

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



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

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

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

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

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

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

(2) The commission shall be composed of fifteen (15) 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



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

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

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

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

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

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



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

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

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

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

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

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

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



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

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

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

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

(i) An application on a department form;



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





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

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

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

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

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

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



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

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

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

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

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

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



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

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

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



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

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

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



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

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

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

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



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

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

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



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

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

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



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

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





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

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

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

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

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

(c) **Standard Administrator License - Career Level.** An administrator who has met all the requirements of the department 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



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

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

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

(10) All controversies involving the issuance, revocation, suspension or any change whatsoever in the licensure of an 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,



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

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

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

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

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

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



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



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

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



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

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

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

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

