

By: Senator(s) Harden

To: Finance

SENATE BILL NO. 2215

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 WHO ARE
 4 EMPLOYED AS TEACHERS IN THE PUBLIC SCHOOL SYSTEM AFTER THEIR
 5 RETIREMENT MAY RECEIVE A RETIREMENT ALLOWANCE DURING THEIR
 6 EMPLOYMENT AS TEACHERS IN ADDITION TO RECEIVING A TEACHER'S
 7 SALARY; TO PROVIDE CONDITIONS FOR SUCH EMPLOYMENT; TO AMEND
 8 SECTIONS 25-11-103, 25-11-105 AND 25-11-127, MISSISSIPPI CODE OF
 9 1972, IN CONFORMITY WITH THE PROVISIONS OF THIS ACT; TO AMEND
 10 SECTION 37-19-7, MISSISSIPPI CODE OF 1972, TO PROVIDE CERTAIN
 11 LIMITATIONS ON THE TEACHERS' SALARIES OF THOSE PERSONS; AND FOR
 12 RELATED PURPOSES.

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

14 **SECTION 1.** The following shall be codified as Section
 15 25-11-126, Mississippi Code of 1972:

16 25-11-126. Any person receiving a retirement allowance under
 17 this article for at least one (1) year, who was employed as a
 18 teacher in the public school system at the time of his retirement
 19 and who is employed as a teacher in the public school system after
 20 his retirement, may choose to continue receiving the retirement
 21 allowance under this article during his employment as a teacher
 22 after his retirement in addition to receiving the salary
 23 authorized under Section 37-19-7(3), under the following
 24 conditions:

25 (a) The retired member holds any teacher's professional
 26 license or certificate as may be required in Section 37-3-2.

27 (b) The superintendent of schools of the employing
 28 school district certifies in writing to the Executive Director of
 29 the Public Employees Retirement System and the State
 30 Superintendent of Education that the retired member has the
 31 requisite experience, training and expertise for the position to



32 be filled and that no other qualified persons are available to
33 fill the position;

34 (c) The State Superintendent of Education certifies in
35 writing to the Public Employees' Retirement System that the
36 employing school system serves an area that lacks qualified
37 teachers to serve in the position to be filled;

38 (d) Such retired member shall not be eligible to accrue
39 additional retirement benefits, accrue leave or receive medical
40 insurance coverage as a result of such employment;

41 (e) The retired member shall not receive automatic
42 credit for years of experience in determining compensation.
43 Provided, however, the salary paid to such retired member for
44 performing the teaching services shall not be less than the rate
45 of compensation set by the school district for teachers with no
46 experience filling similar positions, nor shall such salary exceed
47 eighty-five percent (85%) of the rate of compensation set by the
48 school district for teachers with comparable training and years of
49 experience filling similar positions. Once such compensation is
50 set, the retired member shall not be entitled to any supplements,
51 salary increases or annual increments;

52 (f) The retired member's appointment to serve as
53 teacher cannot exceed one (1) year. The retired member may be
54 reappointed to additional one-year periods provided the conditions
55 contained in this section are met for each such reappointment,
56 including the certifications required in paragraphs (b) and (c) of
57 this section.

58 (g) To fund the additional pension liability created by
59 this act, the State Department of Education is directed to
60 transfer to the Mississippi Public Employees' Retirement System
61 the following funds: Minimum and adequate education program funds
62 of local school districts that on or after July 1, 2001, hire
63 retired members who retired on or after July 1, 2000, as teachers
64 pursuant to the provisions of this act and other funds which would



65 have otherwise been payable to the agencies had the agencies not
66 taken advantage of the provisions of this section.

67 **SECTION 2.** Section 25-11-103, Mississippi Code of 1972, is
68 amended as follows:

69 25-11-103. The following words and phrases as used in
70 Articles 1 and 3, unless a different meaning is plainly required
71 by the context, shall have the following meanings:

72 (a) "Accumulated contributions" shall mean the sum of
73 all the amounts deducted from the compensation of a member and
74 credited to his individual account in the annuity savings account,
75 together with regular interest thereon as provided in Section
76 25-11-123.

77 (b) "Actuarial cost" shall mean the amount of funds
78 presently required to provide future benefits as determined by the
79 board based on applicable tables and formulas provided by the
80 actuary.

81 (c) "Actuarial equivalent" shall mean a benefit of
82 equal value to the accumulated contributions, annuity or benefit,
83 as the case may be, when computed upon the basis of such mortality
84 tables as shall be adopted by the board of trustees, and regular
85 interest.

86 (d) "Actuarial tables" shall mean such tables of
87 mortality and rates of interest as shall be adopted by the board
88 in accordance with the recommendation of the actuary.

89 (e) "Agency" shall mean any governmental body employing
90 persons in the state service.

91 (f) "Average compensation" shall mean the average of
92 the four (4) highest years of earned compensation reported for an
93 employee in a fiscal or calendar year period, or combination
94 thereof which do not overlap, or the last forty-eight (48)
95 consecutive months of earned compensation reported for an
96 employee. The four (4) years need not be successive or joined
97 years of service. In no case shall the average compensation so



98 determined be in excess of One Hundred Twenty-five Thousand
99 Dollars (\$125,000.00). In computing the average compensation, any
100 amount paid in a lump sum for personal leave shall be included in
101 the calculation to the extent that such amount does not exceed an
102 amount which is equal to thirty (30) days of earned compensation
103 and to the extent that it does not cause the employees' earned
104 compensation to exceed the maximum reportable amount specified in
105 Section 25-11-103(k); provided, however, that such thirty-day
106 limitation shall not prevent the inclusion in the calculation of
107 leave earned under federal regulations prior to July 1, 1976, and
108 frozen as of that date as referred to in Section 25-3-99. Only
109 the amount of lump sum pay for personal leave due and paid upon
110 the death of a member attributable for up to one hundred fifty
111 (150) days shall be used in the deceased member's average
112 compensation calculation in determining the beneficiary's
113 benefits. In computing the average compensation, no amounts shall
114 be used which are in excess of the amount on which contributions
115 were required and paid. If any member who is or has been granted
116 any increase in annual salary or compensation of more than eight
117 percent (8%) retires within twenty-four (24) months from the date
118 that such increase becomes effective, then the board shall exclude
119 that part of the increase in salary or compensation that exceeds
120 eight percent (8%) in calculating that member's average
121 compensation for retirement purposes. The board may enforce this
122 provision by rule or regulation. However, increases in
123 compensation in excess of eight percent (8%) per year granted
124 within twenty-four (24) months of the date of retirement may be
125 included in such calculation of average compensation if
126 satisfactory proof is presented to the board showing that the
127 increase in compensation was the result of an actual change in the
128 position held or services rendered, or that such compensation
129 increase was authorized by the State Personnel Board or was
130 increased as a result of statutory enactment, and the employer



131 furnishes an affidavit stating that such increase granted within
132 the last twenty-four (24) months was not contingent on a promise
133 or agreement of the employee to retire. Nothing in Section
134 25-3-31 shall affect the calculation of the average compensation
135 of any member for the purposes of this article. The average
136 compensation of any member who retires before July 1, 1992, shall
137 not exceed the annual salary of the Governor.

138 (g) "Beneficiary" shall mean any person entitled to
139 receive a retirement allowance, an annuity or other benefit as
140 provided by Articles 1 and 3. In the event of the death prior to
141 retirement of any member whose spouse and/or children are not
142 entitled to a retirement allowance on the basis that the member
143 has less than four (4) years of service credit and/or has not been
144 married for a minimum of one (1) year or the spouse has waived his
145 or her entitlement to a retirement allowance pursuant to Section
146 25-11-114, the lawful spouse of a member at the time of the death
147 of such member shall be the beneficiary of such member unless the
148 member has designated another beneficiary subsequent to the date
149 of marriage in writing, and filed such writing in the office of
150 the executive director of the board of trustees. No designation
151 or change of beneficiary shall be made in any other manner.

152 (h) "Board" shall mean the board of trustees provided
153 in Section 25-11-15 to administer the retirement system herein
154 created.

155 (i) "Creditable service" shall mean "prior service,"
156 "retroactive service" and all lawfully credited unused leave not
157 exceeding the accrual rates and limitations provided in Section
158 25-3-91 et seq., as of the date of withdrawal from service plus
159 "membership service" for which credit is allowable as provided in
160 Section 25-11-109. Except to limit creditable service reported to
161 the system for the purpose of computing an employee's retirement
162 allowance or annuity or benefits provided in this article, nothing
163 in this paragraph shall limit or otherwise restrict the power of



164 the governing authority of a municipality or other political
165 subdivision of the state to adopt such vacation and sick leave
166 policies as it deems necessary.

167 (j) "Child" means either a natural child of the member,
168 a child that has been made a child of the member by applicable
169 court action before the death of the member, or a child under the
170 permanent care of the member at the time of the latter's death,
171 which permanent care status shall be determined by evidence
172 satisfactory to the board.

173 (k) "Earned compensation" shall mean the full amount
174 earned by an employee for a given pay period including any
175 maintenance furnished up to a maximum of One Hundred Twenty-five
176 Thousand Dollars (\$125,000.00) per year, and proportionately for
177 less than one (1) year of service. The value of such maintenance
178 when not paid in money shall be fixed by the employing state
179 agency, and, in case of doubt, by the board of trustees as defined
180 in Section 25-11-15. In any case, earned compensation shall be
181 limited to the regular periodic compensation paid, exclusive of
182 litigation fees, bond fees, and other similar extraordinary
183 nonrecurring payments. In addition, any member in a covered
184 position, as defined by Public Employees' Retirement System laws
185 and regulations, who is also employed by another covered agency or
186 political subdivision shall have the earnings of that additional
187 employment reported to the Public Employees' Retirement System
188 regardless of whether the additional employment is sufficient in
189 itself to be a covered position. In the case of fee officials,
190 the net earnings from their office after deduction of expenses
191 shall apply, except that in no case shall earned compensation be
192 less than the total direct payments made by the state or
193 governmental subdivisions to the official, and employer and
194 employee contributions shall be paid thereon. In the case of
195 members of the state Legislature, all remuneration or amounts
196 paid, except mileage allowance, shall apply. The amount by which



197 an eligible employee's salary is reduced pursuant to a salary
198 reduction agreement authorized under Section 25-17-5 shall be
199 included as earned compensation under this paragraph, provided
200 this inclusion does not conflict with federal law, including
201 federal regulations and federal administrative interpretations
202 thereunder, pertaining to the Federal Insurance Contributions Act
203 or to Internal Revenue Code Section 125 cafeteria plans.
204 Compensation in addition to an employee's base salary that is paid
205 to the employee pursuant to the vacation and sick leave policies
206 of a municipality or other political subdivision of the state that
207 employs him which exceeds the maximums authorized by Section
208 25-3-91 et seq., shall be excluded from the calculation of earned
209 compensation under this article. The maximum salary applicable
210 for retirement purposes before July 1, 1992, shall be the salary
211 of the Governor. Nothing in Section 25-3-31 shall affect the
212 determination of the earned compensation of any member for the
213 purposes of this article.

214 (l) "Employee" means any person legally occupying a
215 position in the state service, and shall include the employees of
216 the retirement system created hereunder.

217 (m) "Employer" shall mean the State of Mississippi or
218 any of its departments, agencies or subdivisions from which any
219 employee receives his compensation.

220 (n) "Executive director" shall mean the secretary to
221 the board of trustees, as provided in Section 25-11-15(9), and the
222 administrator of the Public Employees' Retirement System and all
223 systems under the management of the board of trustees. Wherever
224 the term "Executive Secretary of the Public Employees' Retirement
225 System" or "executive secretary" appears in this article or in any
226 other provision of law, it shall be construed to mean the
227 Executive Director of the Public Employees' Retirement System.



228 (o) "Fiscal year" shall mean the period beginning on
229 July 1 of any year and ending on June 30 of the next succeeding
230 year.

231 (p) "Medical board" shall mean the board of physicians
232 or any governmental or nongovernmental disability determination
233 service designated by the board of trustees that is qualified to
234 make disability determinations as provided for in Section
235 25-11-119.

236 (q) "Member" shall mean any person included in the
237 membership of the system as provided in Section 25-11-105.

238 (r) "Membership service" shall mean service as an
239 employee rendered while a member of the retirement system.

240 (s) "Position" means any office or any employment in
241 the state service, or two (2) or more of them, the duties of which
242 call for services to be rendered by one (1) person, including
243 positions jointly employed by federal and state agencies
244 administering federal and state funds. The employer shall
245 determine upon initial employment and during the course of
246 employment of an employee who does not meet the criteria for
247 coverage in the Public Employees' Retirement System based on the
248 position held, whether the employee is or becomes eligible for
249 coverage in the Public Employees' Retirement System based upon any
250 other employment in a covered agency or political subdivision. If
251 or when the employee meets the eligibility criteria for coverage
252 in such other position, then the employer must withhold
253 contributions and report wages from the noncovered position in
254 accordance with the provisions for reporting of earned
255 compensation. Failure to deduct and report those contributions
256 shall not relieve the employee or employer of liability thereof.
257 The board shall adopt such rules and regulations as necessary to
258 implement and enforce this provision.

259 (t) "Prior service" shall mean service rendered before
260 February 1, 1953, for which credit is allowable under Sections



261 25-11-105 and 25-11-109, and which shall allow prior service for
262 any person who is now or becomes a member of the Public Employees'
263 Retirement System and who does contribute to the system for a
264 minimum period of four (4) years.

265 (u) "Regular interest" shall mean interest compounded
266 annually at such a rate as shall be determined by the board in
267 accordance with Section 25-11-121.

268 (v) "Retirement allowance" shall mean an annuity for
269 life as provided in this article, payable each year in twelve (12)
270 equal monthly installments beginning as of the date fixed by the
271 board. The retirement allowance shall be calculated in accordance
272 with Section 25-11-111. Provided, any spouse who received a
273 spouse retirement benefit in accordance with Section 25-11-111(d)
274 prior to March 31, 1971, and said benefits were terminated because
275 of eligibility for a social security benefit, may again receive
276 his spouse retirement benefit from and after making application
277 with the board of trustees to reinstate such spouse retirement
278 benefit.

279 (w) "Retroactive service" shall mean service rendered
280 after February 1, 1953, for which credit is allowable under
281 Section 25-11-105(b) and Section 25-11-105(k).

282 (x) "System" shall mean the Public Employees'
283 Retirement System of Mississippi established and described in
284 Section 25-11-101.

285 (y) "State" shall mean the State of Mississippi or any
286 political subdivision thereof or instrumentality thereof.

287 (z) "State service" shall mean all offices and
288 positions of trust or employment in the employ of the state, or
289 any political subdivision or instrumentality thereof, which elect
290 to participate as provided by Section 25-11-105(f), including the
291 position of elected or fee officials of the counties and their
292 deputies and employees performing public services or any
293 department, independent agency, board or commission thereof, and



294 shall also include all offices and positions of trust or
295 employment in the employ of joint state and federal agencies
296 administering state and federal funds and service rendered by
297 employees of the public schools. Effective July 1, 1973, all
298 nonprofessional public school employees, such as bus drivers,
299 janitors, maids, maintenance workers and cafeteria employees,
300 shall have the option to become members in accordance with Section
301 25-11-105(b), and shall be eligible to receive credit for services
302 prior to July 1, 1973, provided the contributions and interest are
303 paid by the employee in accordance with said section; provided,
304 further, that the county or municipal separate school district may
305 pay the employer contribution and pro rata share of interest of
306 the retroactive service from available funds. From and after July
307 1, 1998, retroactive service credit shall be purchased at the
308 actuarial cost in accordance with Section 25-11-105(b).

309 (aa) "Withdrawal from service" shall mean complete
310 severance of employment in the state service of any member by
311 resignation, dismissal or discharge, except in the case of persons
312 who become eligible to receive a retirement allowance under this
313 article and who choose to receive the retirement allowance during
314 their employment as teachers as authorized by Section 25-11-126.

315 (bb) The masculine pronoun, wherever used, shall
316 include the feminine pronoun.

317 **SECTION 3.** Section 25-11-105, Mississippi Code of 1972, is
318 amended as follows:

319 25-11-105. **I. THOSE WHO ARE ELIGIBLE FOR MEMBERSHIP**

320 The membership of this retirement system shall be composed as
321 follows:

322 (a) All persons who shall become employees in the state
323 service after January 31, 1953, and whose wages are subject to
324 payroll taxes and are lawfully reported on IRS Form W-2, except
325 (i) those persons who are specifically excluded, (ii) those
326 persons or as to whom election is provided in Articles 1 and 3, or



327 (iii) those persons who choose to receive or continue receiving a
328 retirement allowance during their employment as teachers as
329 authorized by Section 25-11-126, shall become members of the
330 retirement system as a condition of their employment.

331 (b) All persons who shall become employees in the state
332 service after January 31, 1953, except those specifically excluded
333 or as to whom election is provided in Articles 1 and 3, unless
334 they shall file with the board prior to the lapse of sixty (60)
335 days of employment or sixty (60) days after the effective date of
336 the cited articles, whichever is later, on a form prescribed by
337 the board, a notice of election not to be covered by the
338 membership of the retirement system and a duly executed waiver of
339 all present and prospective benefits which would otherwise inure
340 to them on account of their participation in the system, shall
341 become members of the retirement system; provided, however, that
342 no credit for prior service will be granted to members until they
343 have contributed to Article 3 of the retirement system for a
344 minimum period of at least four (4) years. Such members shall
345 receive credit for services performed prior to January 1, 1953, in
346 employment now covered by Article 3, but no credit shall be
347 granted for retroactive services between January 1, 1953, and the
348 date of their entry into the retirement system unless the employee
349 pays into the retirement system both the employer's and the
350 employee's contributions on wages paid him during the period from
351 January 31, 1953, to the date of his becoming a contributing
352 member, together with interest at the rate determined by the board
353 of trustees. Members reentering after withdrawal from service
354 shall qualify for prior service under the provisions of Section
355 25-11-117. From and after July 1, 1998, upon eligibility as noted
356 above, the member may receive credit for such retroactive service
357 provided:



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

361 (2) The member shall pay to the retirement system
362 on the date he or she is eligible for such credit or at any time
363 thereafter prior to the date of retirement the actuarial cost for
364 each year of such creditable service. The provisions of this
365 subparagraph (2) shall be subject to the limitations of Section
366 415 of the Internal Revenue Code and regulations promulgated
367 thereunder.

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

372 (c) All persons who shall become employees in the state
373 service after January 31, 1953, and who are eligible for
374 membership in any other retirement system shall become members of
375 this retirement system as a condition of their employment unless
376 they elect at the time of their employment to become a member of
377 such other system.

378 (d) All persons who are employees in the state service
379 on January 31, 1953, and who are members of any nonfunded
380 retirement system operated by the State of Mississippi, or any of
381 its departments or agencies, shall become members of this system
382 with prior service credit unless, before February 1, 1953, they
383 shall file a written notice with the board of trustees that they
384 do not elect to become members.

385 (e) All persons who are employees in the state service
386 on January 31, 1953, and who under existing laws are members of
387 any fund operated for the retirement of employees by the State of
388 Mississippi, or any of its departments or agencies, shall not be
389 entitled to membership in this retirement system unless, before
390 February 1, 1953, any such person shall indicate by a notice filed



391 with the board, on a form prescribed by the board, his individual
392 election and choice to participate in this system, but no such
393 person shall receive prior service credit unless he becomes a
394 member on or before February 1, 1953.

395 (f) Each political subdivision of the state and each
396 instrumentality of the state or a political subdivision, or both,
397 is hereby authorized to submit, for approval by the board of
398 trustees, a plan for extending the benefits of this article to
399 employees of any such political subdivision or instrumentality.
400 Each such plan or any amendment to the plan for extending benefits
401 thereof shall be approved by the board of trustees if it finds
402 that such plan, or such plan as amended, is in conformity with
403 such requirements as are provided in Articles 1 and 3; however,
404 upon approval of such plan or any such plan heretofore approved by
405 the board of trustees, the approved plan shall not be subject to
406 cancellation or termination by the political subdivision or
407 instrumentality, except that any community hospital serving a
408 municipality that joined the Public Employees' Retirement System
409 as of November 1, 1956, to offer social security coverage for its
410 employees and subsequently extended retirement annuity coverage to
411 its employees as of December 1, 1965, may, upon documentation of
412 extreme financial hardship, have future retirement annuity
413 coverage cancelled or terminated at the discretion of the board of
414 trustees. No such plan shall be approved unless:

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

422 (2) It specifies the source or sources from which
423 the funds necessary to make the payments required by paragraph (d)



424 of Section 25-11-123 and of paragraph (f) (5)B and C of this
425 section are expected to be derived and contains reasonable
426 assurance that such sources will be adequate for such purpose;

427 (3) It provides for such methods of administration
428 of the plan by the political subdivision or instrumentality as are
429 found by the board of trustees to be necessary for the proper and
430 efficient administration thereof;

431 (4) It provides that the political subdivision or
432 instrumentality will make such reports, in such form and
433 containing such information, as the board of trustees may from
434 time to time require;

435 (5) It authorizes the board of trustees to
436 terminate the plan in its entirety in the discretion of the board
437 if it finds that there has been a failure to comply substantially
438 with any provision contained in such plan, such termination to
439 take effect at the expiration of such notice and on such
440 conditions as may be provided by regulations of the board and as
441 may be consistent with applicable federal law.

442 A. The board of trustees shall not finally
443 refuse to approve a plan submitted under paragraph (f), and shall
444 not terminate an approved plan without reasonable notice and
445 opportunity for hearing to each political subdivision or
446 instrumentality affected thereby. The board's decision in any
447 such case shall be final, conclusive and binding unless an appeal
448 be taken by the political subdivision or instrumentality aggrieved
449 thereby to the Circuit Court of Hinds County, Mississippi, in
450 accordance with the provisions of law with respect to civil causes
451 by certiorari.

452 B. Each political subdivision or
453 instrumentality as to which a plan has been approved under this
454 section shall pay into the contribution fund, with respect to
455 wages (as defined in Section 25-11-5), at such time or times as
456 the board of trustees may by regulation prescribe, contributions



457 in the amounts and at the rates specified in the applicable
458 agreement entered into by the board.

459 C. Every political subdivision or
460 instrumentality required to make payments under paragraph (f) (5)B
461 hereof is authorized, in consideration of the employees' retention
462 in or entry upon employment after enactment of Articles 1 and 3,
463 to impose upon its employees, as to services which are covered by
464 an approved plan, a contribution with respect to wages (as defined
465 in Section 25-11-5) not exceeding the amount provided in Section
466 25-11-123(d) if such services constituted employment within the
467 meaning of Articles 1 and 3, and to deduct the amount of such
468 contribution from the wages as and when paid. Contributions so
469 collected shall be paid into the contribution fund as partial
470 discharge of the liability of such political subdivisions or
471 instrumentalities under paragraph (f) (5)B hereof. Failure to
472 deduct such contribution shall not relieve the employee or
473 employer of liability thereof.

474 D. Any state agency, school, political
475 subdivision, instrumentality or any employer that is required to
476 submit contribution payments or wage reports under any section of
477 this chapter shall be assessed interest on delinquent payments or
478 wage reports as determined by the board of trustees in accordance
479 with rules and regulations adopted by the board and such assessed
480 interest may be recovered by action in a court of competent
481 jurisdiction against such reporting agency liable therefor or may,
482 upon due certification of delinquency and at the request of the
483 board of trustees, be deducted from any other monies payable to
484 such reporting agency by any department or agency of the state.

485 E. Each political subdivision of the state
486 and each instrumentality of the state or a political subdivision
487 or subdivisions which submits a plan for approval of the board, as
488 provided in this section, shall reimburse the board for coverage
489 into the expense account, its pro rata share of the total expense



490 of administering Articles 1 and 3 as provided by regulations of
491 said board.

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

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

504 (i) In the event any member of this system should
505 change his employment to any agency of the state having an
506 actuarially funded retirement system, the board of trustees may
507 authorize the transfer of the member's creditable service and of
508 the present value of the member's employer's accumulation account
509 and of the present value of the member's accumulated membership
510 contributions to such other system, provided the employee agrees
511 to the transfer of his accumulated membership contributions and
512 provided such other system is authorized to receive and agrees to
513 make such transfer.

514 In the event any member of any other actuarially funded
515 system maintained by an agency of the state changes his employment
516 to an agency covered by this system, the board of trustees may
517 authorize the receipt of the transfer of the member's creditable
518 service and of the present value of the member's employer's
519 accumulation account and of the present value of the member's
520 accumulated membership contributions from such other system,
521 provided the employee agrees to the transfer of his accumulated



522 membership contributions to this system and provided the other
523 system is authorized and agrees to make such transfer.

524 (j) Wherever herein state employment is referred to, it
525 shall include joint employment by state and federal agencies of
526 all kinds.

527 (k) Employees of a political subdivision or
528 instrumentality who were employed by such political subdivision or
529 instrumentality prior to an agreement between such entity and the
530 Public Employees' Retirement System to extend the benefits of this
531 article to its employees, and which agreement provides for the
532 establishment of retroactive service credit, and who have been
533 members of the retirement system and have remained contributors to
534 the retirement system for four (4) years, may receive credit for
535 such retroactive service with such political subdivision or
536 instrumentality, provided the employee and/or employer, as
537 provided under the terms of the modification of the joinder
538 agreement in allowing such coverage, pay into the retirement
539 system the employer's and employee's contributions on wages paid
540 the member during such previous employment, together with interest
541 or actuarial cost as determined by the board covering the period
542 from the date the service was rendered until the payment for the
543 credit for such service was made. Such wages shall be verified by
544 the Social Security Administration or employer payroll records.
545 Effective July 1, 1998, upon eligibility as noted above, a member
546 may receive credit for such retroactive service with such
547 political subdivision or instrumentality provided:

548 (1) The member shall furnish proof satisfactory to
549 the board of trustees of certification of such services from the
550 political subdivision or instrumentality where the services were
551 rendered or verification by the Social Security Administration;
552 and

553 (2) The member shall pay to the retirement system
554 on the date he or she is eligible for such credit or at any time



555 thereafter prior to the date of retirement the actuarial cost for
556 each year of such creditable service. The provisions of this
557 subparagraph (2) shall be subject to the limitations of Section
558 415 of the Internal Revenue Code and regulations promulgated
559 thereunder.

560 Nothing contained in this paragraph (k) shall be construed to
561 limit the authority of the board to allow the correction of
562 reporting errors or omissions based on the payment of employee and
563 employer contributions plus applicable interest. Payment for such
564 time shall be made in increments of not less than one-quarter
565 (1/4) year of creditable service beginning with the most recent
566 service. Upon the payment of all or part of such required
567 contributions, plus interest or the actuarial cost as provided
568 above, the member shall receive credit for the period of
569 creditable service for which full payment has been made to the
570 retirement system.

571 (l) Through June 30, 1998, any state service eligible
572 for retroactive service credit, no part of which has ever been
573 reported, and requiring the payment of employee and employer
574 contributions plus interest, or, from and after July 1, 1998, any
575 state service eligible for retroactive service credit, no part of
576 which has ever been reported to the retirement system, and
577 requiring the payment of the actuarial cost for such creditable
578 service, may, at the member's option, be purchased in quarterly
579 increments as provided above at such time as its purchase is
580 otherwise allowed.

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

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

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



588 (a) Patient or inmate help in state charitable, penal
589 or correctional institutions;

590 (b) Students of any state educational institution
591 employed by any agency of the state for temporary, part-time or
592 intermittent work;

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

596 **III. TERMINATION OF MEMBERSHIP**

597 Membership in this system shall cease by a member withdrawing
598 his accumulated contributions, or by a member withdrawing from
599 active service with a retirement allowance, or by a member's
600 death.

601 **SECTION 4.** Section 25-11-127, Mississippi Code of 1972, is
602 amended as follows:

603 25-11-127. (1) No person who is being paid a retirement
604 allowance or a pension after retirement under this article shall
605 be employed or paid for any service by the State of Mississippi,
606 except as provided in this section or in Section 25-11-126. This
607 section shall not apply to any pensioner who has been elected to
608 public office after retirement, nor to any person employed because
609 of special knowledge or experience. This section shall not be
610 construed to mean that any person employed or elected under the
611 above exceptions shall become a member under Article 3 of the
612 retirement system, nor shall any retiree of this retirement system
613 who is reemployed or is reelected to office after retirement
614 continue to draw retirement benefits while so reemployed or
615 reelected except those persons who choose to continue receiving a
616 retirement allowance during their employment as teachers as
617 authorized by Section 25-11-126.

618 (2) Any person who has been retired under the provisions of
619 Articles 1 and 3 and who is later reemployed in service covered by
620 this article shall cease to receive benefits under this article



621 unless he chooses to continue receiving a retirement allowance
622 during his employment as a teacher as authorized by Section
623 25-11-126, and the person shall again become a contributing member
624 of the retirement system. When the person retires again, if he
625 has been a contributing member of the retirement system during his
626 reemployment and his reemployment exceeds six (6) months, he shall
627 have his or her benefit recomputed, including service after again
628 becoming a member, provided that the total retirement allowance
629 paid to the retired member in his or her previous retirement shall
630 be deducted from the member's retirement reserve and taken into
631 consideration in recalculating the retirement allowance under a
632 new option selected.

633 (3) Nothing contained in this section shall be construed as
634 prohibiting any county or city not a member of the Public
635 Employees' Retirement System from employing persons up to the age
636 of seventy-three (73). In addition, through June 30, 1988,
637 nothing contained in this section shall be construed as
638 prohibiting any governmental unit that is a member from employing
639 persons up to the age of seventy-three (73) who are not eligible
640 for membership at the time of employment under Article 3.

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

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

647 (a) For a period of time not to exceed one-half (1/2)
648 of the normal working days for the position in any fiscal year
649 during which the retiree will receive no more than one-half (1/2)
650 of the salary in effect for the position at the time of
651 employment, or



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

655 To determine the normal working days for a position under
656 paragraph (a) of this subsection, the employer shall determine the
657 required number of working days for the position on a full-time
658 basis and the equivalent number of hours representing the
659 full-time position. The retiree then may work up to one-half
660 (1/2) of the required number of working days or up to one-half
661 (1/2) of the equivalent number of hours and receive up to one-half
662 (1/2) of the salary for the position. In the case of employment
663 with multiple employers, the limitation shall equal one-half (1/2)
664 of the number of days or hours for a single full-time position.

665 Notice shall be given in writing to the executive director of
666 the system, setting forth the facts upon which the employment is
667 being made, and the notice shall be given within five (5) days
668 from the date of employment and also from the date of termination
669 of the employment.

670 (6) Any member who has attained seventy (70) years of age
671 and who has forty (40) or more years of creditable service may
672 continue in office or employment or be reemployed or elected,
673 provided that the person files annually, in writing, in the office
674 of the employer and the office of the executive director of the
675 system before those services, a waiver of all salary or
676 compensation and elects to receive in lieu of that salary or
677 compensation a retirement allowance as provided in this section,
678 in which event no salary or compensation shall thereafter be due
679 or payable for those services. However, any such officer or
680 employee may receive, in addition to the retirement allowance, any
681 per diem, office expense allowance, mileage or travel expense
682 authorized by any statute of the State of Mississippi.

683 (7) Any member may continue in municipal or county office or
684 employment or be reemployed or elected in a municipality or



685 county, provided that the person files annually, in writing, in
 686 the office of the employer and the office of the executive
 687 director of the system before those services, a waiver of all
 688 salary or compensation and elects to receive in lieu of that
 689 salary or compensation a retirement allowance as provided in this
 690 section, in which event no salary or compensation shall thereafter
 691 be due or payable for those services. However, any such officer
 692 or employee may receive, in addition to the retirement allowance,
 693 any per diem, office expense allowance, mileage or travel expense
 694 authorized by any statute of the State of Mississippi.

695 **SECTION 5.** Section 37-19-7, Mississippi Code of 1972, is
 696 amended as follows:

697 37-19-7. (1) This section shall be known and may be cited
 698 as the Mississippi "Teacher Opportunity Program (TOP)." The
 699 allowance in the minimum education program and the Mississippi
 700 Adequate Education Program for teachers' salaries in each county
 701 and separate school district shall be determined and paid in
 702 accordance with the scale for teachers' salaries as provided in
 703 this subsection. For teachers holding the following types of
 704 licenses or the equivalent as determined by the State Board of
 705 Education, and the following number of years of teaching
 706 experience, the scale shall be as follows:

707 **2001-2002 School Year**

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

709	AAAA.....	\$ 26,290.00
710	AAA.....	25,440.00
711	AA.....	24,590.00
712	A.....	23,540.00

713 **25 or More Years of Teaching Experience**

714	AAAA.....	\$ 27,790.00
715	AAA.....	26,940.00
716	AA.....	26,090.00
717	A.....	25,040.00



718	2002-2003 School Year	
719	Less Than 25 Years of Teaching Experience	
720	AAAA.....	\$ 27,850.00
721	AAA.....	27,000.00
722	AA.....	26,150.00
723	A.....	24,700.00

724	25 or More Years of Teaching Experience	
725	AAAA.....	\$ 29,850.00
726	AAA.....	29,000.00
727	AA.....	28,150.00
728	A.....	26,700.00

729 For each one percent (1%) that the Sine Die General Fund
730 Revenue Estimate Growth exceeds five percent (5%) for fiscal year
731 2003, as certified by the Legislative Budget Office to the State
732 Board of Education and subject to specific appropriation therefor
733 by the Legislature, the State Board of Education shall revise the
734 salary scale to provide an additional one percent (1%) across the
735 board increase in the base salaries for each type of license.

736	2003-2004 School Year	
737	Less Than 25 Years of Teaching Experience	
738	AAAA.....	\$ 29,550.00
739	AAA.....	28,700.00
740	AA.....	27,850.00
741	A.....	26,000.00

742	25 or More Years of Teaching Experience	
743	AAAA.....	\$ 31,550.00
744	AAA.....	30,700.00
745	AA.....	29,850.00
746	A.....	28,000.00

747 The State Board of Education shall revise the salary scale
748 prescribed above for the 2003-2004 school year to conform to any
749 adjustments made to the salary scale in the prior fiscal year due
750 to revenue growth over and above five percent (5%). For each one



751 percent (1%) that the Sine Die General Fund Revenue Estimate
 752 Growth exceeds five percent (5%) for fiscal year 2004, as
 753 certified by the Legislative Budget Office to the State Board of
 754 Education and subject to specific appropriation therefor by the
 755 Legislature, the State Board of Education shall revise the salary
 756 scale to provide an additional one percent (1%) across the board
 757 increase in the base salaries for each type of license.

758 **2004-2005 School Year**

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

760	AAAA.....	\$ 31,775.00
761	AAA.....	30,850.00
762	AA.....	29,925.00
763	A.....	28,000.00

764 **25 or More Years of Teaching Experience**

765	AAAA.....	\$ 33,775.00
766	AAA.....	32,850.00
767	AA.....	31,925.00
768	A.....	30,000.00

769 The State Board of Education shall revise the salary scale
 770 prescribed above for the 2004-2005 school year to conform to any
 771 adjustments made to the salary scale in prior fiscal years due to
 772 revenue growth over and above five percent (5%). For each one
 773 percent (1%) that the Sine Die General Fund Revenue Estimate
 774 Growth exceeds five percent (5%) for fiscal year 2005, as
 775 certified by the Legislative Budget Office to the State Board of
 776 Education and subject to specific appropriation therefor by the
 777 Legislature, the State Board of Education shall revise the salary
 778 scale to provide an additional one percent (1%) across the board
 779 increase in the base salaries for each type of license.

780 **2005-2006 School Year and School Years Thereafter**

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

782	AAAA.....	\$ 34,000.00
783	AAA.....	33,000.00



784	AA.....	32,000.00
785	A.....	30,000.00
786	25 or More Years of Teaching Experience	
787	AAAA.....	\$ 36,000.00
788	AAA.....	35,000.00
789	AA.....	34,000.00
790	A.....	32,000.00

791 The State Board of Education shall revise the salary scale
792 prescribed above for the 2005-2006 school year to conform to any
793 adjustments made to the salary scale in prior fiscal years due to
794 revenue growth over and above five percent (5%). For each one
795 percent (1%) that the Sine Die General Fund Revenue Estimate
796 Growth exceeds five percent (5%) for fiscal year 2006, as
797 certified by the Legislative Budget Office to the State Board of
798 Education and subject to specific appropriation therefor by the
799 Legislature, the State Board of Education shall revise the salary
800 scale to provide an additional one percent (1%) across the board
801 increase in the base salaries for each type of license.

802 It is the intent of the Legislature that any state funds made
803 available for salaries of licensed personnel in excess of the
804 funds paid for such salaries for the 1986-1987 school year shall
805 be paid to licensed personnel pursuant to a personnel appraisal
806 and compensation system implemented by the State Board of
807 Education. The State Board of Education shall have the authority
808 to adopt and amend rules and regulations as are necessary to
809 establish, administer and maintain the system.

810 All teachers employed on a full-time basis shall be paid a
811 minimum salary in accordance with the above scale. However, no
812 school district shall receive any funds under this section for any
813 school year during which the local supplement paid to any
814 individual teacher shall have been reduced to a sum less than that
815 paid to that individual teacher for performing the same duties
816 from local supplement during the immediately preceding school



817 year. The amount actually spent for the purposes of group health
818 and/or life insurance shall be considered as a part of the
819 aggregate amount of local supplement but shall not be considered
820 a part of the amount of individual local supplement.

821 **2001-2002 School Year Annual Increment**

822 For teachers holding a Class AAAA license, the minimum base
823 pay specified in this subsection shall be increased by the sum of
824 Six Hundred Sixty Dollars (\$660.00) for each year of teaching
825 experience possessed by the person holding such license until such
826 person shall have twenty-five (25) years of teaching experience.

827 For teachers holding a Class AAA license, the minimum base
828 pay specified in this subsection shall be increased by the sum of
829 Five Hundred Ninety-five Dollars (\$595.00) for each year of
830 teaching experience possessed by the person holding such license
831 until such person shall have twenty-five (25) years of teaching
832 experience.

833 For teachers holding a Class AA license, the minimum base pay
834 specified in this subsection shall be increased by the sum of Five
835 Hundred Thirty Dollars (\$530.00) for each year of teaching
836 experience possessed by the person holding such license until such
837 person shall have twenty-five (25) years of teaching experience.

838 For teachers holding a Class A license, the minimum base pay
839 specified in this subsection shall be increased by the sum of Four
840 Hundred Thirty-five Dollars (\$435.00) for each year of teaching
841 experience possessed by the person holding such license until such
842 person shall have twenty-one (21) years of teaching experience.

843 **2002-2003 School Year Annual Increment**

844 For teachers holding a Class AAAA license, the minimum base
845 pay specified in this subsection shall be increased by the sum of
846 Six Hundred Eighty-five Dollars (\$685.00) for each year of
847 teaching experience possessed by the person holding such license
848 until such person shall have twenty-five (25) years of teaching
849 experience.



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

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

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

865 **2003-2004 School Year Annual Increment**

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

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

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

881 For teachers holding a Class A license, the minimum base pay
882 specified in this subsection shall be increased by the sum of Four



883 Hundred Fifty-five Dollars (\$455.00) for each year of teaching
884 experience possessed by the person holding such license until such
885 person shall have twenty-three (23) years of teaching experience.

886 **2004-2005 School Year Annual Increment**

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

892 For teachers holding a Class AAA license, the minimum base
893 pay specified in this subsection shall be increased by the sum of
894 Six Hundred Seventy-five Dollars (\$675.00) for each year of
895 teaching experience possessed by the person holding such license
896 until such person shall have twenty-five (25) years of teaching
897 experience.

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

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

908 **2005-2006 School Year**

909 **and School Years Thereafter Annual Increments**

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



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

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

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

930 The level of professional training of each teacher to be used
931 in establishing the salary allotment for the teachers for each
932 year shall be determined by the type of valid teacher's license
933 issued to those teachers on or before October 1 of the current
934 school year.

935 (2) (a) The following employees shall receive an annual
936 salary supplement in the amount of Six Thousand Dollars
937 (\$6,000.00), plus fringe benefits, in addition to any other
938 compensation to which the employee may be entitled:

939 (i) Any licensed teacher who has met the
940 requirements and acquired a Master Teacher certificate from the
941 National Board for Professional Teaching Standards and who is
942 employed by a local school board or the State Board of Education
943 as a teacher and not as an administrator. Such teacher shall
944 submit documentation to the State Department of Education that the
945 certificate was received prior to October 15 in order to be
946 eligible for the full salary supplement in the current school
947 year, or the teacher shall submit such documentation to the State



948 Department of Education prior to February 15 in order to be
949 eligible for a prorated salary supplement beginning with the
950 second term of the school year.

951 (ii) Any licensed school counselor who has met the
952 requirements and acquired a National Certified School Counselor
953 (NCSC) endorsement from the National Board of Certified Counselors
954 and who is employed by a local school board or the State Board of
955 Education as a counselor and not as an administrator. Such
956 licensed school counselor shall submit documentation to the State
957 Department of Education that the endorsement was received prior to
958 October 15 in order to be eligible for the full salary supplement
959 in the current school year, or the licensed school counselor shall
960 submit such documentation to the State Department of Education
961 prior to February 15 in order to be eligible for a prorated salary
962 supplement beginning with the second term of the school year.
963 However, the salary supplement authorized under this item shall be
964 discontinued two (2) years after the date on which the National
965 Board for Professional Teaching Standards offers a certification
966 process for a Master Teacher certificate for school counselors,
967 and any school counselor receiving the salary supplement will be
968 required to complete the Master Teacher certificate process under
969 item (i) of this paragraph in order to continue receiving such
970 salary supplement.

971 (iii) Any licensed speech-language pathologist and
972 audiologist who has met the requirements and acquired a
973 Certificate of Clinical Competence from the American
974 Speech-Language-Hearing Association and who is employed by a local
975 school board. Such licensed speech-language pathologist and
976 audiologist shall submit documentation to the State Department of
977 Education that the certificate or endorsement was received prior
978 to October 15 in order to be eligible for the full salary
979 supplement in the current school year, or the licensed
980 speech-language pathologist and audiologist shall submit such



981 documentation to the State Department of Education prior to
982 February 15 in order to be eligible for a prorated salary
983 supplement beginning with the second term of the school year.
984 However, the salary supplement authorized under this item shall be
985 discontinued two (2) years after the date on which the National
986 Board for Professional Teaching Standards offers a certification
987 process for a Master Teacher certificate for school
988 speech-language pathologists and audiologists, and any school
989 speech-language pathologist and audiologist receiving the salary
990 supplement will be required to complete the Master Teacher
991 certificate process under item (i) of this paragraph in order to
992 continue receiving such salary supplement.

993 (b) An employee shall be reimbursed one (1) time for
994 the actual cost of completing the process of acquiring the
995 certificate or endorsement, excluding any costs incurred for
996 postgraduate courses, not to exceed Five Hundred Dollars (\$500.00)
997 for a school counselor or speech-language pathologist and
998 audiologist, regardless of whether or not the process resulted in
999 the award of the certificate or endorsement. A local school
1000 district or any private individual or entity may pay the cost of
1001 completing the process of acquiring the certificate or endorsement
1002 for any employee of the school district described under paragraph
1003 (a), and the State Department of Education shall reimburse the
1004 school district for such cost, regardless of whether or not the
1005 process resulted in the award of the certificate or endorsement.
1006 If a private individual or entity has paid the cost of completing
1007 the process of acquiring the certificate or endorsement for an
1008 employee, the local school district may agree to directly
1009 reimburse the individual or entity for such cost on behalf of the
1010 employee.

1011 (c) All salary supplements, fringe benefits and process
1012 reimbursement authorized under this subsection shall be paid
1013 directly by the State Department of Education to the local school



1014 district and shall be in addition to its minimum education program
1015 allotments and not a part thereof in accordance with regulations
1016 promulgated by the State Board of Education, and subject to
1017 appropriation by the Legislature. Local school districts shall
1018 not reduce the local supplement paid to any employee receiving
1019 such salary supplement, and the employee shall receive any local
1020 supplement to which employees with similar training and experience
1021 otherwise are entitled.

1022 (d) The State Department of Education may not pay any
1023 process reimbursement to a school district for an employee who
1024 does not complete the certification or endorsement process
1025 required to be eligible for the certificate or endorsement. If an
1026 employee for whom such cost has been paid in full or in part by a
1027 local school district or private individual or entity fails to
1028 complete the certification or endorsement process, the employee
1029 shall be liable to the school district or individual or entity for
1030 all amounts paid by the school district or individual or entity on
1031 behalf of that employee toward his or her certificate or
1032 endorsement.

1033 (3) Notwithstanding any provision in this section to the
1034 contrary, any person who is receiving a retirement allowance from
1035 the Public Employees' Retirement System who is employed as a
1036 teacher after his retirement, and chooses to continue receiving
1037 the retirement allowance during his employment as a teacher after
1038 his retirement, as authorized by Section 25-11-126, shall be paid
1039 a salary not less than the amount of the salary for teachers with
1040 no experience filling similar positions, nor shall such salary
1041 exceed eighty-five percent (85%) of the rate of compensation set
1042 by the school district for teachers with comparable training and
1043 years of experience filling similar positions. Once such
1044 compensation is set, the retired member shall not be entitled to
1045 any supplements, annual increments or other increases.



1046 **SECTION 6.** This act shall take effect and be in force from
1047 and after July 1, 2002.

