

By: Representative Cameron

To: Education;  
Appropriations

## HOUSE BILL NO. 323

1  
2 AN ACT TO ESTABLISH A PERFORMANCE PAY PLAN FOR LICENSED  
3 TEACHERS; TO PRESCRIBE STANDARDS FOR PERFORMANCE LEVELS OF  
4 TEACHING LICENSES TO BE ADMINISTERED BY THE COMMISSION ON TEACHER  
5 AND ADMINISTRATOR EDUCATION, CERTIFICATION AND LICENSURE AND  
6 DEVELOPMENT; TO PROVIDE FOR THE PAYMENT OF SALARY SUPPLEMENTS FOR  
7 OUTSTANDING PERFORMANCE BY TEACHERS UNDER THE PERFORMANCE PAY  
8 PLAN; TO PROVIDE FOR THE IMPLEMENTATION OF THE PERFORMANCE PAY  
9 PLAN FOR PRESENTLY LICENSED TEACHERS AND PROSPECTIVE TEACHERS; TO  
10 PROVIDE EVALUATION PROCEDURES FOR TEACHERS AND CRITERIA FOR  
11 EVALUATIONS TO BE ESTABLISHED BY THE COMMISSION; TO PROVIDE TERMS  
12 OF EMPLOYMENT AND RENEWAL PERIODS FOR PERFORMANCE PAY PLAN  
13 TEACHERS; TO PROVIDE ADDITIONAL DUTIES FOR PERFORMANCE PAY PLAN  
14 TEACHERS; TO PROVIDE APPEAL PROCEDURES; TO PROVIDE REASONS FOR THE  
15 LOSS OF SALARY SUPPLEMENTS UNDER THE PLAN; AND FOR RELATED  
16 PURPOSES.

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

18 SECTION 1. (1) The purpose of this act is to establish a  
19 performance pay plan for full-time licensed teachers.

20 (2) The performance pay plan shall consist of Advanced  
21 Teacher, Lead Teacher and Master Teacher positions. The  
22 performance pay plan shall be designed: (a) to recognize career  
23 teachers in Mississippi; (b) to promote staff development among  
24 teachers in Mississippi; and (c) to reward those teachers  
25 evaluated as outstanding and who may accept additional  
26 responsibilities as applicable.

27 (3) All performance pay plan licenses shall be supplementary  
28 to the basic license.

29 SECTION 2. For the purposes of this act, unless the context  
30 otherwise requires:

31 (a) "Performance pay plan teacher" means a person who  
32 has been employed as a teacher for not less than three (3) years  
33 and who holds an Advanced Teacher license, Lead Teacher license or

34 Master Teacher license issued by the State Board of Education,  
35 acting through the commission;

36 (b) "School month" means any month except June, July or  
37 August, regardless of the actual months in which a school may be  
38 in session;

39 (c) "School year" means the months of September through  
40 May regardless of the actual months in which individual school  
41 districts conduct classes; and

42 (d) "Commission" means the Commission on Teacher and  
43 Administrator Education, Certification and Licensure and  
44 Development created by Section 37-3-2.

45 SECTION 3. (1) This act shall apply to all teachers who  
46 enter the teaching profession for the first time after July 1,  
47 1999, or who are licensed or certified as a career ladder teacher  
48 after July 1, 1999.

49 (2) Nothing herein shall be construed to grant duplicate  
50 supplements to such teachers.

51 (3) Participation in the performance pay plan shall be  
52 voluntary for all teachers.

53 (4) Teachers employed by the Departments of Corrections,  
54 Mental Health and Human Services shall be eligible to participate  
55 in the performance pay plan provided for in this act. The State  
56 Personnel Board, in consultation with the Department of Finance  
57 and Administration and the departments involved, shall prepare an  
58 implementation plan for the evaluation of its teacher employees  
59 which substantially complies with the intent of this act. This  
60 plan shall be approved by the State Board of Education before  
61 implementation.

62 (5) Teachers who are employed on a part-time basis shall be  
63 included under the provisions of this act; such persons who work  
64 fifty percent (50%) of the school days in successive years shall  
65 be granted credit for the number of days actually worked for  
66 purposes of determining eligibility for participation in the  
67 performance pay plan. Such persons must obtain their license  
68 provided for herein while performing such part-time service.

69 (6) Persons who are employed to teach vocational or other  
70 courses and who are not required to hold a college degree shall be

71 eligible to participate in the performance pay plan on the same  
72 terms as other teachers. The commission, with the approval of the  
73 State Board of Education, shall develop comparable and appropriate  
74 licensure and evaluation standards, criteria, procedures and  
75 instruments in accordance with the provisions of this act for the  
76 evaluation and advancement of such nondegreed teachers.

77 (7) Licensed personnel who are not employed in academic  
78 classroom instruction, such as, but not limited to, principals,  
79 assistant principals, guidance counselors, special education  
80 teachers, physical education teachers, librarians, music or art  
81 teachers shall be eligible to participate in the performance pay  
82 plan on the same terms as other teachers. The commission, with  
83 the approval of the State Board of Education, shall develop  
84 comparable and appropriate licensure and evaluation standards,  
85 criteria, procedures and instruments in accordance with the  
86 provisions of this act for the evaluation and advancement of such  
87 teachers.

88 (8) The commission shall recommend to the State Board of  
89 Education appropriate rules regarding the applications and  
90 placement in the performance pay plan of full-time teachers who  
91 fill dual capacity positions, such as, but not limited to,  
92 principal-teachers, supervisor-teachers or teachers with split  
93 grade classes.

94 (9) All performance pay plan licenses for teachers and  
95 administrators and renewals thereof shall be issued by the State  
96 Board of Education, on the recommendation of the commission in  
97 accordance with the terms of Section 37-3-2. Persons applying for  
98 any license provided for in this act shall apply to the  
99 commission.

100 (10) All licenses of teachers who are not included in the  
101 performance pay plan provided for in this act, in effect on July  
102 1, 1999, shall remain in full force and effect according to their  
103 terms and may be renewed, in accordance with the regulations of

104 the State Board of Education.

105       SECTION 4. For the purposes of implementing the new  
106 licensure system known as the performance pay plan for teachers  
107 and providing the transition opportunity for presently licensed  
108 teachers to enter the new licensure system voluntarily: (a) any  
109 public school teacher who has been employed as a licensed teacher  
110 for at least eight (8) years on July 1, 1999, may apply for and is  
111 eligible to be considered for licensure as an Advanced Teacher,  
112 Lead Teacher or a Master Teacher; (b) any such teacher who has  
113 been employed as a licensed teacher for at least five (5) years  
114 may apply for and is eligible to be considered for licensure as an  
115 Advanced Teacher or a Lead Teacher; and (c) any person who has  
116 been employed as a licensed teacher for at least three (3) years  
117 may apply for and is eligible to be considered for licensure as an  
118 Advanced Teacher.

119       SECTION 5. When determining whether any person applying for  
120 any license provided for in this act meets a minimum qualification  
121 relating to prior years of experience, the applicant's total  
122 current, relevant years of experience shall be credited,  
123 notwithstanding any breaks in employment. The State Board of  
124 Education, on the recommendation of the commission, may establish,  
125 by rule, criteria by which the currency and relevancy of the prior  
126 experience may be determined.

127       SECTION 6. Costs of administration of this act shall not be  
128 a part of or paid through the Minimum Education Program.

129       SECTION 7. (1) Superintendents, principals, assistant  
130 principals, supervisors and teachers shall not be held liable,  
131 personally or officially, when performing their duties in the  
132 evaluation of teachers pursuant to this act.

133       (2) Immunity shall not extend to willful acts determined to  
134 be arbitrary, capricious, intended to damage the teacher's  
135 reputation, or which are discriminatory or illegally motivated.

136       SECTION 8. (1) The State Board of Education acting through

137 the commission has jurisdiction over the issuance of all teaching  
138 licenses and performance pay plan licenses as otherwise provided  
139 in this act. Teachers possessing a current, valid license on July  
140 1, 1999, are eligible to apply for performance pay plan licenses  
141 based on experience as set out in Section 4 of this act. Teachers  
142 who are employed initially after July 1, 1999, are eligible to  
143 apply for performance pay plan licenses based on experience, as  
144 follows:

145           (a) Advanced Teacher -- Employment for three (3) years  
146 as a licensed teacher;

147           (b) Lead Teacher -- Employment for at least two (2)  
148 years as an Advanced Teacher; or

149           (c) Master Teacher -- Employment for at least three (3)  
150 years as a Lead Teacher.

151           (2) Teachers shall be entitled to undergo evaluation during  
152 the year in which they gain eligibility for Advanced, Lead or  
153 Master Teacher status, based on experience set forth in subsection  
154 (1).

155           SECTION 9. (1) The initial license for Advanced, Lead and  
156 Master Teachers shall be valid for ten (10) years and shall be  
157 renewable for additional periods of ten (10) years.

158           (2) Any teacher holding an Advanced Teacher license whose  
159 license is not renewed in due course because of the teacher's  
160 failure to meet the relevant licensure standards shall be issued,  
161 at the expiration of the Advanced Teacher's license and if minimum  
162 competency standards are met, a license that shall be valid for  
163 ten (10) years and shall be subject to renewal in the same manner  
164 as other teacher licenses.

165           (3) Any teacher holding a Lead Teacher license whose license  
166 is not renewed in due course because of the teacher's failure to  
167 meet the relevant licensure standards shall be issued, at the  
168 expiration of such license and if minimum competency standards are  
169 met, an Advanced Teacher license that shall be valid for ten (10)

170 years and shall be subject to renewal in the same manner as other  
171 such licenses.

172 (4) Any teacher holding a Master Teacher license whose  
173 license is not renewed in due course because of the teacher's  
174 failure to meet the relevant license standards shall be issued, at  
175 the expiration of the Master Teacher's license and if minimum  
176 competency standards are met, a Lead Teacher license that shall be  
177 valid for ten (10) years and shall be subject to renewal in the  
178 same manner as other such licenses.

179 (5) Any career ladder license may be extended by the State  
180 Board of Education for a period of time not to exceed one (1) year  
181 if a person's illness, disability or family hardship prevents the  
182 completion of the evaluation for the purpose of relicensure.

183 SECTION 10. (1) The minimum criteria for the initial  
184 evaluation and relicensure of licensed teachers which are to be  
185 used by the commission for Advanced Teacher and Lead Teacher  
186 licensure shall be established by a nine-member task force of  
187 licensed teachers and administrators, appointed as hereinafter  
188 provided, and approved by the State Board of Education. The  
189 Governor shall appoint one (1) licensed teacher from each of  
190 Mississippi's five (5) congressional districts and the state  
191 superintendent shall appoint one (1) licensed school administrator  
192 from each of Mississippi's three (3) Supreme Court districts and  
193 one (1) licensed teacher from the state at large. The task force  
194 shall meet on the call of the state superintendent, shall organize  
195 and elect aldermen, and shall make its report of proposed minimum  
196 criteria for Advanced and Lead Teacher evaluation to the State  
197 Board of Education on or before January 1, 2000.

198 (2) In order to be licensed as a Master Teacher, the  
199 applicant shall meet the requirements and acquire a Master Teacher  
200 certificate from the National Board for Professional Teaching  
201 Standards.

202 SECTION 11. (1) The procedural rules for the evaluation of

203 teachers which are to be used by the commission shall be designed  
204 to assure a fair and meaningful evaluation of a teacher's  
205 development, growth and performance in the teaching profession.  
206 These rules shall be developed in consultation with local school  
207 administrators and teachers and the State Board of Education.

208 (2) The procedural rules shall include the opportunity for  
209 multiple evaluations of all teachers holding performance pay plan  
210 licenses. The performance of all performance pay plan teachers  
211 shall be evaluated at least two (2) times between the time their  
212 license is issued or renewed and the license's expiration date and  
213 may be evaluated at more frequent intervals by the local school  
214 board using procedures and evaluation criteria promulgated by the  
215 State Board of Education, on recommendation of the commission.  
216 However, teachers holding Lead Teacher or Master Teacher licenses  
217 shall not be reevaluated until five (5) years after receiving such  
218 career ladder licensure. The scheduling of such evaluations shall  
219 be determined in accordance with the evaluation plan adopted by  
220 the local school board and approved by the State Board of  
221 Education.

222 (3) Nothing in the evaluation procedure mandated by this act  
223 shall require a decision by a local school board to grant  
224 continued employment from year to year to a performance pay plan  
225 teacher. Nothing herein shall be construed to limit or prevent a  
226 local school board from nonrenewal of a teacher pursuant to the  
227 School Employment Procedures Act.

228 (4) Evaluations conducted pursuant to this act shall be open  
229 for inspection by the teacher, principal or local school board or  
230 their designated representatives.

231 (5) Upon being informed of the composition of the evaluating  
232 team, the teacher being evaluated shall be entitled to request  
233 that one (1) member of the team be removed and that the commission  
234 name a new member.

235 SECTION 12. (1) Any duly licensed Advanced Teacher may be

236 employed for ten (10) months. An Advanced Teacher shall perform  
237 those duties prescribed by the local school board and such  
238 additional duties as may be provided for in Section 15.

239 (2) Beginning with the 2000-2001 school year, a duly  
240 licensed Advanced Teacher who has met the standards for licensure  
241 established by the State Board of Education, on the recommendation  
242 of the task force, and who is employed as such by a local school  
243 board, shall receive a One Thousand Dollar (\$1,000.00) salary  
244 supplement in addition to any other compensation to which the  
245 teacher may be entitled.

246 (3) For school years beginning after the 2000-2001 school  
247 year, the commission shall establish, with the approval of the  
248 State Board of Education, the deadline by which all requirements  
249 for licensure shall be met.

250 SECTION 13. (1) Any duly licensed Lead Teacher paid as such  
251 may be employed for not less than ten (10) nor more than eleven  
252 (11) months and shall perform those duties prescribed by the local  
253 school board and such other additional duties as may be provided  
254 for in Section 15. Upon receiving a Lead Teacher license, a  
255 teacher may choose either a ten-month or eleven-month contract.  
256 If the teacher chooses an eleven-month contract, that teacher may  
257 receive either the full amount of the eleven-month supplement, if  
258 that teacher's services are required during the eleventh month, or  
259 that part of the supplement paid for outstanding performance, if  
260 the services of that teacher are not required during the eleventh  
261 month. The amount received by the teacher shall be determined by  
262 the needs of the local school board for teachers during the  
263 eleventh month.

264 (2) Beginning with the 2000-2001 school year, Lead Teachers  
265 who are employed by a local school board shall receive a Three  
266 Thousand Dollar (\$3,000.00) salary supplement in addition to any  
267 other compensation to which the teacher may be entitled.

268 SECTION 14. (1) Any licensed Master Teacher may be employed



269 for not less than ten (10) nor more than twelve (12) months and  
270 perform those duties prescribed by the local school board and such  
271 other additional duties as may be provided for in Section 15.

272 (2) Duly licensed Master Teachers who are employed as such  
273 by a local school board shall receive a Six Thousand Dollar  
274 (\$6,000.00) salary supplement in addition to any other  
275 compensation to which the teacher may be entitled.

276 SECTION 15. (1) (a) An Advanced Teacher shall be eligible  
277 for assignment by the principal to supervise and assist student  
278 interns and probationary teachers as an additional responsibility.

279 (b) A Lead Teacher shall be subject to assignment by  
280 the system superintendent to work with gifted or remedial students  
281 or in other student enrichment programs as an additional  
282 responsibility in accordance with the plan required in subsection  
283 (2). Such teacher may also, at the discretion and direction of  
284 the principal, supervise and participate in the skills development  
285 of provisional and other licensed teachers. A Lead Teacher who  
286 has appropriate training and experience shall be subject to  
287 assignment by the system superintendent to work with special needs  
288 students.

289 (c) A Master Teacher, at the direction of the  
290 principal, shall, as an additional responsibility, supervise and  
291 assist in the skills development of provisional, licensed,  
292 Advanced and Lead Teachers. Teachers with eleven- or twelve-month  
293 contracts shall be assigned, as an additional responsibility, to  
294 work with remedial or gifted students according to the plan  
295 required in subsection (2), or in other student enrichment  
296 programs designed by the local school board. A Master Teacher who  
297 has appropriate training and experience shall be subject to  
298 assignment by the system superintendent to work with special needs  
299 students.

300 (d) In addition to the foregoing, Lead and Master  
301 Teachers may perform other activities consistent with the plan

302 called for in subsection (2), including, but not limited to,  
303 teaching in the adult education and literacy program.

304 (2) (a) Each local school board shall conduct an annual  
305 needs assessment to determine the focus of the extended contract  
306 activities authorized by this section. Priority for such  
307 activities shall be student needs, with school and teacher needs  
308 of secondary importance. Subject to guidelines developed by the  
309 commission and approved by the State Board of Education, each  
310 local school board shall have an extended contract committee  
311 consisting of teachers, including one (1) Lead or Master Teacher  
312 where possible, and administrators, which, as determined by the  
313 local school board, shall conduct or assist in the needs  
314 assessment and advise on or certify to the need for specific  
315 programs served through extended contracts. Each local  
316 superintendent shall devise a plan consistent with the needs and  
317 abilities of the district to utilize the additional months of  
318 service which may be required from teachers in accordance with the  
319 provisions of this section. Such plans shall include, but not be  
320 limited to:

321 (i) Enrichment programs for gifted and talented  
322 students;

323 (ii) Programs to enhance adult literacy and  
324 education;

325 (iii) Programs relative to students who are at  
326 risk of dropping out of school;

327 (iv) Parent involvement projects aimed at  
328 assisting and improving their children's performance at school;

329 (v) Extended programs for the full range of  
330 handicapped students;

331 (vi) Developmental or remediation programs for  
332 students according to their needs; and

333 (vii) Enrichment programs in academic projects for  
334 all students or activities that will best utilize the particular

335 talents and qualifications of the performance pay plan teachers  
336 and meet the needs of the local school population.

337 (b) The plan shall also include the time periods in  
338 which the programs and activities shall occur. If at all  
339 possible, each system shall include a summer program in order to  
340 fully employ those teachers on ten-, eleven- and twelve-month  
341 contracts. Only if a superintendent and local school board  
342 certify that it would not be feasible to finance the cost of  
343 attendance by students in the summer months may a plan be devised  
344 to utilize extra time each day, or during weekends or holidays to  
345 offer such programs, instead of summer sessions. A plan, however,  
346 may include enrichment or other programs at any time.

347 (3) Appropriately licensed teachers with Lead and Master  
348 level status shall be given priority of opportunity to participate  
349 in extended contract activities. When extended contract positions  
350 cannot be filled by Lead and Master Teachers, other teachers may  
351 be used.

352 SECTION 16. (1) Any person who has been duly licensed as a  
353 performance pay plan teacher shall be qualified to teach in any  
354 local school district. Any local school board, upon the  
355 superintendent's recommendation, shall have the authority to  
356 employ a teacher with a performance pay plan license. Such a  
357 teacher may be employed from within or without the local school  
358 district, but may not be employed in place of a licensed teacher  
359 currently employed by that local school district, or a teacher on  
360 leave.

361 (2) A person licensed as a Lead or Master Teacher may enter  
362 into an employment agreement with a local school district to be  
363 employed as a Lead or Master Teacher for a term not to exceed the  
364 time within which such license is valid.

365 SECTION 17. Any Lead or Master Teacher who declines the  
366 duties thereof shall not receive the state salary supplement  
367 authorized in this act.

368        SECTION 18. (1) All supplements due to teachers under the  
369 provisions of this act shall be paid directly by the Department of  
370 Education to the local school district and shall be in addition to  
371 its minimum program entitlement and not a part thereof.

372        (2) Once determined, the state salary supplement for  
373 performance pay plan teachers shall remain constant  
374 notwithstanding any increased training and experience attained,  
375 except the salary supplements for Lead Teachers may be increased,  
376 as applicable, if the teacher chooses a ten-, eleven- or  
377 twelve-month contract.

378        (3) All supplements shall be subject to the availability of  
379 funds as appropriated by the Legislature.

380        (4) Any person receiving a salary supplement shall continue  
381 to receive the state base pay to which he would be entitled if he  
382 were not receiving a salary supplement provided for herein. In  
383 devising its local salary schedule, a local school district may  
384 not reduce or freeze the pay of any person receiving a salary  
385 supplement under this act, but such person shall receive any local  
386 pay to which teachers with similar training and experience are  
387 otherwise entitled.

388        (5) In order to ensure that no federal funds used to pay a  
389 teacher are withheld due to payments made under this act, any  
390 payment made under this act to a teacher whose base compensation  
391 is paid from federal funds shall be limited, to the extent  
392 necessary, to those funds which constitute the supplement for  
393 outstanding performance and not those funds which in the case of a  
394 teacher on a ten-, eleven- or twelve-month contract constitute  
395 compensation for work performed during that month.

396        (6) Any teacher who applies for performance pay plan  
397 licenses after January 1, 2000, shall receive his performance pay  
398 plan supplement beginning the year after he completes all  
399 requirements for such licensure, but not before the 2000-2001  
400 school year.

401 (7) Persons eligible for evaluation pursuant to the criteria  
402 set out herein, who are chosen as evaluators in the first year of  
403 a new evaluation system implemented by the commission, and who  
404 return to the assignment previously held before evaluator service,  
405 shall receive pay supplements retroactive to the beginning of the  
406 academic year in which such persons are evaluated; however, such  
407 persons must make timely application for evaluation and such  
408 evaluation must be completed during the first year of their return  
409 to the previous assignment following service as an evaluator.

410 SECTION 19. (1) Any person applying for a license provided  
411 for herein who is not recommended for licensure by the commission  
412 may request the State Board of Education to review the decision by  
413 filing a written request for review of the decision of the  
414 commission within sixty (60) days following the date of the  
415 decision. This request shall contain a detailed statement of the  
416 basis of the request for review. The detailed statement of the  
417 basis of the request for review may be amended any time before the  
418 state board's staff member closing the record and preparing the  
419 proposed findings of fact and recommended decision that will be  
420 mailed to the parties. The person requesting a review by the  
421 State Board of Education also shall file a copy of the request for  
422 review with the local school district employing him.

423 (2) Upon its receipt of the copy of the request for review,  
424 the local school board, at its option, may intervene before the  
425 State Board of Education. Upon such intervention, the local  
426 school board shall have all the rights of other parties provided  
427 for herein.

428 (3) The State Board of Education shall conduct this review  
429 based upon the record prepared by the commission and shall have  
430 the authority, by rule, to prescribe the contents and form of this  
431 record. This record shall include any statements or written  
432 evidence which the person applying for the license desires to  
433 submit. The record shall be available to the parties for review

434 and, upon payment of reasonable copying costs, the record shall be  
435 mailed to the party requesting it. The parties shall have sixty  
436 (60) days from receipt of the record to add additional statements  
437 or evidence. All parties shall be given notice that additions  
438 have been made to the record, and have the opportunity to secure  
439 copies of such additions to the record.

440 (4) Upon the receipt of the request for review of a decision  
441 and the record of the proceedings of the commission the State  
442 Board of Education shall authorize a staff member to review the  
443 record and prepare proposed findings of fact and a recommended  
444 decision which shall be sent to the parties. The proposed  
445 findings of fact shall specify the staff member's evidentiary  
446 facts for each contested content area or data source.

447 (5) Any person applying for the licensure who does not agree  
448 with this proposed decision in his case may, within forty-five  
449 (45) days of his receipt of the decision, file written exceptions  
450 to the decision stating his reasons for taking exception to the  
451 proposed decision and may request a hearing before a duly  
452 authorized hearing officer of the State Board of Education. If a  
453 hearing is requested, it shall be limited to the record below.  
454 The person filing the exception shall be entitled to introduce new  
455 evidence relating to the bias or prejudice of the commission or,  
456 with the approval of the hearing officer, any other additional  
457 evidence when it has been shown to the satisfaction of the hearing  
458 officer that the additional evidence is material and that there  
459 were good reasons for failure to present it in the proceedings  
460 before the commission. The hearing officer shall forward a  
461 recommendation to the State Board of Education which shall make a  
462 final decision in a timely manner.

463 (6) Any person applying for a license provided for in this  
464 act who is aggrieved by the decision of the State Board of  
465 Education, or local school board employing such person, is  
466 entitled to judicial review in the manner provided by law.

467 (7) No person seeking to review a decision of the commission  
468 or the State Board of Education shall be entitled to be paid the  
469 salary supplement for the license in dispute but shall be entitled  
470 to receive the salary supplement for any current, valid license  
471 held by such person.

472 (8) The State Board of Education may, in its discretion,  
473 direct the commission to extend the validity of a license provided  
474 for in this act, for a period not to exceed one (1) year, for any  
475 person requesting a review of a decision of the commission.  
476 However, any person whose license is extended after it otherwise  
477 expires shall not be entitled to the salary supplement provided  
478 for in this act and shall not be required to perform the  
479 additional duties, if any, required in this act.

480 (9) The State Board of Education shall construe the  
481 provisions of this act, and the rules, regulations and evaluation  
482 criteria promulgated pursuant thereto, in favor of the person  
483 seeking review, absent substantial and material evidence to the  
484 contrary. However, the burden of going forward with the evidence  
485 shall be upon the person seeking to review the decision of the  
486 commission.

487 SECTION 20. Once a person qualifies for and receives a  
488 salary supplement as an Advanced, Lead or Master Teacher such  
489 person shall not be denied the supplement unless:

490 (a) He is dismissed for cause;

491 (b) He fails to maintain or renew any license provided  
492 for in this act; or

493 (c) He elects not to or refuses to perform the extra  
494 duties required in this act. Any performance pay plan teacher who  
495 has a change in positions but who remains within the performance  
496 pay plan licensure system shall retain his state salary supplement  
497 for the remaining year(s) of validity of the performance pay plan  
498 license. However, a teacher who holds more than one (1)  
499 performance pay plan license may receive only one (1) state salary

500 supplement, the highest of those for which he is otherwise  
501 eligible.

502 SECTION 21. This act shall take effect and be in force from  
503 and after July 1, 1999.