

By: Representative Massengill

To: Public Health and Human Services

HOUSE BILL NO. 395

1 AN ACT TO AMEND SECTIONS 73-38-3, 73-38-9, 73-38-11,
2 73-38-13, 73-38-15, 73-38-21, 73-38-23, 73-38-25, 73-38-27,
3 73-38-31 AND 73-38-36, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT
4 SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS WILL BE LICENSED AND
5 REGULATED BY THE STATE BOARD OF EXAMINERS FOR AUDIOLOGY AND
6 SPEECH-LANGUAGE PATHOLOGY INSTEAD OF THE STATE BOARD OF HEALTH; TO
7 CREATE THE STATE BOARD OF EXAMINERS FOR AUDIOLOGY AND
8 SPEECH-LANGUAGE PATHOLOGY AND PROVIDE FOR ITS MEMBERSHIP AND ITS
9 POWERS AND DUTIES; TO CREATE THE AUDIOLOGY AND SPEECH-LANGUAGE
10 PATHOLOGY LICENSING FUND, WHICH WILL BE USED FOR PAYING THE COSTS
11 OF ADMINISTERING THE LICENSURE LAW; TO CHANGE THE NAME OF
12 SPEECH-LANGUAGE PATHOLOGY AIDES AND AUDIOLOGY AIDES TO
13 SPEECH-LANGUAGE PATHOLOGY ASSISTANTS AND AUDIOLOGY ASSISTANTS; TO
14 AMEND SECTION 37-3-2, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT NO
15 PERSON WILL BE GRANTED A TEACHER LICENSE TO WORK IN THE PUBLIC
16 SCHOOL SYSTEM AS AN AUDIOLOGIST, AUDIOLOGY ASSISTANT,
17 SPEECH-LANGUAGE PATHOLOGIST, OR SPEECH-LANGUAGE PATHOLOGY
18 ASSISTANT WITHOUT A PROFESSIONAL LICENSE GRANTED BY THE STATE
19 BOARD OF EXAMINERS FOR AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY; TO
20 REPEAL SECTION 73-38-1, MISSISSIPPI CODE OF 1972, WHICH PROVIDES
21 THAT THE STATE BOARD OF HEALTH IS THE LICENSING AGENCY FOR
22 SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS; AND FOR RELATED
23 PURPOSES.

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

25 **SECTION 1.** Section 73-38-3, Mississippi Code of 1972, is
26 amended as follows:

27 73-38-3. The following definitions apply as used in this
28 chapter, unless the context otherwise requires:



29 (a) "Board" means the * * * State Board of * * *
30 Examiners for Audiology and Speech-Language Pathology as
31 established in Section 73-38-11.

32 * * *

33 (* * *b) "Person" means any individual, organization
34 or corporate body, except that only an individual may be licensed
35 under this chapter.

36 (* * *c) "Speech-language pathologist" means an
37 individual who practices speech-language pathology and who
38 presents himself to the public by any title or description of
39 services incorporating the words "speech pathologist,"
40 "speech-language pathologist," "speech therapist," "speech
41 correctionist," "speech clinician," "language pathologist,"
42 "language therapist," "logopedist," "communicologist," "voice
43 therapist," "voice pathologist," or any similar title or
44 description of services.

45 (* * *d) "Speech-language pathology" means the
46 application of principles, methods and procedures for the
47 measurement, testing, evaluation, prediction, counseling,
48 instruction, habilitation or rehabilitation related to the
49 development and disorders of speech, voice, language, swallowing
50 or feeding, or for the purpose of evaluating, preventing,
51 ameliorating or modifying such disorders and conditions in
52 individuals and/or groups of individuals.



53 (* * *e) "Audiologist" means an individual who
54 practices audiology and who presents himself to the public by any
55 title or description of services incorporating the words
56 "audiologist," "hearing clinician," "hearing therapist," or any
57 similar title or description of service.

58 (* * *f) "Audiology" means the application of
59 principles, methods and procedures of measurement, testing,
60 evaluation, prediction, consultation, counseling, instruction,
61 habilitation or rehabilitation related to disorders of hearing and
62 balance for the purpose of evaluating, identifying, preventing,
63 ameliorating or modifying such disorders and conditions in
64 individuals and/or groups of individuals; and for the purpose of
65 this subsection the words "habilitation" and "rehabilitation"
66 include, but are not limited to, hearing aid dispensing and
67 evaluation, and auditory training, and speech reading.

68 (* * *g) "Speech-language pathology * * * assistant"
69 means an individual who meets minimum qualifications which
70 the * * * board may establish for speech-language pathology * * *
71 assistants, which qualifications shall be less than those
72 established by this chapter as necessary for licensure as a
73 speech-language pathologist, and who works under the supervision
74 of a licensed speech-language pathologist.

75 (* * *h) "Audiology * * * assistants" means an
76 individual who meets minimum qualifications which the council may
77 establish for audiology * * * assistants, which qualifications



78 shall be less than those established by this chapter as necessary
79 for licensure as an audiologist, and who works under the
80 supervision of a licensed audiologist.

81 (* * * i) "ASHA" means the American
82 Speech-Language-Hearing Association.

83 **SECTION 2.** Section 73-38-9, Mississippi Code of 1972, is
84 amended as follows:

85 73-38-9. To be eligible for licensure by the board as a
86 speech-language pathologist or audiologist and to be eligible for
87 registration as a speech-language pathology * * * assistant or
88 audiology * * * assistant, a person shall:

89 (a) Be of good moral character;

90 (b) (1) For speech-language pathologists or
91 audiologists, possess at least a master's degree or its equivalent
92 in the area of speech-language pathology or audiology, as the case
93 may be, from an educational institution recognized by the board;

94 (2) For speech-language pathology * * * assistant
95 or audiology * * * assistant, the board shall set minimum
96 educational standards which shall be less than a bachelor's
97 degree;

98 (c) For speech-language pathologists and audiologists,
99 submit evidence of the completion of the educational, clinical
100 experience and employment requirements, which requirements shall
101 be based on appropriate national standards and prescribed by the
102 rules and regulations adopted pursuant to this chapter;



103 (d) For speech-language pathologists and audiologists,
104 pass an examination approved by the board. This examination may
105 be taken either before or after the completion of the employment
106 requirement specified pursuant to subsection (c) of this section;

107 (e) For speech-language pathology * * * assistants and
108 audiology * * * assistants, no examination shall be required.

109 **SECTION 3.** Section 73-38-11, Mississippi Code of 1972, is
110 amended as follows:

111 73-38-11. (1) There is established the * * * State Board of
112 Examiners for Audiology and Speech-Language Pathology * * *. The
113 board shall be comprised of seven (7) members. Three (3) members
114 shall be speech-language pathologists, two (2) members shall be
115 audiologists, one (1) member shall be a member of the public who
116 receives speech pathology or audiology services in this state, and
117 one (1) member shall be a physician licensed in this state with
118 experience in treating patients with speech and hearing disorders.
119 All board members who are speech-language pathologists or
120 audiologists shall at all times be holders of active and valid
121 licenses for the practice of speech-language pathology and
122 audiology in this state and shall be holders of the American
123 Speech-Language-Hearing Association (ASHA) Certificate of Clinical
124 Competence in Speech-Language Pathology or Audiology or its
125 equivalent.

126 (2) * * * Within sixty (60) days after the effective date of
127 this act, the Governor shall appoint the initial members of the



128 board from a list of names of at least four (4) audiologists, four
129 (4) speech-language pathologists, and four (4) public
130 representatives submitted by the Mississippi
131 Speech-Language-Hearing Association, and two (2) physicians
132 submitted by the Mississippi State Medical Association. In making
133 appointments to the board, the Governor shall consider whether the
134 board membership adequately represents the different geographic
135 regions and socioeconomic environments in the state.

136 (3) * * * Each later appointment may be made from applicable
137 recommendations submitted by the Mississippi
138 Speech-Language-Hearing Association and the Mississippi Medical
139 Association, which may submit at least three (3) names per
140 appointment or from recommendations submitted by other interested
141 organizations or persons in the state. No member of the board
142 shall at the same time serve in an elected, appointed or employed
143 position in any national, state or local-level organization
144 representing audiologists and speech-language pathologists, which
145 presents or may present a conflict of interest situation.

146 (4) * * * The initial appointments to the board shall be for
147 staggered terms of one (1) year, two (2) years or three (3) years,
148 with the Governor designating the length of the term for each
149 initial member. The terms of all members appointed after the
150 expirations of the initial terms shall be for three (3) years from
151 the expiration date of the previous term. Members shall serve
152 until the expiration of the term for which they have been



153 appointed or until their successors have been appointed and are
154 deemed to be qualified to serve on the board. If there is a
155 vacancy in the office of a member of the board other than by
156 expiration of a term, the Governor shall appoint a qualified
157 person to fill the vacancy for the unexpired term. No member may
158 serve more than two (2) consecutive three-year terms.

159 (5) * * * The Governor may remove any member of the board
160 for unprofessional conduct, incompetence or neglect of duty.

161 (6) * * * The board shall meet during the first month of
162 each calendar or fiscal year to select a chairperson and vice
163 chairperson and to conduct other appropriate business. At least
164 one (1) additional meeting shall be held before the end of each
165 calendar or fiscal year. In order for the board to conduct its
166 business in a timely manner, further meetings may be convened at
167 the call of the chairperson or at the request of two (2) or more
168 board members. The board shall conduct its meetings and keep
169 records of its proceedings in accordance with the provisions of
170 the Open Meetings Act, Section 25-41-1 et seq.

171 (7) Five (5) members of the board shall constitute a quorum
172 to do business, provided that the majority of members present are
173 audiologists or speech-language pathologists and that at least one
174 (1) audiologist, one (1) speech-language pathologist, and one (1)
175 public representative are present.

176 (8) Members of the board shall receive the per diem
177 authorized under Section 25-3-69 for each day spent actually



178 discharging their official duties, and shall receive reimbursement
179 for mileage and necessary travel expenses incurred as provided in
180 Section 25-3-41.

181 **SECTION 4.** Section 73-38-13, Mississippi Code of 1972, is
182 amended as follows:

183 73-38-13. (1) * * * The board shall:

184 (a) Administer, coordinate and enforce the provisions
185 of this chapter, establish licensure fees, evaluate the
186 qualifications of applicants, supervise the examination of
187 applicants and issue and renew licenses;

188 (b) Issue subpoenas, examine witnesses, administer
189 oaths, conduct hearings and, in its discretion, investigate
190 allegations of violations of this chapter and impose penalties if
191 violations of this chapter have occurred;

192 (c) Adopt responsible rules and regulations in
193 accordance with the Mississippi Administrative Procedures Law and
194 subject to the approval of the responsible agency, including, but
195 not limited to, regulations that delineate qualifications for
196 licensure; specify requirements for the renewal of licensure;
197 govern the delivery of services via telepractice; establish
198 standards of professional conduct; and any other rules and
199 regulations necessary to carry out the provisions of this chapter,
200 and to amend or repeal the same. Following their adoption, the
201 rules and regulations shall govern and control the professional



202 conduct of every person who holds a license to practice audiology
203 or speech-language pathology in this state;

204 (d) Have available the names and addresses of persons
205 currently licensed and registered under the provision of this
206 chapter;

207 (e) Employ such personnel as determined by its needs
208 and budget;

209 (f) Request legal advice and assistance, as needed,
210 from the Attorney General's office or other appropriate state
211 legal officer;

212 (g) Enter into such contracts as necessary to carry out
213 its responsibilities under this chapter;

214 (h) Hire legal counsel, if deemed necessary;

215 (i) Establish a budget;

216 (j) Submit reports of its operations and finances as
217 requested by the Legislative Budget Office or the State Auditor;

218 (k) Adopt an official seal by which it will
219 authenticate its proceedings, copies or proceedings, records, acts
220 of the board, and licensees; and

221 (l) Communicate disciplinary actions to relevant state
222 and federal authorities, to other state speech-language pathology
223 and audiology licensing authorities, and to the American
224 Speech-Language-Hearing Association and other applicable
225 professional membership organizations.



226 (2) * * * The conferral or enumeration of specific powers
227 elsewhere in this chapter shall not be construed as a limitation
228 of the general functions conferred on the board by this section.

229 (3) * * * No member of the board shall be liable for civil
230 action for any act performed in good faith in the performance of
231 his or her duties as prescribed by law.

232 * * *

233 **SECTION 5.** Section 73-38-15, Mississippi Code of 1972, is
234 amended as follows:

235 73-38-15. (1) The administration of the provisions of this
236 chapter shall be financed from income accruing from fees, licenses
237 and other charges assessed and collected by the board and from
238 such other funds available to the board.

239 (2) The board shall receive and account for all funds
240 received and shall keep such funds in * * * the Audiology and
241 Speech-Language Pathology Licensing Fund created in Section
242 73-38-36. Funds collected under the provisions of this chapter
243 shall be used solely for the compensation and expenses of * * *
244 the board and to administer the provisions of this chapter, which
245 may include full or partial financing of continuing education
246 programs promulgated by the council under Section 73-38-33. Such
247 funds shall be subject to audit by the Auditor of the State of
248 Mississippi.

249 * * *



250 **SECTION 6.** Section 73-38-21, Mississippi Code of 1972, is
251 amended as follows:

252 73-38-21. (1) Each applicant for licensure under this
253 chapter shall * * * pass a national examination as approved by the
254 board * * *.

255 * * *

256 (* * *2) The board shall maintain a permanent record of all
257 examination scores.

258 **SECTION 7.** Section 73-38-23, Mississippi Code of 1972, is
259 amended as follows:

260 73-38-23. (1) The board may waive the examination for
261 licensure of any applicant who presents proof of current licensure
262 in another state, including the District of Columbia, or territory
263 of the United States which maintains professional standards
264 considered * * * to be equivalent to those set forth in this
265 chapter. The issuance of a license by reciprocity to a
266 military-trained applicant, military spouse or person who
267 establishes residence in this state shall be subject to the
268 provisions of Section 73-50-1 or 73-50-2, as applicable.

269 (2) The board shall waive the examination for licensure of
270 any person certified as clinically competent by ASHA in the area
271 for which such person is applying for licensure.

272 **SECTION 8.** Section 73-38-25, Mississippi Code of 1972, is
273 amended as follows:



274 73-38-25. (1) The board shall issue a license to any person
275 who meets the requirements of this chapter and who pays to the
276 board the fees prescribed in Section 73-38-31.

277 (2) (a) An applicant who fulfills all the requirements for
278 licensure except professional employment and/or examination may
279 apply to the board for a temporary license.

280 (b) Upon receiving an application provided under
281 subsection (2) (a), the board shall issue a temporary license which
282 entitles the applicant to practice speech-language pathology or
283 audiology under the supervision of a licensee with licensure in
284 the appropriate specialty while completing the requirements for
285 licensure.

286 (c) No temporary license shall be issued by the board
287 under this section unless the applicant shows to the satisfaction
288 of the board that he is or will be supervised and trained by a
289 person who holds a license in the appropriate specialty.

290 (d) The temporary license shall be effective for a
291 period to be determined by the department.

292 (3) (a) Each person licensed under this chapter who
293 supervises a speech-language pathology or audiology * * *
294 assistant shall register the same with the board.

295 (b) The licensee who supervises * * * assistants or
296 temporary licensees is responsible for the services provided to
297 the client by * * * the assistants or temporary licensees and may
298 suffer suspension, revocation or other appropriate penalty for



299 failure to exercise his responsibilities in the supervision
300 of * * * assistants or temporary licensees.

301 (c) Speech-language pathology and audiology * * *
302 assistants shall pay to the board a registration fee as prescribed
303 in Section 73-38-31, subsection (1).

304 **SECTION 9.** Section 73-38-27, Mississippi Code of 1972, is
305 amended as follows:

306 73-38-27. (1) The board may refuse to issue or renew a
307 license, or may suspend or revoke a license where the licensee or
308 applicant for license has been guilty of unprofessional conduct
309 which has endangered or is likely to endanger the health, welfare
310 or safety of the public. Such unprofessional conduct may result
311 from:

312 (a) Negligence in the practice or performance of
313 professional services or activities;

314 (b) Engaging in dishonorable, unethical or
315 unprofessional conduct of a character likely to deceive, defraud
316 or harm the public in the course of professional services or
317 activities;

318 (c) Perpetrating or cooperating in fraud or material
319 deception in obtaining or renewing a license or attempting the
320 same;

321 (d) Being convicted of any crime which has a
322 substantial relationship to the licensee's activities and services



323 or an essential element of which is misstatement, fraud or
324 dishonesty;

325 (e) Being convicted of any crime which is a felony
326 under the laws of this state or the United States;

327 (f) Engaging in or permitting the performance of
328 unacceptable services personally or by others working under the
329 licensee's supervision due to the licensee's deliberate or
330 negligent act or acts or failure to act, regardless of whether
331 actual damage or damages to the public is established;

332 (g) Continued practice although the licensee has become
333 unfit to practice as a speech-language pathologist or audiologist
334 due to: (i) failure to keep abreast of current professional
335 theory or practice; or (ii) physical or mental disability; the
336 entry of an order or judgment by a court of competent jurisdiction
337 that a licensee is in need of mental treatment or is incompetent
338 shall constitute mental disability; or (iii) addiction or severe
339 dependency upon alcohol or other drugs which may endanger the
340 public by impairing the licensee's ability to practice;

341 (h) Having disciplinary action taken against the
342 licensee's license in another state;

343 (i) Making differential, detrimental treatment against
344 any person because of race, color, creed, sex, religion or
345 national origin;

346 (j) Engaging in lewd conduct in connection with
347 professional services or activities;



348 (k) Engaging in false or misleading advertising;

349 (l) Contracting, assisting or permitting unlicensed
350 persons to perform services for which a license is required under
351 this chapter;

352 (m) Violation of any probation requirements placed on a
353 license by the board;

354 (n) Revealing confidential information except as may be
355 required by law;

356 (o) Failing to inform clients of the fact that the
357 client no longer needs the services or professional assistance of
358 the licensee;

359 (p) Charging excessive or unreasonable fees or engaging
360 in unreasonable collection practices;

361 (q) For treating or attempting to treat ailments or
362 other health conditions of human beings other than by speech or
363 audiology therapy as authorized by this chapter;

364 (r) For applying or offering to apply speech or
365 audiology therapy, exclusive of initial evaluation or screening
366 and exclusive of education or consultation for the prevention of
367 physical and mental disability within the scope of speech or
368 audiology therapy, or for acting as a speech-language pathologist
369 or audiologist, or speech-language pathologist or
370 audiologist * * * assistant other than under the direct, on-site
371 supervision of a licensed speech-language pathologist or
372 audiologist;



373 (s) Violations of the current codes of conduct for
374 speech-language pathologists or audiologists, and speech-language
375 pathologist or audiologist assistants adopted by the American
376 Speech-Language-Hearing Association;

377 (t) Violations of any rules or regulations promulgated
378 pursuant to this chapter.

379 (2) The board may order a licensee to submit to a reasonable
380 physical or mental examination if the licensee's physical or
381 mental capacity to practice safely is at issue in a disciplinary
382 proceeding.

383 (3) In addition to the reasons specified in subsection (1)
384 of this section, the board shall be authorized to suspend the
385 license of any licensee for being out of compliance with an order
386 for support, as defined in Section 93-11-153. The procedure for
387 suspension of a license for being out of compliance with an order
388 for support, and the procedure for the reissuance or reinstatement
389 of a license suspended for that purpose, and the payment of any
390 fees for the reissuance or reinstatement of a license suspended
391 for that purpose, shall be governed by Section 93-11-157 or
392 93-11-163, as the case may be. If there is any conflict between
393 any provision of Section 93-11-157 or 93-11-163 and any provision
394 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
395 as the case may be, shall control.

396 **SECTION 10.** Section 73-38-31, Mississippi Code of 1972, is
397 amended as follows:



398 73-38-31. (1) The board shall assess fees for the following
399 purposes:

- 400 (a) Initial licensing;
- 401 (b) Renewal of licensure;
- 402 (c) License issued after expiration date;
- 403 (d) Late renewal payment penalty;
- 404 (e) Temporary license;
- 405 (f) Renewal of temporary license; and
- 406 (g) Registration of * * * assistants.

407 (2) Every person to whom a license is issued pursuant to
408 this chapter shall, as a condition precedent to its issuance, and
409 in addition to any application, examination or other fee, pay the
410 prescribed initial license fee.

411 (3) Fees prescribed in subsection (1) of this section shall
412 be exclusive and no municipality shall have the right to require
413 any person licensed under this chapter to furnish any bond, pass
414 any examination, or pay any license fee or occupational tax.

415 (4) Fees listed in subsection (1) of this section shall be
416 commensurate to the extent feasible with the cost of fulfilling
417 the duties of the board * * * as defined by this chapter; however,
418 no individual fee shall exceed One Hundred Dollars (\$100.00).

419 (5) Any increase in the fees charged by the board under this
420 section shall be in accordance with the provisions of Section
421 41-3-65.



422 **SECTION 11.** Section 73-38-36, Mississippi Code of 1972, is
423 amended as follows:

424 73-38-36. (1) * * * There is created a special fund in the
425 State Treasury to be known as the Audiology and Speech-Language
426 Pathology Licensing Fund. All monies collected by the board under
427 this chapter shall be deposited into the fund, except as provided
428 in subsection (3) of this section. Monies remaining in the fund
429 at the end of a fiscal year shall not lapse into the State General
430 Fund, and any interest earned from the investment of monies in the
431 fund shall be deposited to the credit of the fund.

432 (2) Monies in the fund may be expended by the board, upon
433 appropriation by the Legislature, for paying the costs of
434 administering the provisions of this chapter as provided in
435 Section 73-38-15.

436 (3) All civil monetary penalties collected for violations of
437 any provisions of this chapter or rules and regulations adopted
438 under this chapter shall be deposited into the State General Fund.

439 **SECTION 12.** Section 37-3-2, Mississippi Code of 1972, is
440 amended as follows:

441 37-3-2. (1) There is established within the State
442 Department of Education the Commission on Teacher and
443 Administrator Education, Certification and Licensure and
444 Development. It shall be the purpose and duty of the commission
445 to make recommendations to the State Board of Education regarding
446 standards for the certification and licensure and continuing



447 professional development of those who teach or perform tasks of an
448 educational nature in the public schools of Mississippi.

449 (2) (a) The commission shall be composed of fifteen (15)
450 qualified members. The membership of the commission shall be
451 composed of the following members to be appointed, three (3) from
452 each of the four (4) congressional districts, as such districts
453 existed on January 1, 2011, in accordance with the population
454 calculations determined by the 2010 federal decennial census,
455 including: four (4) classroom teachers; three (3) school
456 administrators; one (1) representative of schools of education of
457 public institutions of higher learning located within the state to
458 be recommended by the Board of Trustees of State Institutions of
459 Higher Learning; one (1) representative from the schools of
460 education of independent institutions of higher learning to be
461 recommended by the Board of the Mississippi Association of
462 Independent Colleges; one (1) representative from public community
463 and junior colleges located within the state to be recommended by
464 the Mississippi Community College Board; one (1) local school
465 board member; and four (4) laypersons. Three (3) members of the
466 commission, at the sole discretion of the State Board of
467 Education, shall be appointed from the state at large.

468 (b) All appointments shall be made by the State Board
469 of Education after consultation with the State Superintendent of
470 Public Education. The first appointments by the State Board of
471 Education shall be made as follows: five (5) members shall be



472 appointed for a term of one (1) year; five (5) members shall be
473 appointed for a term of two (2) years; and five (5) members shall
474 be appointed for a term of three (3) years. Thereafter, all
475 members shall be appointed for a term of four (4) years.

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

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

489 (b) An Office of Educator Misconduct Evaluations shall
490 be established within the State Department of Education to assist
491 the commission in responding to infractions and violations, and in
492 conducting hearings and enforcing the provisions of subsections
493 (11), (12), (13), (14) and (15) of this section, and violations of
494 the Mississippi Educator Code of Ethics.

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



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

499 (b) Recommend to the State Board of Education each year
500 approval or disapproval of each educator preparation program in
501 the state, subject to a process and schedule determined by the
502 State Board of Education;

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

506 (d) Establish, subject to the approval of the State
507 Board of Education, standards for the renewal of teacher licenses
508 in all fields;

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

512 (f) Review all existing requirements for certification
513 and licensure;

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

516 (h) Prepare reports from time to time on current
517 practices and issues in the general area of teacher education and
518 certification and licensure;



519 (i) Hold hearings concerning standards for teachers'
520 and administrators' education and certification and licensure with
521 approval of the State Board of Education;

522 (j) Hire expert consultants with approval of the State
523 Board of Education;

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

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

529 (6) (a) **Standard License - Approved Program Route.** An
530 educator entering the school system of Mississippi for the first
531 time and meeting all requirements as established by the State
532 Board of Education shall be granted a standard five-year license.
533 Persons who possess two (2) years of classroom experience as an
534 assistant teacher or who have taught for one (1) year in an
535 accredited public or private school shall be allowed to fulfill
536 student teaching requirements under the supervision of a qualified
537 participating teacher approved by an accredited college of
538 education. The local school district in which the assistant
539 teacher is employed shall compensate such assistant teachers at
540 the required salary level during the period of time such
541 individual is completing student teaching requirements.

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

543 (i) An application on a department form;



544 (ii) An official transcript of completion of a
545 teacher education program approved by the department or a
546 nationally accredited program, subject to the following:
547 Licensure to teach in Mississippi prekindergarten through
548 kindergarten classrooms shall require completion of a teacher
549 education program or a Bachelor of Science degree with child
550 development emphasis from a program accredited by the American
551 Association of Family and Consumer Sciences (AAFCS) or by the
552 National Association for Education of Young Children (NAEYC) or by
553 the National Council for Accreditation of Teacher Education
554 (NCATE). Licensure to teach in Mississippi kindergarten, for
555 those applicants who have completed a teacher education program,
556 and in Grade 1 through Grade 4 shall require the completion of an
557 interdisciplinary program of studies. Licenses for Grades 4
558 through 8 shall require the completion of an interdisciplinary
559 program of studies with two (2) or more areas of concentration.
560 Licensure to teach in Mississippi Grades 7 through 12 shall
561 require a major in an academic field other than education, or a
562 combination of disciplines other than education. Students
563 preparing to teach a subject shall complete a major in the
564 respective subject discipline. All applicants for standard
565 licensure shall demonstrate that such person's college preparation
566 in those fields was in accordance with the standards set forth by
567 the National Council for Accreditation of Teacher Education
568 (NCATE) or the National Association of State Directors of Teacher



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

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

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

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

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

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

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



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

595 From and after July 1, 2020, no teacher candidate shall be
596 licensed to teach in Mississippi under the alternate route who did
597 not meet the following criteria:

598 (i) An ACT Score of twenty-one (21) (or SAT
599 equivalent); or

600 (ii) Achieve a qualifying passing score on the
601 Praxis Core Academic Skills for Educators examination as
602 established by the State Board of Education; or

603 (iii) A minimum GPA of 3.0 on coursework prior to
604 admission to an approved teacher education program.

605 Beginning July 1, 2020, an individual who has attained a
606 passing score on the Praxis Core Academic Skills for Educators or
607 an ACT Score of twenty-one (21) (or SAT equivalent) or a minimum
608 GPA of 3.0 on coursework prior to admission to an approved teacher
609 education program and a passing score on the Praxis Subject
610 Assessment in the requested area of endorsement may apply for
611 admission to the Teach Mississippi Institute (TMI) program to
612 teach students in Grades 7 through 12 if the individual meets the
613 requirements of this paragraph (b). The State Board of Education
614 shall adopt rules requiring that teacher preparation institutions
615 which provide the Teach Mississippi Institute (TMI) program for
616 the preparation of nontraditional teachers shall meet the
617 standards and comply with the provisions of this paragraph.



618 (i) The Teach Mississippi Institute (TMI) shall
619 include an intensive eight-week, nine-semester-hour summer program
620 or a curriculum of study in which the student matriculates in the
621 fall or spring semester, which shall include, but not be limited
622 to, instruction in education, effective teaching strategies,
623 classroom management, state curriculum requirements, planning and
624 instruction, instructional methods and pedagogy, using test
625 results to improve instruction, and a one (1) semester three-hour
626 supervised internship to be completed while the teacher is
627 employed as a full-time teacher intern in a local school district.
628 The TMI shall be implemented on a pilot program basis, with
629 courses to be offered at up to four (4) locations in the state,
630 with one (1) TMI site to be located in each of the three (3)
631 Mississippi Supreme Court districts.

632 (ii) The school sponsoring the teacher intern
633 shall enter into a written agreement with the institution
634 providing the Teach Mississippi Institute (TMI) program, under
635 terms and conditions as agreed upon by the contracting parties,
636 providing that the school district shall provide teacher interns
637 seeking a nontraditional provisional teaching license with a
638 one-year classroom teaching experience. The teacher intern shall
639 successfully complete the one (1) semester three-hour intensive
640 internship in the school district during the semester immediately
641 following successful completion of the TMI and prior to the end of
642 the one-year classroom teaching experience.



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

650 (iv) During the semester of internship in the
651 school district, the teacher preparation institution shall monitor
652 the performance of the intern teacher. The school district that
653 employs the provisional teacher shall supervise the provisional
654 teacher during the teacher's intern year of employment under a
655 nontraditional provisional license, and shall, in consultation
656 with the teacher intern's mentor at the school district of
657 employment, submit to the commission a comprehensive evaluation of
658 the teacher's performance sixty (60) days prior to the expiration
659 of the nontraditional provisional license. If the comprehensive
660 evaluation establishes that the provisional teacher intern's
661 performance fails to meet the standards of the approved
662 nontraditional teacher preparation internship program, the
663 individual shall not be approved for a standard license.

664 (v) An individual issued a provisional teaching
665 license under this nontraditional route shall successfully
666 complete, at a minimum, a one-year beginning teacher mentoring and



667 induction program administered by the employing school district
668 with the assistance of the State Department of Education.

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

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

684 (viii) The local school district in which the
685 nontraditional teacher intern or provisional licensee is employed
686 shall compensate such teacher interns at Step 1 of the required
687 salary level during the period of time such individual is
688 completing teacher internship requirements and shall compensate
689 such Standard License - Nontraditional Route teachers at Step 3 of
690 the required salary level when they complete license requirements.



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

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

706 (c) **Special License - Expert Citizen.** In order to
707 allow a school district to offer specialized or technical courses,
708 the State Department of Education, in accordance with rules and
709 regulations established by the State Board of Education, may grant
710 a one-year expert citizen-teacher license to local business or
711 other professional personnel to teach in a public school or
712 nonpublic school accredited or approved by the state. Such person
713 may begin teaching upon his employment by the local school board
714 and licensure by the Mississippi Department of Education. The
715 board shall adopt rules and regulations to administer the expert



716 citizen-teacher license. A Special License - Expert Citizen may
717 be renewed in accordance with the established rules and
718 regulations of the State Department of Education.

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

725 (e) **Nonlicensed Teaching Personnel.** A nonlicensed
726 person may teach for a maximum of three (3) periods per teaching
727 day in a public school district or a nonpublic school
728 accredited/approved by the state. Such person shall submit to the
729 department a transcript or record of his education and experience
730 which substantiates his preparation for the subject to be taught
731 and shall meet other qualifications specified by the commission
732 and approved by the State Board of Education. In no case shall
733 any local school board hire nonlicensed personnel as authorized
734 under this paragraph in excess of five percent (5%) of the total
735 number of licensed personnel in any single school.

736 (f) **Special License - Transitional Bilingual Education.**
737 Beginning July 1, 2003, the commission shall grant special
738 licenses to teachers of transitional bilingual education who
739 possess such qualifications as are prescribed in this section.
740 Teachers of transitional bilingual education shall be compensated



741 by local school boards at not less than one (1) step on the
742 regular salary schedule applicable to permanent teachers licensed
743 under this section. The commission shall grant special licenses
744 to teachers of transitional bilingual education who present the
745 commission with satisfactory evidence that they (i) possess a
746 speaking and reading ability in a language, other than English, in
747 which bilingual education is offered and communicative skills in
748 English; (ii) are in good health and sound moral character; (iii)
749 possess a bachelor's degree or an associate's degree in teacher
750 education from an accredited institution of higher education; (iv)
751 meet such requirements as to courses of study, semester hours
752 therein, experience and training as may be required by the
753 commission; and (v) are legally present in the United States and
754 possess legal authorization for employment. A teacher of
755 transitional bilingual education serving under a special license
756 shall be under an exemption from standard licensure if he achieves
757 the requisite qualifications therefor. Two (2) years of service
758 by a teacher of transitional bilingual education under such an
759 exemption shall be credited to the teacher in acquiring a Standard
760 Educator License. Nothing in this paragraph shall be deemed to
761 prohibit a local school board from employing a teacher licensed in
762 an appropriate field as approved by the State Department of
763 Education to teach in a program in transitional bilingual
764 education.



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

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

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

782 (a) **Administrator License - Nonpracticing.** Those
783 educators holding administrative endorsement but having no
784 administrative experience or not serving in an administrative
785 position on January 15, 1997.

786 (b) **Administrator License - Entry Level.** Those
787 educators holding administrative endorsement and having met the
788 department's qualifications to be eligible for employment in a



789 Mississippi school district. Administrator License - Entry Level
790 shall be issued for a five-year period and shall be nonrenewable.

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

794 (d) **Administrator License - Nontraditional Route.** The
795 board may establish a nontraditional route for licensing
796 administrative personnel. Such nontraditional route for
797 administrative licensure shall be available for persons holding,
798 but not limited to, a master of business administration degree, a
799 master of public administration degree, a master of public
800 planning and policy degree or a doctor of jurisprudence degree
801 from an accredited college or university, with five (5) years of
802 administrative or supervisory experience. Successful completion
803 of the requirements of alternate route licensure for
804 administrators shall qualify the person for a standard
805 administrator license.

806 Individuals seeking school administrator licensure under
807 paragraph (b), (c) or (d) shall successfully complete a training
808 program and an assessment process prescribed by the State Board of
809 Education. All applicants for school administrator licensure
810 shall meet all requirements prescribed by the department under
811 paragraph (b), (c) or (d), and the cost of the assessment process
812 required shall be paid by the applicant.



813 (8) **Reciprocity.** The department shall grant a standard
814 five-year license to any individual who possesses a valid standard
815 license from another state within a period of twenty-one (21) days
816 from the date of a completed application. The issuance of a
817 license by reciprocity to a military-trained applicant, military
818 spouse or person who establishes residence in this state shall be
819 subject to the provisions of Section 73-50-1 or 73-50-2, as
820 applicable.

821 (9) **Renewal and Reinstatement of Licenses.** The State Board
822 of Education is authorized to establish rules and regulations for
823 the renewal and reinstatement of educator and administrator
824 licenses. Effective May 15, 1997, the valid standard license held
825 by an educator shall be extended five (5) years beyond the
826 expiration date of the license in order to afford the educator
827 adequate time to fulfill new renewal requirements established
828 pursuant to this subsection. An educator completing a master of
829 education, educational specialist or doctor of education degree in
830 May 1997 for the purpose of upgrading the educator's license to a
831 higher class shall be given this extension of five (5) years plus
832 five (5) additional years for completion of a higher degree. For
833 all license types with a current valid expiration date of June 30,
834 2021, the State Department of Education shall grant a one-year
835 extension to June 30, 2022. Beginning July 1, 2022, and
836 thereafter, applicants for licensure renewal shall meet all



837 requirements in effect on the date that the complete application
838 is received by the State Department of Education.

839 (10) All controversies involving the issuance, revocation,
840 suspension or any change whatsoever in the licensure of an
841 educator required to hold a license shall be initially heard in a
842 hearing de novo, by the commission or by a subcommittee
843 established by the commission and composed of commission members,
844 or by a hearing officer retained and appointed by the commission,
845 for the purpose of holding hearings. Any complaint seeking the
846 denial of issuance, revocation or suspension of a license shall be
847 by sworn affidavit filed with the Commission on Teacher and
848 Administrator Education, Certification and Licensure and
849 Development. The decision thereon by the commission, its
850 subcommittee or hearing officer, shall be final, unless the
851 aggrieved party shall appeal to the State Board of Education,
852 within ten (10) days, of the decision of the commission, its
853 subcommittee or hearing officer. An appeal to the State Board of
854 Education shall be perfected upon filing a notice of the appeal
855 and by the prepayment of the costs of the preparation of the
856 record of proceedings by the commission, its subcommittee or
857 hearing officer. An appeal shall be on the record previously made
858 before the commission, its subcommittee or hearing officer, unless
859 otherwise provided by rules and regulations adopted by the board.
860 The decision of the commission, its subcommittee or hearing
861 officer shall not be disturbed on appeal if supported by



862 substantial evidence, was not arbitrary or capricious, within the
863 authority of the commission, and did not violate some statutory or
864 constitutional right. The State Board of Education in its
865 authority may reverse, or remand with instructions, the decision
866 of the commission, its subcommittee or hearing officer. The
867 decision of the State Board of Education shall be final.

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

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

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

877 (iii) The applicant is actively addicted to or
878 actively dependent on alcohol or other habit-forming drugs or is a
879 habitual user of narcotics, barbiturates, amphetamines,
880 hallucinogens or other drugs having similar effect, at the time of
881 application for a license;

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

884 (v) Failing or refusing to furnish reasonable
885 evidence of identification;



886 (vi) The applicant has been convicted, has pled
887 guilty or entered a plea of nolo contendere to a felony, as
888 defined by federal or state law. For purposes of this
889 subparagraph (vi) of this paragraph (a), a "guilty plea" includes
890 a plea of guilty, entry of a plea of nolo contendere, or entry of
891 an order granting pretrial or judicial diversion;

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

896 (b) The State Board of Education, acting through the
897 commission, shall deny an application for any teacher or
898 administrator license, or immediately revoke the current teacher
899 or administrator license, for one or more of the following:

900 (i) If the applicant or licensee has been
901 convicted, has pled guilty or entered a plea of nolo contendere to
902 a sex offense as defined by federal or state law. For purposes of
903 this subparagraph (i) of this paragraph (b), a "guilty plea"
904 includes a plea of guilty, entry of a plea of nolo contendere, or
905 entry of an order granting pretrial or judicial diversion;

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



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

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

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

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

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

927 (c) Suspension or revocation of a certificate or
928 license by another state shall result in immediate suspension or
929 revocation and shall continue until records in the prior state
930 have been cleared;

931 (d) The license holder has been convicted, has pled
932 guilty or entered a plea of nolo contendere to a felony, as
933 defined by federal or state law. For purposes of this paragraph,



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

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

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

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

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

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

955 For purposes of this subsection, probation shall be defined
956 as a length of time determined by the commission, its subcommittee
957 or hearing officer, and based on the severity of the offense in
958 which the license holder shall meet certain requirements as



959 prescribed by the commission, its subcommittee or hearing officer.
960 Failure to complete the requirements in the time specified shall
961 result in immediate suspension of the license for one (1) year.

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

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

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

977 (14) (a) A person whose license has been suspended or
978 surrendered on any grounds except criminal grounds may petition
979 for reinstatement of the license after one (1) year from the date
980 of suspension or surrender, or after one-half (1/2) of the
981 suspended or surrendered time has lapsed, whichever is greater. A
982 person whose license has been suspended or revoked on any grounds
983 or violations under subsection (12) of this section may be



984 reinstated automatically or approved for a reinstatement hearing,
985 upon submission of a written request to the commission. A license
986 suspended, revoked or surrendered on criminal grounds may be
987 reinstated upon petition to the commission filed after expiration
988 of the sentence and parole or probationary period imposed upon
989 conviction. A revoked, suspended or surrendered license may be
990 reinstated upon satisfactory showing of evidence of
991 rehabilitation. The commission shall require all who petition for
992 reinstatement to furnish evidence satisfactory to the commission
993 of good character, good mental, emotional and physical health and
994 such other evidence as the commission may deem necessary to
995 establish the petitioner's rehabilitation and fitness to perform
996 the duties authorized by the license.

997 (b) A person whose license expires while under
998 investigation by the Office of Educator Misconduct for an alleged
999 violation may not be reinstated without a hearing before the
1000 commission if required based on the results of the investigation.

1001 (15) Reporting procedures and hearing procedures for dealing
1002 with infractions under this section shall be promulgated by the
1003 commission, subject to the approval of the State Board of
1004 Education. The revocation or suspension of a license shall be
1005 effected at the time indicated on the notice of suspension or
1006 revocation. The commission shall immediately notify the
1007 superintendent of the school district or school board where the
1008 teacher or administrator is employed of any disciplinary action



1009 and also notify the teacher or administrator of such revocation or
1010 suspension and shall maintain records of action taken. The State
1011 Board of Education may reverse or remand with instructions any
1012 decision of the commission, its subcommittee or hearing officer
1013 regarding a petition for reinstatement of a license, and any such
1014 decision of the State Board of Education shall be final.

1015 (16) An appeal from the action of the State Board of
1016 Education in denying an application, revoking or suspending a
1017 license or otherwise disciplining any person under the provisions
1018 of this section shall be filed in the Chancery Court of the First
1019 Judicial District of Hinds County, Mississippi, on the record
1020 made, including a verbatim transcript of the testimony at the
1021 hearing. The appeal shall be filed within thirty (30) days after
1022 notification of the action of the board is mailed or served and
1023 the proceedings in chancery court shall be conducted as other
1024 matters coming before the court. The appeal shall be perfected
1025 upon filing notice of the appeal and by the prepayment of all
1026 costs, including the cost of preparation of the record of the
1027 proceedings by the State Board of Education, and the filing of a
1028 bond in the sum of Two Hundred Dollars (\$200.00) conditioned that
1029 if the action of the board be affirmed by the chancery court, the
1030 applicant or license holder shall pay the costs of the appeal and
1031 the action of the chancery court.

1032 (17) All such programs, rules, regulations, standards and
1033 criteria recommended or authorized by the commission shall become



1034 effective upon approval by the State Board of Education as
1035 designated by appropriate orders entered upon the minutes thereof.

1036 (18) The granting of a license shall not be deemed a
1037 property right nor a guarantee of employment in any public school
1038 district. A license is a privilege indicating minimal eligibility
1039 for teaching in the public school districts of Mississippi. This
1040 section shall in no way alter or abridge the authority of local
1041 school districts to require greater qualifications or standards of
1042 performance as a prerequisite of initial or continued employment
1043 in such districts.

1044 (19) (a) Notwithstanding any other provision of this
1045 chapter, no person shall be granted a license under this section
1046 to work in the public school system of Mississippi as an
1047 audiologist, audiology assistant, speech-language pathologist, or
1048 speech-language pathology assistant without a professional license
1049 granted by the State Board of Examiners for Audiology and
1050 Speech-Language Pathology under Title 73, Chapter 38, Mississippi
1051 Code of 1972.

1052 (b) The department shall periodically review the
1053 teacher licensing requirements applicable to audiologists,
1054 audiology assistants, speech-language pathologists, and
1055 speech-language pathology assistants to ensure that such
1056 requirements do not unduly restrict those persons from working in
1057 the public school system of Mississippi.



1058 (* * * 20) In addition to the reasons specified in
1059 subsections (12) and (13) of this section, the board shall be
1060 authorized to suspend the license of any licensee for being out of
1061 compliance with an order for support, as defined in Section
1062 93-11-153. The procedure for suspension of a license for being
1063 out of compliance with an order for support, and the procedure for
1064 the reissuance or reinstatement of a license suspended for that
1065 purpose, and the payment of any fees for the reissuance or
1066 reinstatement of a license suspended for that purpose, shall be
1067 governed by Section 93-11-157 or 93-11-163, as the case may be.
1068 Actions taken by the board in suspending a license when required
1069 by Section 93-11-157 or 93-11-163 are not actions from which an
1070 appeal may be taken under this section. Any appeal of a license
1071 suspension that is required by Section 93-11-157 or 93-11-163
1072 shall be taken in accordance with the appeal procedure specified
1073 in Section 93-11-157 or 93-11-163, as the case may be, rather than
1074 the procedure specified in this section. If there is any conflict
1075 between any provision of Section 93-11-157 or 93-11-163 and any
1076 provision of this chapter, the provisions of Section 93-11-157 or
1077 93-11-163, as the case may be, shall control.

1078 **SECTION 13.** Section 73-38-1, Mississippi Code of 1972, which
1079 provides that the State Board of Health is the licensing agency
1080 for speech-language pathologists and audiologists, is repealed.

1081 **SECTION 14.** This act shall take effect and be in force from
1082 and after July 1, 2022.

