

Chapter 14: Certification

Rule 14.10 Reporting Infractions. Procedures for Reporting Infraction Under Miss. Code Ann. § 37-3-2

1. Section I – Introduction

Mississippi Code 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 Mississippi law.

2. Section II What Should be Reported

Reports shall be submitted for all the following allegations, infractions and/or offenses cited in the Mississippi Code of 1972 Annotated:

- a. Miss. Code Ann. § 37-3-2 (11) through (13)—Denial of application; revocation and suspension of licensed/certificates; dismissal or suspension of licensed/certified employee by a local school board
- b. Miss. Code Ann. § 37-9-57—Effect of abandonment of employment
- c. Miss. Code Ann. § 37-16-4—Enforcement and penalty for test violations
- d. Miss. Code Ann. § 37-3-51 (1) through (3)—Notification of the Department of Education of conviction of certificated person on certain felonies or sex offenses, which may include the following:
 - i. Miss. Code Ann. § 97-3-65 relating to the carnal knowledge of a child under fourteen (14) years of age;
 - ii. Miss. Code Ann. § 97-3-95 relating sexual battery;
 - iii. Miss. Code Ann. § 97-5-21 relating to seduction of a child under the age of eighteen (18);
 - iv. Miss. Code Ann. § 97-5-23 relating to the touching of a child for lustful purposes;
 - v. Miss. Code Ann. § 97-5-27 relating to the dissemination of sexually orientated material to children;
 - vi. Miss. Code Ann. § 97-5-33, relating to the exploitation of children;
 - vii. Miss. Code Ann. § 97-5-41, relating to the carnal knowledge of a stepchild, adopted child, or child of a cohabitating partner;
 - viii. Miss. Code Ann. § 97-29-59, relating to unnatural intercourse;
 - ix. Or any other offense committed in another jurisdiction which, if committed in Mississippi, would be deemed to be such a crime without regard to its designation elsewhere

- e. Violations of the Mississippi Educator Code of Ethics Standards of Conduct

2. Section III –Reporting Responsibilities

- a. **Mississippi Circuit Clerks:** Each circuit clerk has the statutory duty to report to the Mississippi Department of Education (MDE), 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 MDE (Appendix A).
- b. **Superintendents of Education:** Each superintendent of a public school shall report to MDE allegations, infractions, and/or offenses committed under sections of the Mississippi Code cited in Section II 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. Submit reports on employees as knowledge of allegations, infractions and/or offenses occurs.

Such reports shall be submitted within 10 days of notification of an allegation, infraction and/or offense (Appendix C). Failure by the school district to report to the MDE 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. § 37-3-2.

Additionally, a resignation in lieu of termination does not waive the Superintendent's requirement to report an allegation, infraction, and/or offense.

- 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).

**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 Annotated §37-3-51.

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): _____	

Attach a certified copy of the indictment and judgment.

Mail to:

Office of Educator Misconduct Evaluations
Mississippi Department of Education
Post Office Box 771
Jackson, Mississippi 39205-0771

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 Misconduct Evaluations by October 1 each year

<p>_____ To the best of my knowledge and belief, <u>no</u> educators have committed infractions as delineated in Section 37-3-2 of the Mississippi Code.</p> <p>The following educators have committed infractions as delineated in Section 37-3-2 of the Mississippi Code</p>		
<i>Name</i>	<i>Social Security Number/ 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 Misconduct Evaluations
Mississippi Department of Education
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 Misconduct Evaluations within 10 working days of the infraction. Failure by the school district to report to the Office of Educator Misconduct Evaluations 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 Allegation/Infraction/Conviction: _____	
Type of Allegation/Infraction/Conviction: _____	
District Response: <i>(Indicate suspension, termination, or approved resignation; and specify date(s) 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 Misconduct Evaluations
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

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.

_____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/ License Number</i>	<i>Type of Infraction</i>

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

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 Misconduct Evaluations at the Mississippi Department of Education within ten days. Failure by the school district to report to the Office of Educator Misconduct Evaluations 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 Misconduct Evaluations at the Mississippi Department of Education, Office of Educator Misconduct Evaluations 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. 7/2017)*