

1 AN ACT TO AMEND SECTION 37-3-2, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE SPECIFIC GROUNDS FOR REVOCATION OR SUSPENSION OF A
3 TEACHER OR ADMINISTRATOR'S LICENSE FOR SEXUAL MISCONDUCT; TO
4 CLARIFY THE REQUIREMENTS FOR ISSUING A STANDARD LICENSE BASED
5 UPON RECIPROCITY; TO AMEND SECTIONS 97-5-24 AND 37-11-35,
6 MISSISSIPPI CODE OF 1972, TO PROVIDE A LEGAL DUTY FOR SCHOOL
7 SUPERINTENDENTS TO REPORT INCIDENCES OF SEXUAL INVOLVEMENT OF
8 SCHOOL EMPLOYEES WITH A STUDENT AND TO PROVIDE CRIMINAL
9 PENALTIES FOR FAILURE TO REPORT; AND FOR RELATED PURPOSES.

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF
11 MISSISSIPPI:

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

14 37-3-2. (1) There is established within the State
15 Department of Education the Commission on Teacher and
16 Administrator Education, Certification and Licensure and
17 Development. It shall be the purpose and duty of the commission
18 to make recommendations to the State Board of Education
19 regarding standards for the certification and licensure and
20 continuing professional development of those who teach or
21 perform tasks of an educational nature in the public schools of
22 Mississippi.

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

25 composed of the following members to be appointed, three (3)
26 from each congressional district: four (4) classroom teachers;
27 three (3) school administrators; one (1) representative of
28 schools of education of institutions of higher learning located
29 within the state to be recommended by the Board of Trustees of
30 State Institutions of Higher Learning; one (1) representative
31 from the schools of education of independent institutions of
32 higher learning to be recommended by the Board of the
33 Mississippi Association of Independent Colleges; one (1)
34 representative from public community and junior colleges located
35 within the state to be recommended by the State Board for
36 Community and Junior Colleges; one (1) local school board
37 member; and four (4) laypersons. All appointments shall be made
38 by the State Board of Education after consultation with the
39 State Superintendent of Public Education. The first
40 appointments by the State Board of Education shall be made as
41 follows: five (5) members shall be appointed for a term of one
42 (1) year; five (5) members shall be appointed for a term of two
43 (2) years; and five (5) members shall be appointed for a term of
44 three (3) years. Thereafter, all members shall be appointed for
45 a term of four (4) years.

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

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

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

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

64 (b) Recommend to the State Board of Education each
65 year approval or disapproval of each educator preparation
66 program in the state;

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

70 (d) Establish, subject to the approval of the State
71 Board of Education, standards for the renewal of teacher
72 licenses in all fields;

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

76 (f) Review all existing requirements for
77 certification and licensure;

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

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

83 (i) Hold hearings concerning standards for teachers'
84 and administrators' education and certification and licensure
85 with approval of the State Board of Education;

86 (j) Hire expert consultants with approval of the
87 State Board of Education;

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

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

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

105 period of time such individual is completing student teaching
106 requirements. Applicants for a standard license shall submit to
107 the department:

- 108 (i) An application on a department form;
- 109 (ii) An official transcript of completion of a
110 teacher education program approved by the department or a
111 nationally accredited program, subject to the following:
112 Licensure to teach in Mississippi prekindergarten through
113 kindergarten classrooms shall require completion of a teacher
114 education program or a bachelor of science degree with child
115 development emphasis from a program accredited by the American
116 Association of Family and Consumer Sciences (AAFCS) or by the
117 National Association for Education of Young Children (NAEYC) or
118 by the National Council for Accreditation of Teacher Education
119 (NCATE). Licensure to teach in Mississippi kindergarten, for
120 those applicants who have completed a teacher education program,
121 and in Grade 1 through Grade 4 shall require the completion of
122 an interdisciplinary program of studies. Licenses for Grades 4
123 through 8 shall require the completion of an interdisciplinary
124 program of studies with two (2) or more areas of concentration.
125 Licensure to teach in Mississippi Grades 7 through 12 shall
126 require a major in an academic field other than education, or a
127 combination of disciplines other than education. Students
128 preparing to teach a subject shall complete a major in the
129 respective subject discipline. All applicants for standard
130 licensure shall demonstrate that such person's college
131 preparation in those fields was in accordance with the standards

132 set forth by the National Council for Accreditation of Teacher
133 Education (NCATE) or the National Association of State Directors
134 of Teacher Education and Certification (NASDTEC) or, for those
135 applicants who have a bachelor of science degree with child
136 development emphasis, the American Association of Family and
137 Consumer Sciences (AAFCS);

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

142 (iv) Any other document required by the State
143 Board of Education.

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

145 Beginning January 1, 2004, an individual who has a passing score
146 on the Praxis I Basic Skills and Praxis II Specialty Area Test
147 in the requested area of endorsement may apply for the Teach
148 Mississippi Institute (TMI) program to teach students in Grades
149 7 through 12 if the individual meets the requirements of this
150 paragraph (b). The State Board of Education shall adopt rules
151 requiring that teacher preparation institutions which provide
152 the Teach Mississippi Institute (TMI) program for the
153 preparation of nontraditional teachers shall meet the standards
154 and comply with the provisions of this paragraph.

155 (i) The Teach Mississippi Institute (TMI) shall
156 include an intensive eight-week, nine-semester-hour summer
157 program or a curriculum of study in which the student
158 matriculates in the fall or spring semester, which shall

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

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

181 (iii) Upon completion of the nine-semester-hour
182 TMI or the fall or spring semester option, the individual shall
183 submit his transcript to the commission for provisional
184 licensure of the intern teacher, and the intern teacher shall be
185 issued a provisional teaching license by the commission, which

186 will allow the individual to legally serve as a teacher while
187 the person completes a nontraditional teacher preparation
188 internship program.

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

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

210 (vi) Upon successful completion of the TMI and
211 the internship provisional license period, applicants for a
212 Standard License - Nontraditional Route shall submit to the

213 commission a transcript of successful completion of the twelve
214 (12) semester hours required in the internship program, and the
215 employing school district shall submit to the commission a
216 recommendation for standard licensure of the intern. If the
217 school district recommends licensure, the applicant shall be
218 issued a Standard License - Nontraditional Route which shall be
219 valid for a five-year period and be renewable.

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

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

233 Implementation of the TMI program provided for under this
234 paragraph (b) shall be contingent upon the availability of funds
235 appropriated specifically for such purpose by the Legislature.
236 Such implementation of the TMI program may not be deemed to
237 prohibit the State Board of Education from developing and
238 implementing additional alternative route teacher licensure
239 programs, as deemed appropriate by the board. The emergency

240 certification program in effect prior to July 1, 2002, shall
241 remain in effect.

242 The State Department of Education shall compile and report,
243 in consultation with the commission, information relating to
244 nontraditional teacher preparation internship programs,
245 including the number of programs available and geographic areas
246 in which they are available, the number of individuals who apply
247 for and possess a nontraditional conditional license, the
248 subject areas in which individuals who possess nontraditional
249 conditional licenses are teaching and where they are teaching,
250 and shall submit its findings and recommendations to the
251 legislative committees on education by December 1, 2004.

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

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

267 Department of Education. The board shall adopt rules and
268 regulations to administer the expert citizen-teacher license. A
269 Special License - Expert Citizen may be renewed in accordance
270 with the established rules and regulations of the State
271 Department of Education.

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

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

289 (f) **Special License - Transitional Bilingual**
290 **Education.** Beginning July 1, 2003, the commission shall grant
291 special licenses to teachers of transitional bilingual education
292 who possess such qualifications as are prescribed in this
293 section. Teachers of transitional bilingual education shall be

294 compensated by local school boards at not less than one (1) step
295 on the regular salary schedule applicable to permanent teachers
296 licensed under this section. The commission shall grant special
297 licenses to teachers of transitional bilingual education who
298 present the commission with satisfactory evidence that they (i)
299 possess a speaking and reading ability in a language, other than
300 English, in which bilingual education is offered and
301 communicative skills in English; (ii) are in good health and
302 sound moral character; (iii) possess a bachelor's degree or an
303 associate's degree in teacher education from an accredited
304 institution of higher education; (iv) meet such requirements as
305 to courses of study, semester hours therein, experience and
306 training as may be required by the commission; and (v) are
307 legally present in the United States and possess legal
308 authorization for employment. A teacher of transitional
309 bilingual education serving under a special license shall be
310 under an exemption from standard licensure if he achieves the
311 requisite qualifications therefor. Two (2) years of service by
312 a teacher of transitional bilingual education under such an
313 exemption shall be credited to the teacher in acquiring a
314 Standard Educator License. Nothing in this paragraph shall be
315 deemed to prohibit a local school board from employing a teacher
316 licensed in an appropriate field as approved by the State
317 Department of Education to teach in a program in transitional
318 bilingual education.

319 (g) In the event any school district meets the
320 highest accreditation standards as defined by the State Board of

321 Education in the accountability system, the State Board of
322 Education, in its discretion, may exempt such school district
323 from any restrictions in paragraph (e) relating to the
324 employment of nonlicensed teaching personnel.

325 (h) **Highly Qualified Teachers.** Beginning July 1,
326 2006, any teacher from any state meeting the federal definition
327 of highly qualified, as described in the No Child Left Behind
328 Act, must be granted a standard five-year license by the State
329 Department of Education.

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

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

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

346 (c) **Standard Administrator License - Career Level.**

347 An administrator who has met all the requirements of the
348 department for standard administrator licensure.

349 (d) **Administrator License - Nontraditional Route.**

350 The board may establish a nontraditional route for licensing
351 administrative personnel. Such nontraditional route for
352 administrative licensure shall be available for persons holding,
353 but not limited to, a master of business administration degree,
354 a master of public administration degree, a master of public
355 planning and policy degree or a doctor of jurisprudence degree
356 from an accredited college or university, with five (5) years of
357 administrative or supervisory experience. Successful completion
358 of the requirements of alternate route licensure for
359 administrators shall qualify the person for a standard
360 administrator license.

361 The State Department of Education shall compile and report,
362 in consultation with the commission, information relating to
363 nontraditional administrator preparation internship programs,
364 including the number of programs available and geographic areas
365 in which they are available, the number of individuals who apply
366 for and possess a nontraditional conditional license and where
367 they are employed, and shall submit its findings and
368 recommendations to the legislative committees on education by
369 December 1, 2004.

370 Beginning with the 1997-1998 school year, individuals
371 seeking school administrator licensure under paragraph (b), (c)
372 or (d) shall successfully complete a training program and an

373 assessment process prescribed by the State Board of Education.
374 Applicants seeking school administrator licensure prior to June
375 30, 1997, and completing all requirements for provisional or
376 standard administrator certification and who have never
377 practiced, shall be exempt from taking the Mississippi
378 Assessment Battery Phase I. Applicants seeking school
379 administrator licensure during the period beginning July 1,
380 1997, through June 30, 1998, shall participate in the
381 Mississippi Assessment Battery, and upon request of the
382 applicant, the department shall reimburse the applicant for the
383 cost of the assessment process required. After June 30, 1998,
384 all applicants for school administrator licensure shall meet all
385 requirements prescribed by the department under paragraph (b),
386 (c) or (d), and the cost of the assessment process required
387 shall be paid by the applicant.

388 (8) **Reciprocity.** (a) The department shall grant a
389 standard license to any individual who possesses a valid
390 standard license from another state and meets minimum
391 Mississippi license requirements or equivalent requirements as
392 determined by the State Board of Education.

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

400 be required to complete the requirements for a standard license
401 in Mississippi.

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

415 (10) All controversies involving the issuance, revocation,
416 suspension or any change whatsoever in the licensure of an
417 educator required to hold a license shall be initially heard in
418 a hearing de novo, by the commission or by a subcommittee
419 established by the commission and composed of commission members
420 for the purpose of holding hearings. Any complaint seeking the
421 denial of issuance, revocation or suspension of a license shall
422 be by sworn affidavit filed with the Commission of Teacher and
423 Administrator Education, Certification and Licensure and
424 Development. The decision thereon by the commission or its
425 subcommittee shall be final, unless the aggrieved party shall
426 appeal to the State Board of Education, within ten (10) days, of

427 the decision of the committee or its subcommittee. An appeal to
428 the State Board of Education shall be on the record previously
429 made before the commission or its subcommittee unless otherwise
430 provided by rules and regulations adopted by the board. The
431 State Board of Education in its authority may reverse, or remand
432 with instructions, the decision of the committee or its
433 subcommittee. The decision of the State Board of Education
434 shall be final.

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

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

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

444 (c) The applicant is actively addicted to or actively
445 dependent on alcohol or other habit-forming drugs or is a
446 habitual user of narcotics, barbiturates, amphetamines,
447 hallucinogens or other drugs having similar effect, at the time
448 of application for a license;

449 (d) Revocation or suspension of an applicant's
450 certificate or license by another state;

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

453 (f) Failing or refusing to furnish reasonable
454 evidence of identification;

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

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

461 (12) The State Board of Education, acting on the
462 recommendation of the commission, may revoke or suspend any
463 teacher or administrator license for specified periods of time
464 for one or more of the following:

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

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

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

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

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

481 (f) The license holder knowingly and willfully
482 committing any of the acts affecting validity of mandatory
483 uniform test results as provided in Section 37-16-4(1);

484 (g) The license holder has engaged in unethical
485 conduct relating to an educator/student relationship as
486 identified by the State Board of Education in its rules;

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

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

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

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

501 (c) A person may voluntarily surrender a license.
502 The surrender of such license may result in the commission
503 recommending any of the above penalties without the necessity of
504 a hearing. However, any such license which has voluntarily been

505 surrendered by a licensed employee may only be reinstated by a
506 majority vote of all members of the commission present at the
507 meeting called for such purpose.

508 (14) A person whose license has been suspended on any
509 grounds except criminal grounds may petition for reinstatement
510 of the license after one (1) year from the date of suspension,
511 or after one-half (1/2) of the suspended time has lapsed,
512 whichever is greater. A license suspended or revoked on the
513 criminal grounds may be reinstated upon petition to the
514 commission filed after expiration of the sentence and parole or
515 probationary period imposed upon conviction. A revoked,
516 suspended or surrendered license may be reinstated upon
517 satisfactory showing of evidence of rehabilitation. The
518 commission shall require all who petition for reinstatement to
519 furnish evidence satisfactory to the commission of good
520 character, good mental, emotional and physical health and such
521 other evidence as the commission may deem necessary to establish
522 the petitioner's rehabilitation and fitness to perform the
523 duties authorized by the license.

524 (15) Reporting procedures and hearing procedures for
525 dealing with infractions under this section shall be promulgated
526 by the commission, subject to the approval of the State Board of
527 Education. The revocation or suspension of a license shall be
528 effected at the time indicated on the notice of suspension or
529 revocation. The commission shall immediately notify the
530 superintendent of the school district or school board where the
531 teacher or administrator is employed of any disciplinary action

532 and also notify the teacher or administrator of such revocation
533 or suspension and shall maintain records of action taken. The
534 State Board of Education may reverse or remand with instructions
535 any decision of the commission regarding a petition for
536 reinstatement of a license, and any such decision of the State
537 Board of Education shall be final.

538 (16) An appeal from the action of the State Board of
539 Education in denying an application, revoking or suspending a
540 license or otherwise disciplining any person under the
541 provisions of this section shall be filed in the Chancery Court
542 of the First Judicial District of Hinds County on the record
543 made, including a verbatim transcript of the testimony at the
544 hearing. The appeal shall be filed within thirty (30) days
545 after notification of the action of the board is mailed or
546 served and the proceedings in chancery court shall be conducted
547 as other matters coming before the court. The appeal shall be
548 perfected upon filing notice of the appeal and by the prepayment
549 of all costs, including the cost of preparation of the record of
550 the proceedings by the State Board of Education, and the filing
551 of a bond in the sum of Two Hundred Dollars (\$200.00)
552 conditioned that if the action of the board be affirmed by the
553 chancery court, the applicant or license holder shall pay the
554 costs of the appeal and the action of the chancery court.

555 (17) All such programs, rules, regulations, standards and
556 criteria recommended or authorized by the commission shall
557 become effective upon approval by the State Board of Education

558 as designated by appropriate orders entered upon the minutes
559 thereof.

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

568 (19) In addition to the reasons specified in subsections
569 (12) and (13) of this section, the board shall be authorized to
570 suspend the license of any licensee for being out of compliance
571 with an order for support, as defined in Section 93-11-153. The
572 procedure for suspension of a license for being out of
573 compliance with an order for support, and the procedure for the
574 reissuance or reinstatement of a license suspended for that
575 purpose, and the payment of any fees for the reissuance or
576 reinstatement of a license suspended for that purpose, shall be
577 governed by Section 93-11-157 or 93-11-163, as the case may be.
578 Actions taken by the board in suspending a license when required
579 by Section 93-11-157 or 93-11-163 are not actions from which an
580 appeal may be taken under this section. Any appeal of a license
581 suspension that is required by Section 93-11-157 or 93-11-163
582 shall be taken in accordance with the appeal procedure specified
583 in Section 93-11-157 or 93-11-163, as the case may be, rather
584 than the procedure specified in this section. If there is any

585 conflict between any provision of Section 93-11-157 or 93-11-163
586 and any provision of this chapter, the provisions of Section
587 93-11-157 or 93-11-163, as the case may be, shall control.

588 **SECTION 2.** Section 97-5-24, Mississippi Code of 1972, is
589 amended as follows:

590 97-5-24. If any person eighteen (18) years or older who is
591 employed by any public or private school district in this state
592 is accused of fondling or having any type of sexual involvement
593 with any child under the age of eighteen (18) years who is
594 enrolled in such school, the principal of such school and the
595 superintendent of such school district shall timely notify the
596 district attorney with jurisdiction where the school is located
597 of such accusation, the Mississippi Department of Education and
598 the Department of Human Services, provided that such accusation
599 is reported to the principal and to the school superintendent
600 and that there is a reasonable basis to believe that such
601 accusation is true. Any superintendent, or his designee, who
602 fails to make a report required by this section shall be subject
603 to the penalties provided in Section 37-11-35. Any
604 superintendent, principal, teacher or other school personnel
605 participating in the making of a required report pursuant to
606 this section or participating in any judicial proceeding
607 resulting therefrom shall be presumed to be acting in good
608 faith. Any person reporting in good faith shall be immune from
609 any civil liability that might otherwise be incurred or imposed.

610 **SECTION 3.** Section 37-11-35, Mississippi Code of 1972, is
611 amended as follows:

612 37-11-35. (1) If any person charged by Section
613 37-11-29(2) or (3) to make the reports therein provided for
614 shall willfully fail, refuse or neglect to file any such report,
615 he shall be guilty of a misdemeanor and, upon conviction
616 thereof, shall be fined not more than One Thousand Dollars
617 (\$1,000.00) or be imprisoned not exceeding six (6) months, or
618 both.

619 (2) If any person charged by Section 97-5-24 to make the
620 reports therein provided for shall willfully fail, refuse or
621 neglect to file any such report, he shall be guilty of a
622 misdemeanor and, upon conviction thereof, shall be fined not
623 more than One Thousand Dollars (\$1,000.00) or be imprisoned not
624 exceeding six (6) months, or both.

625 **SECTION 4.** This act shall take effect and be in force from
626 and after July 1, 2011.