

By: Senator(s) Harden

To: Education;
Appropriations

SENATE BILL NO. 2233

1 AN ACT TO AMEND SECTION 37-7-307, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE SCHOOL DISTRICTS TO PAY SUBSTITUTE TEACHERS TWICE PER
3 MONTH; TO AMEND SECTION 37-3-2, MISSISSIPPI CODE OF 1972, TO
4 AUTHORIZE SUBSTITUTE TEACHERS WITH CERTAIN EXPERIENCE TO BE
5 COMPENSATED WHILE COMPLETING STUDENT TEACHING REQUIREMENTS; AND
6 FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 37-7-307, Mississippi Code of 1972, is
9 amended as follows:

10 37-7-307. (1) For purposes of this section, the term
11 "licensed employee" means any employee of a public school district
12 required to hold a valid license by the Commission on Teacher and
13 Administrator Education, Certification and Licensure and
14 Development.

15 (2) The school board of a school district shall establish by
16 rules and regulations a policy of sick leave with pay for licensed
17 employees employed in the school district, and such policy shall
18 include the following minimum provisions for sick and emergency
19 leave with pay:

20 (a) Each licensed employee, at the beginning of each
21 school year, shall be credited with a minimum sick leave
22 allowance, with pay, of seven (7) days for absences caused by
23 illness or physical disability of the employee during that school
24 year.

25 (b) Any unused portion of the total sick leave
26 allowance shall be carried over to the next school year and
27 credited to such licensed employee if the licensed employee
28 remains employed in the same school district. In the event any
29 public school licensed employee transfers from one public school



30 district in Mississippi to another, any unused portion of the
31 total sick leave allowance credited to such licensed employee
32 shall be credited to such licensed employee in the computation of
33 unused leave for retirement purposes under Section 25-11-109.
34 Accumulation of sick leave allowed under this section shall be
35 unlimited.

36 (c) No deduction from the pay of such licensed employee
37 may be made because of absence of such licensed employee caused by
38 illness or physical disability of the licensed employee until
39 after all sick leave allowance credited to such licensed employee
40 has been used.

41 (d) For the first ten (10) days of absence of a
42 licensed employee because of illness or physical disability, in
43 any school year, in excess of the sick leave allowance credited to
44 such licensed employee, there may be deducted from the pay of such
45 licensed employee the established substitute amount of licensed
46 employee compensation paid in that local school district,
47 necessitated because of the absence of the licensed employee as a
48 result of illness or physical disability. Thereafter, the regular
49 pay of such absent licensed employee may be suspended and withheld
50 in its entirety for any period of absence because of illness or
51 physical disability during that school year.

52 (3) Beginning with the school year 1983-1984, each licensed
53 employee at the beginning of each school year shall be credited
54 with a minimum personal leave allowance, with pay, of two (2) days
55 for absences caused by personal reasons during that school year.
56 Such personal leave shall not be taken on the first day of the
57 school term, the last day of the school term, on a day previous to
58 a holiday or a day after a holiday. Personal leave may be used
59 for professional purposes, including absences caused by attendance
60 of such licensed employee at a seminar, class, training program,
61 professional association or other functions designed for
62 educators. No deduction from the pay of such licensed employee



63 may be made because of absence of such licensed employee caused by
64 personal reasons until after all personal leave allowance credited
65 to such licensed employee has been used. However, the
66 superintendent of a school district, in his discretion, may allow
67 a licensed employee personal leave in addition to any minimum
68 personal leave allowance, under the condition that there shall be
69 deducted from the salary of such licensed employee the actual
70 amount of any compensation paid to any person as a substitute,
71 necessitated because of the absence of the licensed employee.

72 (4) Beginning with the school year 1992-1993, each licensed
73 employee shall be credited with a professional leave allowance,
74 with pay, for each day of absence caused by reason of such
75 employee's statutorily required membership and attendance at a
76 regular or special meeting held within the State of Mississippi of
77 the State Board of Education, the Commission on Teacher and
78 Administrator Education, Certification and Licensure and
79 Development, the Commission on School Accreditation, the
80 Mississippi Authority for Educational Television and the meetings
81 of the state textbook rating committees.

82 (5) Upon retirement from employment, each licensed and
83 nonlicensed employee shall be paid for not more than thirty (30)
84 days of unused accumulated leave earned while employed by the
85 school district in which the employee is last employed. Such
86 payment for licensed employees shall be made by the school
87 district at a rate equal to the amount paid to substitute teachers
88 and for nonlicensed employees, the payment shall be made by the
89 school district at a rate equal to the federal minimum wage. The
90 payment shall be treated in the same manner for retirement
91 purposes as a lump sum payment for personal leave as provided in
92 Section 25-11-103(e). Any remaining lawfully credited unused
93 leave, for which payment has not been made, shall be certified to
94 the Public Employees' Retirement System in the same manner and



95 subject to the same limitations as otherwise provided by law for
96 unused leave.

97 (6) The school board may adopt rules and regulations which
98 will reasonably aid to implement the policy of sick and personal
99 leave, including, but not limited to, rules and regulations having
100 the following general effect:

101 (a) Requiring the absent licensed employee to furnish
102 the certificate of a physician or dentist or other medical
103 practitioner as to the illness of the absent licensed employee,
104 where the absence is for four (4) or more consecutive school days,
105 or for two (2) consecutive school days immediately preceding or
106 following a nonschool day;

107 (b) Providing penalties, by way of full deduction from
108 salary, or entry on the work record of the licensed employee, or
109 other appropriate penalties, for any materially false statement by
110 the licensed employee as to the cause of absence;

111 (c) Forfeiture of accumulated or future sick leave, if
112 the absence of the licensed employee is caused by optional dental
113 or medical treatment or surgery which could, without medical risk,
114 have been provided, furnished or performed at a time when school
115 was not in session;

116 (d) Enlarging, increasing or providing greater sick or
117 personal leave allowances than the minimum standards established
118 by this section in the discretion of the school board of each
119 school district.

120 (7) School boards may include in their budgets provisions
121 for the payment of substitute teachers, necessitated because of
122 the absence of regular licensed employees. All such substitute
123 teachers shall be paid wholly from district funds other than
124 minimum education program funds, except as otherwise provided for
125 long-term substitute teachers in Section 37-19-20. Local school
126 boards may elect to pay substitute teachers twice per month. Such
127 school boards, in their discretion, also may pay, from district



128 funds other than minimum education program funds, the whole or any
129 part of the salaries of licensed employees granted leaves for the
130 purpose of special studies or training.

131 (8) The school board may further adopt rules and regulations
132 which will reasonably implement such leave policies for all other
133 nonlicensed school employees as the board deems appropriate.

134 (9) (a) For the purposes of this subsection, the following
135 words and phrases shall have the meaning ascribed in this
136 paragraph unless the context requires otherwise:

137 (i) "Catastrophic injury or illness" means a
138 severe condition or combination of conditions affecting the mental
139 or physical health of an employee or a member of an employee's
140 immediate family, including pregnancy, that requires the services
141 of a licensed physician for an extended period of time and that
142 forces the employee to exhaust all leave time accumulated by that
143 employee, thereby resulting in the loss of compensation from the
144 school district for the employee.

145 (ii) "Immediate family" means spouse, parent,
146 stepparent, sibling, child or stepchild.

147 (b) Any school district employee may donate a portion
148 of his or her unused accumulated personal leave or sick leave to
149 another employee of the same or another school district who is
150 suffering from a catastrophic injury or illness or who has a
151 member of his or her immediate family suffering from a
152 catastrophic injury or illness, in accordance with the following:

153 (i) The employee donating the leave (the "donor
154 employee") shall designate the employee who is to receive the
155 leave (the "recipient employee") and the amount of unused
156 accumulated personal leave and sick leave that is to be donated,
157 and shall notify the school district superintendent or his
158 designee of his or her designation.

159 (ii) The maximum amount of unused accumulated
160 personal leave that an employee may donate to any other employee



161 may not exceed a number of days that would leave the donor
162 employee with fewer than seven (7) days of personal leave
163 remaining, and the maximum amount of unused accumulated sick leave
164 that an employee may donate to any other employee may not exceed
165 fifty percent (50%) of the unused accumulated sick leave of the
166 donor employee.

167 (iii) An employee must have exhausted all of his
168 or her accumulated personal leave and sick leave before he or she
169 will be eligible to receive any leave donated by another employee.
170 Eligibility for donated leave shall be based upon review and
171 approval by the donor employee's supervisor.

172 (iv) Before an employee may receive donated leave,
173 he or she must provide the school district superintendent or his
174 designee with a physician's statement that states the beginning
175 date of the catastrophic injury or illness, a description of the
176 injury or illness, and a prognosis for recovery and the
177 anticipated date that the recipient employee will be able to
178 return to work.

179 (v) If the total amount of leave that is donated
180 to any employee is not used by the recipient employee, the whole
181 days of donated leave shall be returned to the donor employees on
182 a pro rata basis, based on the ratio of the number of days of
183 leave donated by each donor employee to the total number of days
184 of leave donated by all donor employees.

185 (vi) Donated leave shall not be used in lieu of
186 disability retirement.

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

189 37-3-2. (1) There is established within the State
190 Department of Education the Commission on Teacher and
191 Administrator Education, Certification and Licensure and
192 Development. It shall be the purpose and duty of the commission
193 to make recommendations to the State Board of Education regarding



194 standards for the certification and licensure and continuing
195 professional development of those who teach or perform tasks of an
196 educational nature in the public schools of Mississippi.

197 (2) The commission shall be composed of fifteen (15)
198 qualified members. The membership of the commission shall be
199 composed of the following members to be appointed, three (3) from
200 each congressional district: four (4) classroom teachers; three
201 (3) school administrators; one (1) representative of schools of
202 education of institutions of higher learning located within the
203 state to be recommended by the Board of Trustees of State
204 Institutions of Higher Learning; one (1) representative from the
205 schools of education of independent institutions of higher
206 learning to be recommended by the Board of the Mississippi
207 Association of Independent Colleges; one (1) representative from
208 public community and junior colleges located within the state to
209 be recommended by the State Board for Community and Junior
210 Colleges; one (1) local school board member; and four (4) lay
211 persons. All appointments shall be made by the State Board of
212 Education after consultation with the State Superintendent of
213 Public Education. The first appointments by the State Board of
214 Education shall be made as follows: five (5) members shall be
215 appointed for a term of one (1) year; five (5) members shall be
216 appointed for a term of two (2) years; and five (5) members shall
217 be appointed for a term of three (3) years. Thereafter, all
218 members shall be appointed for a term of four (4) years.

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

225 (4) An appropriate staff member of the State Department of
226 Education shall be designated and assigned by the State



227 Superintendent of Public Education to serve as executive secretary
228 and coordinator for the commission. No less than two (2) other
229 appropriate staff members of the State Department of Education
230 shall be designated and assigned by the State Superintendent of
231 Public Education to serve on the staff of the commission.

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

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

236 (b) Recommend to the State Board of Education each year
237 approval or disapproval of each educator preparation program in
238 the state;

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

242 (d) Establish, subject to the approval of the State
243 Board of Education, standards for the renewal of teacher licenses
244 in all fields;

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

248 (f) Review all existing requirements for certification
249 and licensure;

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

252 (h) Prepare reports from time to time on current
253 practices and issues in the general area of teacher education and
254 certification and licensure;

255 (i) Hold hearings concerning standards for teachers'
256 and administrators' education and certification and licensure with
257 approval of the State Board of Education;

258 (j) Hire expert consultants with approval of the State
259 Board of Education;



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

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

265 (6) (a) **Standard License - Approved Program Route.** An
266 educator entering the school system of Mississippi for the first
267 time and meeting all requirements as established by the State
268 Board of Education shall be granted a standard five-year license.
269 Persons who possess two (2) years of classroom experience as an
270 assistant teacher or substitute teacher or who have taught for one
271 (1) year in an accredited public or private school shall be
272 allowed to fulfill student teaching requirements under the
273 supervision of a qualified participating teacher approved by an
274 accredited college of education. The local school district in
275 which the assistant teacher or substitute teacher is employed
276 shall compensate such assistant teachers or substitute teachers at
277 the required salary level during the period of time such
278 individual is completing student teaching requirements.

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

280 (i) An application on a department form;

281 (ii) An official transcript of completion of a
282 teacher education program or a bachelor of science degree with
283 child development emphasis from a program accredited by the
284 American Association of Family and Consumer Sciences (AAFCS)
285 approved by the department or a nationally accredited program,
286 subject to the following: Licensure to teach in Mississippi
287 prekindergarten through kindergarten classrooms shall require
288 completion of a teacher education program or a bachelor of science
289 degree with child development emphasis from a program accredited
290 by the American Association of Family and Consumer Sciences
291 (AAFCS). Licensure to teach in Mississippi kindergarten, for
292 those applicants who have completed a teacher education program,



293 and in Grade 1 through Grade 4 shall require the completion of an
294 interdisciplinary program of studies. Licenses for Grades 4
295 through 8 shall require the completion of an interdisciplinary
296 program of studies with two (2) or more areas of concentration.
297 Licensure to teach in Mississippi Grades 7 through 12 shall
298 require a major in an academic field other than education, or a
299 combination of disciplines other than education. Students
300 preparing to teach a subject shall complete a major in the
301 respective subject discipline. All applicants for standard
302 licensure shall demonstrate that such person's college preparation
303 in those fields was in accordance with the standards set forth by
304 the National Council for Accreditation of Teacher Education
305 (NCATE) or the National Association of State Directors of Teacher
306 Education and Certification (NASDTEC) or, for those applicants who
307 have a bachelor of science degree with child development emphasis,
308 the American Association of Family and Consumer Sciences (AAFCS);
309 (iii) A copy of test scores evidencing
310 satisfactory completion of nationally administered examinations of
311 achievement, such as the Educational Testing Service's teacher
312 testing examinations; and
313 (iv) Any other document required by the State
314 Board of Education.

315 (b) **Standard License - Alternate Teaching Route.**

316 Applicants for a Standard License - Alternate Teaching Route shall
317 submit to the department:

318 (i) An application on a department form;

319 (ii) An official transcript evidencing a
320 bachelor's degree from an accredited institution of higher
321 learning;

322 (iii) A copy of test scores evidencing
323 satisfactory completion of an examination of achievement specified
324 by the commission and approved by the State Board of Education;



325 (iv) An official transcript evidencing appropriate
326 credit hours or a copy of test scores evidencing successful
327 completion of tests as required by the State Board of Education;
328 and

329 (v) Any other document required by the State Board
330 of Education.

331 A Standard License - Approved Program Route and a Standard
332 License - Alternate Teaching Route shall be issued for a five-year
333 period, and may be renewed. Recognizing teaching as a profession,
334 a hiring preference shall be granted to persons holding a Standard
335 License - Approved Program Route or Standard License - Alternate
336 Teaching Route over persons holding any other license.

337 (c) **Special License - Expert Citizen.** In order to
338 allow a school district to offer specialized or technical courses,
339 the State Department of Education, in accordance with rules and
340 regulations established by the State Board of Education, may grant
341 a one-year expert citizen-teacher license to local business or
342 other professional personnel to teach in a public school or
343 nonpublic school accredited or approved by the state. Such person
344 may begin teaching upon his employment by the local school board
345 and licensure by the Mississippi Department of Education. The
346 board shall adopt rules and regulations to administer the expert
347 citizen-teacher license. A special license - expert citizen may
348 be renewed in accordance with the established rules and
349 regulations of the State Department of Education.

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

356 (e) **Nonlicensed Teaching Personnel.** A nonlicensed
357 person may teach for a maximum of three (3) periods per teaching



358 day in a public school or a nonpublic school accredited/approved
359 by the state. Such person shall submit to the department a
360 transcript or record of his education and experience which
361 substantiates his preparation for the subject to be taught and
362 shall meet other qualifications specified by the commission and
363 approved by the State Board of Education. In no case shall any
364 local school board hire nonlicensed personnel as authorized under
365 this paragraph in excess of five percent (5%) of the total number
366 of licensed personnel in any single school.

367 (f) In the event any school district meets Level 4 or 5
368 accreditation standards, the State Board of Education, in its
369 discretion, may exempt such school district from any restrictions
370 in paragraph (e) relating to the employment of nonlicensed
371 teaching personnel.

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

378 (a) **Administrator License - Nonpracticing.** Those
379 educators holding administrative endorsement but have no
380 administrative experience or not serving in an administrative
381 position on January 15, 1997.

382 (b) **Administrator License - Entry Level.** Those
383 educators holding administrative endorsement and having met the
384 department's qualifications to be eligible for employment in a
385 Mississippi school district. Administrator license - entry level
386 shall be issued for a five-year period and shall be nonrenewable.

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



390 (d) **Administrator License - Alternate Route.** The board
391 may establish an alternate route for licensing administrative
392 personnel. Such alternate route for administrative licensure
393 shall be available for persons holding, but not limited to, a
394 master of business administration degree, a master of public
395 administration degree or a master of public planning and policy
396 degree from an accredited college or university, with five (5)
397 years of administrative or supervisory experience. Successful
398 completion of the requirements of alternate route licensure for
399 administrators shall qualify the person for a standard
400 administrator license.

401 Beginning with the 1997-1998 school year, individuals seeking
402 school administrator licensure under paragraph (b), (c) or (d)
403 shall successfully complete a training program and an assessment
404 process prescribed by the State Board of Education. Applicants
405 seeking school administrator licensure prior to June 30, 1997, and
406 completing all requirements for provisional or standard
407 administrator certification and who have never practiced, shall be
408 exempt from taking the Mississippi Assessment Battery Phase I.
409 Applicants seeking school administrator licensure during the
410 period beginning July 1, 1997, through June 30, 1998, shall
411 participate in the Mississippi Assessment Battery, and upon
412 request of the applicant, the department shall reimburse the
413 applicant for the cost of the assessment process required. After
414 June 30, 1998, all applicants for school administrator licensure
415 shall meet all requirements prescribed by the department under
416 paragraph (b), (c) or (d), and the cost of the assessment process
417 required shall be paid by the applicant.

418 (8) **Reciprocity.** (a) The department shall grant a standard
419 license to any individual who possesses a valid standard license
420 from another state and has a minimum of two (2) years of full-time
421 teaching or administrator experience.



422 (b) The department shall grant a nonrenewable special
423 license to any individual who possesses a credential which is less
424 than a standard license or certification from another state, or
425 who possesses a standard license from another state but has less
426 than two (2) years of full-time teaching or administration
427 experience. Such special license shall be valid for the current
428 school year plus one (1) additional school year to expire on June
429 30 of the second year, not to exceed a total period of twenty-four
430 (24) months, during which time the applicant shall be required to
431 complete the requirements for a standard license in Mississippi.

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

444 (10) All controversies involving the issuance, revocation,
445 suspension or any change whatsoever in the licensure of an
446 educator required to hold a license shall be initially heard in a
447 hearing de novo, by the commission or by a subcommittee
448 established by the commission and composed of commission members
449 for the purpose of holding hearings. Any complaint seeking the
450 denial of issuance, revocation or suspension of a license shall be
451 by sworn affidavit filed with the Commission of Teacher and
452 Administrator Education, Certification and Licensure and
453 Development. The decision thereon by the commission or its
454 subcommittee shall be final, unless the aggrieved party shall



455 appeal to the State Board of Education, within ten (10) days, of
456 the decision of the committee or its subcommittee. An appeal to
457 the State Board of Education shall be on the record previously
458 made before the commission or its subcommittee unless otherwise
459 provided by rules and regulations adopted by the board. The State
460 Board of Education in its authority may reverse, or remand with
461 instructions, the decision of the committee or its subcommittee.
462 The decision of the State Board of Education shall be final.

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

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

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

472 (c) The applicant is actively addicted to or actively
473 dependent on alcohol or other habit-forming drugs or is a habitual
474 user of narcotics, barbiturates, amphetamines, hallucinogens, or
475 other drugs having similar effect, at the time of application for
476 a license;

477 (d) Revocation of an applicant's certificate or license
478 by another state;

479 (e) Fraud or deceit committed by the applicant in
480 securing or attempting to secure such certification and license;

481 (f) Failing or refusing to furnish reasonable evidence
482 of identification;

483 (g) The applicant has been convicted, has pled guilty
484 or entered a plea of nolo contendere to a felony, as defined by
485 federal or state law; or



486 (h) The applicant has been convicted, has pled guilty
487 or entered a plea of nolo contendere to a sex offense as defined
488 by federal or state law.

489 (12) The State Board of Education, acting on the
490 recommendation of the commission, may revoke or suspend any
491 teacher or administrator license for specified periods of time for
492 one or more of the following:

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

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

499 (c) Suspension or revocation of a certificate or
500 license by another state shall result in immediate suspension or
501 revocation and shall continue until records in the prior state
502 have been cleared;

503 (d) The license holder has been convicted, has pled
504 guilty or entered a plea of nolo contendere to a felony, as
505 defined by federal or state law;

506 (e) The license holder has been convicted, has pled
507 guilty or entered a plea of nolo contendere to a sex offense, as
508 defined by federal or state law; or

509 (f) The license holder knowingly and willfully
510 committing any of the acts affecting validity of mandatory uniform
511 test results as provided in Section 37-16-4(1).

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



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

520 (c) A person may voluntarily surrender a license. The
521 surrender of such license may result in the commission
522 recommending any of the above penalties without the necessity of a
523 hearing. However, any such license which has voluntarily been
524 surrendered by a licensed employee may be reinstated by a
525 unanimous vote of all members of the commission.

526 (14) A person whose license has been suspended on any
527 grounds except criminal grounds may petition for reinstatement of
528 the license after one (1) year from the date of suspension, or
529 after one-half (1/2) of the suspended time has lapsed, whichever
530 is greater. A license suspended on the criminal grounds may be
531 reinstated upon petition to the commission filed after expiration
532 of the sentence and parole or probationary period imposed upon
533 conviction. A revoked license may be reinstated upon satisfactory
534 showing of evidence of rehabilitation. The commission shall
535 require all who petition for reinstatement to furnish evidence
536 satisfactory to the commission of good character, good mental,
537 emotional and physical health and such other evidence as the
538 commission may deem necessary to establish the petitioner's
539 rehabilitation and fitness to perform the duties authorized by the
540 license.

541 (15) Reporting procedures and hearing procedures for dealing
542 with infractions under this section shall be promulgated by the
543 commission, subject to the approval of the State Board of
544 Education. The revocation or suspension of a license shall be
545 effected at the time indicated on the notice of suspension or
546 revocation. The commission shall immediately notify the
547 superintendent of the school district or school board where the
548 teacher or administrator is employed of any disciplinary action
549 and also notify the teacher or administrator of such revocation or



550 suspension and shall maintain records of action taken. The State
551 Board of Education may reverse or remand with instructions any
552 decision of the commission regarding a petition for reinstatement
553 of a license, and any such decision of the State Board of
554 Education shall be final.

555 (16) An appeal from the action of the State Board of
556 Education in denying an application, revoking or suspending a
557 license or otherwise disciplining any person under the provisions
558 of this section, shall be filed in the Chancery Court of the First
559 Judicial District of Hinds County on the record made, including a
560 verbatim transcript of the testimony at the hearing. The appeal
561 shall be filed within thirty (30) days after notification of the
562 action of the board is mailed or served and the proceedings in
563 chancery court shall be conducted as other matters coming before
564 the court. The appeal shall be perfected upon filing notice of
565 the appeal and by the prepayment of all costs, including the cost
566 of preparation of the record of the proceedings by the State Board
567 of Education, and the filing of a bond in the sum of Two Hundred
568 Dollars (\$200.00) conditioned that if the action of the board be
569 affirmed by the chancery court, the applicant or license holder
570 shall pay the costs of the appeal and the action of the chancery
571 court.

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

576 (18) The granting of a license shall not be deemed a
577 property right nor a guarantee of employment in any public school
578 district. A license is a privilege indicating minimal eligibility
579 for teaching in the public schools of Mississippi. This section
580 shall in no way alter or abridge the authority of local school
581 districts to require greater qualifications or standards of



582 performance as a prerequisite of initial or continued employment
583 in such districts.

584 (19) In addition to the reasons specified in subsections
585 (12) and (13) of this section, the board shall be authorized to
586 suspend the license of any licensee for being out of compliance
587 with an order for support, as defined in Section 93-11-153. The
588 procedure for suspension of a license for being out of compliance
589 with an order for support, and the procedure for the reissuance or
590 reinstatement of a license suspended for that purpose, and the
591 payment of any fees for the reissuance or reinstatement of a
592 license suspended for that purpose, shall be governed by Section
593 93-11-157 or 93-11-163, as the case may be. Actions taken by the
594 board in suspending a license when required by Section 93-11-157
595 or 93-11-163 are not actions from which an appeal may be taken
596 under this section. Any appeal of a license suspension that is
597 required by Section 93-11-157 or 93-11-163 shall be taken in
598 accordance with the appeal procedure specified in Section
599 93-11-157 or 93-11-163, as the case may be, rather than the
600 procedure specified in this section. If there is any conflict
601 between any provision of Section 93-11-157 or 93-11-163 and any
602 provision of this chapter, the provisions of Section 93-11-157 or
603 93-11-163, as the case may be, shall control.

604 **SECTION 3.** This act shall take effect and be in force from
605 and after July 1, 2002.

