

By: Representative Sanford

To: Education

HOUSE BILL NO. 165

1 AN ACT TO AMEND SECTION 37-3-2, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT INDIVIDUALS WHO ARE LICENSED BY THE STATE DEPARTMENT
3 OF EDUCATION AS AN EXPERT CITIZEN AND EMPLOYED IN A SCHOOL
4 DISTRICT THAT IS EXPERIENCING A CRITICAL TEACHER SHORTAGE MAY BE
5 COMPENSATED BY THE EMPLOYING SCHOOL DISTRICT AT A RATE BY
6 CREDITING SUCH INDIVIDUALS WITH 3/4 OF A YEAR OF TEACHING
7 EXPERIENCE FOR EACH YEAR OF EXPERIENCE IN HIS OR HER FIELD OF
8 PROFESSIONAL OR VOCATIONAL EXPERTISE AS SUCH YEARS ARE ALIGNED TO
9 THE APPROPRIATE CORRESPONDING STEP AND EDUCATIONAL ENDORSEMENT
10 CREDENTIALS ON THE REQUIRED SALARY LEVEL APPLICABLE TO PERMANENT
11 TEACHERS; AND FOR RELATED PURPOSES.

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

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

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



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

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



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

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

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

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

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

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



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

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

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

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

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

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

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

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

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



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

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

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

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



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

Applicants for a standard license shall submit to the department:

(i) An application on a department form;

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

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



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

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

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

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



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

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

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

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

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

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

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

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



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

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

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



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

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

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



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

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

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

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

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



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

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

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

(c) (i) **Special License - Expert Citizen.** In order to allow a school district to offer specialized or technical courses, the State Department of Education, in accordance with rules and regulations established by the State Board of Education, may grant a five-year expert citizen-teacher license to local business or



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

320 (ii) **Critical Needs Area - Expert Citizen.** In
321 order to allow a school district experiencing a shortage due to an
322 increase in the number of teacher vacancies or lack of specific



subject area content instructors to offer high quality instruction
in those shortage areas, any individual who is licensed as an
expert citizen under the authority of subparagraph (i) of this
paragraph (c) and who is employed in such a critical teacher
shortage school district may, at the discretion of the employing
local school board, be compensated a rate based upon a calculation
of crediting such individual with not more than three-quarters
(3/4) of a year of teaching experience for each year of experience
in his or her field of professional or vocational expertise and
aligned to the appropriate corresponding step and educational
endorsement credentials on the required salary level applicable to
permanent teachers.

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

(e) **Nonlicensed Teaching Personnel.** A nonlicensed person may teach for a maximum of three (3) periods per teaching day in a public school district or a nonpublic school accredited/approved by the state. Such person shall submit to the department a transcript or record of his education and experience which substantiates his preparation for the subject to be taught and shall meet other qualifications specified by the commission



and approved by the State Board of Education. In no case shall any local school board hire nonlicensed personnel as authorized under this paragraph in excess of five percent (5%) of the total number of licensed personnel in any single school.

(f) **Special License - Transitional Bilingual Education.**

Beginning July 1, 2003, the commission shall grant special licenses to teachers of transitional bilingual education who possess such qualifications as are prescribed in this section. Teachers of transitional bilingual education shall be compensated by local school boards at not less than one (1) step on the regular salary schedule applicable to permanent teachers licensed under this section. The commission shall grant special licenses to teachers of transitional bilingual education who present the commission with satisfactory evidence that they (i) possess a speaking and reading ability in a language, other than English, in which bilingual education is offered and communicative skills in English; (ii) are in good health and sound moral character; (iii) possess a bachelor's degree or an associate's degree in teacher education from an accredited institution of higher education; (iv) meet such requirements as to courses of study, semester hours therein, experience and training as may be required by the commission; and (v) are legally present in the United States and possess legal authorization for employment. A teacher of transitional bilingual education serving under a special license shall be under an exemption from standard licensure if he achieves



the requisite qualifications therefor. Two (2) years of service by a teacher of transitional bilingual education under such an exemption shall be credited to the teacher in acquiring a Standard Educator License. Nothing in this paragraph shall be deemed to prohibit a local school board from employing a teacher licensed in an appropriate field as approved by the State Department of Education to teach in a program in transitional bilingual education.

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

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

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



398 (a) **Administrator License - Nonpracticing.** Those
399 educators holding administrative endorsement but having no
400 administrative experience or not serving in an administrative
401 position on January 15, 1997.

402 (b) **Administrator License - Entry Level.** Those
403 educators holding administrative endorsement and having met the
404 department's qualifications to be eligible for employment in a
405 Mississippi school district. Administrator License - Entry Level
406 shall be issued for a five-year period and shall be nonrenewable.

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

410 (d) **Administrator License - Nontraditional Route.** The
411 board may establish a nontraditional route for licensing
412 administrative personnel. Such nontraditional route for
413 administrative licensure shall be available for persons holding,
414 but not limited to, a master of business administration degree, a
415 master of public administration degree, a master of public
416 planning and policy degree or a doctor of jurisprudence degree
417 from an accredited college or university, with five (5) years of
418 administrative or supervisory experience. Successful completion
419 of the requirements of alternate route licensure for
420 administrators shall qualify the person for a standard
421 administrator license.



422 Individuals seeking school administrator licensure under
423 paragraph (b), (c) or (d) shall successfully complete a training
424 program and an assessment process prescribed by the State Board of
425 Education. All applicants for school administrator licensure
426 shall meet all requirements prescribed by the department under
427 paragraph (b), (c) or (d), and the cost of the assessment process
428 required shall be paid by the applicant.

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

437 (9) **Renewal and Reinstatement of Licenses.** The State Board
438 of Education is authorized to establish rules and regulations for
439 the renewal and reinstatement of educator and administrator
440 licenses. Effective May 15, 1997, the valid standard license held
441 by an educator shall be extended five (5) years beyond the
442 expiration date of the license in order to afford the educator
443 adequate time to fulfill new renewal requirements established
444 pursuant to this subsection. An educator completing a master of
445 education, educational specialist or doctor of education degree in
446 May 1997 for the purpose of upgrading the educator's license to a



447 higher class shall be given this extension of five (5) years plus
448 five (5) additional years for completion of a higher degree. For
449 all license types with a current valid expiration date of June 30,
450 2021, the State Department of Education shall grant a one-year
451 extension to June 30, 2022. Beginning July 1, 2022, and
452 thereafter, applicants for licensure renewal shall meet all
453 requirements in effect on the date that the complete application
454 is received by the State Department of Education.

455 (10) All controversies involving the issuance, revocation,
456 suspension or any change whatsoever in the licensure of an
457 educator required to hold a license shall be initially heard in a
458 hearing de novo, by the commission or by a subcommittee
459 established by the commission and composed of commission members,
460 or by a hearing officer retained and appointed by the commission,
461 for the purpose of holding hearings. Any complaint seeking the
462 denial of issuance, revocation or suspension of a license shall be
463 by sworn affidavit filed with the Commission on Teacher and
464 Administrator Education, Certification and Licensure and
465 Development. The decision thereon by the commission, its
466 subcommittee or hearing officer, shall be final, unless the
467 aggrieved party shall appeal to the State Board of Education,
468 within ten (10) days, of the decision of the commission, its
469 subcommittee or hearing officer. An appeal to the State Board of
470 Education shall be perfected upon filing a notice of the appeal
471 and by the prepayment of the costs of the preparation of the



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

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

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

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

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



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

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

500 (v) Failing or refusing to furnish reasonable
501 evidence of identification;

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

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

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

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



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

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

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

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

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

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

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

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



545 revocation and shall continue until records in the prior state
546 have been cleared;

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

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

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

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

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

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



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

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

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

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

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



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

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



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

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



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

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

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

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



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

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

685 **SECTION 2.** This act shall take effect and be in force from
686 and after July 1, 2025.

