

By: Representative Davis

To: Education;  
Appropriations

HOUSE BILL NO. 357

1 AN ACT TO CREATE NEW SECTION 25-11-126, MISSISSIPPI CODE OF  
2 1972, TO PROVIDE THAT CERTAIN PERSONS RECEIVING A RETIREMENT  
3 ALLOWANCE FROM THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM MAY BE  
4 EMPLOYED AS TEACHERS IN THE PUBLIC SCHOOL SYSTEM AFTER THEIR  
5 RETIREMENT WHILE CONTINUING TO RECEIVE THE RETIREMENT ALLOWANCE  
6 DURING THEIR EMPLOYMENT AS TEACHERS IN ADDITION TO RECEIVING THE  
7 REGULAR COMPENSATION FOR TEACHERS; TO PROVIDE THAT THOSE PERSONS  
8 SHALL NOT BE CONTRIBUTING MEMBERS OF THE RETIREMENT SYSTEM OR  
9 RECEIVE ANY CREDITABLE SERVICE FOR THE PERIOD DURING WHICH THEY  
10 RECEIVE A RETIREMENT ALLOWANCE DURING THEIR EMPLOYMENT AS  
11 TEACHERS; TO AMEND SECTIONS 25-11-105 AND 25-11-127, MISSISSIPPI  
12 CODE OF 1972, IN CONFORMITY WITH THE PROVISIONS OF THIS ACT; TO  
13 AMEND SECTION 37-19-7, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT  
14 THE TEACHERS' SALARIES OF THOSE PERSONS SHALL BE EQUAL TO THE  
15 AMOUNT OF THE SALARY THAT THEY RECEIVED DURING THE SCHOOL YEAR  
16 IMMEDIATELY PRECEDING THE DATE OF THEIR RETIREMENT AND TO PROVIDE  
17 THAT THE SALARIES OF THOSE PERSONS SHALL NOT BE INCREASED FOR  
18 YEARS OF TEACHING EXPERIENCE OBTAINED BEFORE THEIR EMPLOYMENT AS  
19 TEACHERS FOLLOWING THEIR RETIREMENT; AND FOR RELATED PURPOSES.

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

21 **SECTION 1.** The following shall be codified as Section  
22 25-11-126, Mississippi Code of 1972:

23 25-11-126. (1) A person who is receiving a retirement  
24 allowance under this article, who was employed as a teacher in a  
25 public school district at the time of the person's retirement and  
26 who has not been employed as a teacher in a public school district  
27 for at least one (1) year after retirement, may choose to continue  
28 to receive the retirement allowance under this article during that  
29 person's employment as a teacher after retirement, in addition to  
30 receiving the salary authorized under Section 37-19-7(3), in the  
31 manner provided in this subsection. Before being employed as a  
32 teacher in the public school system after retirement, the person  
33 shall notify the executive director of the retirement system about  
34 the person's choice on continuing to receive the retirement  
35 allowance during the person's employment as a teacher. If the



36 person chooses not to continue receiving the retirement allowance  
37 during employment as a teacher, the retirement allowance must  
38 cease on the day that the person begins employment as a teacher  
39 after retirement. After the person leaves the employment as a  
40 teacher which began after the person's retirement, in order to  
41 begin receiving a retirement allowance under this article again,  
42 the person shall make application to the executive director of the  
43 retirement system, and the retirement allowance shall begin on the  
44 first of the month following the date that the application is  
45 received by the executive director.

46 (2) A person employed as a teacher after retirement under  
47 the authority of this section may not be a contributing member of  
48 the retirement system or receive any creditable service for the  
49 period during which the person receives a retirement allowance  
50 during employment as a teacher. A person to whom this section  
51 applies who chooses not to receive a retirement allowance during  
52 employment as a teacher shall be a contributing member of the  
53 retirement system and shall receive creditable service for the  
54 period during which the person is employed as a teacher without  
55 receiving a retirement allowance. If the person previously has  
56 received a retirement allowance under this article and he is  
57 employed as a teacher for more than six (6) months without  
58 receiving a retirement allowance, the allowance of the person must  
59 be recomputed when the person retires again, which computation  
60 must include the service after the person again became a  
61 contributing member of the retirement system.

62 **SECTION 2.** Section 25-11-105, Mississippi Code of 1972, is  
63 amended as follows:

64 25-11-105. **I. THOSE WHO ARE ELIGIBLE FOR MEMBERSHIP**

65 The membership of this retirement system shall be composed as  
66 follows:

67 (a) All persons who shall become employees in the state  
68 service after January 31, 1953, and whose wages are subject to



69 payroll taxes and are lawfully reported on IRS Form W-2, except  
70 (i) those persons who are specifically excluded, (ii) those  
71 persons to whom election is provided in Articles 1 and 3, or (iii)  
72 those persons who continue to receive a retirement allowance  
73 during their employment as teachers under the authority of Section  
74 25-11-126, shall become members of the retirement system as a  
75 condition of their employment.

76 (b) All persons who shall become employees in the state  
77 service after January 31, 1953, except those specifically excluded  
78 or as to whom election is provided in Articles 1 and 3, unless  
79 they shall file with the board prior to the lapse of sixty (60)  
80 days of employment or sixty (60) days after the effective date of  
81 the cited articles, whichever is later, on a form prescribed by  
82 the board, a notice of election not to be covered by the  
83 membership of the retirement system and a duly executed waiver of  
84 all present and prospective benefits which would otherwise inure  
85 to them on account of their participation in the system, shall  
86 become members of the retirement system; provided, however, that  
87 no credit for prior service will be granted to members until they  
88 have contributed to Article 3 of the retirement system for a  
89 minimum period of at least four (4) years. Such members shall  
90 receive credit for services performed prior to January 1, 1953, in  
91 employment now covered by Article 3, but no credit shall be  
92 granted for retroactive services between January 1, 1953, and the  
93 date of their entry into the retirement system unless the employee  
94 pays into the retirement system both the employer's and the  
95 employee's contributions on wages paid him during the period from  
96 January 31, 1953, to the date of his becoming a contributing  
97 member, together with interest at the rate determined by the board  
98 of trustees. Members reentering after withdrawal from service  
99 shall qualify for prior service under the provisions of Section  
100 25-11-117. From and after July 1, 1998, upon eligibility as noted



101 above, the member may receive credit for such retroactive service  
102 provided:

103 (1) The member shall furnish proof satisfactory to  
104 the board of trustees of certification of such service from the  
105 covered employer where the services were performed; and

106 (2) The member shall pay to the retirement system  
107 on the date he or she is eligible for such credit or at any time  
108 thereafter prior to the date of retirement the actuarial cost for  
109 each year of such creditable service. The provisions of this  
110 subparagraph (2) shall be subject to the limitations of Section  
111 415 of the Internal Revenue Code and regulations promulgated  
112 thereunder.

113 Nothing contained in this paragraph (b) shall be construed to  
114 limit the authority of the board to allow the correction of  
115 reporting errors or omissions based on the payment of the employee  
116 and employer contributions plus applicable interest.

117 (c) All persons who shall become employees in the state  
118 service after January 31, 1953, and who are eligible for  
119 membership in any other retirement system shall become members of  
120 this retirement system as a condition of their employment unless  
121 they elect at the time of their employment to become a member of  
122 such other system.

123 (d) All persons who are employees in the state service  
124 on January 31, 1953, and who are members of any nonfunded  
125 retirement system operated by the State of Mississippi, or any of  
126 its departments or agencies, shall become members of this system  
127 with prior service credit unless, before February 1, 1953, they  
128 shall file a written notice with the board of trustees that they  
129 do not elect to become members.

130 (e) All persons who are employees in the state service  
131 on January 31, 1953, and who under existing laws are members of  
132 any fund operated for the retirement of employees by the State of  
133 Mississippi, or any of its departments or agencies, shall not be



134 entitled to membership in this retirement system unless, before  
135 February 1, 1953, any such person shall indicate by a notice filed  
136 with the board, on a form prescribed by the board, his individual  
137 election and choice to participate in this system, but no such  
138 person shall receive prior service credit unless he becomes a  
139 member on or before February 1, 1953.

140 (f) Each political subdivision of the state and each  
141 instrumentality of the state or a political subdivision, or both,  
142 is hereby authorized to submit, for approval by the board of  
143 trustees, a plan for extending the benefits of this article to  
144 employees of any such political subdivision or instrumentality.  
145 Each such plan or any amendment to the plan for extending benefits  
146 thereof shall be approved by the board of trustees if it finds  
147 that such plan, or such plan as amended, is in conformity with  
148 such requirements as are provided in Articles 1 and 3; however,  
149 upon approval of such plan or any such plan heretofore approved by  
150 the board of trustees, the approved plan shall not be subject to  
151 cancellation or termination by the political subdivision or  
152 instrumentality, except that any community hospital serving a  
153 municipality that joined the Public Employees' Retirement System  
154 as of November 1, 1956, to offer social security coverage for its  
155 employees and subsequently extended retirement annuity coverage to  
156 its employees as of December 1, 1965, may, upon documentation of  
157 extreme financial hardship, have future retirement annuity  
158 coverage cancelled or terminated at the discretion of the board of  
159 trustees. No such plan shall be approved unless:

160 (1) It provides that all services which constitute  
161 employment as defined in Section 25-11-5 and are performed in the  
162 employ of the political subdivision or instrumentality, by any  
163 employees thereof, shall be covered by the plan; with the  
164 exception of municipal employees who are already covered by  
165 existing retirement plans; provided, however, those employees in  
166 this class may elect to come under the provisions of this article;



167                   (2) It specifies the source or sources from which  
168 the funds necessary to make the payments required by paragraph (d)  
169 of Section 25-11-123 and of paragraph (f) (5)B and C of this  
170 section are expected to be derived and contains reasonable  
171 assurance that such sources will be adequate for such purpose;

172                   (3) It provides for such methods of administration  
173 of the plan by the political subdivision or instrumentality as are  
174 found by the board of trustees to be necessary for the proper and  
175 efficient administration thereof;

176                   (4) It provides that the political subdivision or  
177 instrumentality will make such reports, in such form and  
178 containing such information, as the board of trustees may from  
179 time to time require;

180                   (5) It authorizes the board of trustees to  
181 terminate the plan in its entirety in the discretion of the board  
182 if it finds that there has been a failure to comply substantially  
183 with any provision contained in such plan, such termination to  
184 take effect at the expiration of such notice and on such  
185 conditions as may be provided by regulations of the board and as  
186 may be consistent with applicable federal law.

187                   A. The board of trustees shall not finally  
188 refuse to approve a plan submitted under paragraph (f), and shall  
189 not terminate an approved plan without reasonable notice and  
190 opportunity for hearing to each political subdivision or  
191 instrumentality affected thereby. The board's decision in any  
192 such case shall be final, conclusive and binding unless an appeal  
193 be taken by the political subdivision or instrumentality aggrieved  
194 thereby to the Circuit Court of Hinds County, Mississippi, in  
195 accordance with the provisions of law with respect to civil causes  
196 by certiorari.

197                   B. Each political subdivision or  
198 instrumentality as to which a plan has been approved under this  
199 section shall pay into the contribution fund, with respect to



200 wages (as defined in Section 25-11-5), at such time or times as  
201 the board of trustees may by regulation prescribe, contributions  
202 in the amounts and at the rates specified in the applicable  
203 agreement entered into by the board.

204 C. Every political subdivision or  
205 instrumentality required to make payments under paragraph (f)(5)B  
206 hereof is authorized, in consideration of the employees' retention  
207 in or entry upon employment after enactment of Articles 1 and 3,  
208 to impose upon its employees, as to services which are covered by  
209 an approved plan, a contribution with respect to wages (as defined  
210 in Section 25-11-5) not exceeding the amount provided in Section  
211 25-11-123(d) if such services constituted employment within the  
212 meaning of Articles 1 and 3, and to deduct the amount of such  
213 contribution from the wages as and when paid. Contributions so  
214 collected shall be paid into the contribution fund as partial  
215 discharge of the liability of such political subdivisions or  
216 instrumentalities under paragraph (f)(5)B hereof. Failure to  
217 deduct such contribution shall not relieve the employee or  
218 employer of liability thereof.

219 D. Any state agency, school, political  
220 subdivision, instrumentality or any employer that is required to  
221 submit contribution payments or wage reports under any section of  
222 this chapter shall be assessed interest on delinquent payments or  
223 wage reports as determined by the board of trustees in accordance  
224 with rules and regulations adopted by the board and such assessed  
225 interest may be recovered by action in a court of competent  
226 jurisdiction against such reporting agency liable therefor or may,  
227 upon due certification of delinquency and at the request of the  
228 board of trustees, be deducted from any other monies payable to  
229 such reporting agency by any department or agency of the state.

230 E. Each political subdivision of the state  
231 and each instrumentality of the state or a political subdivision  
232 or subdivisions which submits a plan for approval of the board, as



233 provided in this section, shall reimburse the board for coverage  
234 into the expense account, its pro rata share of the total expense  
235 of administering Articles 1 and 3 as provided by regulations of  
236 said board.

237 (g) The board may, in its discretion, deny the right of  
238 membership in this system to any class of employees whose  
239 compensation is only partly paid by the state or who are occupying  
240 positions on a part-time or intermittent basis. The board may, in  
241 its discretion, make optional with employees in any such classes  
242 their individual entrance into this system.

243 (h) An employee whose membership in this system is  
244 contingent on his own election, and who elects not to become a  
245 member, may thereafter apply for and be admitted to membership;  
246 but no such employee shall receive prior service credit unless he  
247 becomes a member prior to July 1, 1953, except as provided in  
248 paragraph (b).

249 (i) In the event any member of this system should  
250 change his employment to any agency of the state having an  
251 actuarially funded retirement system, the board of trustees may  
252 authorize the transfer of the member's creditable service and of  
253 the present value of the member's employer's accumulation account  
254 and of the present value of the member's accumulated membership  
255 contributions to such other system, provided the employee agrees  
256 to the transfer of his accumulated membership contributions and  
257 provided such other system is authorized to receive and agrees to  
258 make such transfer.

259 In the event any member of any other actuarially funded  
260 system maintained by an agency of the state changes his employment  
261 to an agency covered by this system, the board of trustees may  
262 authorize the receipt of the transfer of the member's creditable  
263 service and of the present value of the member's employer's  
264 accumulation account and of the present value of the member's  
265 accumulated membership contributions from such other system,



266 provided the employee agrees to the transfer of his accumulated  
267 membership contributions to this system and provided the other  
268 system is authorized and agrees to make such transfer.

269 (j) Wherever herein state employment is referred to, it  
270 shall include joint employment by state and federal agencies of  
271 all kinds.

272 (k) Employees of a political subdivision or  
273 instrumentality who were employed by such political subdivision or  
274 instrumentality prior to an agreement between such entity and the  
275 Public Employees' Retirement System to extend the benefits of this  
276 article to its employees, and which agreement provides for the  
277 establishment of retroactive service credit, and who have been  
278 members of the retirement system and have remained contributors to  
279 the retirement system for four (4) years, may receive credit for  
280 such retroactive service with such political subdivision or  
281 instrumentality, provided the employee and/or employer, as  
282 provided under the terms of the modification of the joinder  
283 agreement in allowing such coverage, pay into the retirement  
284 system the employer's and employee's contributions on wages paid  
285 the member during such previous employment, together with interest  
286 or actuarial cost as determined by the board covering the period  
287 from the date the service was rendered until the payment for the  
288 credit for such service was made. Such wages shall be verified by  
289 the Social Security Administration or employer payroll records.  
290 Effective July 1, 1998, upon eligibility as noted above, a member  
291 may receive credit for such retroactive service with such  
292 political subdivision or instrumentality provided:

293 (1) The member shall furnish proof satisfactory to  
294 the board of trustees of certification of such services from the  
295 political subdivision or instrumentality where the services were  
296 rendered or verification by the Social Security Administration;  
297 and



298                   (2) The member shall pay to the retirement system  
299 on the date he or she is eligible for such credit or at any time  
300 thereafter prior to the date of retirement the actuarial cost for  
301 each year of such creditable service. The provisions of this  
302 subparagraph (2) shall be subject to the limitations of Section  
303 415 of the Internal Revenue Code and regulations promulgated  
304 thereunder.

305           Nothing contained in this paragraph (k) shall be construed to  
306 limit the authority of the board to allow the correction of  
307 reporting errors or omissions based on the payment of employee and  
308 employer contributions plus applicable interest. Payment for such  
309 time shall be made in increments of not less than one-quarter  
310 (1/4) year of creditable service beginning with the most recent  
311 service. Upon the payment of all or part of such required  
312 contributions, plus interest or the actuarial cost as provided  
313 above, the member shall receive credit for the period of  
314 creditable service for which full payment has been made to the  
315 retirement system.

316           (1) Through June 30, 1998, any state service eligible  
317 for retroactive service credit, no part of which has ever been  
318 reported, and requiring the payment of employee and employer  
319 contributions plus interest, or, from and after July 1, 1998, any  
320 state service eligible for retroactive service credit, no part of  
321 which has ever been reported to the retirement system, and  
322 requiring the payment of the actuarial cost for such creditable  
323 service, may, at the member's option, be purchased in quarterly  
324 increments as provided above at such time as its purchase is  
325 otherwise allowed.

326           (m) All rights to purchase retroactive service credit  
327 or repay a refund as provided in Section 25-11-101 et seq. shall  
328 terminate upon retirement.

329           **II. THOSE WHO ARE NOT ELIGIBLE FOR MEMBERSHIP**



330 The following classes of employees and officers shall not  
331 become members of this retirement system, any other provisions of  
332 Articles 1 and 3 to the contrary notwithstanding:

333 (a) Patient or inmate help in state charitable, penal  
334 or correctional institutions;

335 (b) Students of any state educational institution  
336 employed by any agency of the state for temporary, part-time or  
337 intermittent work;

338 (c) Participants of Comprehensive Employment and  
339 Training Act of 1973 (CETA) being Public Law 93-203, who enroll on  
340 or after July 1, 1979.

341 **III. TERMINATION OF MEMBERSHIP**

342 Membership in this system shall cease by a member withdrawing  
343 his accumulated contributions, or by a member withdrawing from  
344 active service with a retirement allowance, or by a member's  
345 death.

346 **SECTION 3.** Section 25-11-127, Mississippi Code of 1972, is  
347 amended as follows:

348 25-11-127. (1) No person who is being paid a retirement  
349 allowance or a pension after retirement under this article shall  
350 be employed or paid for any service by the State of Mississippi,  
351 except as provided in this section or in Section 25-11-126. This  
352 section shall not apply to any pensioner who has been elected to  
353 public office after retirement, nor to any person employed because  
354 of special knowledge or experience. This section shall not be  
355 construed to mean that any person employed or elected under the  
356 above exceptions shall become a member under Article 3 of the  
357 retirement system, nor shall any retiree of this retirement system  
358 who is reemployed or is reelected to office after retirement  
359 continue to draw retirement benefits while so reemployed or  
360 reelected except those persons who continue to receive a  
361 retirement allowance during their employment as teachers under the  
362 authority of Section 25-11-126.



363 (2) Any person who has been retired under the provisions of  
364 Articles 1 and 3 and who is later reemployed in service covered by  
365 this article shall cease to receive benefits under this article  
366 unless the person continues to receive a retirement allowance  
367 during employment as a teacher under the authority of Section  
368 25-11-126, and the person shall again become a contributing member  
369 of the retirement system. When the person retires again, if that  
370 person has been a contributing member of the retirement system  
371 during reemployment and the reemployment exceeds six (6) months,  
372 the person shall have his or her benefit recomputed, including  
373 service after again becoming a member, provided that the total  
374 retirement allowance paid to the retired member in his or her  
375 previous retirement shall be deducted from the member's retirement  
376 reserve and taken into consideration in recalculating the  
377 retirement allowance under a new option selected.

378 (3) Nothing contained in this section shall be construed as  
379 prohibiting any county or city not a member of the Public  
380 Employees' Retirement System from employing persons up to the age  
381 of seventy-three (73). In addition, through June 30, 1988,  
382 nothing contained in this section shall be construed as  
383 prohibiting any governmental unit that is a member from employing  
384 persons up to the age of seventy-three (73) who are not eligible  
385 for membership at the time of employment under Article 3.

386 (4) The board of trustees of the retirement system shall  
387 have the right to prescribe rules and regulations for carrying out  
388 the provisions of this section.

389 (5) The provisions of this section shall not be construed to  
390 prohibit any retiree, regardless of age, from being employed and  
391 drawing a retirement allowance either:

392 (a) For a period of time not to exceed one-half (1/2)  
393 of the normal working days for the position in any fiscal year  
394 during which the retiree will receive no more than one-half (1/2)



395 of the salary in effect for the position at the time of  
396 employment, or

397 (b) For a period of time in any fiscal year sufficient  
398 in length to permit a retiree to earn not in excess of twenty-five  
399 percent (25%) of retiree's average compensation.

400 To determine the normal working days for a position under  
401 paragraph (a) of this subsection, the employer shall determine the  
402 required number of working days for the position on a full-time  
403 basis and the equivalent number of hours representing the  
404 full-time position. The retiree then may work up to one-half  
405 (1/2) of the required number of working days or up to one-half  
406 (1/2) of the equivalent number of hours and receive up to one-half  
407 (1/2) of the salary for the position. In the case of employment  
408 with multiple employers, the limitation shall equal one-half (1/2)  
409 of the number of days or hours for a single full-time position.

410 Notice shall be given in writing to the executive director of  
411 the system, setting forth the facts upon which the employment is  
412 being made, and the notice shall be given within five (5) days  
413 from the date of employment and also from the date of termination  
414 of the employment.

415 (6) Any member who has attained seventy (70) years of age  
416 and who has forty (40) or more years of creditable service may  
417 continue in office or employment or be reemployed or elected,  
418 provided that the person files annually, in writing, in the office  
419 of the employer and the office of the executive director of the  
420 system before those services, a waiver of all salary or  
421 compensation and elects to receive in lieu of that salary or  
422 compensation a retirement allowance as provided in this section,  
423 in which event no salary or compensation shall thereafter be due  
424 or payable for those services. However, any such officer or  
425 employee may receive, in addition to the retirement allowance, any  
426 per diem, office expense allowance, mileage or travel expense  
427 authorized by any statute of the State of Mississippi.



428 (7) Any member may continue in municipal or county office or  
429 employment or be reemployed or elected in a municipality or  
430 county, provided that the person files annually, in writing, in  
431 the office of the employer and the office of the executive  
432 director of the system before those services, a waiver of all  
433 salary or compensation and elects to receive in lieu of that  
434 salary or compensation a retirement allowance as provided in this  
435 section, in which event no salary or compensation shall thereafter  
436 be due or payable for those services. However, any such officer  
437 or employee may receive, in addition to the retirement allowance,  
438 any per diem, office expense allowance, mileage or travel expense  
439 authorized by any statute of the State of Mississippi.

440 **SECTION 4.** Section 37-19-7, Mississippi Code of 1972, is  
441 amended as follows:

442 37-19-7. (1) This section shall be known and may be cited  
443 as the Mississippi "Teacher Opportunity Program (TOP)." The  
444 allowance in the \* \* \* Mississippi Adequate Education Program for  
445 teachers' salaries in each county and separate school district  
446 shall be determined and paid in accordance with the scale for  
447 teachers' salaries as provided in this subsection. For teachers  
448 holding the following types of licenses or the equivalent as  
449 determined by the State Board of Education, and the following  
450 number of years of teaching experience, the scale shall be as  
451 follows:

452 \* \* \*

453 **2002-2003 School Year**

454 **Less Than 25 Years of Teaching Experience**

455	AAAA.....	\$ 27,850.00
456	AAA.....	27,000.00
457	AA.....	26,150.00
458	A.....	24,700.00

459 **25 or More Years of Teaching Experience**

460	AAAA.....	\$ 29,850.00
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461	AAA.....	29,000.00
462	AA.....	28,150.00
463	A.....	26,700.00

464 For each one percent (1%) that the Sine Die General Fund  
465 Revenue Estimate Growth exceeds five percent (5%) for fiscal year  
466 2003, as certified by the Legislative Budget Office to the State  
467 Board of Education and subject to specific appropriation therefor  
468 by the Legislature, the State Board of Education shall revise the  
469 salary scale to provide an additional one percent (1%) across the  
470 board increase in the base salaries for each type of license.

471 **2003-2004 School Year**

472 **Less Than 25 Years of Teaching Experience**

473	AAAA.....	\$ 29,550.00
474	AAA.....	28,700.00
475	AA.....	27,850.00
476	A.....	26,000.00

477 **25 or More Years of Teaching Experience**

478	AAAA.....	\$ 31,550.00
479	AAA.....	30,700.00
480	AA.....	29,850.00
481	A.....	28,000.00

482 The State Board of Education shall revise the salary scale  
483 prescribed above for the 2003-2004 school year to conform to any  
484 adjustments made to the salary scale in the prior fiscal year due  
485 to revenue growth over and above five percent (5%). For each one  
486 percent (1%) that the Sine Die General Fund Revenue Estimate  
487 Growth exceeds five percent (5%) for fiscal year 2004, as  
488 certified by the Legislative Budget Office to the State Board of  
489 Education and subject to specific appropriation therefor by the  
490 Legislature, the State Board of Education shall revise the salary  
491 scale to provide an additional one percent (1%) across the board  
492 increase in the base salaries for each type of license.

493 **2004-2005 School Year**



494	<b>Less Than 25 Years of Teaching Experience</b>	
495	AAAA.....	\$ 31,775.00
496	AAA.....	30,850.00
497	AA.....	29,925.00
498	A.....	28,000.00

499	<b>25 or More Years of Teaching Experience</b>	
500	AAAA.....	\$ 33,775.00
501	AAA.....	32,850.00
502	AA.....	31,925.00
503	A.....	30,000.00

504 The State Board of Education shall revise the salary scale  
505 prescribed above for the 2004-2005 school year to conform to any  
506 adjustments made to the salary scale in prior fiscal years due to  
507 revenue growth over and above five percent (5%). For each one  
508 percent (1%) that the Sine Die General Fund Revenue Estimate  
509 Growth exceeds five percent (5%) for fiscal year 2005, as  
510 certified by the Legislative Budget Office to the State Board of  
511 Education and subject to specific appropriation therefor by the  
512 Legislature, the State Board of Education shall revise the salary  
513 scale to provide an additional one percent (1%) across the board  
514 increase in the base salaries for each type of license.

515 **2005-2006 School Year and School Years Thereafter**

516	<b>Less Than 25 Years of Teaching Experience</b>	
517	AAAA.....	\$ 34,000.00
518	AAA.....	33,000.00
519	AA.....	32,000.00
520	A.....	30,000.00

521	<b>25 or More Years of Teaching Experience</b>	
522	AAAA.....	\$ 36,000.00
523	AAA.....	35,000.00
524	AA.....	34,000.00
525	A.....	32,000.00





558 For teachers holding a Class AAAA license, the minimum base  
559 pay specified in this subsection shall be increased by the sum of  
560 Six Hundred Eighty-five Dollars (\$685.00) for each year of  
561 teaching experience possessed by the person holding such license  
562 until such person shall have twenty-five (25) years of teaching  
563 experience.

564 For teachers holding a Class AAA license, the minimum base  
565 pay specified in this subsection shall be increased by the sum of  
566 Six Hundred Twenty Dollars (\$620.00) for each year of teaching  
567 experience possessed by the person holding such license until such  
568 person shall have twenty-five (25) years of teaching experience.

569 For teachers holding a Class AA license, the minimum base pay  
570 specified in this subsection shall be increased by the sum of Five  
571 Hundred Fifty-five Dollars (\$555.00) for each year of teaching  
572 experience possessed by the person holding such license until such  
573 person shall have twenty-five (25) years of teaching experience.

574 For teachers holding a Class A license, the minimum base pay  
575 specified in this subsection shall be increased by the sum of Four  
576 Hundred Forty-five Dollars (\$445.00) for each year of teaching  
577 experience possessed by the person holding such license until such  
578 person shall have twenty-two (22) years of teaching experience.

579 **2003-2004 School Year Annual Increment**

580 For teachers holding a Class AAAA license, the minimum base  
581 pay specified in this subsection shall be increased by the sum of  
582 Seven Hundred Ten Dollars (\$710.00) for each year of teaching  
583 experience possessed by the person holding such license until such  
584 person shall have twenty-five (25) years of teaching experience.

585 For teachers holding a Class AAA license, the minimum base  
586 pay specified in this subsection shall be increased by the sum of  
587 Six Hundred Forty-five Dollars (\$645.00) for each year of teaching  
588 experience possessed by the person holding such license until such  
589 person shall have twenty-five (25) years of teaching experience.



590 For teachers holding a Class AA license, the minimum base pay  
591 specified in this subsection shall be increased by the sum of Five  
592 Hundred Eighty Dollars (\$580.00) for each year of teaching  
593 experience possessed by the person holding such license until such  
594 person shall have twenty-five (25) years of teaching experience.

595 For teachers holding a Class A license, the minimum base pay  
596 specified in this subsection shall be increased by the sum of Four  
597 Hundred Fifty-five Dollars (\$455.00) for each year of teaching  
598 experience possessed by the person holding such license until such  
599 person shall have twenty-three (23) years of teaching experience.

600 **2004-2005 School Year Annual Increment**

601 For teachers holding a Class AAAA license, the minimum base  
602 pay specified in this subsection shall be increased by the sum of  
603 Seven Hundred Forty Dollars (\$740.00) for each year of teaching  
604 experience possessed by the person holding such license until such  
605 person shall have twenty-five (25) years of teaching experience.

606 For teachers holding a Class AAA license, the minimum base  
607 pay specified in this subsection shall be increased by the sum of  
608 Six Hundred Seventy-five Dollars (\$675.00) for each year of  
609 teaching experience possessed by the person holding such license  
610 until such person shall have twenty-five (25) years of teaching  
611 experience.

612 For teachers holding a Class AA license, the minimum base pay  
613 specified in this subsection shall be increased by the sum of Six  
614 Hundred Ten Dollars (\$610.00) for each year of teaching experience  
615 possessed by the person holding such license until such person  
616 shall have twenty-five (25) years of teaching experience.

617 For teachers holding a Class A license, the minimum base pay  
618 specified in this subsection shall be increased by the sum of Four  
619 Hundred Sixty-five Dollars (\$465.00) for each year of teaching  
620 experience possessed by the person holding such license until such  
621 person shall have twenty-four (24) years of teaching experience.

622 **2005-2006 School Year**



623 **and School Years Thereafter Annual Increments**

624 For teachers holding a Class AAAA license, the minimum base  
625 pay specified in this subsection shall be increased by the sum of  
626 Seven Hundred Seventy Dollars (\$770.00) for each year of teaching  
627 experience possessed by the person holding such license until such  
628 person shall have twenty-five (25) years of teaching experience.

629 For teachers holding a Class AAA license, the minimum base  
630 pay specified in this subsection shall be increased by the sum of  
631 Seven Hundred Five Dollars (\$705.00) for each year of teaching  
632 experience possessed by the person holding such license until such  
633 person shall have twenty-five (25) years of teaching experience.

634 For teachers holding a Class AA license, the minimum base pay  
635 specified in this subsection shall be increased by the sum of Six  
636 Hundred Forty Dollars (\$640.00) for each year of teaching  
637 experience possessed by the person holding such license until such  
638 person shall have twenty-five (25) years of teaching experience.

639 For teachers holding a Class A license, the minimum base pay  
640 specified in this subsection shall be increased by the sum of Four  
641 Hundred Eighty Dollars (\$480.00) for each year of teaching  
642 experience possessed by the person holding such license until such  
643 person shall have twenty-four (24) years of teaching experience.

644 The level of professional training of each teacher to be used  
645 in establishing the salary allotment for the teachers for each  
646 year shall be determined by the type of valid teacher's license  
647 issued to those teachers on or before October 1 of the current  
648 school year.

649 (2) (a) The following employees shall receive an annual  
650 salary supplement in the amount of Six Thousand Dollars  
651 (\$6,000.00), plus fringe benefits, in addition to any other  
652 compensation to which the employee may be entitled:

653 (i) Any licensed teacher who has met the  
654 requirements and acquired a Master Teacher certificate from the  
655 National Board for Professional Teaching Standards and who is



656 employed by a local school board or the State Board of Education  
657 as a teacher and not as an administrator. Such teacher shall  
658 submit documentation to the State Department of Education that the  
659 certificate was received prior to October 15 in order to be  
660 eligible for the full salary supplement in the current school  
661 year, or the teacher shall submit such documentation to the State  
662 Department of Education prior to February 15 in order to be  
663 eligible for a prorated salary supplement beginning with the  
664 second term of the school year.

665 (ii) Any licensed school counselor who has met the  
666 requirements and acquired a National Certified School Counselor  
667 (NCSC) endorsement from the National Board of Certified Counselors  
668 and who is employed by a local school board or the State Board of  
669 Education as a counselor and not as an administrator. Such  
670 licensed school counselor shall submit documentation to the State  
671 Department of Education that the endorsement was received prior to  
672 October 15 in order to be eligible for the full salary supplement  
673 in the current school year, or the licensed school counselor shall  
674 submit such documentation to the State Department of Education  
675 prior to February 15 in order to be eligible for a prorated salary  
676 supplement beginning with the second term of the school year.  
677 However, the salary supplement authorized under this item shall be  
678 discontinued two (2) years after the date on which the National  
679 Board for Professional Teaching Standards offers a certification  
680 process for a Master Teacher certificate for school counselors,  
681 and any school counselor receiving the salary supplement will be  
682 required to complete the Master Teacher certificate process under  
683 item (i) of this paragraph in order to continue receiving such  
684 salary supplement.

685 (iii) Any licensed speech-language pathologist and  
686 audiologist who has met the requirements and acquired a  
687 Certificate of Clinical Competence from the American  
688 Speech-Language-Hearing Association and who is employed by a local



689 school board. Such licensed speech-language pathologist and  
690 audiologist shall submit documentation to the State Department of  
691 Education that the certificate or endorsement was received prior  
692 to October 15 in order to be eligible for the full salary  
693 supplement in the current school year, or the licensed  
694 speech-language pathologist and audiologist shall submit such  
695 documentation to the State Department of Education prior to  
696 February 15 in order to be eligible for a prorated salary  
697 supplement beginning with the second term of the school year.  
698 However, the salary supplement authorized under this item shall be  
699 discontinued two (2) years after the date on which the National  
700 Board for Professional Teaching Standards offers a certification  
701 process for a Master Teacher certificate for school  
702 speech-language pathologists and audiologists, and any school  
703 speech-language pathologist and audiologist receiving the salary  
704 supplement will be required to complete the Master Teacher  
705 certificate process under item (i) of this paragraph in order to  
706 continue receiving such salary supplement.

707 (b) An employee shall be reimbursed one (1) time for  
708 the actual cost of completing the process of acquiring the  
709 certificate or endorsement, excluding any costs incurred for  
710 postgraduate courses, not to exceed Five Hundred Dollars (\$500.00)  
711 for a school counselor or speech-language pathologist and  
712 audiologist, regardless of whether or not the process resulted in  
713 the award of the certificate or endorsement. A local school  
714 district or any private individual or entity may pay the cost of  
715 completing the process of acquiring the certificate or endorsement  
716 for any employee of the school district described under paragraph  
717 (a), and the State Department of Education shall reimburse the  
718 school district for such cost, regardless of whether or not the  
719 process resulted in the award of the certificate or endorsement.  
720 If a private individual or entity has paid the cost of completing  
721 the process of acquiring the certificate or endorsement for an



722 employee, the local school district may agree to directly  
723 reimburse the individual or entity for such cost on behalf of the  
724 employee.

725 (c) All salary supplements, fringe benefits and process  
726 reimbursement authorized under this subsection shall be paid  
727 directly by the State Department of Education to the local school  
728 district and shall be in addition to its minimum education program  
729 allotments and not a part thereof in accordance with regulations  
730 promulgated by the State Board of Education, and subject to  
731 appropriation by the Legislature. Local school districts shall  
732 not reduce the local supplement paid to any employee receiving  
733 such salary supplement, and the employee shall receive any local  
734 supplement to which employees with similar training and experience  
735 otherwise are entitled.

736 (d) The State Department of Education may not pay any  
737 process reimbursement to a school district for an employee who  
738 does not complete the certification or endorsement process  
739 required to be eligible for the certificate or endorsement. If an  
740 employee for whom such cost has been paid in full or in part by a  
741 local school district or private individual or entity fails to  
742 complete the certification or endorsement process, the employee  
743 shall be liable to the school district or individual or entity for  
744 all amounts paid by the school district or individual or entity on  
745 behalf of that employee toward his or her certificate or  
746 endorsement.

747 (3) Any person who is receiving a retirement allowance from  
748 the Public Employees' Retirement System who is employed as a  
749 teacher after the person's retirement under the authority of  
750 Section 25-11-126 shall be paid a salary, on an hourly basis,  
751 equal to the amount of the salary that the person received during  
752 the school year immediately preceding retirement. For such  
753 persons, an increase in the salary may not be provided for  
754 teaching experience that was obtained by the person before the



755 date of the employment as a teacher following retirement, but the  
756 salary shall be increased for each year of teaching experience  
757 that is obtained by the person after the date of employment as a  
758 teacher following the person's retirement.

759       **SECTION 5.** This act shall take effect and be in force from  
760 and after July 1, 2002.

