MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Senator(s) Kirby

To: Public Health and Welfare; Accountability, Efficiency, Transparency

SENATE BILL NO. 2005

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

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

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

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

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

* * *

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

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

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

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

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

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

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

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

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

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

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

(a) Be of good moral character;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(h) Hire legal counsel, if deemed necessary;

(i) Establish a budget;

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

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

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

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

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

* * *

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

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

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

* * *

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

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

*** * ***

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

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

73-38-23. (1) The board may waive the examination for licensure of any applicant who presents proof of current licensure in another state, including the District of Columbia, or territory of the United States which maintains professional standards considered *** * *** to be equivalent to those set forth in this chapter. 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.

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

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

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

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

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

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

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

(3) (a) Each person licensed under this chapter who supervises a speech-language pathology or audiology *** * *** <u>assistant</u> shall register the same with the board.

(b) The licensee who supervises *** * *** <u>assistants</u> or temporary licensees is responsible for the services provided to the client by *** * *** <u>the assistants</u> or temporary licensees and may suffer suspension, revocation or other appropriate penalty for

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(k) Engaging in false or misleading advertising;

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

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

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

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

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

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

(r) For applying or offering to apply speech or audiology therapy, exclusive of initial evaluation or screening and exclusive of education or consultation for the prevention of physical and mental disability within the scope of speech or audiology therapy, or for acting as a speech-language pathologist or audiologist, or speech-language pathologist or audiologist *** * *** <u>assistant</u> other than under the direct, on-site supervision of a licensed speech-language pathologist or audiologist;

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

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

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

(3) In addition to the reasons specified in subsection (1) 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. If there is any conflict between any provision of Section 93-11-157 or 93-11-163 and any provision of this chapter, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control.

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

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

(a) Initial licensing;

(b) Renewal of licensure;

(c) License issued after expiration date;

(d) Late renewal payment penalty;

(e) Temporary license;

(f) Renewal of temporary license; and

(g) Registration of *** * *** assistants.

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

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

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

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

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

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

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

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

SECTION 12. 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) (a) The commission shall be composed of fifteen (15) qualified members. The membership of the commission shall be composed of the following members to be appointed, three (3) from each of the four (4) congressional districts, as such districts existed on January 1, 2011, in accordance with the population calculations determined by the 2010 federal decennial census, including: four (4) classroom teachers; three (3) school administrators; one (1) representative of schools of education of public institutions of higher learning located within the state to be recommended by the Board of Trustees of State Institutions of Higher Learning; one (1) representative from the schools of education of independent institutions of higher learning to be recommended by the Board of the Mississippi Association of Independent Colleges; one (1) representative from public community and junior colleges located within the state to be recommended by the Mississippi Community College Board; one (1) local school board member; and four (4) laypersons. Three (3) members of the commission, at the sole discretion of the State Board of Education, shall be appointed from the state at large.

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

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

(3) The State Board of Education when making appointments shall designate a chairman. The commission shall meet at least once every two (2) months or more often if needed. Members of the 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, 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;

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

(d) Establish, subject to the approval of the State Board of Education, 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) 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;

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

(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.

(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;

(ii) An official transcript of completion of a teacher education program approved by the department or a nationally accredited program, subject to the following: Licensure to teach in Mississippi prekindergarten through kindergarten classrooms shall require completion of a teacher education program or a Bachelor of Science degree with child development emphasis from a program accredited by the American Association of Family and Consumer Sciences (AAFCS) or by the National Association for Education of Young Children (NAEYC) or by the National Council for Accreditation of Teacher Education (NCATE). Licensure to teach in Mississippi kindergarten, for those applicants who have completed a teacher education program, and in Grade 1 through Grade 4 shall require the completion of an interdisciplinary program of studies. Licenses for Grades 4 through 8 shall require the completion of an interdisciplinary program of studies with two (2) or more areas of concentration. Licensure to teach in Mississippi Grades 7 through 12 shall require a major in an academic field other than education, or a combination of disciplines other than education. Students preparing to teach a subject shall complete a major in the respective subject discipline. All applicants for standard licensure shall demonstrate that such person's college preparation in those fields was in accordance with the standards set forth by the National Council for Accreditation of Teacher Education (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 July 1, 2020, 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. An ACT Score of twenty-one (21) (or SAT equivalent); or

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

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

(b) **Standard License - Nontraditional Teaching Route.** From and after July 1, 2020, no teacher candidate shall be licensed to teach in Mississippi under the alternate route who did not meet the following criteria:

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

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

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

Beginning July 1, 2020, an individual who has attained a passing score on the Praxis Core Academic Skills for Educators or an ACT Score of twenty-one (21) (or SAT equivalent) or a minimum GPA of 3.0 on coursework prior to admission to an approved teacher education program and a passing score on the Praxis Subject Assessment in the requested area of endorsement may apply for admission to 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.

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

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

(8) **Reciprocity.** (a) The department shall grant a standard license to any individual who possesses a valid standard license from another state and meets minimum Mississippi license requirements or equivalent requirements as determined by the State 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 hearing de novo, by the commission or by a subcommittee established by the commission and composed of commission members, or by a hearing officer retained and appointed by the commission, for the purpose of holding hearings. Any complaint seeking the denial of issuance, revocation or suspension of a license shall be by sworn affidavit filed with the Commission on Teacher and Administrator Education, Certification and Licensure and Development. The decision thereon by the commission, its subcommittee or hearing officer, shall be final, unless the aggrieved party shall appeal to the State Board of Education, within ten (10) days, of the decision of the commission, its subcommittee or hearing officer. An appeal to the State Board of Education shall be perfected upon filing a notice of the appeal and by the prepayment of the costs of the preparation of the record of proceedings by the commission, its subcommittee or hearing officer. An appeal shall be on the record previously made before the commission, its subcommittee or hearing officer, unless otherwise provided by rules and regulations adopted by the board. The decision of the commission, its subcommittee or hearing officer shall not be disturbed on appeal if supported by

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

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

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

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

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

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

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

(vi) The applicant 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 subparagraph (vi) of this paragraph (a), 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;

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

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

(i) If the applicant or licensee has been convicted, has pled guilty or entered a plea of nolo contendere to a sex offense as defined by federal or state law. For purposes of this subparagraph (i) of this paragraph (b), 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;

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

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

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

(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, 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;

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

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

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

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

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

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

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

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

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

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

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

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

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

(15) Reporting procedures and hearing procedures for dealing with infractions under this section shall be promulgated by the 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, its subcommittee or hearing officer 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) (a) Notwithstanding any other provision of this chapter, no person shall be granted a license under this section to work in the public school system of Mississippi as an audiologist, audiology assistant, speech-language pathologist, or speech pathology assistant without a professional license granted by the State Board of Examiners for Audiology and Speech-Language Pathology under Title 73, Chapter 38, Mississippi Code of 1972.

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

(* * *20) 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 board in suspending a license when required by Section 93-11-157 or 93-11-163 are not actions from which an appeal may be taken under this section. Any appeal of a license suspension that is required by Section 93-11-157 or 93-11-163 shall be taken in accordance with the appeal procedure specified in Section 93-11-157 or 93-11-163, as the case may be, rather than the procedure specified in this section. If there is any conflict between any provision of Section 93-11-157 or 93-11-163 and any provision of this chapter, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control.

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

SECTION 14. This act shall take effect and be in force from and after July 1, 2021.