expires while under  
1251 investigation by the Office of Educator Misconduct for an alleged  
1252 violation may not be reinstated without a hearing before the  
1253 commission if required based on the results of the investigation.



1254 (15) Reporting procedures and hearing procedures for dealing  
1255 with infractions under this section shall be promulgated by the  
1256 commission, subject to the approval of the State Board of  
1257 Education. The revocation or suspension of a license shall be  
1258 effected at the time indicated on the notice of suspension or  
1259 revocation. The commission shall immediately notify the  
1260 superintendent of the school district or school board where the  
1261 teacher or administrator is employed of any disciplinary action  
1262 and also notify the teacher or administrator of such revocation or  
1263 suspension and shall maintain records of action taken. The State  
1264 Board of Education may reverse or remand with instructions any  
1265 decision of the commission, its subcommittee or hearing officer  
1266 regarding a petition for reinstatement of a license, and any such  
1267 decision of the State Board of Education shall be final.

1268 (16) An appeal from the action of the State Board of  
1269 Education in denying an application, revoking or suspending a  
1270 license or otherwise disciplining any person under the provisions  
1271 of this section shall be filed in the Chancery Court of the First  
1272 Judicial District of Hinds County, Mississippi, on the record  
1273 made, including a verbatim transcript of the testimony at the  
1274 hearing. The appeal shall be filed within thirty (30) days after  
1275 notification of the action of the board is mailed or served and  
1276 the proceedings in chancery court shall be conducted as other  
1277 matters coming before the court. The appeal shall be perfected  
1278 upon filing notice of the appeal and by the prepayment of all



1279 costs, including the cost of preparation of the record of the  
1280 proceedings by the State Board of Education, and the filing of a  
1281 bond in the sum of Two Hundred Dollars (\$200.00) conditioned that  
1282 if the action of the board be affirmed by the chancery court, the  
1283 applicant or license holder shall pay the costs of the appeal and  
1284 the action of the chancery court.

1285 (17) All such programs, rules, regulations, standards and  
1286 criteria recommended or authorized by the commission shall become  
1287 effective upon approval by the State Board of Education as  
1288 designated by appropriate orders entered upon the minutes thereof.

1289 (18) The granting of a license shall not be deemed a  
1290 property right nor a guarantee of employment in any public school  
1291 district. A license is a privilege indicating minimal eligibility  
1292 for teaching in the public school districts of Mississippi. This  
1293 section shall in no way alter or abridge the authority of local  
1294 school districts to require greater qualifications or standards of  
1295 performance as a prerequisite of initial or continued employment  
1296 in such districts.

1297 (19) In addition to the reasons specified in subsections  
1298 (12) and (13) of this section, the board shall be authorized to  
1299 suspend the license of any licensee for being out of compliance  
1300 with an order for support, as defined in Section 93-11-153. The  
1301 procedure for suspension of a license for being out of compliance  
1302 with an order for support, and the procedure for the reissuance or  
1303 reinstatement of a license suspended for that purpose, and the



1304 payment of any fees for the reissuance or reinstatement of a  
1305 license suspended for that purpose, shall be governed by Section  
1306 93-11-157 or 93-11-163, as the case may be. Actions taken by the  
1307 board in suspending a license when required by Section 93-11-157  
1308 or 93-11-163 are not actions from which an appeal may be taken  
1309 under this section. Any appeal of a license suspension that is  
1310 required by Section 93-11-157 or 93-11-163 shall be taken in  
1311 accordance with the appeal procedure specified in Section  
1312 93-11-157 or 93-11-163, as the case may be, rather than the  
1313 procedure specified in this section. If there is any conflict  
1314 between any provision of Section 93-11-157 or 93-11-163 and any  
1315 provision of this chapter, the provisions of Section 93-11-157 or  
1316 93-11-163, as the case may be, shall control.

1317 (20) The Department of Education shall grant and renew all  
1318 licenses and certifications of teachers and administrators within  
1319 twenty-one (21) days from the date of a completed application if  
1320 the applicant has otherwise met all established requirements for  
1321 the license or certification.

1322 **SECTION 3.** This act shall take effect and be in force from  
1323 and after July 1, 2023.

