

By: Senator(s) Tollison

To: Education;
Appropriations

SENATE BILL NO. 2401

1 AN ACT TO AUTHORIZE AND EMPOWER THE STATE BOARD OF EDUCATION
2 AND THE STATE SUPERINTENDENT OF EDUCATION TO ESTABLISH WITHIN THE
3 STATE DEPARTMENT OF EDUCATION AN OFFICE OF EDUCATOR STANDARDS AND
4 LICENSURE TO ESTABLISH AND MAINTAIN STANDARDS FOR THE REVIEW AND
5 APPROVAL OF ALL EDUCATOR PREPARATION PROGRAMS FOR EDUCATOR
6 LICENSURE IN THE STATE OF MISSISSIPPI; TO AMEND SECTION 37-3-2,
7 MISSISSIPPI CODE OF 1972, IN CONFORMITY; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** (1) The State Board of Education and State
10 Superintendent of Education shall establish within the State
11 Department of Education a special unit at the division level
12 called the Office of Educator Standards and Licensure. The
13 Director of the Office of Educator Standards and Licensure shall
14 hold a position comparable to a deputy superintendent and shall be
15 appointed by the State Board of Education with the advice and
16 consent of the Senate. He shall serve at the will and pleasure of
17 the State Board of Education and may employ necessary
18 professional, administrative and clerical staff. The Director of
19 the Office of Educator Standards and Licensure shall provide all
20 reports to the Legislature, Governor, Mississippi Commission on



21 School Accreditation and State Board of Education and respond to
22 any inquiries for information.

23 (2) The Office of Educator Standards and Licensure is
24 responsible for establishing and maintaining standards for the
25 review and approval of all educator preparation programs (EPP),
26 including public, nonpublic, nontraditional and out-of-state
27 providers as well as establishing and maintaining standards for
28 educator licensure and renewal. The Office of Educator Standards
29 and Licensure shall provide information, recommendations and an
30 annual report to the Legislature and Governor.

31 (3) In addition, the Office of Educator Standards and
32 Licensure shall have the following specific duties and
33 responsibilities:

34 (a) Monitoring performance of EPP graduates based on
35 established measures as determined by the Office of Educator
36 Standards and Licensure.

37 (b) Conduct systematic and consistent reviews to
38 evaluate and approve all educator preparation programs based on
39 standards and performance assessment of graduates and, when
40 indicated, withdraw approval of programs that do not meet
41 standards set by the Office of Educator Standards and Licensure or
42 whose graduates do not perform according to criteria set by the
43 Office of Educator Standards and Licensure.

44 (c) Establish and develop guidelines for a purposeful
45 internship experience for pre-service candidates through a



46 seamless and effective system involving educator preparation
47 programs, school district partners, and classroom mentors.

48 (d) The Office of Educator Standards and Licensure
49 shall ensure a uniform and efficient process for issuing,
50 renewing, revoking, suspending, or refusing to issue or renew
51 educator licenses.

52 (e) Establish and maintain a consistent and transparent
53 data dashboard to include all aspects of educator preparation and
54 licensure; and produce The Annual Review of Mississippi Educator
55 Preparation Providers.

56 (f) Approve reasonable fees for the issuance,
57 reissuance and renewal of licenses as recommended by the executive
58 director as a portion of BESL's fee-based operating budget.

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

61 37-3-2. (1) There is established within the State
62 Department of Education the Commission on Teacher and
63 Administrator Education, Certification and Licensure and
64 Development. It shall be the purpose and duty of the commission
65 to make recommendations to the State Board of Education regarding
66 standards for the certification and licensure and continuing
67 professional development of those who teach or perform tasks of an
68 educational nature in the public schools of Mississippi.

69 (2) The commission shall be composed of fifteen (15)
70 qualified members. The membership of the commission shall be



71 composed of the following members to be appointed, three (3) from
72 each congressional district: four (4) classroom teachers; three
73 (3) school administrators; one (1) representative of schools of
74 education of institutions of higher learning located within the
75 state to be recommended by the Board of Trustees of State
76 Institutions of Higher Learning; one (1) representative from the
77 schools of education of independent institutions of higher
78 learning to be recommended by the Board of the Mississippi
79 Association of Independent Colleges; one (1) representative from
80 public community and junior colleges located within the state to
81 be recommended by the Mississippi Community College Board; one (1)
82 local school board member; and four (4) laypersons. All
83 appointments shall be made by the State Board of Education after
84 consultation with the State Superintendent of Public Education.
85 The first appointments by the State Board of Education shall be
86 made as follows: five (5) members shall be appointed for a term
87 of one (1) year; five (5) members shall be appointed for a term of
88 two (2) years; and five (5) members shall be appointed for a term
89 of three (3) years. Thereafter, all members shall be appointed
90 for a term of four (4) years.

91 (3) The State Board of Education when making appointments
92 shall designate a chairman. The commission shall meet at least
93 once every two (2) months or more often if needed. Members of the
94 commission shall be compensated at a rate of per diem as



95 authorized by Section 25-3-69 and be reimbursed for actual and
96 necessary expenses as authorized by Section 25-3-41.

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

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

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

111 (a) Set standards and criteria, subject to the approval
112 of the State Board of Education and the Office of Educator
113 Standards and Licensure established under this act, for all
114 educator preparation programs in the state;

115 (b) Recommend to the State Board of Education each year
116 approval or disapproval of each educator preparation program in
117 the state, subject to a process and schedule determined by the
118 State Board of Education and the Office of Educator Standards and
119 Licensure established under this act;



120 (c) Establish, subject to the approval of the State
121 Board of Education and the Office of Educator Standards and
122 Licensure established under this act, standards for initial
123 teacher certification and licensure in all fields;

124 (d) Establish, subject to the approval of the State
125 Board of Education and the Office of Educator Standards and
126 Licensure established under this act, standards for the renewal of
127 teacher licenses in all fields;

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

131 (f) In conjunction with the Office of Educator
132 Standards and Licensure established under this act, review all
133 existing requirements for certification and licensure;

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

136 (h) Prepare reports from time to time on current
137 practices and issues in the general area of teacher education and
138 certification and licensure;

139 (i) Hold hearings concerning standards for teachers'
140 and administrators' education and certification and licensure with
141 approval of the State Board of Education and the Office of
142 Educator Standards and Licensure established under this act;



143 (j) Hire expert consultants with approval of the State
144 Board of Education and the Office of Educator Standards and
145 Licensure;

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

148 (l) Perform such other functions as may fall within
149 their general charge and which may be delegated to them by the
150 State Board of Education and the Office of Educator Standards and
151 Licensure established under this act.

152 (6) (a) **Standard License - Approved Program Route.** An
153 educator entering the school system of Mississippi for the first
154 time and meeting all requirements as established by the State
155 Board of Education shall be granted a standard five-year license.
156 Persons who possess two (2) years of classroom experience as an
157 assistant teacher or who have taught for one (1) year in an
158 accredited public or private school shall be allowed to fulfill
159 student teaching requirements under the supervision of a qualified
160 participating teacher approved by an accredited college of
161 education. The local school district in which the assistant
162 teacher is employed shall compensate such assistant teachers at
163 the required salary level during the period of time such
164 individual is completing student teaching requirements.
165 Applicants for a standard license shall submit to the department:

166 (i) An application on a department form;



167 (ii) An official transcript of completion of a
168 teacher education program approved by the department or a
169 nationally accredited program, subject to the following:
170 Licensure to teach in Mississippi prekindergarten through
171 kindergarten classrooms shall require completion of a teacher
172 education program or a Bachelor of Science degree with child
173 development emphasis from a program accredited by the American
174 Association of Family and Consumer Sciences (AAFCS) or by the
175 National Association for Education of Young Children (NAEYC) or by
176 the National Council for Accreditation of Teacher Education
177 (NCATE). Licensure to teach in Mississippi kindergarten, for
178 those applicants who have completed a teacher education program,
179 and in Grade 1 through Grade 4 shall require the completion of an
180 interdisciplinary program of studies. Licenses for Grades 4
181 through 8 shall require the completion of an interdisciplinary
182 program of studies with two (2) or more areas of concentration.
183 Licensure to teach in Mississippi Grades 7 through 12 shall
184 require a major in an academic field other than education, or a
185 combination of disciplines other than education. Students
186 preparing to teach a subject shall complete a major in the
187 respective subject discipline. All applicants for standard
188 licensure shall demonstrate that such person's college preparation
189 in those fields was in accordance with the standards set forth by
190 the National Council for Accreditation of Teacher Education
191 (NCATE) or the National Association of State Directors of Teacher



192 Education and Certification (NASDTEC) or, for those applicants who
193 have a Bachelor of Science degree with child development emphasis,
194 the American Association of Family and Consumer Sciences (AAFCS).
195 Effective July 1, 2016, for initial elementary education
196 licensure, a teacher candidate must earn a passing score on a
197 rigorous test of scientifically research-based reading instruction
198 and intervention and data-based decision-making principles as
199 approved by the State Board of Education;

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

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

206 (v) From and after September 30, 2015, no teacher
207 candidate shall be licensed to teach in Mississippi who did not
208 meet the following criteria for entrance into an approved teacher
209 education program:

210 1. Twenty-one (21) ACT equivalent or achieve
211 the nationally recommended passing score on the Praxis Core
212 Academic Skills for Educators examination; and

213 2. No less than 2.75 GPA on pre-major
214 coursework of the institution's approved teacher education program
215 provided that the accepted cohort of candidates meets or exceeds a
216 3.0 GPA on pre-major coursework.



217 (b) **Standard License - Nontraditional Teaching Route.**

218 From and after September 30, 2015, no teacher candidate shall be
219 licensed to teach in Mississippi under the alternate route who did
220 not meet the following criteria:

221 (i) Twenty-one (21) ACT equivalent or achieve the
222 nationally recommended passing score on the Praxis Core Academic
223 Skills for Educators examination; and

224 (ii) No less than 2.75 GPA on content coursework
225 in the requested area of certification or passing Praxis II scores
226 at or above the national recommended score provided that the
227 accepted cohort of candidates of the institution's teacher
228 education program meets or exceeds a 3.0 GPA on pre-major
229 coursework.

230 Beginning January 1, 2004, an individual who has a passing
231 score on the Praxis I Basic Skills and Praxis II Specialty Area
232 Test in the requested area of endorsement may apply for the Teach
233 Mississippi Institute (TMI) program to teach students in Grades 7
234 through 12 if the individual meets the requirements of this
235 paragraph (b). The State Board of Education shall adopt rules
236 requiring that teacher preparation institutions which provide the
237 Teach Mississippi Institute (TMI) program for the preparation of
238 nontraditional teachers shall meet the standards and comply with
239 the provisions of this paragraph.

240 (i) The Teach Mississippi Institute (TMI) shall
241 include an intensive eight-week, nine-semester-hour summer program



242 or a curriculum of study in which the student matriculates in the
243 fall or spring semester, which shall include, but not be limited
244 to, instruction in education, effective teaching strategies,
245 classroom management, state curriculum requirements, planning and
246 instruction, instructional methods and pedagogy, using test
247 results to improve instruction, and a one (1) semester three-hour
248 supervised internship to be completed while the teacher is
249 employed as a full-time teacher intern in a local school district.
250 The TMI shall be implemented on a pilot program basis, with
251 courses to be offered at up to four (4) locations in the state,
252 with one (1) TMI site to be located in each of the three (3)
253 Mississippi Supreme Court districts.

254 (ii) The school sponsoring the teacher intern
255 shall enter into a written agreement with the institution
256 providing the Teach Mississippi Institute (TMI) program, under
257 terms and conditions as agreed upon by the contracting parties,
258 providing that the school district shall provide teacher interns
259 seeking a nontraditional provisional teaching license with a
260 one-year classroom teaching experience. The teacher intern shall
261 successfully complete the one (1) semester three-hour intensive
262 internship in the school district during the semester immediately
263 following successful completion of the TMI and prior to the end of
264 the one-year classroom teaching experience.

265 (iii) Upon completion of the nine-semester-hour
266 TMI or the fall or spring semester option, the individual shall



267 submit his transcript to the commission for provisional licensure
268 of the intern teacher, and the intern teacher shall be issued a
269 provisional teaching license by the commission, which will allow
270 the individual to legally serve as a teacher while the person
271 completes a nontraditional teacher preparation internship program.

272 (iv) During the semester of internship in the
273 school district, the teacher preparation institution shall monitor
274 the performance of the intern teacher. The school district that
275 employs the provisional teacher shall supervise the provisional
276 teacher during the teacher's intern year of employment under a
277 nontraditional provisional license, and shall, in consultation
278 with the teacher intern's mentor at the school district of
279 employment, submit to the commission a comprehensive evaluation of
280 the teacher's performance sixty (60) days prior to the expiration
281 of the nontraditional provisional license. If the comprehensive
282 evaluation establishes that the provisional teacher intern's
283 performance fails to meet the standards of the approved
284 nontraditional teacher preparation internship program, the
285 individual shall not be approved for a standard license.

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



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

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

306 (viii) The local school district in which the
307 nontraditional teacher intern or provisional licensee is employed
308 shall compensate such teacher interns at Step 1 of the required
309 salary level during the period of time such individual is
310 completing teacher internship requirements and shall compensate
311 such Standard License - Nontraditional Route teachers at Step 3 of
312 the required salary level when they complete license requirements.

313 Implementation of the TMI program provided for under this
314 paragraph (b) shall be contingent upon the availability of funds
315 appropriated specifically for such purpose by the Legislature.



316 Such implementation of the TMI program may not be deemed to
317 prohibit the State Board of Education from developing and
318 implementing additional alternative route teacher licensure
319 programs, as deemed appropriate by the board. The emergency
320 certification program in effect prior to July 1, 2002, shall
321 remain in effect.

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

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



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

347 (e) **Nonlicensed Teaching Personnel.** A nonlicensed
348 person may teach for a maximum of three (3) periods per teaching
349 day in a public school district or a nonpublic school
350 accredited/approved by the state. Such person shall submit to the
351 department a transcript or record of his education and experience
352 which substantiates his preparation for the subject to be taught
353 and shall meet other qualifications specified by the commission
354 and approved by the State Board of Education. In no case shall
355 any local school board hire nonlicensed personnel as authorized
356 under this paragraph in excess of five percent (5%) of the total
357 number of licensed personnel in any single school.

358 (f) **Special License - Transitional Bilingual Education.**
359 Beginning July 1, 2003, the commission shall grant special
360 licenses to teachers of transitional bilingual education who
361 possess such qualifications as are prescribed in this section.
362 Teachers of transitional bilingual education shall be compensated
363 by local school boards at not less than one (1) step on the
364 regular salary schedule applicable to permanent teachers licensed
365 under this section. The commission shall grant special licenses



366 to teachers of transitional bilingual education who present the
367 commission with satisfactory evidence that they (i) possess a
368 speaking and reading ability in a language, other than English, in
369 which bilingual education is offered and communicative skills in
370 English; (ii) are in good health and sound moral character; (iii)
371 possess a bachelor's degree or an associate's degree in teacher
372 education from an accredited institution of higher education; (iv)
373 meet such requirements as to courses of study, semester hours
374 therein, experience and training as may be required by the
375 commission; and (v) are legally present in the United States and
376 possess legal authorization for employment. A teacher of
377 transitional bilingual education serving under a special license
378 shall be under an exemption from standard licensure if he achieves
379 the requisite qualifications therefor. Two (2) years of service
380 by a teacher of transitional bilingual education under such an
381 exemption shall be credited to the teacher in acquiring a Standard
382 Educator License. Nothing in this paragraph shall be deemed to
383 prohibit a local school board from employing a teacher licensed in
384 an appropriate field as approved by the State Department of
385 Education to teach in a program in transitional bilingual
386 education.

387 (g) In the event any school district meets the highest
388 accreditation standards as defined by the State Board of Education
389 in the accountability system, the State Board of Education, in its
390 discretion, may exempt such school district from any restrictions



391 in paragraph (e) relating to the employment of nonlicensed
392 teaching personnel.

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

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

404 (a) **Administrator License - Nonpracticing.** Those
405 educators holding administrative endorsement but having no
406 administrative experience or not serving in an administrative
407 position on January 15, 1997.

408 (b) **Administrator License - Entry Level.** Those
409 educators holding administrative endorsement and having met the
410 department's qualifications to be eligible for employment in a
411 Mississippi school district. Administrator License - Entry Level
412 shall be issued for a five-year period and shall be nonrenewable.

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



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

428 Individuals seeking school administrator licensure under
429 paragraph (b), (c) or (d) shall successfully complete a training
430 program and an assessment process prescribed by the State Board of
431 Education. All applicants for school administrator licensure
432 shall meet all requirements prescribed by the department under
433 paragraph (b), (c) or (d), and the cost of the assessment process
434 required shall be paid by the applicant.

435 (8) **Reciprocity.** (a) The department shall grant a standard
436 license to any individual who possesses a valid standard license
437 from another state and meets minimum Mississippi license
438 requirements or equivalent requirements as determined by the State
439 Board of Education. The issuance of a license by reciprocity to a



440 military-trained applicant or military spouse shall be subject to
441 the provisions of Section 73-50-1.

442 (b) The department shall grant a nonrenewable special
443 license to any individual who possesses a credential which is less
444 than a standard license or certification from another state. Such
445 special license shall be valid for the current school year plus
446 one (1) additional school year to expire on June 30 of the second
447 year, not to exceed a total period of twenty-four (24) months,
448 during which time the applicant shall be required to complete the
449 requirements for a standard license in Mississippi.

450 (9) **Renewal and Reinstatement of Licenses.** The State Board
451 of Education is authorized to establish rules and regulations for
452 the renewal and reinstatement of educator and administrator
453 licenses. Effective May 15, 1997, the valid standard license held
454 by an educator shall be extended five (5) years beyond the
455 expiration date of the license in order to afford the educator
456 adequate time to fulfill new renewal requirements established
457 pursuant to this subsection. An educator completing a master of
458 education, educational specialist or doctor of education degree in
459 May 1997 for the purpose of upgrading the educator's license to a
460 higher class shall be given this extension of five (5) years plus
461 five (5) additional years for completion of a higher degree.

462 (10) All controversies involving the issuance, revocation,
463 suspension or any change whatsoever in the licensure of an
464 educator required to hold a license shall be initially heard in a



465 hearing de novo, by the commission or by a subcommittee
466 established by the commission and composed of commission members
467 for the purpose of holding hearings. Any complaint seeking the
468 denial of issuance, revocation or suspension of a license shall be
469 by sworn affidavit filed with the Commission on Teacher and
470 Administrator Education, Certification and Licensure and
471 Development. The decision thereon by the commission or its
472 subcommittee shall be final, unless the aggrieved party shall
473 appeal to the State Board of Education, within ten (10) days, of
474 the decision of the committee or its subcommittee. An appeal to
475 the State Board of Education shall be on the record previously
476 made before the commission or its subcommittee unless otherwise
477 provided by rules and regulations adopted by the board. The State
478 Board of Education in its authority may reverse, or remand with
479 instructions, the decision of the committee or its subcommittee.
480 The decision of the State Board of Education shall be final.

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

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

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



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

495 (d) Revocation, suspension or surrender of an
496 applicant's certificate or license by another state shall result
497 in immediate denial of licensure until such time that the records
498 predicated the revocation, suspension or surrender in the prior
499 state have been cleared;

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

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

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

507 (h) The applicant has been convicted, has pled guilty
508 or entered a plea of nolo contendere to a sex offense as defined
509 by federal or state law. For purposes of this paragraph (h) and
510 paragraph (g) of this subsection, a "guilty plea" includes a plea
511 of guilty, entry of a plea of nolo contendere, or entry of an
512 order granting pretrial or judicial diversion; or

513 (i) Probation or post-release supervision for a felony
514 or sex offense conviction, as defined by federal or state law,



515 shall result in the immediate denial of licensure application
516 until expiration of the probationary or post-release supervision
517 period.

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

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

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

530 (c) Suspension or revocation of a certificate or
531 license by another state shall result in immediate suspension or
532 revocation and shall continue until records in the prior state
533 have been cleared;

534 (d) The license holder has been convicted, has pled
535 guilty or entered a plea of nolo contendere to a felony, as
536 defined by federal or state law. For purposes of this paragraph,
537 a "guilty plea" includes a plea of guilty, entry of a plea of nolo
538 contendere, or entry of an order granting pretrial or judicial
539 diversion;



540 (e) The license holder has been convicted, has pled
541 guilty or entered a plea of nolo contendere to a sex offense, as
542 defined by federal or state law, shall result in immediate
543 suspension or revocation;

544 (f) The license holder has received probation or
545 post-release supervision for a felony or sex offense conviction,
546 as defined by federal or state law, which shall result in
547 immediate suspension or revocation until expiration of the
548 probationary or post-release supervision period;

549 (g) The license holder knowingly and willfully
550 committing any of the acts affecting validity of mandatory uniform
551 test results as provided in Section 37-16-4(1);

552 (h) The license holder has engaged in unethical conduct
553 relating to an educator/student relationship as identified by the
554 State Board of Education in its rules;

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

558 (j) The license holder has failed to report sexual
559 involvement of a school employee with a student as required by
560 Section 97-5-24;

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



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

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

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

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

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

588 (14) (a) A person whose license has been revoked or
589 surrendered on any grounds except criminal grounds may petition



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

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

612 (15) Reporting procedures and hearing procedures for dealing
613 with infractions under this section shall be promulgated by the
614 commission, subject to the approval of the State Board of



615 Education. The revocation or suspension of a license shall be
616 effected at the time indicated on the notice of suspension or
617 revocation. The commission shall immediately notify the
618 superintendent of the school district or school board where the
619 teacher or administrator is employed of any disciplinary action
620 and also notify the teacher or administrator of such revocation or
621 suspension and shall maintain records of action taken. The State
622 Board of Education may reverse or remand with instructions any
623 decision of the commission regarding a petition for reinstatement
624 of a license, and any such decision of the State Board of
625 Education shall be final.

626 (16) An appeal from the action of the State Board of
627 Education in denying an application, revoking or suspending a
628 license or otherwise disciplining any person under the provisions
629 of this section shall be filed in the Chancery Court of the First
630 Judicial District of Hinds County, Mississippi, on the record
631 made, including a verbatim transcript of the testimony at the
632 hearing. The appeal shall be filed within thirty (30) days after
633 notification of the action of the board is mailed or served and
634 the proceedings in chancery court shall be conducted as other
635 matters coming before the court. The appeal shall be perfected
636 upon filing notice of the appeal and by the prepayment of all
637 costs, including the cost of preparation of the record of the
638 proceedings by the State Board of Education, and the filing of a
639 bond in the sum of Two Hundred Dollars (\$200.00) conditioned that



640 if the action of the board be affirmed by the chancery court, the
641 applicant or license holder shall pay the costs of the appeal and
642 the action of the chancery court.

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

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

655 (19) In addition to the reasons specified in subsections
656 (12) and (13) of this section, the board shall be authorized to
657 suspend the license of any licensee for being out of compliance
658 with an order for support, as defined in Section 93-11-153. The
659 procedure for suspension of a license for being out of compliance
660 with an order for support, and the procedure for the reissuance or
661 reinstatement of a license suspended for that purpose, and the
662 payment of any fees for the reissuance or reinstatement of a
663 license suspended for that purpose, shall be governed by Section
664 93-11-157 or 93-11-163, as the case may be. Actions taken by the



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

675 **SECTION 3.** This act shall take effect and be in force from
676 and after July 1, 2017.

