

By: Representative Bennett

To: Education

HOUSE BILL NO. 1177

1 AN ACT TO AMEND SECTION 37-3-2, MISSISSIPPI CODE OF 1972, TO
 2 CLARIFY THE DISCIPLINARY ACTIONS THAT MAY BE TAKEN AGAINST AN
 3 EDUCATOR OR ADMINISTRATOR EMPLOYED BY EITHER OF THE FOUR PUBLIC
 4 SPECIAL PURPOSE SCHOOLS THAT RESULT IN LICENSURE REVOCATION OR
 5 SUSPENSION, AND TO PROVIDE AN ADMINISTRATIVE HEARING PROCESS THAT
 6 ALLOWS SUCH EMPLOYEES TO DIRECT APPEAL ADVERSE DECISIONS TO THE
 7 CHANCERY COURT OF THE FIRST JUDICIAL DISTRICT OF HINDS COUNTY,
 8 MISSISSIPPI; TO AMEND SECTIONS 37-9-55 AND 37-9-57, MISSISSIPPI
 9 CODE OF 1972, TO PROVIDE A DUE PROCESS HEARING TO EMPLOYEES WHO
 10 SEEK RELEASE FROM THEIR CONTRACT AS AN EDUCATOR OR ADMINISTRATOR
 11 AND THE SCHOOL BOARD FAILS TO ACT FAVORABLY UPON THE REQUEST; TO
 12 SUSPEND, FOR ONE YEAR, THE LICENSE OF EDUCATORS AND ADMINISTRATORS
 13 WHO FAIL TO COMPLY WITH THE DECISION OF THE SCHOOL BOARD TO DENY
 14 THE RELEASE FROM CONTRACT AND WHO SUBSEQUENTLY ABANDON THEIR
 15 POSITION OR BREACH THE CONTRACT; AND FOR RELATED PURPOSES.

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

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

19 37-3-2. (1) There is established within the State
 20 Department of Education the Commission on Teacher and
 21 Administrator Education, Certification and Licensure and
 22 Development. It shall be the purpose and duty of the commission
 23 to make recommendations to the State Board of Education regarding
 24 standards for the certification and licensure and continuing



25 professional development of those who teach or perform tasks of an
26 educational nature in the public schools of Mississippi.

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

46 (b) All appointments shall be made by the State Board
47 of Education after consultation with the State Superintendent of
48 Public Education. The first appointments by the State Board of
49 Education shall be made as follows: five (5) members shall be



50 appointed for a term of one (1) year; five (5) members shall be
51 appointed for a term of two (2) years; and five (5) members shall
52 be appointed for a term of three (3) years. Thereafter, all
53 members shall be appointed for a term of four (4) years.

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

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

67 (b) An Office of Educator Misconduct Evaluations shall
68 be established within the State Department of Education to assist
69 the commission in responding to infractions and violations, and in
70 conducting hearings and enforcing the provisions of subsections
71 (11), (12), (13), (14) and (15) of this section, and violations of
72 the Mississippi Educator Code of Ethics.

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



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

77 (b) Recommend to the State Board of Education each year
78 approval or disapproval of each educator preparation program in
79 the state, subject to a process and schedule determined by the
80 State Board of Education;

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

84 (d) Establish, subject to the approval of the State
85 Board of Education, standards for the renewal of teacher licenses
86 in all fields;

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

90 (f) Review all existing requirements for certification
91 and licensure;

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

94 (h) Prepare reports from time to time on current
95 practices and issues in the general area of teacher education and
96 certification and licensure;



97 (i) Hold hearings concerning standards for teachers'
98 and administrators' education and certification and licensure with
99 approval of the State Board of Education;

100 (j) Hire expert consultants with approval of the State
101 Board of Education;

102 (k) Set up ad hoc committees to advise on specific
103 areas;

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

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

119 (6) (a) **Standard License - Approved Program Route.** An
120 educator entering the school system of Mississippi for the first
121 time and meeting all requirements as established by the State



122 Board of Education shall be granted a standard five-year license.
123 Persons who possess two (2) years of classroom experience as an
124 assistant teacher or who have taught for one (1) year in an
125 accredited public or private school shall be allowed to fulfill
126 student teaching requirements under the supervision of a qualified
127 participating teacher approved by an accredited college of
128 education. The local school district in which the assistant
129 teacher is employed shall compensate such assistant teachers at
130 the required salary level during the period of time such
131 individual is completing student teaching requirements.
132 Applicants for a standard license shall submit to the department:
133 (i) An application on a department form;
134 (ii) An official transcript of completion of a
135 teacher education program approved by the department or a
136 nationally accredited program, subject to the following:
137 Licensure to teach in Mississippi prekindergarten through
138 kindergarten classrooms shall require completion of a teacher
139 education program or a Bachelor of Science degree with child
140 development emphasis from a program accredited by the American
141 Association of Family and Consumer Sciences (AAFCS) or by the
142 National Association for Education of Young Children (NAEYC) or by
143 the National Council for Accreditation of Teacher Education
144 (NCATE). Licensure to teach in Mississippi kindergarten, for
145 those applicants who have completed a teacher education program,
146 and in Grade 1 through Grade 4 shall require the completion of an



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

167 (iii) A copy of test scores evidencing
168 satisfactory completion of nationally administered examinations of
169 achievement, such as the Educational Testing Service's teacher
170 testing examinations;



171 (iv) Any other document required by the State
172 Board of Education; and

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

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

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

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

184 (b) (i) **Standard License - Nontraditional Teaching**
185 **Route.** From and after July 1, 2020, no teacher candidate shall be
186 licensed to teach in Mississippi under the alternate route who did
187 not meet the following criteria:

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

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

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



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

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



220 state, with one (1) TMI site to be located in each of the three
221 (3) Mississippi Supreme Court districts.

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

233 3. Upon completion of the nine-semester-hour
234 TMI or the fall or spring semester option, the individual shall
235 submit his transcript to the commission for provisional licensure
236 of the intern teacher, and the intern teacher shall be issued a
237 provisional teaching license by the commission, which will allow
238 the individual to legally serve as a teacher while the person
239 completes a nontraditional teacher preparation internship program.

240 4. During the semester of internship in the
241 school district, the teacher preparation institution shall monitor
242 the performance of the intern teacher. The school district that
243 employs the provisional teacher shall supervise the provisional
244 teacher during the teacher's intern year of employment under a



245 nontraditional provisional license, and shall, in consultation
246 with the teacher intern's mentor at the school district of
247 employment, submit to the commission a comprehensive evaluation of
248 the teacher's performance sixty (60) days prior to the expiration
249 of the nontraditional provisional license. If the comprehensive
250 evaluation establishes that the provisional teacher intern's
251 performance fails to meet the standards of the approved
252 nontraditional teacher preparation internship program, the
253 individual shall not be approved for a standard license.

254 5. An individual issued a provisional
255 teaching license under this nontraditional route shall
256 successfully complete, at a minimum, a one-year beginning teacher
257 mentoring and induction program administered by the employing
258 school district with the assistance of the State Department of
259 Education.

260 6. Upon successful completion of the TMI and
261 the internship provisional license period, applicants for a
262 Standard License - Nontraditional Route shall submit to the
263 commission a transcript of successful completion of the twelve
264 (12) semester hours required in the internship program, and the
265 employing school district shall submit to the commission a
266 recommendation for standard licensure of the intern. If the
267 school district recommends licensure, the applicant shall be
268 issued a Standard License - Nontraditional Route which shall be
269 valid for a five-year period and be renewable.



270 7. At the discretion of the teacher
271 preparation institution, the individual shall be allowed to credit
272 the twelve (12) semester hours earned in the nontraditional
273 teacher internship program toward the graduate hours required for
274 a Master of Arts in Teacher (MAT) Degree.

275 8. The local school district in which the
276 nontraditional teacher intern or provisional licensee is employed
277 shall compensate such teacher interns at Step 1 of the required
278 salary level during the period of time such individual is
279 completing teacher internship requirements and shall compensate
280 such Standard License - Nontraditional Route teachers at Step 3 of
281 the required salary level when they complete license requirements.

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

291 (iv) A Standard License - Approved Program Route
292 shall be issued for a five-year period, and may be renewed.
293 Recognizing teaching as a profession, a hiring preference shall be
294 granted to persons holding a Standard License - Approved Program



295 Route or Standard License - Nontraditional Teaching Route over
296 persons holding any other license.

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



320 rules and regulations to administer the expert citizen-teacher
321 license. A Special License - Expert Citizen may be renewed in
322 accordance with the established rules and regulations of the State
323 Department of Education.

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

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

341 (f) **Special License - Transitional Bilingual Education.**
342 Beginning July 1, 2003, the commission shall grant special
343 licenses to teachers of transitional bilingual education who
344 possess such qualifications as are prescribed in this section.



345 Teachers of transitional bilingual education shall be compensated
346 by local school boards at not less than one (1) step on the
347 regular salary schedule applicable to permanent teachers licensed
348 under this section. The commission shall grant special licenses
349 to teachers of transitional bilingual education who present the
350 commission with satisfactory evidence that they (i) possess a
351 speaking and reading ability in a language, other than English, in
352 which bilingual education is offered and communicative skills in
353 English; (ii) are in good health and sound moral character; (iii)
354 possess a bachelor's degree or an associate's degree in teacher
355 education from an accredited institution of higher education; (iv)
356 meet such requirements as to courses of study, semester hours
357 therein, experience and training as may be required by the
358 commission; and (v) are legally present in the United States and
359 possess legal authorization for employment. A teacher of
360 transitional bilingual education serving under a special license
361 shall be under an exemption from standard licensure if he achieves
362 the requisite qualifications therefor. Two (2) years of service
363 by a teacher of transitional bilingual education under such an
364 exemption shall be credited to the teacher in acquiring a Standard
365 Educator License. Nothing in this paragraph shall be deemed to
366 prohibit a local school board from employing a teacher licensed in
367 an appropriate field as approved by the State Department of
368 Education to teach in a program in transitional bilingual
369 education.



370 (g) In the event any school district meets the highest
371 accreditation standards as defined by the State Board of Education
372 in the accountability system, the State Board of Education, in its
373 discretion, may exempt such school district from any restrictions
374 in paragraph (e) relating to the employment of nonlicensed
375 teaching personnel.

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

381 (7) **Administrator License.** The State Board of Education is
382 authorized to establish rules and regulations and to administer
383 the licensure process of the school administrators in the State of
384 Mississippi. There will be four (4) categories of administrator
385 licensure with exceptions only through special approval of the
386 State Board of Education.

387 (a) **Administrator License - Nonpracticing.** Those
388 educators holding administrative endorsement but having no
389 administrative experience or not serving in an administrative
390 position on January 15, 1997.

391 (b) **Administrator License - Entry Level.** Those
392 educators holding administrative endorsement and having met the
393 department's qualifications to be eligible for employment in a



394 Mississippi school district. Administrator License - Entry Level
395 shall be issued for a five-year period and shall be nonrenewable.

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

399 (d) **Administrator License - Nontraditional Route.** The
400 board may establish a nontraditional route for licensing
401 administrative personnel. Such nontraditional route for
402 administrative licensure shall be available for persons holding,
403 but not limited to, a master of business administration degree, a
404 master of public administration degree, a master of public
405 planning and policy degree or a doctor of jurisprudence degree
406 from an accredited college or university, with five (5) years of
407 administrative or supervisory experience. Successful completion
408 of the requirements of alternate route licensure for
409 administrators shall qualify the person for a standard
410 administrator license.

411 Individuals seeking school administrator licensure under
412 paragraph (b), (c) or (d) shall successfully complete a training
413 program and an assessment process prescribed by the State Board of
414 Education. All applicants for school administrator licensure
415 shall meet all requirements prescribed by the department under
416 paragraph (b), (c) or (d), and the cost of the assessment process
417 required shall be paid by the applicant.



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

426 (9) **Renewal and Reinstatement of Licenses.** The State Board
427 of Education is authorized to establish rules and regulations for
428 the renewal and reinstatement of educator and administrator
429 licenses. Effective May 15, 1997, the valid standard license held
430 by an educator shall be extended five (5) years beyond the
431 expiration date of the license in order to afford the educator
432 adequate time to fulfill new renewal requirements established
433 pursuant to this subsection. An educator completing a master of
434 education, educational specialist or doctor of education degree in
435 May 1997 for the purpose of upgrading the educator's license to a
436 higher class shall be given this extension of five (5) years plus
437 five (5) additional years for completion of a higher degree. For
438 all license types with a current valid expiration date of June 30,
439 2021, the State Department of Education shall grant a one-year
440 extension to June 30, 2022. Beginning July 1, 2022, and
441 thereafter, applicants for licensure renewal shall meet all



442 requirements in effect on the date that the complete application
443 is received by the State Department of Education.

444 (10) (a) All controversies involving the issuance,
445 revocation, suspension or any change whatsoever in the licensure
446 of an educator required to hold a license shall be initially heard
447 in a hearing de novo, by the commission or by a subcommittee
448 established by the commission and composed of commission members,
449 or by a hearing officer retained and appointed by the commission,
450 for the purpose of holding hearings. Any complaint seeking the
451 denial of issuance, revocation or suspension of a license shall be
452 by sworn affidavit filed with the Commission on Teacher and
453 Administrator Education, Certification and Licensure and
454 Development. The decision thereon by the commission, its
455 subcommittee or hearing officer, shall be final, unless the
456 aggrieved party shall appeal to the State Board of Education,
457 within ten (10) days, of the decision of the commission, its
458 subcommittee or hearing officer. An appeal to the State Board of
459 Education shall be perfected upon filing a notice of the appeal
460 and by the prepayment of the costs of the preparation of the
461 record of proceedings by the commission, its subcommittee or
462 hearing officer. An appeal shall be on the record previously made
463 before the commission, its subcommittee or hearing officer, unless
464 otherwise provided by rules and regulations adopted by the board.
465 The decision of the commission, its subcommittee or hearing
466 officer shall not be disturbed on appeal if supported by



467 substantial evidence, was not arbitrary or capricious, within the
468 authority of the commission, and did not violate some statutory or
469 constitutional right. The State Board of Education in its
470 authority may reverse, or remand with instructions, the decision
471 of the commission, its subcommittee or hearing officer. The
472 decision of the State Board of Education shall be final.

473 (b) In the case of an action or decision by the
474 commission, subcommittee, or hearing officers in revoking or
475 suspending a license or otherwise disciplining a licensed educator
476 or administrator employed by the Mississippi School of the Arts,
477 Mississippi School for the Blind, Mississippi School for the Deaf
478 or the Mississippi School for Mathematics and Science, the
479 aggrieved party may appeal directly to the Chancery Court of the
480 First Judicial District of Hinds County, Mississippi, as provided
481 in subsection (16).

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

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

487 (ii) The applicant has a physical, emotional or
488 mental disability that renders the applicant unfit to perform the
489 duties authorized by the license, as certified by a licensed
490 psychologist or psychiatrist;



491 (iii) The applicant is actively addicted to or
492 actively dependent on alcohol or other habit-forming drugs or is a
493 habitual user of narcotics, barbiturates, amphetamines,
494 hallucinogens or other drugs having similar effect, at the time of
495 application for a license;

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

498 (v) Failing or refusing to furnish reasonable
499 evidence of identification;

500 (vi) The applicant has been convicted, has pled
501 guilty or entered a plea of nolo contendere to a felony, as
502 defined by federal or state law. For purposes of this
503 subparagraph (vi) of this paragraph (a), a "guilty plea" includes
504 a plea of guilty, entry of a plea of nolo contendere, or entry of
505 an order granting pretrial or judicial diversion;

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

510 (b) The State Board of Education, acting through the
511 commission, shall deny an application for any teacher or
512 administrator license, or immediately revoke the current teacher
513 or administrator license, for one or more of the following:

514 (i) If the applicant or licensee has been
515 convicted, has pled guilty or entered a plea of nolo contendere to



516 a sex offense as defined by federal or state law. For purposes of
517 this subparagraph (i) of this paragraph (b), a "guilty plea"
518 includes a plea of guilty, entry of a plea of nolo contendere, or
519 entry of an order granting pretrial or judicial diversion;

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

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

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

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

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

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



541 (c) Suspension or revocation of a certificate or
542 license by another state shall result in immediate suspension or
543 revocation and shall continue until records in the prior state
544 have been cleared;

545 (d) The license holder has been convicted, has pled
546 guilty or entered a plea of nolo contendere to a felony, as
547 defined by federal or state law. For purposes of this paragraph,
548 a "guilty plea" includes a plea of guilty, entry of a plea of nolo
549 contendere, or entry of an order granting pretrial or judicial
550 diversion;

551 (e) The license holder knowingly and willfully
552 committing any of the acts affecting validity of mandatory uniform
553 test results as provided in Section 37-16-4(1), or knowingly and
554 willfully committing acts affecting the validity of accountability
555 results as provided in Section 37-17-6;

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

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

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



565 administered in strict accordance with the Requirements of the
566 Mississippi Statewide Assessment System; or

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

571 For purposes of this subsection, probation shall be defined
572 as a length of time determined by the commission, its subcommittee
573 or hearing officer, and based on the severity of the offense in
574 which the license holder shall meet certain requirements as
575 prescribed by the commission, its subcommittee or hearing officer.
576 Failure to complete the requirements in the time specified shall
577 result in immediate suspension of the license for one (1) year.

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

583 (b) Any offense committed or attempted in any other
584 state shall result in the same penalty as if committed or
585 attempted in this state.

586 (c) A person may voluntarily surrender a license. The
587 surrender of such license may result in the commission
588 recommending any of the above penalties without the necessity of a
589 hearing. However, any such license which has voluntarily been



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

593 (14) (a) A person whose license has been suspended or
594 surrendered on any grounds except criminal grounds may petition
595 for reinstatement of the license after one (1) year from the date
596 of suspension or surrender, or after one-half (1/2) of the
597 suspended or surrendered time has lapsed, whichever is greater. A
598 person whose license has been suspended or revoked on any grounds
599 or violations under subsection (12) of this section may be
600 reinstated automatically or approved for a reinstatement hearing,
601 upon submission of a written request to the commission. A license
602 suspended, revoked or surrendered on criminal grounds may be
603 reinstated upon petition to the commission filed after expiration
604 of the sentence and parole or probationary period imposed upon
605 conviction. A revoked, suspended or surrendered license may be
606 reinstated upon satisfactory showing of evidence of
607 rehabilitation. The commission shall require all who petition for
608 reinstatement to furnish evidence satisfactory to the commission
609 of good character, good mental, emotional and physical health and
610 such other evidence as the commission may deem necessary to
611 establish the petitioner's rehabilitation and fitness to perform
612 the duties authorized by the license.

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



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

617 (15) Reporting procedures and hearing procedures for dealing
618 with infractions under this section shall be promulgated by the
619 commission, subject to the approval of the State Board of
620 Education. The revocation or suspension of a license shall be
621 effected at the time indicated on the notice of suspension or
622 revocation. The commission shall immediately notify the
623 superintendent of the school district or school board where the
624 teacher or administrator is employed of any disciplinary action
625 and also notify the teacher or administrator of such revocation or
626 suspension and shall maintain records of action taken. The State
627 Board of Education may reverse or remand with instructions any
628 decision of the commission, its subcommittee or hearing officer
629 regarding a petition for reinstatement of a license, and any such
630 decision of the State Board of Education shall be final.

631 (16) An appeal from the action of the State Board of
632 Education in denying an application, revoking or suspending a
633 license or otherwise disciplining any person under the provisions
634 of this section shall be filed in the Chancery Court of the First
635 Judicial District of Hinds County, Mississippi, on the record
636 made, including a verbatim transcript of the testimony at the
637 hearing. The appeal shall be filed within thirty (30) days after
638 notification of the action of the board is mailed or served and
639 the proceedings in chancery court shall be conducted as other



640 matters coming before the court. The appeal shall be perfected
641 upon filing notice of the appeal and by the prepayment of all
642 costs, including the cost of preparation of the record of the
643 proceedings by the State Board of Education, and the filing of a
644 bond in the sum of Two Hundred Dollars (\$200.00) conditioned that
645 if the action of the board be affirmed by the chancery court, the
646 applicant or license holder shall pay the costs of the appeal and
647 the action of the chancery court.

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

652 (18) The granting of a license shall not be deemed a
653 property right nor a guarantee of employment in any public school
654 district. A license is a privilege indicating minimal eligibility
655 for teaching in the public school districts of Mississippi. This
656 section shall in no way alter or abridge the authority of local
657 school districts to require greater qualifications or standards of
658 performance as a prerequisite of initial or continued employment
659 in such districts.

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



665 with an order for support, and the procedure for the reissuance or
666 reinstatement of a license suspended for that purpose, and the
667 payment of any fees for the reissuance or reinstatement of a
668 license suspended for that purpose, shall be governed by Section
669 93-11-157 or 93-11-163, as the case may be. Actions taken by the
670 board in suspending a license when required by Section 93-11-157
671 or 93-11-163 are not actions from which an appeal may be taken
672 under this section. Any appeal of a license suspension that is
673 required by Section 93-11-157 or 93-11-163 shall be taken in
674 accordance with the appeal procedure specified in Section
675 93-11-157 or 93-11-163, as the case may be, rather than the
676 procedure specified in this section. If there is any conflict
677 between any provision of Section 93-11-157 or 93-11-163 and any
678 provision of this chapter, the provisions of Section 93-11-157 or
679 93-11-163, as the case may be, shall control.

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

685 **SECTION 2.** Section 37-9-55, Mississippi Code of 1972, is
686 amended as follows:

687 37-9-55. Any appointed superintendent, principal or licensed
688 employee in any public school who is under contract to teach or
689 perform other duties and who desires to be released from such



690 contract shall make application in writing to the school board of
691 the school district for release therefrom, in which application
692 the reasons for such release shall be clearly stated. If the
693 board acts favorably upon such application for release, such
694 superintendent, principal or licensed employee shall be released
695 from his contract, and said contract shall be null and void on the
696 date specified in the school board's order. If the board does not
697 act favorably upon the request for release, the superintendent,
698 principal or licensed employee may request a hearing before the
699 board. Following the hearing, if the board finds that the release
700 of the contract shall cause a hardship to the district and the
701 grounds for requesting the release are not substantial or are
702 insufficient to warrant the termination of the contract, the board
703 shall deny the release of the contract. Failure of a
704 superintendent, principal or licensed employee to comply with the
705 provisions of this section, abandons his or her position or
706 breaches their contractual obligations without first being
707 released by the employing school board, shall constitute a waiver
708 of any claim to due process. Upon notification from a local
709 school board that an educator has abandoned or breached their
710 contract without being released by the board, the State Board of
711 Education shall immediately suspend the educator's license for one
712 (1) year.

713 **SECTION 3.** Section 37-9-57, Mississippi Code of 1972, is
714 amended as follows:



715 37-9-57. If any appointed superintendent, principal or
716 licensed employee in any public school of this state shall
717 arbitrarily or willfully breach his or her contract and abandon
718 his or her employment without being released therefrom as provided
719 in Section 37-9-55, the contract of such superintendent, principal
720 or licensed employee shall be null and void. In addition thereto
721 the license of such superintendent, principal or licensed
722 employee * * * shall be suspended by the State Board of Education
723 for a period of one (1) * * * year * * * upon written
724 recommendation of the majority of the members of the school board
725 of the school district involved.

726 **SECTION 4.** This act shall take effect and be in force from
727 and after July 1, 2023.

