

By: Representative McCarty

To: Education

HOUSE BILL NO. 1668

1 AN ACT TO AMEND SECTION 37-3-2, MISSISSIPPI CODE OF 1972, TO  
 2 PROVIDE FOR AN APPEALS PROCESS FOR CERTAIN EMPLOYEES OF THE FOUR  
 3 PUBLIC SPECIAL PURPOSE SCHOOLS REGARDING DISCIPLINARY DECISIONS OF  
 4 THE STATE BOARD OF EDUCATION CONCERNING THEIR EMPLOYMENT; TO  
 5 PRESCRIBE MONETARY PENALTIES FOR LICENSED TEACHERS AND  
 6 ADMINISTRATORS WHO ABANDON THEIR EMPLOYMENT WITH A SCHOOL DISTRICT  
 7 BY BREACHING HIS OR HER CONTRACT; TO INCLUDE KNOWING AND WILLFUL  
 8 ACTS AFFECTING ACCOUNTABILITY RESULTS AS A DISCIPLINARY OFFENSE  
 9 FOR WHICH A TEACHER OR ADMINISTRATOR'S LICENSE MAY BE SUSPENDED,  
 10 REVOKED ON NONRENEWED; TO REQUIRE THE LEGISLATURE TO APPROPRIATE  
 11 FUNDS FOR THE MISSISSIPPI TEACHER RESIDENCY PROGRAM FOR FISCAL  
 12 YEAR 2025; AND FOR RELATED PURPOSES.

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

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

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



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

43           (b)   All appointments shall be made by the State Board  
44 of Education after consultation with the State Superintendent of  
45 Public Education. The first appointments by the State Board of  
46 Education shall be made as follows: five (5) members shall be  
47 appointed for a term of one (1) year; five (5) members shall be  
48 appointed for a term of two (2) years; and five (5) members shall



49 be appointed for a term of three (3) years. Thereafter, all  
50 members shall be appointed for a term of four (4) years.

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

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

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

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

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



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

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

81 (d) Establish, subject to the approval of the State  
82 Board of Education, standards for the renewal of teacher licenses  
83 in all fields;

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

87 (f) Review all existing requirements for certification  
88 and licensure;

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

91 (h) Prepare reports from time to time on current  
92 practices and issues in the general area of teacher education and  
93 certification and licensure;

94 (i) Hold hearings concerning standards for teachers'  
95 and administrators' education and certification and licensure with  
96 approval of the State Board of Education;

97 (j) Hire expert consultants with approval of the State  
98 Board of Education;



99 (k) Set up ad hoc committees to advise on specific  
100 areas;

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

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

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



124 participating teacher approved by an accredited college of  
125 education. The local school district in which the assistant  
126 teacher is employed shall compensate such assistant teachers at  
127 the required salary level during the period of time such  
128 individual is completing student teaching requirements.

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

130 (i) An application on a department form;

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

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



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

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

168 (iv) Any other document required by the State  
169 Board of Education; and

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



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

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

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

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

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

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

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

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

192 (ii) Beginning July 1, 2020, an individual who has  
193 attained a passing score on the Praxis Core Academic Skills for  
194 Educators or an ACT Score of twenty-one (21) (or SAT equivalent)  
195 or a minimum GPA of 3.0 on coursework prior to admission to an  
196 approved teacher education program and a passing score on the  
197 Praxis Subject Assessment in the requested area of endorsement may  
198 apply for admission to the Teach Mississippi Institute (TMI)





199 program to teach students in Grades 7 through 12 if the individual  
200 meets the requirements of this paragraph (b). The State Board of  
201 Education shall adopt rules requiring that teacher preparation  
202 institutions which provide the Teach Mississippi Institute (TMI)  
203 program for the preparation of nontraditional teachers shall meet  
204 the standards and comply with the provisions of this paragraph.

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

219                   2. The school sponsoring the teacher intern  
220 shall enter into a written agreement with the institution  
221 providing the Teach Mississippi Institute (TMI) program, under  
222 terms and conditions as agreed upon by the contracting parties,  
223 providing that the school district shall provide teacher interns



224 seeking a nontraditional provisional teaching license with a  
225 one-year classroom teaching experience. The teacher intern shall  
226 successfully complete the one (1) semester three-hour intensive  
227 internship in the school district during the semester immediately  
228 following successful completion of the TMI and prior to the end of  
229 the one-year classroom teaching experience.

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

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



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

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

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

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

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



274 shall compensate such teacher interns at Step 1 of the required  
275 salary level during the period of time such individual is  
276 completing teacher internship requirements and shall compensate  
277 such Standard License - Nontraditional Route teachers at Step 3 of  
278 the required salary level when they complete license requirements.

279 9. The Legislature shall appropriate  
280 sufficient funding to the State Department of Education for fiscal  
281 year 2025 for the specific purpose of funding the Mississippi  
282 Teacher Residency (MTR) program for the 2025-2026 school year.

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

292 (iv) A Standard License - Approved Program Route  
293 shall be issued for a five-year period, and may be renewed.  
294 Recognizing teaching as a profession, a hiring preference shall be  
295 granted to persons holding a Standard License - Approved Program  
296 Route or Standard License - Nontraditional Teaching Route over  
297 persons holding any other license.



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



323 accordance with the established rules and regulations of the State  
324 Department of Education.

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

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

342 (f) **Special License - Transitional Bilingual Education.**  
343 Beginning July 1, 2003, the commission shall grant special  
344 licenses to teachers of transitional bilingual education who  
345 possess such qualifications as are prescribed in this section.  
346 Teachers of transitional bilingual education shall be compensated  
347 by local school boards at not less than one (1) step on the



348 regular salary schedule applicable to permanent teachers licensed  
349 under this section. The commission shall grant special licenses  
350 to teachers of transitional bilingual education who present the  
351 commission with satisfactory evidence that they (i) possess a  
352 speaking and reading ability in a language, other than English, in  
353 which bilingual education is offered and communicative skills in  
354 English; (ii) are in good health and sound moral character; (iii)  
355 possess a bachelor's degree or an associate's degree in teacher  
356 education from an accredited institution of higher education; (iv)  
357 meet such requirements as to courses of study, semester hours  
358 therein, experience and training as may be required by the  
359 commission; and (v) are legally present in the United States and  
360 possess legal authorization for employment. A teacher of  
361 transitional bilingual education serving under a special license  
362 shall be under an exemption from standard licensure if he achieves  
363 the requisite qualifications therefor. Two (2) years of service  
364 by a teacher of transitional bilingual education under such an  
365 exemption shall be credited to the teacher in acquiring a Standard  
366 Educator License. Nothing in this paragraph shall be deemed to  
367 prohibit a local school board from employing a teacher licensed in  
368 an appropriate field as approved by the State Department of  
369 Education to teach in a program in transitional bilingual  
370 education.

371 (g) In the event any school district meets the highest  
372 accreditation standards as defined by the State Board of Education



373 in the accountability system, the State Board of Education, in its  
374 discretion, may exempt such school district from any restrictions  
375 in paragraph (e) relating to the employment of nonlicensed  
376 teaching personnel.

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

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

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

392 (b) **Administrator License - Entry Level.** Those  
393 educators holding administrative endorsement and having met the  
394 department's qualifications to be eligible for employment in a  
395 Mississippi school district. Administrator License - Entry Level  
396 shall be issued for a five-year period and shall be nonrenewable.





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

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

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

419 (8) **Reciprocity.** The department shall grant a standard  
420 five-year license to any individual who possesses a valid standard  
421 license from another state, or another country or political



422 subdivision thereof, within a period of twenty-one (21) days from  
423 the date of a completed application. The issuance of a license by  
424 reciprocity to a military-trained applicant, military spouse or  
425 person who establishes residence in this state shall be subject to  
426 the provisions of Section 73-50-1 or 73-50-2, as applicable.

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

445       (10) (a) All controversies involving the issuance,  
446 revocation, suspension or any change whatsoever in the licensure



447 of an educator required to hold a license shall be initially heard  
448 in a hearing de novo, by the commission or by a subcommittee  
449 established by the commission and composed of commission members,  
450 or by a hearing officer retained and appointed by the commission,  
451 for the purpose of holding hearings, unless otherwise provided in  
452 subsection (11) or (12) of this section. Any complaint seeking  
453 the denial of issuance, revocation or suspension of a license  
454 shall be by sworn affidavit filed with the Commission on Teacher  
455 and Administrator Education, Certification and Licensure and  
456 Development. The decision thereon by the commission, its  
457 subcommittee or hearing officer, shall be final, unless the  
458 aggrieved party shall appeal to the State Board of Education,  
459 within ten (10) days, of the decision of the commission, its  
460 subcommittee or hearing officer. An appeal to the State Board of  
461 Education shall be perfected upon filing a notice of the appeal  
462 and by the prepayment of the costs of the preparation of the  
463 record of proceedings by the commission, its subcommittee or  
464 hearing officer. An appeal shall be on the record previously made  
465 before the commission, its subcommittee or hearing officer, unless  
466 otherwise provided by rules and regulations adopted by the board.  
467 The decision of the commission, its subcommittee or hearing  
468 officer shall not be disturbed on appeal if supported by  
469 substantial evidence, was not arbitrary or capricious, within the  
470 authority of the commission, and did not violate some statutory or  
471 constitutional right. The State Board of Education in its



472 authority may reverse, or remand with instructions, the decision  
473 of the commission, its subcommittee or hearing officer. The  
474 decision of the State Board of Education shall be final.

475 (b) In the case of an action or decision by the  
476 commission, subcommittee or hearing offices in revoking or  
477 suspending a license or otherwise disciplining a licensed educator  
478 or administrator, who are considered an agreed party under the  
479 provisions of this paragraph (a) of this subsection, employed with  
480 the Mississippi School of the Arts, Mississippi School for the  
481 Blind, Mississippi School for the Deaf or the Mississippi School  
482 for Mathematics and Science, the aggrieved party may appeal  
483 directly to the Chancery Court of the First Judicial District of  
484 Hinds County, Mississippi, as provided in subsection (16) of this  
485 section.

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

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

491 (ii) The applicant has a physical, emotional or  
492 mental disability that renders the applicant unfit to perform the  
493 duties authorized by the license, as certified by a licensed  
494 psychologist or psychiatrist;

495 (iii) The applicant is actively addicted to or  
496 actively dependent on alcohol or other habit-forming drugs or is a



497 habitual user of narcotics, barbiturates, amphetamines,  
498 hallucinogens or other drugs having similar effect, at the time of  
499 application for a license;

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

502 (v) Failing or refusing to furnish reasonable  
503 evidence of identification;

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

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

514 (b) The State Board of Education, acting through the  
515 commission, shall deny an application for any teacher or  
516 administrator license, or immediately revoke the current teacher  
517 or administrator license, for one or more of the following:

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



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

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

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

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

533 (12) The State Board of Education, acting through the  
534 commission, may revoke, suspend or refuse to renew any teacher or  
535 administrator license for specified periods of time or may place  
536 on probation, reprimand a licensee, or take other disciplinary  
537 action, including imposing an administrative fine without the  
538 necessity of a hearing, \* \* \* regarding any license issued under  
539 this chapter for one or more of the following:

540 (a) Breach of contract or abandonment of employment may  
541 result in the following:

542 (i) For the first violation, imposition of a  
543 monetary penalty of not less than One Thousand Dollars  
544 (\$1,000.00);



545                    (ii) For a second violation, imposition of a  
546 monetary penalty of not less than Two Thousand Dollars  
547 (\$2,000.00); and

548                    (iii) For any subsequent violation, the suspension  
549 of the license for one (1) school year as provided in Section  
550 37-9-57 after notice and opportunity for a hearing before the  
551 commission;

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

555                    (c) Suspension or revocation of a certificate or  
556 license by another state shall result in immediate suspension or  
557 revocation and shall continue until records in the prior state  
558 have been cleared;

559                    (d) The license holder has been convicted, has pled  
560 guilty or entered a plea of nolo contendere to a felony, as  
561 defined by federal or state law. For purposes of this paragraph,  
562 a "guilty plea" includes a plea of guilty, entry of a plea of nolo  
563 contendere, or entry of an order granting pretrial or judicial  
564 diversion;

565                    (e) The license holder knowingly and willfully  
566 committing any of the acts affecting validity of mandatory uniform  
567 test results as provided in Section 37-16-4(1), or knowingly and  
568 willfully committing any acts affecting the validity of  
569 accountability results;



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

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

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

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

585 For purposes of this subsection, probation shall be defined  
586 as a length of time determined by the commission, its subcommittee  
587 or hearing officer, and based on the severity of the offense in  
588 which the license holder shall meet certain requirements as  
589 prescribed by the commission, its subcommittee or hearing officer.  
590 Failure to complete the requirements in the time specified shall  
591 result in immediate suspension of the license for one (1) year.

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





595 shall be determined by the commission and based upon the severity  
596 of the offense.

597 (b) Any offense committed or attempted in any other  
598 state shall result in the same penalty as if committed or  
599 attempted in this state.

600 (c) A person may voluntarily surrender a license. The  
601 surrender of such license may result in the commission  
602 recommending any of the above penalties without the necessity of a  
603 hearing. However, any such license which has voluntarily been  
604 surrendered by a licensed employee may only be reinstated by a  
605 majority vote of all members of the commission present at the  
606 meeting called for such purpose.

607 (14) (a) A person whose license has been suspended or  
608 surrendered on any grounds except criminal grounds may petition  
609 for reinstatement of the license after one (1) year from the date  
610 of suspension or surrender, or after one-half (1/2) of the  
611 suspended or surrendered time has lapsed, whichever is greater. A  
612 person whose license has been suspended or revoked on any grounds  
613 or violations under subsection (12) of this section may be  
614 reinstated automatically or approved for a reinstatement hearing,  
615 upon submission of a written request to the commission. A license  
616 suspended, revoked or surrendered on criminal grounds may be  
617 reinstated upon petition to the commission filed after expiration  
618 of the sentence and parole or probationary period imposed upon  
619 conviction. A revoked, suspended or surrendered license may be



620 reinstated upon satisfactory showing of evidence of  
621 rehabilitation. The commission shall require all who petition for  
622 reinstatement to furnish evidence satisfactory to the commission  
623 of good character, good mental, emotional and physical health and  
624 such other evidence as the commission may deem necessary to  
625 establish the petitioner's rehabilitation and fitness to perform  
626 the duties authorized by the license.

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

631 (15) Reporting procedures and hearing procedures for dealing  
632 with infractions under this section shall be promulgated by the  
633 commission, subject to the approval of the State Board of  
634 Education. The revocation or suspension of a license shall be  
635 effected at the time indicated on the notice of suspension or  
636 revocation. The commission shall immediately notify the  
637 superintendent of the school district or school board where the  
638 teacher or administrator is employed of any disciplinary action  
639 and also notify the teacher or administrator of such revocation or  
640 suspension and shall maintain records of action taken. The State  
641 Board of Education may reverse or remand with instructions any  
642 decision of the commission, its subcommittee or hearing officer  
643 regarding a petition for reinstatement of a license, and any such  
644 decision of the State Board of Education shall be final.



645           (16) An appeal from the action of the State Board of  
646 Education in denying an application, revoking or suspending a  
647 license or otherwise disciplining any person under the provisions  
648 of this section shall be filed in the Chancery Court of the First  
649 Judicial District of Hinds County, Mississippi, on the record  
650 made, including a verbatim transcript of the testimony at the  
651 hearing. The appeal shall be filed within thirty (30) days after  
652 notification of the action of the board is mailed or served and  
653 the proceedings in chancery court shall be conducted as other  
654 matters coming before the court. The appeal shall be perfected  
655 upon filing notice of the appeal and by the prepayment of all  
656 costs, including the cost of preparation of the record of the  
657 proceedings by the State Board of Education, and the filing of a  
658 bond in the sum of Two Hundred Dollars (\$200.00) conditioned that  
659 if the action of the board be affirmed by the chancery court, the  
660 applicant or license holder shall pay the costs of the appeal and  
661 the action of the chancery court.

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

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



670 section shall in no way alter or abridge the authority of local  
671 school districts to require greater qualifications or standards of  
672 performance as a prerequisite of initial or continued employment  
673 in such districts.

674 (19) In addition to the reasons specified in subsections  
675 (12) and (13) of this section, the board shall be authorized to  
676 suspend the license of any licensee for being out of compliance  
677 with an order for support, as defined in Section 93-11-153. The  
678 procedure for suspension of a license for being out of compliance  
679 with an order for support, and the procedure for the reissuance or  
680 reinstatement of a license suspended for that purpose, and the  
681 payment of any fees for the reissuance or reinstatement of a  
682 license suspended for that purpose, shall be governed by Section  
683 93-11-157 or 93-11-163, as the case may be. Actions taken by the  
684 board in suspending a license when required by Section 93-11-157  
685 or 93-11-163 are not actions from which an appeal may be taken  
686 under this section. Any appeal of a license suspension that is  
687 required by Section 93-11-157 or 93-11-163 shall be taken in  
688 accordance with the appeal procedure specified in Section  
689 93-11-157 or 93-11-163, as the case may be, rather than the  
690 procedure specified in this section. If there is any conflict  
691 between any provision of Section 93-11-157 or 93-11-163 and any  
692 provision of this chapter, the provisions of Section 93-11-157 or  
693 93-11-163, as the case may be, shall control.



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

699 **SECTION 2.** This act shall take effect and be in force from  
700 and after July 1, 2024.

