

## Chapter 14: Certification

### Rule 14.1 Administrator Preparation

#### 1. Admission Standards

- a. To be considered for admission to an approved administration preparation program, candidates must present the following:
  - i. Standard 1. A standard educator's certificate and documentation of a minimum of three years educational experience.
  - i. Standard 2. An overall GPA of 2.5 for all undergraduate work or a GPA of 2.75 for the last 60 hours of their undergraduate work.
  - ii. Standard 3. A minimum score set by the commission on a direct measure of reading skill.
  - iii. Standard 4. A satisfactory rating on a writing sample

#### 2. For admission to an approved administration preparation program, candidates must attain the following:

- a. Standard 5. A satisfactory rating on a structured interview conducted by representatives of the college/university and colleagues in practice.
- b. Standard 6. A favorable evaluation from the candidate's immediate supervisor.
- c. Standard 7. A satisfactory rating on a structured resume.

#### 3. PERFORMANCE STANDARDS

- i. Standard 1. Adhere to established admission criteria.
- ii. Standard 2. Graduate a significantly high percentage of students from the program who attain the required score on the Mississippi Assessment Battery (MAB).

#### 1. PHASE-OUT OF 18 HOUR ADD-ON CERTIFICATE IN ADMINISTRATION

Candidates seeking certification in administration through the 18 hour add-on route must complete the requirements by September 1, 1997. If there are extenuating circumstances, students may request an extension through December 31, 1997, on an individual basis. After this date, the completion of an approved program in education leadership or school administration and a passing score on the MAB would be required for provisional certification.

#### 1. TRANSITION IN ASSESSMENT PROCESS

The assessment process for new administrators will be transitioned from the assessment center model to the new administrator instrument (MAB) being developed by Educational Testing Service. Until July 1, 1997, the assessment center will be the only process used for provisional

administrator evaluation. After this date, the assessment center will be conducted only for those who need to be reassessed. All other candidates will take the new assessment (MAB). A "safe to practice" score based on the pilot conducted by ETS should be set for candidates taking the test between July 1997 and July 1998. This score should be raised significantly in July 1998 based on an analysis of scores obtained during the first year of test administration. It is further recommended that the score on the new administrator assessment instrument should replace the required score on the NTE for certification in administration.

Source: *Miss. Code Ann. § 37-1-3 (Adopted 10/1996)*

*Rule 14.2 Administrator Process and Performance Review (Repealed 4/2011)*

*Rule 14.3 Assistant Teacher Program (Repealed 2/2012)*

*Rule 14.4 Agreement, NASDTEC.* The State Department of Education is authorized to enter into an agreement with the National Association of State Directors of Teacher Education and Certification (NASDTEC) to receive monthly reports of actions taken by other states to deny, revoke, or suspend teaching certificates. Information relative to such actions taken by the Mississippi State Board of Education will be provided to the clearing house for this information operated by NASDTEC.

Source: *Miss. Code Ann. § 37-1-3 (Adopted 11/1990)*

*Rule 14.5 Armed Forces Activation (Repealed 7/2012)*

*Rule 14.6 Commission, Hearings and Appeals*

1. The aggrieved party appealing a decision rendered by the Commission on Teacher and Administrator Education, Certification and Licensure and Development or its subcommittee pursuant to Section 37-3-2, Mississippi Code of 1972 Annotated, as amended, may submit a written notice of appeal to the Executive Secretary of the Mississippi Board of Education within ten days of the decision of the Commission or its subcommittee.
2. The notice of appeal should state with particularity the matters which, in the opinion of the appellant, have been overlooked or mistakenly conceived in the decision by the Commission or its subcommittee. An appeal to the Mississippi Board of Education is not intended as an opportunity for rearguing the entire case.
3. The Mississippi Board of Education will consider the appeal at the next regularly scheduled meeting after the transcript of proceedings is filed with the Executive Secretary. Such appeal will be on the record previously made before the Commission or its subcommittee, and the Board may, at its discretion, afford the aggrieved party the opportunity to appear before the Board to make an oral presentation and respond to questions concerning the appeal. Said presentation will be limited to fifteen (15) minutes.

4. The Mississippi Board of Education may affirm, reverse, or remand with instructions, the decision of the Commission or its subcommittee. The decision of the Mississippi Board of Education shall be final.

Source: *Miss. Code Ann. § 37-3-2, as amended by 1997 Miss. Laws, Ch. 545, SB 2512*

*Rule 14.6.1 Rules for Procedure for Disciplinary Hearings by the Licensure Commission*

1. All controversies involving the issuance, revocation, suspension or any change whatsoever in the certification/license of an educator required to hold a certificate/license shall be initially heard in a hearing de novo by the Commission on Teacher and Administrator Education, Certification and Licensure and Development (the Commission), or by a sub-committee established by the Commission and composed of Commission members for the purpose of holding hearings.
2. Any complaint seeking the denial of issuance, revocation or suspension of a certificate/license shall be by sworn affidavit filed with the Commission.
3. Upon receipt of such complaint or of a written appeal from the denial of an application for certification/license, the Executive Secretary, or other designee, of the Commission shall fix a date, time and place for the hearing of the complaint or appeal, and will furnish to the applicant/certificate/license holder by certified mail, or by any other manner of service authorized by law, a copy of the complaint and notice of the date, time and place for the hearing, which date shall be not less than fifteen (15) days nor more than forty-five (45) days from the date of such notice, unless otherwise agreed.
4. The Executive Secretary may grant one continuance per party. A written request for the continuance should be sent to the Office of Educator Licensure, *no later than 48 hours prior to the hearing*. Any additional continuances are required to be presented by personal appearance before the Commission and may be granted only by the Commission.
5. Parties appearing at the hearing may be represented by legal counsel, at their own expense, and may produce witnesses and cross examine witnesses. It will be the responsibility of each party to secure the attendance of such witness or witnesses as each party deems necessary or appropriate; and any expense connected with the attendance of such witnesses will be born by the party responsible for the attendance of the witnesses. Witnesses who are 18 years of age or younger must be accompanied by a parent or legal guardian to the hearing.
6. At least five (5) days prior to the hearing, parties represented by counsel and/or producing witnesses will provide a list containing the name, address, and telephone number of counsel and/or witnesses, and seven copies of all exhibits that will be produced at the hearing, to the other party or parties and to the Commission.

7. The Commission or its sub-committee, in order to prevent cumulative oral evidence, may require any portion of the evidence to be submitted in the form of depositions or affidavits; and in case affidavits are received, an opportunity to present counter-affidavits shall be provided.
8. The Commission or its sub-committee may, by an affirmative vote of three-fifths of all members present and pursuant to the Mississippi Open Meetings Act (MS Code 25-41-7), enter into executive session for purposes of any hearing held under these rules.
9. The Commission or the sub-committee shall cause to be made stenographic notes by a certified court reporter of the proceedings, which notes shall not be transcribed until and unless an appeal is taken from the decision of the Commission or sub-committee.
10. In conducting a hearing, the Commission or its sub-committee shall not be bound by common law or by statutory rules of evidence or by technical or formal rules of procedure, except those provided herein, but may conduct such hearing in such manner as to best ascertain the rights of the parties; provided, however, hearsay evidence, if admitted, shall not be the sole basis for the determination of facts by the Commission or its sub-committee.
11. The Commission or its sub-committee shall make its decision on the basis of the matters presented before it, and shall notify all parties by certified mail of its decision and reasons therefore within fifteen (15) days of the conclusion of the hearing. The decision shall specify the date any revocation or suspension of a certificate/license shall be effective.
12. The decision of the Commission or its sub-committee shall be final, unless the aggrieved party appeals to the State Board of Education within ten (10) days of the decision of the Commission or its sub-committee. The appeal shall be on the record previously made before the Commission or its sub-committee, unless otherwise provided by rules and regulations adopted by the State Board of Education.
13. An appeal from the action of the State Board of Education shall be filed in the Chancery Court of the First Judicial District of Hinds County, Mississippi, within thirty (30) days after notification of the action by the State Board of Education is mailed or served in accordance with 37-3-2, Mississippi Code of 1972.
14. A person whose license has been revoked or surrendered on any grounds except criminal grounds may petition for reinstatement of the license after one (1) year from the date of revocation or surrender, or after one-half (1/2) of the revoked or surrendered time has lapsed, whichever is greater. A person whose license has been suspended on any grounds or violations under Section 37-3-2 (12) of the MS Code, Annotated as Amended, 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 the conviction as evidenced by a certified court order submitted by the petitioner.
15. 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.
  16. 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 be reinstated by a unanimous vote of all members of the commission.
  17. Prior to being scheduled to appear before the Commission, or its subcommittee, any person who petitions for reinstatement of licensure must file with the Department of Education, Office of Educator Licensure a completed Application for Reinstatement including all required documentation. Submission of the completed Application for Reinstatement including all required documentation does not guarantee that the Commission, or its subcommittee, will grant the petition for reinstatement of the educator's license.
  18. Reinstatement applicants appearing at the reinstatement hearing may be represented by counsel, at their own expense, and may produce witnesses and cross-examine witnesses. It will be the responsibility of each party to secure the attendance of such witness or witnesses, as each party deems necessary or appropriate; and any expense connected with the attendance of such witnesses will be born by the party responsible for the attendance of the witnesses. The Commission, or its subcommittee, will consider all evidence presented at the reinstatement hearing.

Source: *Miss. Code Ann. § 37-3-2 (Rev. 6/2013)*

*Rule 14.7 Nursery through First Grade (Repealed 7/2012)*

*Rule 14.8 Postsecondary Licensure (Vocational) (Repealed 7/2012)*

*Rule 14.9 Regulations.* The regulations governing the licensing of educators in Mississippi are specified in the document entitled Guidelines for Mississippi Educator Licensure. An up-to-date copy of that document shall be kept on file in the appropriate office in the Mississippi Department of Education. Upon approval of amendments to that document by the Mississippi

Board of Education, staff will disseminate same to the appropriate personnel in the Mississippi educational community.

For a copy of the Guidelines for Mississippi Educator Licensure, please visit the Mississippi Secretary of State's website at Regulations and Enforcement in the Administrative Code, Title 7: Education K-12; Part # 4.

Source: *Miss. Code Ann. § 37-1-3 (Adopted 10/1997)*

*Rule 14.10 Reporting Infractions. Procedures for Reporting Infraction Under Section 37-3-2 of the Miss Code (1972) Ann. (Revised 2014)*

## **1. Section I – Introduction**

The Mississippi Code of 1972 Annotated, Section 37-3-2 (15) authorizes the Commission on Teacher and Administrator Education, Licensure and Development, to promulgate procedures for reporting infractions delineated under Section 37-3-2 of the Code. The Commission has provided the procedures below to be followed by all educators required to hold a certificate/license. These procedures will ensure compliance with the Mississippi Code, Sections 37-3-2 (10), (15), and 37-31-205(1)(e) of the Mississippi Code, as well as:

- a. Sections 37-3-51(1), (2)(a-i), (3) – Notification of Department of Education of conviction of certificated person on certain felonies or sex offenses.
- b. Sections 37-3-2 (11)(a-i), 37-3-2 (12)(a-j) – Denial of application; revocation and suspension of licenses/certificates.
- c. Section 37-3-2 (13)(a-c) – Dismissal or suspension of licensed/certified employee by local school board.
- d. Section 37-9-57 – Effect of abandonment of employment.
- e. Section 37-16-4 – Enforcement and penalty for test violations.

## **2. Section II – Reporting Responsibilities**

- a. **Mississippi Circuit Clerks:** Each circuit clerk has the statutory duty to report to the Mississippi Department of Education (MDE), Office of Educator Licensure, the conviction of any certified/licensed personnel employed by a public or private elementary or secondary school according to requirements outlined in the Mississippi law. Reports are to be made on forms provided by the Office of Educator Licensure, MDE (Appendix A).
- b. **Superintendents of Education:** Each superintendent of a public school must report to MDE infractions committed under sections of the Mississippi Code cited in Section I of these procedures. Superintendents shall adhere to the following procedures:
  - i. Submit an initial report on all certified/licensed employees no later than October 1 of each school year (Appendix B).

- ii. After the initial report, submit reports on employees as knowledge of offenses occurs.

Such reports shall be submitted within 10 days of notification of an offense (Appendix C). Failure by the school district to report to the OEL within 10 working days, however, does not negate the continuing reporting duties by the Superintendent as required by law, or supersede or affect the statutory authority of the Commission on Teacher and Administrator Education, Certification and Licensure and Development from suspending or revoking an educator license pursuant to Miss Code Ann Section 37-3-2.

- c. **Community and Junior College Presidents:** Presidents of community and junior colleges must report to MDE infractions committed under sections of the Mississippi Code cited in Section I of these procedures. Reports shall be completed on vocational and technical education personnel licensed by the Department of Education. (*The Office of Educator Licensure issues vocational postsecondary licenses for the Tech Prep Coordinator and Special Populations Coordinator*).

- i. Presidents shall adhere to the following procedures:

- a) Submit an initial report on all certified/licensed employees no later than October 1 of each school year (Appendix D).
- b) After the initial report, submit reports on employees as knowledge of offenses occurs.

Such reports shall be submitted within 10 days of notification of an offense (Appendix E).

### 3. Section III – What Should Be Reported

Reports shall be submitted for all infractions cited in the Mississippi Code of 1972 Annotated (Revised 1996), Sections 37-3-51, 37-3-2, 37-9-57, and 37-16-4, to include:

- a. Conviction of a felony or sex offense. “Sex offense” shall mean any of the following offenses:
  - i. Section 97-3-65, Mississippi Code of 1972, relating to the carnal knowledge of a child under fourteen (14) years of age;
  - ii. Section 97-3-95, Mississippi Code of 1972, relating to sexual battery;
  - iii. Section 97-5-21, Mississippi Code of 1972, relating to seduction of a child under age eighteen (18);
  - iv. Section 97-5-23, Mississippi Code of 1972, relating to the touching of a child for lustful purposes;
  - v. Section 97-5-27, Mississippi Code of 1972, relating to the dissemination of sexually oriented material to children;
  - vi. Section 97-5-33, Mississippi Code of 1972, relating to the exploitation of children;

- vii. Section 97-5-41, Mississippi Code of 1972, relating to the carnal knowledge of a stepchild, adopted child, or child of a cohabitating partner;
- viii. Section 97-29-59, Mississippi Code of 1972, related to unnatural intercourse;
  - ix. Or
  - x. Any other offense committed in another jurisdiction which, if committed in this state, would be deemed to be such a crime without regard to its designation elsewhere.
- b. Other reportable infractions or occurrences [Section 37-3-2 (11), (12), and (13)]:
  - i. License Applicants
    - a. Lack of qualifications which are prescribed by law or regulations adopted by the State Board of Education;
    - b. Has a physical, emotional, or mental disability that renders the applicant unfit to perform the duties authorized by the certificate/license, as certified by a licensed psychologist or psychiatrist;
    - c. 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 certificate/license;
    - d. Revocation, suspension or surrender of a certificate or license by another state shall result in immediate denial of licensure until such time that the records predicated the revocation, suspension or surrender in the prior state have been cleared;
    - e. Committed fraud or deceit in securing or attempting to secure such certification or license;
    - f. Fails or refuses to furnish reasonable evidence of identification;
    - g. Has been convicted, has pled guilty or entered a plea of nolo contendere to a felony as defined by federal or state law;
    - h. 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 paragraph (h) and paragraph (g) of this subsection, 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.
    - i. Probation or post-release supervision for a felony or sex offense conviction, as defined by federal or state law, shall result in the immediate denial of licensure application until expiration of the probationary or post-release supervision period.
  - ii. Licensed Educators
    - 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, Mississippi Code of 1972;
    - 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 has been convicted, has pled guilty or entered a plea of nolo contendere to a sex offense, as defined by federal or state law, shall result in immediate suspension or revocation; or
  - f. The license holder has received probation or post-release supervision for a felony or sex offense conviction, as defined by federal or state law, which shall result in immediate suspension or revocation until expiration of the probationary or post-release supervision period;
  - g. 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), Mississippi Code of 1972.
  - h. 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;
  - i. The license holder has fondled a student as described in Section 97-5-23, had any type of sexual involvement with a student as described in Section 97-3-95; or
  - j. The license holder has failed to report sexual involvement of a school employee with a student as required by Section 97-5-24.
- iii. Dismissal or Suspension
- a. Dismissal or suspension of a licensed employee by a local school board pursuant to Section 37-9-59, Mississippi Code of 1972, may result in the suspension or revocation of license for 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. Violations of the Mississippi Educator Code of Ethics
- 1. Violations of Standard 1.2 (Misuse or mismanagement of tests or test materials) that affect the validity of mandatory uniform test results as provided in Section 37-16-4 (1)
  - 2. Violations of Standard 2 (Trustworthiness) that result in a felony conviction
  - 3. Violations of Standard 3 (Unlawful Acts) (felony and sex offense convictions)
  - 4. Violations of Standard 4 (Educator/Student Relationships)

5. Violations of Standard 7 (Public Funds and Property) that result in a felony conviction
6. Violations of Standard 6 (Alcohol, Drug and Tobacco Use or Possession) that result in termination and/or a felony conviction
7. Violations of Standard 9 (Maintenance of Confidentiality) that affect the validity of mandatory uniform test results as provided in Section 37-16-4 (1)
8. Violations of Standard 10 (Breach of Contract or Abandonment of Employment)

All other violations of the Educator Code of Ethics should be addressed by the local school district. Failure to report sexual involvement of a school employee with a student as required by Section 97-5-24 may result in the revocation or suspension of a license.

**APPENDIX A:  
REPORT FORM FOR CIRCUIT CLERK  
FOR REPORTING FELONY/SEX OFFENSE CONVICTIONS**

Directions: All circuit clerks must use this form to report the conviction of certified/licensed school personnel of a felony or a sex offense as defined by Mississippi Code §37-3-51.

**Attach a certified copy of the indictment and judgment.**

**Mail to:** Office of Educator Licensure  
Mississippi Department of Education  
Post Office Box 771  
Jackson, Mississippi 39205-0771

|                                 |                |
|---------------------------------|----------------|
| Name:                           |                |
| Social Security Number          | Date of Birth: |
| Address:                        |                |
| School District Where Employed: |                |

License Number: \_\_\_\_\_

Date and Place of Conviction:

\_\_\_\_\_  
\_\_\_\_\_

Case number:

Type of Felony/Sex Offense:

\_\_\_\_\_

Signature of Circuit Clerk: \_\_\_\_\_

Circuit Clerk (Typed Name): \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_ ZIP \_\_\_\_\_

Phone Number: \_\_\_\_\_

Date: \_\_\_\_\_

District Attorney (Typed Name): \_\_\_\_\_

**APPENDIX B:**

**ANNUAL REPORT FORM FOR SUPERINTENDENT OF EDUCATION FOR  
REPORTING INFRACTIONS UNDER SECTION 37-3-2  
OF THE MISSISSIPPI CODE**

Due to the Office of Educator Licensure by October 1 each year

\_\_\_\_\_ To the best of my knowledge and belief, no educators have committed infractions as delineated in Section 37-3-2 of the Mississippi Code.

\_\_\_\_\_ The following educators have committed infractions as delineated in Section 37-3-2 of the Mississippi Code

| <i>Name</i> | <i>Social Security Number/<br/>License Number</i> | <i>Type of Infraction</i> |
|-------------|---|---------------------------|
|             |   |                           |
|             |   |                           |
|             |   |                           |
|             |   |                           |
|             |   |                           |
|             |   |                           |
|             |   |                           |

Signature of Superintendent of Education: \_\_\_\_\_

Superintendent of Education (Typed Name): \_\_\_\_\_

School District Name and Number: \_\_\_\_\_

Date: \_\_\_\_\_

**Attach any additional information, as needed.**

**This form must be notarized**

**Mail to:** Office of Educator Licensure  
P.O. Box 771  
Jackson, Mississippi 39205-0771

**APPENDIX C:**

**REPORT FORM FOR SUPERINTENDENT OF EDUCATION  
FOR REPORTING INFRACTIONS UNDER SECTION 37-3-2 OF THE MISSISSIPPI CODE**

Due to the Office of Educator Licensure (OEL) within 10 working days of the infraction. Failure by the school district to report to the OEL within 10 working days, however, does not negate the continuing reporting duties by the Superintendent as required by law, or supersede or affect the statutory authority of the Commission on Teacher and Administrator Education, Certification and Licensure and Development from suspending or revoking an educator license pursuant to Miss Code Ann Section 37-3-2.

**Directions:** All superintendents of education must use this form to report the conviction of certified/licensed school personnel or other infractions as delineated in Section 37-3-2 of the Mississippi Code including violations to Standard 4 of the Mississippi Educator Code of Ethics.

|   |                      |
|---|----------------------|
| Educator Name: _____  |                      |
| Social Security Number: _____   | Date of Birth: _____ |
| Address: _____  |                      |
| School District Where Employed: _____   |                      |
| License Number: _____   |                      |
| Date of Conviction or Infraction: _____   |                      |
| Type of Conviction, Violation or Infraction: _____  |                      |
| District Response to Infraction ( <i>Indicate suspension, termination, or approved resignation; and specify dates of action.</i> ): _____ |                      |
| Signature of Superintendent of Education: _____   |                      |
| Superintendent of Education (Typed Name): _____   |                      |
| School District Name and Number: _____  |                      |
| Date: _____   |                      |

**Attach any additional information such as school board minutes, affidavits, signed statements, district correspondence, or any other documentation pertinent to this infraction.**

**This Form must be notarized.**

**Mail to:** Office of Educator Licensure  
Mississippi Department of Education  
Post Office Box 771  
Jackson, Mississippi 39205-0771

**APPENDIX D:**

**ANNUAL REPORT FORM FOR COMMUNITY/JUNIOR COLLEGE PRESIDENT FOR REPORTING INFRACTIONS UNDER SECTION 37-3-2 OF THE MISSISSIPPI CODE**

**Attach any additional information, as needed. This form must be notarized.**

**Mail to:** Office of Educator Licensure  
Mississippi Department of Education  
Post Office Box 771  
Jackson, Mississippi 39205-0771

| <input type="checkbox"/> To the best of my knowledge and belief, no certified/licensed vocational and technical education personnel have committed infractions as delineated in Section 37-3-2 of the Mississippi Code. |   |                           |
|---|---|---------------------------|
| <input type="checkbox"/> The following certified/licensed vocational and technical education personnel have committed infractions as delineated in Section 37-3-2 of the Mississippi Code                               |   |                           |
| <i>Name</i>   | <i>Social Security Number/<br/>License Number</i> | <i>Type of Infraction</i> |
|   |   |                           |
|   |   |                           |
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**APPENDIX E:**

**REPORT FORM FOR COMMUNITY/JUNIOR COLLEGE PRESIDENT FOR REPORTING INFRACTIONS UNDER SECTION 37-3-2 OF THE MISSISSIPPI CODE**

**Direction:** All community/junior college presidents must use this form to report the conviction of vocational and technical education personnel licensed by the Department of Education or other infractions as delineated in Section 37-3-2 of the Mississippi Code.

|  |                      |
|--|----------------------|
| Name: _____  |                      |
| Social Security Number: _____                          | Date of Birth: _____ |
| Address: _____   |                      |
| Community/Junior College Where Employed: _____         |                      |
| License Number: _____                                  |                      |
| Date and Place of Conviction or Infraction: _____      |                      |
| Type of Conviction or Infraction: _____                |                      |
| Signature of Community/Junior College President: _____ |                      |
| Community/Junior College President (Typed Name ) _____ |                      |
| Date: _____  |                      |

**This form must be notarized.**

**Mail to:** Office of Educator Licensure  
Mississippi Department of Education  
Post Office Box 771  
Jackson, Mississippi 39205-0771

**Reporting Instructions for School District Superintendents**

Should any of the previously named infractions occur in your jurisdiction result in a felony or sex offense conviction in a court of law (in or out-of-state), please complete Appendix C reporting form and submit to the Office of Educator Licensure at the Mississippi Department of Education within ten days. Failure by the school district to report to the OEL within 10 working days, however, does not negate the continuing reporting duties by the Superintendent as required by law, or supersede or affect the statutory authority of the Commission on Teacher and Administrator Education, Certification and Licensure and Development from suspending or revoking an educator license pursuant to Miss Code Ann Section 37-3-2. MDE will secure certified court records in the case and proceed with a disciplinary hearing before the Certification Commission to determine if the license should be revoked.

Should any of the previously named infractions occur in your jurisdiction that do not result in a felony or sex offense conviction in a court of law, please follow this procedure for reporting the infraction to the Mississippi Department of Education:

1. Initiate an internal investigation in your district and gather appropriate documentation of the infraction.
2. Should the investigation exceed ten working days from the alleged infraction, submit just the notarized Appendix C reporting form to ensure timely reporting of the infraction. Other investigative documents can be sent in once the investigation is complete.
3. Attach any documentation pertinent to the case, such as copy of the school board minutes showing action taken, correspondence between the district and the educator, signed affidavits regarding facts of the case, etc. Affidavits should be signed and notarized.

Once submitted to the Office of Educator Licensure (OEL) at the Mississippi Department of Education, OEL will contact the district if additional documentation is needed prior to a hearing. A disciplinary hearing will be scheduled before the Certification Commission to determine if the license of the educator should be revoked or suspended. School district personnel with first-hand knowledge of the infraction would need to be present at the hearing to testify to the facts of the case.

Source: *Miss. Code Ann. § 37-3-2 (15) (Rev. 6/2013)*

*Rule 14.11 Skills, K-8 Mathematics (Repealed 7/2012)*

*Rule 14.12 Teacher Process and Performance Review (Repealed 4/2011)*

*Rule 14.13 Review (Repealed 4/2011)*

*Rule 14.14 Licensure Guidelines Tech Prep Discovery Courses (Repealed 7/2012)*

*Rule 14.15 Supplemental Endorsements for ITC and STEM Application Courses (Repealed 7/2012)*

*Rule 14.16 New Endorsement Code 193 for Economics (Repealed 7/2012)*

*Rule 14.17 Mississippi Educator Code of Ethics.* Each educator, upon entering the teaching profession, assumes a number of obligations, one of which is to adhere to a set of principles which defines professional conduct. These principles are reflected in the following code of ethics which sets forth to the education profession and the public it serves standards of professional conduct and procedures for implementation.

This code shall apply to all persons licensed according to the rules established by the Mississippi State Board of Education and protects the health, safety and general welfare of students and educators.

Ethical conduct is any conduct which promotes the health, safety, welfare, discipline and morals of students and colleagues.

Unethical conduct is any conduct that impairs the license holder's ability to function in his/her employment position or a pattern of behavior that is detrimental to the health, safety, welfare, discipline, or morals of students and colleagues.

Any educator or administrator license may be revoked or suspended for engaging in unethical conduct relating to an educator/student relationship (Standard 4). Superintendents shall report to the Mississippi Department of Education license holders who engage in unethical conduct relating to an educator/student relationship (Standard 4).

Source: *Miss Code Ann. § 37-3-2 (15)*

*Rule 14.18 Code of Ethics Standards*

1. Standard 1: Professional Conduct

*An educator should demonstrate conduct that follows generally recognized professional standards.*

- a. Ethical conduct includes, but is not limited to, the following:
  - i. Encouraging and supporting colleagues in developing and maintaining high standards
  - ii. Respecting fellow educators and participating in the development of a professional teaching environment
  - iii. Engaging in a variety of individual and collaborative learning experiences essential to professional development designed to promote student learning
  - iv. Providing professional education services in a nondiscriminatory manner
  - v. Maintaining competence regarding skills, knowledge, and dispositions relating to his/her organizational position, subject matter and pedagogical practices

- vi. Maintaining a professional relationship with parents of students and establish appropriate communication related to the welfare of their children
- b. Unethical conduct includes, but is not limited to, the following:
  - i. Harassment of colleagues
  - ii. Misuse or mismanagement of tests or test materials
  - iii. Inappropriate language on school grounds or any school-related activity
  - iv. Physical altercations
  - v. Failure to provide appropriate supervision of students and reasonable disciplinary actions

2. Standard 2. Trustworthiness

*An educator should exemplify honesty and integrity in the course of professional practice and does not knowingly engage in deceptive practices regarding official policies of the school district or educational institution.*

- a. Ethical conduct includes, but is not limited to, the following:
  - i. Properly representing facts concerning an educational matter in direct or indirect public expression
  - ii. Advocating for fair and equitable opportunities for all children
  - iii. Embodying for students the characteristics of honesty, diplomacy, tact, and fairness.
- b. Unethical conduct includes, but is not limited to, the following:
  - i. Falsifying, misrepresenting, omitting, or erroneously reporting any of the following:
    - a) employment history, professional qualifications, criminal history, certification/recertification
    - b) information submitted to local, state, federal, and/or other governmental agencies
    - c) information regarding the evaluation of students and/or personnel
    - d) reasons for absences or leave
    - e) information submitted in the course of an official inquiry or investigation
  - ii. Falsifying records or directing or coercing others to do so

### 3. Standard 3. Unlawful Acts

*An educator shall abide by federal, state, and local laws and statutes and local school board policies.*

Unethical conduct includes, but is not limited to, the commission or conviction of a felony or sexual offense. As used herein, conviction includes a finding or verdict of guilty, or a plea of *nolo contendere*, regardless of whether an appeal of the conviction has been sought or situation where first offender treatment without adjudication of guilt pursuant to the charge was granted.

### 4. Standard 4. Educator/Student Relationship

*An educator should always maintain a professional relationship with all students, both in and outside the classroom.*

- a. Ethical conduct includes, but is not limited to, the following:
  - i. Fulfilling the roles of mentor and advocate for students in a professional relationship. A professional relationship is one where the educator maintains a position of teacher/student authority while expressing concern, empathy, and encouragement for students
  - ii. Nurturing the intellectual, physical, emotional, social and civic potential of all students
  - iii. Providing an environment that does not needlessly expose students to unnecessary embarrassment or disparagement
  - iv. Creating, supporting, and maintaining a challenging learning environment for all students
- b. Unethical conduct includes, but is not limited to the following:
  - i. Committing any act of child abuse
  - ii. Committing any act of cruelty to children or any act of child endangerment
  - iii. Committing or soliciting any unlawful sexual act
  - iv. Engaging in harassing behavior on the basis of race, gender, national origin, religion or disability
  - v. Furnishing tobacco, alcohol, or illegal/unauthorized drugs to any student or allowing a student to consume alcohol or illegal/unauthorized drugs
  - vi. Soliciting, encouraging, participating or initiating inappropriate written, verbal, electronic, physical or romantic relationship with a student.
    - a) Examples of these acts may include but not be limited to:
      - 1) sexual jokes

- 2) sexual remarks
- 3) sexual kidding or teasing
- 4) sexual innuendo
- 5) pressure for dates or sexual favors
- 6) inappropriate touching, fondling, kissing or grabbing
- 7) rape
- 8) threats of physical harm
- 9) sexual assault
- 10) electronic communication such as texting
- 11) invitation to social networking
- 12) remarks about a student's body
- 13) consensual sex

#### 5. Standard 5. Educator Collegial Relationships

*An educator should always maintain a professional relationship with colleagues, both in and outside the classroom*

##### 1. Unethical conduct includes but is not limited to the following:

- a. Revealing confidential health or personnel information concerning colleagues unless disclosure serves lawful professional purposes or is required by law
- b. Harming others by knowingly making false statements about a colleague or the school system
- c. Interfering with a colleague's exercise of political, professional, or citizenship rights and responsibilities
- d. Discriminating against or coercing a colleague on the basis of race, religion, national origin, age, sex, disability or family status
- e. Using coercive means or promise of special treatment in order to influence professional decisions of colleagues

#### 6. Standard 6. Alcohol, Drug and Tobacco Use or Possession

*An educator should refrain from the use of alcohol and/or tobacco during the course of professional practice and should never use illegal or unauthorized drugs*

- a. Ethical conduct includes, but is not limited to, the following:
  - i. Factually representing the dangers of alcohol, tobacco and illegal drug use and abuse to students during the course of professional practice
- b. Unethical conduct includes, but is not limited to, the following:
  - i. Being under the influence of, possessing, using, or consuming illegal or unauthorized drugs
  - ii. Being on school premises or at a school-related activity involving students while documented as being under the influence of, possessing, or consuming alcoholic beverages. A school-related activity includes but is not limited to, any activity that is sponsored by a school or a school system or any activity designed to enhance the school curriculum such as club trips, etc. which involve students.
  - iii. Being on school premises or at a school-related activity involving students while documented using tobacco.

#### 7. Standard 7. Public Funds and Property

*An educator shall not knowingly misappropriate, divert, or use funds, personnel, property, or equipment committed to his or her charge for personal gain or advantage.*

- a. Ethical conduct includes, but is not limited to, the following:
  - i. Maximizing the positive effect of school funds through judicious use of said funds
  - ii. Modeling for students and colleagues the responsible use of public property
- b. Unethical conduct includes, but is not limited to, the following:
  - i. Knowingly misappropriating, diverting or using funds, personnel, property or equipment committed to his or her charge for personal gain
  - ii. Failing to account for funds collected from students, parents or any school-related function
  - iii. Submitting fraudulent requests for reimbursement of expenses or for pay
  - iv. Co-mingling public or school-related funds with personal funds or checking accounts
  - v. Using school property without the approval of the local board of education/governing body

#### 2. Standard 8. Remunerative Conduct

*An educator should maintain integrity with students, colleagues, parents, patrons, or businesses when accepting gifts, gratuities, favors, and additional compensation.*

- a. Ethical conduct includes, but is not limited to, the following:
  - i. Insuring that institutional privileges are not used for personal gain

- ii. Insuring that school policies or procedures are not impacted by gifts or gratuities from any person or organization
- b. Unethical conduct includes, but is not limited to, the following:
  - i. Soliciting students or parents of students to purchase equipment, supplies, or services from the educator or to participate in activities that financially benefit the educator unless approved by the local governing body.
  - ii. Tutoring students assigned to the educator for remuneration unless approved by the local school board
  - iii. The educator shall neither accept nor offer gratuities, gifts, or favors that impair professional judgment or to obtain special advantage. *(This standard shall not restrict the acceptance of gifts or tokens offered and accepted openly from students, parents, or other persons or organizations in recognition or appreciation of service)*

### 3. Standard 9. Maintenance of Confidentiality

*An educator shall comply with state and federal laws and local school board policies relating to confidentiality of student and personnel records, standardized test material, and other information covered by confidentiality agreements.*

- a. Ethical conduct includes, but is not limited to, the following:
  - i. Keeping in confidence information about students that has been obtained in the course of professional service unless disclosure serves a legitimate purpose or is required by law
  - ii. Maintaining diligently the security of standardized test supplies and resources
- b. Unethical conduct includes, but is not limited to, the following:
  - i. Sharing confidential information concerning student academic and disciplinary records, health and medical information family status/income and assessment/testing results unless disclosure is required or permitted by law.
  - ii. Violating confidentiality agreements related to standardized testing including copying or teaching identified test items, publishing or distributing test items or answers, discussing test items, and violating local school board or state directions for the use of tests
  - iii. Violating other confidentiality agreements required by state or local policy

### 4. Standard 10. Breach of Contract or Abandonment of Employment

*An educator should fulfill all of the terms and obligations detailed in the contract with the local school board or educational agency for the duration of the contract.*

- a. Unethical conduct includes, but is not limited to, the following:
  - i. Abandoning the contract for professional services without prior release from the contract by the school board

- ii. Refusing to perform services required by the contract.

Source: *Miss. Code Ann. § 37-1-3 (Revised 1/2011)*