

By: Representatives Davis, Cameron, Chism,  
Denny, Ellington, Fillingane, Formby, Ishee,  
Jennings, Lott, Martinson, Masterson, Reeves,  
Roberson, Robertson, Rotenberry, Snowden

To: Appropriations

HOUSE BILL NO. 1399

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



69 to payroll taxes and are lawfully reported on IRS Form W-2, except  
70 1. those persons who are specifically excluded, or 2. those  
71 persons to whom election is provided in Articles 1 and 3, or 3.  
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 (ii) From and after July 1, 2002, any individual  
77 who is employed by a governmental entity to perform professional  
78 services shall become a member of the system if the individual is  
79 paid regular periodic compensation for those services that is  
80 subject to payroll taxes, is provided all other employee benefits  
81 and meets the membership criteria established by the regulations  
82 adopted by the board of trustees that apply to all other members  
83 of the system; however, any active member employed in such a  
84 position on July 1, 2002, will continue to be an active member for  
85 as long as they are employed in any such position.

86 (b) All persons who shall become employees in the state  
87 service after January 31, 1953, except those specifically excluded  
88 or as to whom election is provided in Articles 1 and 3, unless  
89 they shall file with the board prior to the lapse of sixty (60)  
90 days of employment or sixty (60) days after the effective date of  
91 the cited articles, whichever is later, on a form prescribed by  
92 the board, a notice of election not to be covered by the  
93 membership of the retirement system and a duly executed waiver of  
94 all present and prospective benefits which would otherwise inure  
95 to them on account of their participation in the system, shall  
96 become members of the retirement system; however, no credit for  
97 prior service will be granted to members until they have  
98 contributed to Article 3 of the retirement system for a minimum  
99 period of at least four (4) years. Such members shall receive  
100 credit for services performed prior to January 1, 1953, in  
101 employment now covered by Article 3, but no credit shall be



102 granted for retroactive services between January 1, 1953, and the  
103 date of their entry into the retirement system unless the employee  
104 pays into the retirement system both the employer's and the  
105 employee's contributions on wages paid him during the period from  
106 January 31, 1953, to the date of his becoming a contributing  
107 member, together with interest at the rate determined by the board  
108 of trustees. Members reentering after withdrawal from service  
109 shall qualify for prior service under the provisions of Section  
110 25-11-117. From and after July 1, 1998, upon eligibility as noted  
111 above, the member may receive credit for such retroactive service  
112 provided:

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

116 (2) The member shall pay to the retirement system  
117 on the date he or she is eligible for such credit or at any time  
118 thereafter prior to the date of retirement the actuarial cost for  
119 each year of such creditable service. The provisions of this  
120 subparagraph (2) shall be subject to the limitations of Section  
121 415 of the Internal Revenue Code and regulations promulgated  
122 thereunder.

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

127 (c) All persons who shall become employees in the state  
128 service after January 31, 1953, and who are eligible for  
129 membership in any other retirement system shall become members of  
130 this retirement system as a condition of their employment unless  
131 they elect at the time of their employment to become a member of  
132 such other system.

133 (d) All persons who are employees in the state service  
134 on January 31, 1953, and who are members of any nonfunded



135 retirement system operated by the State of Mississippi, or any of  
136 its departments or agencies, shall become members of this system  
137 with prior service credit unless, before February 1, 1953, they  
138 shall file a written notice with the board of trustees that they  
139 do not elect to become members.

140 (e) All persons who are employees in the state service  
141 on January 31, 1953, and who under existing laws are members of  
142 any fund operated for the retirement of employees by the State of  
143 Mississippi, or any of its departments or agencies, shall not be  
144 entitled to membership in this retirement system unless, before  
145 February 1, 1953, any such person shall indicate by a notice filed  
146 with the board, on a form prescribed by the board, his individual  
147 election and choice to participate in this system, but no such  
148 person shall receive prior service credit unless he becomes a  
149 member on or before February 1, 1953.

150 (f) Each political subdivision of the state and each  
151 instrumentality of the state or a political subdivision, or both,  
152 is hereby authorized to submit, for approval by the board of  
153 trustees, a plan for extending the benefits of this article to  
154 employees of any such political subdivision or instrumentality.  
155 Each such plan or any amendment to the plan for extending benefits  
156 thereof shall be approved by the board of trustees if it finds  
157 that such plan, or such plan as amended, is in conformity with  
158 such requirements as are provided in Articles 1 and 3; however,  
159 upon approval of such plan or any such plan heretofore approved by  
160 the board of trustees, the approved plan shall not be subject to  
161 cancellation or termination by the political subdivision or  
162 instrumentality, except that any community hospital serving a  
163 municipality that joined the Public Employees' Retirement System  
164 as of November 1, 1956, to offer social security coverage for its  
165 employees and subsequently extended retirement annuity coverage to  
166 its employees as of December 1, 1965, may, upon documentation of  
167 extreme financial hardship, have future retirement annuity



168 coverage cancelled or terminated at the discretion of the board of  
169 trustees. No such plan shall be approved unless:

170 (1) It provides that all services which constitute  
171 employment as defined in Section 25-11-5 and are performed in the  
172 employ of the political subdivision or instrumentality, by any  
173 employees thereof, shall be covered by the plan; with the  
174 exception of municipal employees who are already covered by  
175 existing retirement plans; however, those employees in this class  
176 may elect to come under the provisions of this article;

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

182 (3) It provides for such methods of administration  
183 of the plan by the political subdivision or instrumentality as are  
184 found by the board of trustees to be necessary for the proper and  
185 efficient administration thereof;

186 (4) It provides that the political subdivision or  
187 instrumentality will make such reports, in such form and  
188 containing such information, as the board of trustees may from  
189 time to time require;

190 (5) It authorizes the board of trustees to  
191 terminate the plan in its entirety in the discretion of the board  
192 if it finds that there has been a failure to comply substantially  
193 with any provision contained in such plan, such termination to  
194 take effect at the expiration of such notice and on such  
195 conditions as may be provided by regulations of the board and as  
196 may be consistent with applicable federal law.

197 A. The board of trustees shall not finally  
198 refuse to approve a plan submitted under paragraph (f), and shall  
199 not terminate an approved plan without reasonable notice and  
200 opportunity for hearing to each political subdivision or



201 instrumentality affected thereby. The board's decision in any  
202 such case shall be final, conclusive and binding unless an appeal  
203 be taken by the political subdivision or instrumentality aggrieved  
204 thereby to the Circuit Court of Hinds County, Mississippi, in  
205 accordance with the provisions of law with respect to civil causes  
206 by certiorari.

207                   B. Each political subdivision or  
208 instrumentality as to which a plan has been approved under this  
209 section shall pay into the contribution fund, with respect to  
210 wages (as defined in Section 25-11-5), at such time or times as  
211 the board of trustees may by regulation prescribe, contributions  
212 in the amounts and at the rates specified in the applicable  
213 agreement entered into by the board.

214                   C. Every political subdivision or  
215 instrumentality required to make payments under paragraph (f)(5)B  
216 hereof is authorized, in consideration of the employees' retention  
217 in or entry upon employment after enactment of Articles 1 and 3,  
218 to impose upon its employees, as to services which are covered by  
219 an approved plan, a contribution with respect to wages (as defined  
220 in Section 25-11-5) not exceeding the amount provided in Section  
221 25-11-123(d) if such services constituted employment within the  
222 meaning of Articles 1 and 3, and to deduct the amount of such  
223 contribution from the wages as and when paid. Contributions so  
224 collected shall be paid into the contribution fund as partial  
225 discharge of the liability of such political subdivisions or  
226 instrumentalities under paragraph (f)(5)B hereof. Failure to  
227 deduct such contribution shall not relieve the employee or  
228 employer of liability thereof.

229                   D. Any state agency, school, political  
230 subdivision, instrumentality or any employer that is required to  
231 submit contribution payments or wage reports under any section of  
232 this chapter shall be assessed interest on delinquent payments or  
233 wage reports as determined by the board of trustees in accordance



234 with rules and regulations adopted by the board and such assessed  
235 interest may be recovered by action in a court of competent  
236 jurisdiction against such reporting agency liable therefor or may,  
237 upon due certification of delinquency and at the request of the  
238 board of trustees, be deducted from any other monies payable to  
239 such reporting agency by any department or agency of the state.

240 E. Each political subdivision of the state  
241 and each instrumentality of the state or a political subdivision  
242 or subdivisions which submits a plan for approval of the board, as  
243 provided in this section, shall reimburse the board for coverage  
244 into the expense account, its pro rata share of the total expense  
245 of administering Articles 1 and 3 as provided by regulations of  
246 the board.

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

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

259 (i) In the event any member of this system should  
260 change his employment to any agency of the state having an  
261 actuarially funded retirement system, the board of trustees may  
262 authorize the transfer of the member's creditable service and of  
263 the present value of the member's employer's accumulation account  
264 and of the present value of the member's accumulated membership  
265 contributions to such other system, provided the employee agrees  
266 to the transfer of his accumulated membership contributions and



267 provided such other system is authorized to receive and agrees to  
268 make such transfer.

269 In the event any member of any other actuarially funded  
270 system maintained by an agency of the state changes his employment  
271 to an agency covered by this system, the board of trustees may  
272 authorize the receipt of the transfer of the member's creditable  
273 service and of the present value of the member's employer's  
274 accumulation account and of the present value of the member's  
275 accumulated membership contributions from such other system,  
276 provided the employee agrees to the transfer of his accumulated  
277 membership contributions to this system and provided the other  
278 system is authorized and agrees to make such transfer.

279 (j) Wherever herein state employment is referred to, it  
280 shall include joint employment by state and federal agencies of  
281 all kinds.

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



300 Effective July 1, 1998, upon eligibility as noted above, a member  
301 may receive credit for such retroactive service with such  
302 political subdivision or instrumentality provided:

303 (1) The member shall furnish proof satisfactory to  
304 the board of trustees of certification of such services from the  
305 political subdivision or instrumentality where the services were  
306 rendered or verification by the Social Security Administration;  
307 and

308 (2) The member shall pay to the retirement system  
309 on the date he or she is eligible for such credit or at any time  
310 thereafter prior to the date of retirement the actuarial cost for  
311 each year of such creditable service. The provisions of this  
312 subparagraph (2) shall be subject to the limitations of Section  
313 415 of the Internal Revenue Code and regulations promulgated  
314 thereunder.

315 Nothing contained in this paragraph (k) shall be construed to  
316 limit the authority of the board to allow the correction of  
317 reporting errors or omissions based on the payment of employee and  
318 employer contributions plus applicable interest. Payment for such  
319 time shall be made in increments of not less than one-quarter  
320 (1/4) year of creditable service beginning with the most recent  
321 service. Upon the payment of all or part of such required  
322 contributions, plus interest or the actuarial cost as provided  
323 above, the member shall receive credit for the period of  
324 creditable service for which full payment has been made to the  
325 retirement system.

326 (1) Through June 30, 1998, any state service eligible  
327 for retroactive service credit, no part of which has ever been  
328 reported, and requiring the payment of employee and employer  
329 contributions plus interest, or, from and after July 1, 1998, any  
330 state service eligible for retroactive service credit, no part of  
331 which has ever been reported to the retirement system, and  
332 requiring the payment of the actuarial cost for such creditable



333 service, may, at the member's option, be purchased in quarterly  
334 increments as provided above at such time as its purchase is  
335 otherwise allowed.

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

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

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

343 (a) Patient or inmate help in state charitable, penal  
344 or correctional institutions;

345 (b) Students of any state educational institution  
346 employed by any agency of the state for temporary, part-time or  
347 intermittent work;

348 (c) Participants of Comprehensive Employment and  
349 Training Act of 1973 (CETA) being Public Law 93-203, who enroll on  
350 or after July 1, 1979;

351 (d) From and after July 1, 2002, individuals who are  
352 employed by a governmental entity to perform professional service  
353 on less than a full-time basis who do not meet the criteria  
354 established in I(a)(ii) of this section.

355 **III. TERMINATION OF MEMBERSHIP**

356 Membership in this system shall cease by a member withdrawing  
357 his accumulated contributions, or by a member withdrawing from  
358 active service with a retirement allowance, or by a member's  
359 death.

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

362 25-11-127. (1) (a) No person who is being paid a  
363 retirement allowance or a pension after retirement under this  
364 article shall be employed or paid for any service by the State of



365 Mississippi, except as provided in this section or in Section  
366 25-11-126.

367 (b) No retiree of this retirement system who is  
368 reemployed or is reelected to office after retirement shall  
369 continue to draw retirement benefits while so reemployed or  
370 reelected, except as provided in this section or in Section  
371 25-11-126.

372 (c) No person employed or elected under the exceptions  
373 provided for in this section shall become a member under Article 3  
374 of the retirement system.

375 (2) Any person who has been retired under the provisions of  
376 Article 3 and who is later reemployed in service covered by this  
377 article shall cease to receive benefits under this article unless  
378 the person continues to receive a retirement allowance during  
379 employment as a teacher under the authority of Section 25-11-126,  
380 and the person shall again become a contributing member of the  
381 retirement system. When the person retires again, if that person  
382 has been a contributing member of the retirement system during  
383 reemployment and the reemployment exceeds six (6) months, the  
384 person shall have his or her benefit recomputed, including service  
385 after again becoming a member, provided that the total retirement  
386 allowance paid to the retired member in his or her previous  
387 retirement shall be deducted from the member's retirement reserve  
388 and taken into consideration in recalculating the retirement  
389 allowance under a new option selected.

390 (3) The board shall have the right to prescribe rules and  
391 regulations for carrying out the provisions of this section.

392 (4) The provisions of this section shall not be construed to  
393 prohibit any retiree, regardless of age, from being employed and  
394 drawing a retirement allowance either:

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



398 of the salary in effect for the position at the time of  
399 employment, or

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

403 To determine the normal working days for a position under  
404 paragraph (a) of this subsection, the employer shall determine the  
405 required number of working days for the position on a full-time  
406 basis and the equivalent number of hours representing the  
407 full-time position. The retiree then may work up to one-half  
408 (1/2) of the required number of working days or up to one-half  
409 (1/2) of the equivalent number of hours and receive up to one-half  
410 (1/2) of the salary for the position. In the case of employment  
411 with multiple employers, the limitation shall equal one-half (1/2)  
412 of the number of days or hours for a single full-time position.

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

418 (5) Any member may continue in municipal or county elected  
419 office or be elected to a municipal or county office, provided  
420 that the person:

421 (a) Files annually, in writing, in the office of the  
422 employer and the office of the executive director of the system  
423 before the person takes office or as soon as possible after  
424 retirement, a waiver of all salary or compensation and elects to  
425 receive in lieu of that salary or compensation a retirement  
426 allowance as provided in this section, in which event no salary or  
427 compensation shall thereafter be due or payable for those  
428 services; however, any such officer or employee may receive, in  
429 addition to the retirement allowance, office expense allowance,



430 mileage or travel expense authorized by any statute of the State  
431 of Mississippi; or

432 (b) Elects to receive compensation for that elective  
433 office in an amount not to exceed twenty-five percent (25%) of the  
434 retiree's average compensation. As used in this paragraph, the  
435 term "compensation" shall not include office expense allowance,  
436 mileage or travel expense authorized by a statute of the State of  
437 Mississippi. In order to receive compensation as allowed in this  
438 paragraph, the member shall file annually, in writing, in the  
439 office of the employer and the office of the executive director of  
440 the system, an election to receive, in addition to a retirement  
441 allowance, compensation as allowed in this paragraph.

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

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

454 \* \* \*

455 **2003-2004 School Year**

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

457	AAAA.....	\$ 29,550.00
458	AAA.....	28,700.00
459	AA.....	27,850.00
460	A.....	26,000.00

461 **25 or More Years of Teaching Experience**

462	AAAA.....	\$ 31,550.00
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463	AAA.....	30,700.00
464	AA.....	29,850.00
465	A.....	28,000.00

466 The State Board of Education shall revise the salary scale  
467 prescribed above for the 2003-2004 school year to conform to any  
468 adjustments made to the salary scale in the prior fiscal year due  
469 to revenue growth over and above five percent (5%). For each one  
470 percent (1%) that the Sine Die General Fund Revenue Estimate  
471 Growth exceeds five percent (5%) for fiscal year 2004, as  
472 certified by the Legislative Budget Office to the State Board of  
473 Education and subject to specific appropriation therefor by the  
474 Legislature, the State Board of Education shall revise the salary  
475 scale to provide an additional one percent (1%) across the board  
476 increase in the base salaries for each type of license.

477 **2004-2005 School Year**

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

479	AAAA.....	\$ 31,775.00
480	AAA.....	30,850.00
481	AA.....	29,925.00
482	A.....	28,000.00

483 **25 or More Years of Teaching Experience**

484	AAAA.....	\$ 33,775.00
485	AAA.....	32,850.00
486	AA.....	31,925.00
487	A.....	30,000.00

488 The State Board of Education shall revise the salary scale  
489 prescribed above for the 2004-2005 school year to conform to any  
490 adjustments made to the salary scale in prior fiscal years due to  
491 revenue growth over and above five percent (5%). For each one  
492 percent (1%) that the Sine Die General Fund Revenue Estimate  
493 Growth exceeds five percent (5%) for fiscal year 2005, as  
494 certified by the Legislative Budget Office to the State Board of  
495 Education and subject to specific appropriation therefor by the



496 Legislature, the State Board of Education shall revise the salary  
497 scale to provide an additional one percent (1%) across the board  
498 increase in the base salaries for each type of license.

499 **2005-2006 School Year and School Years Thereafter**

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

501	AAAA.....	\$ 34,000.00
502	AAA.....	33,000.00
503	AA.....	32,000.00
504	A.....	30,000.00

505 **25 or More Years of Teaching Experience**

506	AAAA.....	\$ 36,000.00
507	AAA.....	35,000.00
508	AA.....	34,000.00
509	A.....	32,000.00

510 The State Board of Education shall revise the salary scale  
511 prescribed above for the 2005-2006 school year to conform to any  
512 adjustments made to the salary scale in prior fiscal years due to  
513 revenue growth over and above five percent (5%). For each one  
514 percent (1%) that the Sine Die General Fund Revenue Estimate  
515 Growth exceeds five percent (5%) for fiscal year 2006, as  
516 certified by the Legislative Budget Office to the State Board of  
517 Education and subject to specific appropriation therefor by the  
518 Legislature, the State Board of Education shall revise the salary  
519 scale to provide an additional one percent (1%) across the board  
520 increase in the base salaries for each type of license.

521 It is the intent of the Legislature that any state funds made  
522 available for salaries of licensed personnel in excess of the  
523 funds paid for such salaries for the 1986-1987 school year shall  
524 be paid to licensed personnel pursuant to a personnel appraisal  
525 and compensation system implemented by the State Board of  
526 Education. The State Board of Education shall have the authority  
527 to adopt and amend rules and regulations as are necessary to  
528 establish, administer and maintain the system.



529 All teachers employed on a full-time basis shall be paid a  
530 minimum salary in accordance with the above scale. However, no  
531 school district shall receive any funds under this section for any  
532 school year during which the local supplement paid to any  
533 individual teacher shall have been reduced to a sum less than that  
534 paid to that individual teacher for performing the same duties  
535 from local supplement during the immediately preceding school  
536 year. The amount actually spent for the purposes of group health  
537 and/or life insurance shall be considered as a part of the  
538 aggregate amount of local supplement but shall not be considered  
539 a part of the amount of individual local supplement.

540 \* \* \*

541 **2003-2004 School Year Annual Increment**

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

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

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

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



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**2004-2005 School Year Annual Increment**

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

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

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

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

**2005-2006 School Year**

**and School Years Thereafter Annual Increments**

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

For teachers holding a Class AAA license, the minimum base pay specified in this subsection shall be increased by the sum of Seven Hundred Five Dollars (\$705.00) for each year of teaching



594 experience possessed by the person holding such license until such  
595 person shall have twenty-five (25) years of teaching experience.

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

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

606 The level of professional training of each teacher to be used  
607 in establishing the salary allotment for the teachers for each  
608 year shall be determined by the type of valid teacher's license  
609 issued to those teachers on or before October 1 of the current  
610 school year.

611 (2) (a) The following employees shall receive an annual  
612 salary supplement in the amount of Six Thousand Dollars  
613 (\$6,000.00), plus fringe benefits, in addition to any other  
614 compensation to which the employee may be entitled:

615 (i) Any licensed teacher who has met the  
616 requirements and acquired a Master Teacher certificate from the  
617 National Board for Professional Teaching Standards and who is  
618 employed by a local school board or the State Board of Education  
619 as a teacher and not as an administrator. Such teacher shall  
620 submit documentation to the State Department of Education that the  
621 certificate was received prior to October 15 in order to be  
622 eligible for the full salary supplement in the current school  
623 year, or the teacher shall submit such documentation to the State  
624 Department of Education prior to February 15 in order to be  
625 eligible for a prorated salary supplement beginning with the  
626 second term of the school year.



627                   (ii) Any licensed school counselor who has met the  
628 requirements and acquired a National Certified School Counselor  
629 (NCSC) endorsement from the National Board of Certified Counselors  
630 and who is employed by a local school board or the State Board of  
631 Education as a counselor and not as an administrator. Such  
632 licensed school counselor shall submit documentation to the State  
633 Department of Education that the endorsement was received prior to  
634 October 15 in order to be eligible for the full salary supplement  
635 in the current school year, or the licensed school counselor shall  
636 submit such documentation to the State Department of Education  
637 prior to February 15 in order to be eligible for a prorated salary  
638 supplement beginning with the second term of the school year.  
639 However, the salary supplement authorized under this item shall be  
640 discontinued two (2) years after the date on which the National  
641 Board for Professional Teaching Standards offers a certification  
642 process for a Master Teacher certificate for school counselors,  
643 and any school counselor receiving the salary supplement will be  
644 required to complete the Master Teacher certificate process under  
645 item (i) of this paragraph in order to continue receiving such  
646 salary supplement.

647                   (iii) Any licensed speech-language pathologist and  
648 audiologist who has met the requirements and acquired a  
649 Certificate of Clinical Competence from the American  
650 Speech-Language-Hearing Association and who is employed by a local  
651 school board. Such licensed speech-language pathologist and  
652 audiologist shall submit documentation to the State Department of  
653 Education that the certificate or endorsement was received prior  
654 to October 15 in order to be eligible for the full salary  
655 supplement in the current school year, or the licensed  
656 speech-language pathologist and audiologist shall submit such  
657 documentation to the State Department of Education prior to  
658 February 15 in order to be eligible for a prorated salary  
659 supplement beginning with the second term of the school year.



660 However, the salary supplement authorized under this item shall be  
661 discontinued two (2) years after the date on which the National  
662 Board for Professional Teaching Standards offers a certification  
663 process for a Master Teacher certificate for school  
664 speech-language pathologists and audiologists, and any school  
665 speech-language pathologist and audiologist receiving the salary  
666 supplement will be required to complete the Master Teacher  
667 certificate process under item (i) of this paragraph in order to  
668 continue receiving such salary supplement.

669 (b) An employee shall be reimbursed one (1) time for  
670 the actual cost of completing the process of acquiring the  
671 certificate or endorsement, excluding any costs incurred for  
672 postgraduate courses, not to exceed Five Hundred Dollars (\$500.00)  
673 for a school counselor or speech-language pathologist and  
674 audiologist, regardless of whether or not the process resulted in  
675 the award of the certificate or endorsement. A local school  
676 district or any private individual or entity may pay the cost of  
677 completing the process of acquiring the certificate or endorsement  
678 for any employee of the school district described under paragraph  
679 (a), and the State Department of Education shall reimburse the  
680 school district for such cost, regardless of whether or not the  
681 process resulted in the award of the certificate or endorsement.  
682 If a private individual or entity has paid the cost of completing  
683 the process of acquiring the certificate or endorsement for an  
684 employee, the local school district may agree to directly  
685 reimburse the individual or entity for such cost on behalf of the  
686 employee.

687 (c) All salary supplements, fringe benefits and process  
688 reimbursement authorized under this subsection shall be paid  
689 directly by the State Department of Education to the local school  
690 district and shall be in addition to its minimum education program  
691 allotments and not a part thereof in accordance with regulations  
692 promulgated by the State Board of Education, and subject to



693 appropriation by the Legislature. Local school districts shall  
694 not reduce the local supplement paid to any employee receiving  
695 such salary supplement, and the employee shall receive any local  
696 supplement to which employees with similar training and experience  
697 otherwise are entitled.

698 (d) The State Department of Education may not pay any  
699 process reimbursement to a school district for an employee who  
700 does not complete the certification or endorsement process  
701 required to be eligible for the certificate or endorsement. If an  
702 employee for whom such cost has been paid in full or in part by a  
703 local school district or private individual or entity fails to  
704 complete the certification or endorsement process, the employee  
705 shall be liable to the school district or individual or entity for  
706 all amounts paid by the school district or individual or entity on  
707 behalf of that employee toward his or her certificate or  
708 endorsement.

709 (3) Any person who is receiving a retirement allowance from  
710 the Public Employees' Retirement System who is employed as a  
711 teacher after the person's retirement under the authority of  
712 Section 25-11-126 shall be paid a salary, on an hourly basis,  
713 equal to the amount of the salary that the person received during  
714 the school year immediately preceding retirement. For such  
715 persons, an increase in the salary may not be provided for  
716 teaching experience that was obtained by the person before the  
717 date of the employment as a teacher following retirement, but the  
718 salary shall be increased for each year of teaching experience  
719 that is obtained by the person after the date of employment as a  
720 teacher following the person's retirement.

721 **SECTION 5.** This act shall take effect and be in force from  
722 and after July 1, 2003.

