

By: Senator(s) Younger

To: Education

SENATE BILL NO. 2165

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. Others 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 U.S. District Court for the District  
564 of Columbia or the federal district where the Commission has its  
565 principal offices. The prevailing party shall be awarded all  
566 costs of such litigation, including reasonable attorney's fees.

567 H. Dispute Resolution

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

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

574 I. Enforcement

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

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





587 herein shall not be the exclusive remedies of the Commission. The  
588 Commission may pursue any other remedies available under federal  
589 or State law.

590 **ARTICLE XI.**

591 **EFFECTUATION, WITHDRAWAL, AND AMENDMENT.**

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

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

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

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

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



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

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

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

622 2. Withdrawal shall not affect the continuing  
623 requirement of the withdrawing State's Licensing Authority to  
624 comply with the investigative and Adverse Action reporting  
625 requirements of this act prior to the effective date of  
626 withdrawal.

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

631 **ARTICLE XII.**

632 **CONSTRUCTION AND SEVERABILITY.**

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



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

647 **ARTICLE XIII.**

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

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

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

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

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

659 37-3-2. (1) There is established within the State  
660 Department of Education the Commission on Teacher and



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

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



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

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

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

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



711 (11), (12), (13), (14) and (15) of this section, and violations of  
712 the Mississippi Educator Code of Ethics.

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

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

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

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

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

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

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

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



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

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

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

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

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

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



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





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

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



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

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

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

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

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

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

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

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

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

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



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

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

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



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

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

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

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



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

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

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



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

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

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

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

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



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

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



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

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

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

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





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



1008 Education to teach in a program in transitional bilingual  
1009 education.

1010 (g) In the event any school district meets the highest  
1011 accreditation standards as defined by the State Board of Education  
1012 in the accountability system, the State Board of Education, in its  
1013 discretion, may exempt such school district from any restrictions  
1014 in paragraph (e) relating to the employment of nonlicensed  
1015 teaching personnel.

1016 (h) **Highly Qualified Teachers.** Beginning July 1, 2006,  
1017 any teacher from any state meeting the federal definition of  
1018 highly qualified, as described in the No Child Left Behind Act,  
1019 must be granted a standard five-year license by the State  
1020 Department of Education.

1021 (7) **Administrator License.** The State Board of Education is  
1022 authorized to establish rules and regulations and to administer  
1023 the licensure process of the school administrators in the State of  
1024 Mississippi. There will be four (4) categories of administrator  
1025 licensure with exceptions only through special approval of the  
1026 State Board of Education.

1027 (a) **Administrator License - Nonpracticing.** Those  
1028 educators holding administrative endorsement but having no  
1029 administrative experience or not serving in an administrative  
1030 position on January 15, 1997.

1031 (b) **Administrator License - Entry Level.** Those  
1032 educators holding administrative endorsement and having met the



1033 department's qualifications to be eligible for employment in a  
1034 Mississippi school district. Administrator License - Entry Level  
1035 shall be issued for a five-year period and shall be nonrenewable.

1036 (c) **Standard Administrator License - Career Level.** An  
1037 administrator who has met all the requirements of the department  
1038 for standard administrator licensure.

1039 (d) **Administrator License - Nontraditional Route.** The  
1040 board may establish a nontraditional route for licensing  
1041 administrative personnel. Such nontraditional route for  
1042 administrative licensure shall be available for persons holding,  
1043 but not limited to, a master of business administration degree, a  
1044 master of public administration degree, a master of public  
1045 planning and policy degree or a doctor of jurisprudence degree  
1046 from an accredited college or university, with five (5) years of  
1047 administrative or supervisory experience. Successful completion  
1048 of the requirements of alternate route licensure for  
1049 administrators shall qualify the person for a standard  
1050 administrator license.

1051 Individuals seeking school administrator licensure under  
1052 paragraph (b), (c) or (d) shall successfully complete a training  
1053 program and an assessment process prescribed by the State Board of  
1054 Education. All applicants for school administrator licensure  
1055 shall meet all requirements prescribed by the department under  
1056 paragraph (b), (c) or (d), and the cost of the assessment process  
1057 required shall be paid by the applicant.



1058           (8) **Reciprocity.** The department shall grant a standard  
1059 five-year license to any individual who possesses a valid standard  
1060 license from another state, or another country or political  
1061 subdivision thereof, within a period of twenty-one (21) days from  
1062 the date of a completed application. The issuance of a license by  
1063 reciprocity to a military-trained applicant, military spouse or  
1064 person who establishes residence in this state shall be subject to  
1065 the provisions of Section 73-50-1 or 73-50-2, as applicable. The  
1066 department shall comply with the Interstate Teacher Mobility  
1067 Compact. Upon the receipt of an application for licensure by a  
1068 Teacher holding an Unencumbered Eligible License in accordance  
1069 with the Interstate Teacher Mobility Compact, the department shall  
1070 determine which of the Eligible Licenses the Teacher is qualified  
1071 to hold and shall grant such a license or licenses to the  
1072 applicant if the applicant is eligible.

1073           (9) **Renewal and Reinstatement of Licenses.** The State Board  
1074 of Education is authorized to establish rules and regulations for  
1075 the renewal and reinstatement of educator and administrator  
1076 licenses. Effective May 15, 1997, the valid standard license held  
1077 by an educator shall be extended five (5) years beyond the  
1078 expiration date of the license in order to afford the educator  
1079 adequate time to fulfill new renewal requirements established  
1080 pursuant to this subsection. An educator completing a master of  
1081 education, educational specialist or doctor of education degree in  
1082 May 1997 for the purpose of upgrading the educator's license to a



1083 higher class shall be given this extension of five (5) years plus  
1084 five (5) additional years for completion of a higher degree. For  
1085 all license types with a current valid expiration date of June 30,  
1086 2021, the State Department of Education shall grant a one-year  
1087 extension to June 30, 2022. Beginning July 1, 2022, and  
1088 thereafter, applicants for licensure renewal shall meet all  
1089 requirements in effect on the date that the complete application  
1090 is received by the State Department of Education.

1091 (10) All controversies involving the issuance, revocation,  
1092 suspension or any change whatsoever in the licensure of an  
1093 educator required to hold a license shall be initially heard in a  
1094 hearing de novo, by the commission or by a subcommittee  
1095 established by the commission and composed of commission members,  
1096 or by a hearing officer retained and appointed by the commission,  
1097 for the purpose of holding hearings. Any complaint seeking the  
1098 denial of issuance, revocation or suspension of a license shall be  
1099 by sworn affidavit filed with the Commission on Teacher and  
1100 Administrator Education, Certification and Licensure and  
1101 Development. The decision thereon by the commission, its  
1102 subcommittee or hearing officer, shall be final, unless the  
1103 aggrieved party shall appeal to the State Board of Education,  
1104 within ten (10) days, of the decision of the commission, its  
1105 subcommittee or hearing officer. An appeal to the State Board of  
1106 Education shall be perfected upon filing a notice of the appeal  
1107 and by the prepayment of the costs of the preparation of the



1108 record of proceedings by the commission, its subcommittee or  
1109 hearing officer. An appeal shall be on the record previously made  
1110 before the commission, its subcommittee or hearing officer, unless  
1111 otherwise provided by rules and regulations adopted by the board.  
1112 The decision of the commission, its subcommittee or hearing  
1113 officer shall not be disturbed on appeal if supported by  
1114 substantial evidence, was not arbitrary or capricious, within the  
1115 authority of the commission, and did not violate some statutory or  
1116 constitutional right. The State Board of Education in its  
1117 authority may reverse, or remand with instructions, the decision  
1118 of the commission, its subcommittee or hearing officer. The  
1119 decision of the State Board of Education shall be final.

1120 (11) (a) The State Board of Education, acting through the  
1121 commission, may deny an application for any teacher or  
1122 administrator license for one or more of the following:

1123 (i) Lack of qualifications which are prescribed by  
1124 law or regulations adopted by the State Board of Education;

1125 (ii) The applicant has a physical, emotional or  
1126 mental disability that renders the applicant unfit to perform the  
1127 duties authorized by the license, as certified by a licensed  
1128 psychologist or psychiatrist;

1129 (iii) The applicant is actively addicted to or  
1130 actively dependent on alcohol or other habit-forming drugs or is a  
1131 habitual user of narcotics, barbiturates, amphetamines,



1132 hallucinogens or other drugs having similar effect, at the time of  
1133 application for a license;

1134 (iv) Fraud or deceit committed by the applicant in  
1135 securing or attempting to secure such certification and license;

1136 (v) Failing or refusing to furnish reasonable  
1137 evidence of identification;

1138 (vi) The applicant has been convicted, has pled  
1139 guilty or entered a plea of nolo contendere to a felony, as  
1140 defined by federal or state law. For purposes of this  
1141 subparagraph (vi) of this paragraph (a), a "guilty plea" includes  
1142 a plea of guilty, entry of a plea of nolo contendere, or entry of  
1143 an order granting pretrial or judicial diversion;

1144 (vii) The applicant or licensee is on probation or  
1145 post-release supervision for a felony or conviction, as defined by  
1146 federal or state law. However, this disqualification expires upon  
1147 the end of the probationary or post-release supervision period.

1148 (b) The State Board of Education, acting through the  
1149 commission, shall deny an application for any teacher or  
1150 administrator license, or immediately revoke the current teacher  
1151 or administrator license, for one or more of the following:

1152 (i) If the applicant or licensee has been  
1153 convicted, has pled guilty or entered a plea of nolo contendere to  
1154 a sex offense as defined by federal or state law. For purposes of  
1155 this subparagraph (i) of this paragraph (b), a "guilty plea"



1156 includes a plea of guilty, entry of a plea of nolo contendere, or  
1157 entry of an order granting pretrial or judicial diversion;

1158 (ii) The applicant or licensee is on probation or  
1159 post-release supervision for a sex offense conviction, as defined  
1160 by federal or state law;

1161 (iii) The license holder has fondled a student as  
1162 described in Section 97-5-23, or had any type of sexual  
1163 involvement with a student as described in Section 97-3-95; or

1164 (iv) The license holder has failed to report  
1165 sexual involvement of a school employee with a student as required  
1166 by Section 97-5-24.

1167 (12) The State Board of Education, acting through the  
1168 commission, may revoke, suspend or refuse to renew any teacher or  
1169 administrator license for specified periods of time or may place  
1170 on probation, reprimand a licensee, or take other disciplinary  
1171 action with regard to any license issued under this chapter for  
1172 one or more of the following:

1173 (a) Breach of contract or abandonment of employment may  
1174 result in the suspension of the license for one (1) school year as  
1175 provided in Section 37-9-57;

1176 (b) Obtaining a license by fraudulent means shall  
1177 result in immediate suspension and continued suspension for one  
1178 (1) year after correction is made;

1179 (c) Suspension or revocation of a certificate or  
1180 license by another state shall result in immediate suspension or





1181 revocation and shall continue until records in the prior state  
1182 have been cleared;

1183 (d) The license holder has been convicted, has pled  
1184 guilty or entered a plea of nolo contendere to a felony, as  
1185 defined by federal or state law. For purposes of this paragraph,  
1186 a "guilty plea" includes a plea of guilty, entry of a plea of nolo  
1187 contendere, or entry of an order granting pretrial or judicial  
1188 diversion;

1189 (e) The license holder knowingly and willfully  
1190 committing any of the acts affecting validity of mandatory uniform  
1191 test results as provided in Section 37-16-4(1);

1192 (f) The license holder has engaged in unethical conduct  
1193 relating to an educator/student relationship as identified by the  
1194 State Board of Education in its rules;

1195 (g) The license holder served as superintendent or  
1196 principal in a school district during the time preceding and/or  
1197 that resulted in the Governor declaring a state of emergency and  
1198 the State Board of Education appointing a conservator;

1199 (h) The license holder submitted a false certification  
1200 to the State Department of Education that a statewide test was  
1201 administered in strict accordance with the Requirements of the  
1202 Mississippi Statewide Assessment System; or

1203 (i) The license holder has failed to comply with the  
1204 Procedures for Reporting Infractions as promulgated by the



1205 commission and approved by the State Board of Education pursuant  
1206 to subsection (15) of this section.

1207         For purposes of this subsection, probation shall be defined  
1208 as a length of time determined by the commission, its subcommittee  
1209 or hearing officer, and based on the severity of the offense in  
1210 which the license holder shall meet certain requirements as  
1211 prescribed by the commission, its subcommittee or hearing officer.  
1212 Failure to complete the requirements in the time specified shall  
1213 result in immediate suspension of the license for one (1) year.

1214         (13) (a) Dismissal or suspension of a licensed employee by  
1215 a local school board pursuant to Section 37-9-59 may result in the  
1216 suspension or revocation of a license for a length of time which  
1217 shall be determined by the commission and based upon the severity  
1218 of the offense.

1219         (b) Any offense committed or attempted in any other  
1220 state shall result in the same penalty as if committed or  
1221 attempted in this state.

1222         (c) A person may voluntarily surrender a license. The  
1223 surrender of such license may result in the commission  
1224 recommending any of the above penalties without the necessity of a  
1225 hearing. However, any such license which has voluntarily been  
1226 surrendered by a licensed employee may only be reinstated by a  
1227 majority vote of all members of the commission present at the  
1228 meeting called for such purpose.



1229           (14) (a) A person whose license has been suspended or  
1230 surrendered on any grounds except criminal grounds may petition  
1231 for reinstatement of the license after one (1) year from the date  
1232 of suspension or surrender, or after one-half (1/2) of the  
1233 suspended or surrendered time has lapsed, whichever is greater. A  
1234 person whose license has been suspended or revoked on any grounds  
1235 or violations under subsection (12) of this section may be  
1236 reinstated automatically or approved for a reinstatement hearing,  
1237 upon submission of a written request to the commission. A license  
1238 suspended, revoked or surrendered on criminal grounds may be  
1239 reinstated upon petition to the commission filed after expiration  
1240 of the sentence and parole or probationary period imposed upon  
1241 conviction. A revoked, suspended or surrendered license may be  
1242 reinstated upon satisfactory showing of evidence of  
1243 rehabilitation. The commission shall require all who petition for  
1244 reinstatement to furnish evidence satisfactory to the commission  
1245 of good character, good mental, emotional and physical health and  
1246 such other evidence as the commission may deem necessary to  
1247 establish the petitioner's rehabilitation and fitness to perform  
1248 the duties authorized by the license.

1249           (b) A person whose license expires while under  
1250 investigation by the Office of Educator Misconduct for an alleged  
1251 violation may not be reinstated without a hearing before the  
1252 commission if required based on the results of the investigation.



1253           (15) Reporting procedures and hearing procedures for dealing  
1254 with infractions under this section shall be promulgated by the  
1255 commission, subject to the approval of the State Board of  
1256 Education. The revocation or suspension of a license shall be  
1257 effected at the time indicated on the notice of suspension or  
1258 revocation. The commission shall immediately notify the  
1259 superintendent of the school district or school board where the  
1260 teacher or administrator is employed of any disciplinary action  
1261 and also notify the teacher or administrator of such revocation or  
1262 suspension and shall maintain records of action taken. The State  
1263 Board of Education may reverse or remand with instructions any  
1264 decision of the commission, its subcommittee or hearing officer  
1265 regarding a petition for reinstatement of a license, and any such  
1266 decision of the State Board of Education shall be final.

1267           (16) An appeal from the action of the State Board of  
1268 Education in denying an application, revoking or suspending a  
1269 license or otherwise disciplining any person under the provisions  
1270 of this section shall be filed in the Chancery Court of the First  
1271 Judicial District of Hinds County, Mississippi, on the record  
1272 made, including a verbatim transcript of the testimony at the  
1273 hearing. The appeal shall be filed within thirty (30) days after  
1274 notification of the action of the board is mailed or served and  
1275 the proceedings in chancery court shall be conducted as other  
1276 matters coming before the court. The appeal shall be perfected  
1277 upon filing notice of the appeal and by the prepayment of all



1278 costs, including the cost of preparation of the record of the  
1279 proceedings by the State Board of Education, and the filing of a  
1280 bond in the sum of Two Hundred Dollars (\$200.00) conditioned that  
1281 if the action of the board be affirmed by the chancery court, the  
1282 applicant or license holder shall pay the costs of the appeal and  
1283 the action of the chancery court.

1284 (17) All such programs, rules, regulations, standards and  
1285 criteria recommended or authorized by the commission shall become  
1286 effective upon approval by the State Board of Education as  
1287 designated by appropriate orders entered upon the minutes thereof.

1288 (18) The granting of a license shall not be deemed a  
1289 property right nor a guarantee of employment in any public school  
1290 district. A license is a privilege indicating minimal eligibility  
1291 for teaching in the public school districts of Mississippi. This  
1292 section shall in no way alter or abridge the authority of local  
1293 school districts to require greater qualifications or standards of  
1294 performance as a prerequisite of initial or continued employment  
1295 in such districts.

1296 (19) In addition to the reasons specified in subsections  
1297 (12) and (13) of this section, the board shall be authorized to  
1298 suspend the license of any licensee for being out of compliance  
1299 with an order for support, as defined in Section 93-11-153. The  
1300 procedure for suspension of a license for being out of compliance  
1301 with an order for support, and the procedure for the reissuance or  
1302 reinstatement of a license suspended for that purpose, and the



1303 payment of any fees for the reissuance or reinstatement of a  
1304 license suspended for that purpose, shall be governed by Section  
1305 93-11-157 or 93-11-163, as the case may be. Actions taken by the  
1306 board in suspending a license when required by Section 93-11-157  
1307 or 93-11-163 are not actions from which an appeal may be taken  
1308 under this section. Any appeal of a license suspension that is  
1309 required by Section 93-11-157 or 93-11-163 shall be taken in  
1310 accordance with the appeal procedure specified in Section  
1311 93-11-157 or 93-11-163, as the case may be, rather than the  
1312 procedure specified in this section. If there is any conflict  
1313 between any provision of Section 93-11-157 or 93-11-163 and any  
1314 provision of this chapter, the provisions of Section 93-11-157 or  
1315 93-11-163, as the case may be, shall control.

1316 (20) The Department of Education shall grant and renew all  
1317 licenses and certifications of teachers and administrators within  
1318 twenty-one (21) days from the date of a completed application if  
1319 the applicant has otherwise met all established requirements for  
1320 the license or certification.

1321 **SECTION 3.** This act shall take effect and be in force from  
1322 and after July 1, 2023.

