

By: Senator(s) Clarke

To: Education;  
Appropriations

SENATE BILL NO. 2796

1 AN ACT TO AMEND SECTION 37-19-7, MISSISSIPPI CODE OF 1972, TO  
2 AUTHORIZE THE STATE DEPARTMENT OF EDUCATION TO PROVIDE SALARY  
3 SUPPLEMENTS FOR THOSE LICENSED TEACHERS WHO MUST RELOCATE IN ORDER  
4 TO ENTER INTO CONTRACTS FOR EMPLOYMENT IN A SCHOOL DISTRICT  
5 SITUATED IN A CRITICAL TEACHER SHORTAGE AREA OF THE STATE; TO  
6 PROVIDE FOR THE PAYMENT OF SUCH SUPPLEMENTS AND REIMBURSEMENT FROM  
7 STATE APPROPRIATED FUNDS; AND FOR RELATED PURPOSES.

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

9 SECTION 1. Section 37-19-7, Mississippi Code of 1972, is  
10 amended as follows:

11 37-19-7. (1) This section shall be known and may be cited  
12 as the Mississippi "Teacher Opportunity Program (TOP)." The  
13 allowance in the minimum education program and the Mississippi  
14 Adequate Education Program for teachers' salaries in each county  
15 and separate school district shall be determined and paid in  
16 accordance with the scale for teachers' salaries as provided in  
17 this subsection. For teachers holding the following types of  
18 licenses or the equivalent as determined by the State Board of  
19 Education, and the following number of years of teaching  
20 experience, the scale shall be as follows:

21 2005-2006 School Year and School Years Thereafter

22 Less Than 25 Years of Teaching Experience

23	AAAA.....	\$ 34,000.00
24	AAA.....	33,000.00
25	AA.....	32,000.00
26	A.....	30,000.00

27 25 or More Years of Teaching Experience

28	AAAA.....	\$ 36,000.00
29	AAA.....	35,000.00

30 AA..... 34,000.00

31 A..... 32,000.00

32 The State Board of Education shall revise the salary scale  
33 prescribed above for the 2005-2006 school year to conform to any  
34 adjustments made to the salary scale in prior fiscal years due to  
35 revenue growth over and above five percent (5%). For each one  
36 percent (1%) that the Sine Die General Fund Revenue Estimate  
37 Growth exceeds five percent (5%) for fiscal year 2006, as  
38 certified by the Legislative Budget Office to the State Board of  
39 Education and subject to specific appropriation therefor by the  
40 Legislature, the State Board of Education shall revise the salary  
41 scale to provide an additional one percent (1%) across the board  
42 increase in the base salaries for each type of license.

43 It is the intent of the Legislature that any state funds made  
44 available for salaries of licensed personnel in excess of the  
45 funds paid for such salaries for the 1986-1987 school year shall  
46 be paid to licensed personnel pursuant to a personnel appraisal  
47 and compensation system implemented by the State Board of  
48 Education. The State Board of Education shall have the authority  
49 to adopt and amend rules and regulations as are necessary to  
50 establish, administer and maintain the system.

51 All teachers employed on a full-time basis shall be paid a  
52 minimum salary in accordance with the above scale. However, no  
53 school district shall receive any funds under this section for any  
54 school year during which the local supplement paid to any  
55 individual teacher shall have been reduced to a sum less than that  
56 paid to that individual teacher for performing the same duties  
57 from local supplement during the immediately preceding school  
58 year. The amount actually spent for the purposes of group health  
59 and/or life insurance shall be considered as a part of the  
60 aggregate amount of local supplement but shall not be considered a  
61 part of the amount of individual local supplement.

62 **2005-2006 School Year**

63 **and School Years Thereafter Annual Increments**

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

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

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

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

84 The level of professional training of each teacher to be used  
85 in establishing the salary allotment for the teachers for each  
86 year shall be determined by the type of valid teacher's license  
87 issued to those teachers on or before October 1 of the current  
88 school year.

89 (2) (a) The following employees shall receive an annual  
90 salary supplement in the amount of Six Thousand Dollars  
91 (\$6,000.00), plus fringe benefits, in addition to any other  
92 compensation to which the employee may be entitled:

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

96 employed by a local school board or the State Board of Education  
97 as a teacher and not as an administrator. Such teacher shall  
98 submit documentation to the State Department of Education that the  
99 certificate was received prior to October 15 in order to be  
100 eligible for the full salary supplement in the current school  
101 year, or the teacher shall submit such documentation to the State  
102 Department of Education prior to February 15 in order to be  
103 eligible for a prorated salary supplement beginning with the  
104 second term of the school year.

105           (ii) A licensed nurse who has met the requirements  
106 and acquired a certificate from the National Board for  
107 Certification of School Nurses, Inc., and who is employed by a  
108 local school board or the State Board of Education as a school  
109 nurse and not as an administrator. The licensed school nurse  
110 shall submit documentation to the State Department of Education  
111 that the certificate was received before October 15 in order to be  
112 eligible for the full salary supplement in the current school  
113 year, or the licensed school nurse shall submit the documentation  
114 to the State Department of Education before February 15 in order  
115 to be eligible for a prorated salary supplement beginning with the  
116 second term of the school year. Provided, however, that the total  
117 number of licensed school nurses eligible for a salary supplement  
118 under this paragraph (ii) shall not exceed twenty (20).

119           (iii) Any licensed school counselor who has met  
120 the requirements and acquired a National Certified School  
121 Counselor (NCSC) endorsement from the National Board of Certified  
122 Counselors and who is employed by a local school board or the  
123 State Board of Education as a counselor and not as an  
124 administrator. Such licensed school counselor shall submit  
125 documentation to the State Department of Education that the  
126 endorsement was received prior to October 15 in order to be  
127 eligible for the full salary supplement in the current school  
128 year, or the licensed school counselor shall submit such

129 documentation to the State Department of Education prior to  
130 February 15 in order to be eligible for a prorated salary  
131 supplement beginning with the second term of the school year.  
132 However, any school counselor who started the National Board for  
133 Professional Teaching Standards process for school counselors  
134 between June 1, 2003, and June 30, 2004, and completes the  
135 requirements and acquires the master teacher certificate shall be  
136 entitled to the master teacher supplement, and those counselors  
137 who complete the process shall be entitled to a one-time  
138 reimbursement for the actual cost of the process as outlined in  
139 paragraph (b) of this subsection.

140                   (iv) Any licensed speech-language pathologist and  
141 audiologist who has met the requirements and acquired a  
142 Certificate of Clinical Competence from the American  
143 Speech-Language-Hearing Association and who is employed by a local  
144 school board. Such licensed speech-language pathologist and  
145 audiologist shall submit documentation to the State Department of  
146 Education that the certificate or endorsement was received prior  
147 to October 15 in order to be eligible for the full salary  
148 supplement in the current school year, or the licensed  
149 speech-language pathologist and audiologist shall submit such  
150 documentation to the State Department of Education prior to  
151 February 15 in order to be eligible for a prorated salary  
152 supplement beginning with the second term of the school year.

153                   (b) An employee shall be reimbursed one (1) time for  
154 the actual cost of completing the process of acquiring the  
155 certificate or endorsement, excluding any costs incurred for  
156 postgraduate courses, not to exceed Five Hundred Dollars (\$500.00)  
157 for a school counselor or speech-language pathologist and  
158 audiologist, regardless of whether or not the process resulted in  
159 the award of the certificate or endorsement. A local school  
160 district or any private individual or entity may pay the cost of  
161 completing the process of acquiring the certificate or endorsement

162 for any employee of the school district described under paragraph  
163 (a), and the State Department of Education shall reimburse the  
164 school district for such cost, regardless of whether or not the  
165 process resulted in the award of the certificate or endorsement.  
166 If a private individual or entity has paid the cost of completing  
167 the process of acquiring the certificate or endorsement for an  
168 employee, the local school district may agree to directly  
169 reimburse the individual or entity for such cost on behalf of the  
170 employee.

171 (c) All salary supplements, fringe benefits and process  
172 reimbursement authorized under this subsection shall be paid  
173 directly by the State Department of Education to the local school  
174 district and shall be in addition to its minimum education program  
175 allotments and not a part thereof in accordance with regulations  
176 promulgated by the State Board of Education, and subject to  
177 appropriation by the Legislature. Local school districts shall  
178 not reduce the local supplement paid to any employee receiving  
179 such salary supplement, and the employee shall receive any local  
180 supplement to which employees with similar training and experience  
181 otherwise are entitled.

182 (d) The State Department of Education may not pay any  
183 process reimbursement to a school district for an employee who  
184 does not complete the certification or endorsement process  
185 required to be eligible for the certificate or endorsement. If an  
186 employee for whom such cost has been paid in full or in part by a  
187 local school district or private individual or entity fails to  
188 complete the certification or endorsement process, the employee  
189 shall be liable to the school district or individual or entity for  
190 all amounts paid by the school district or individual or entity on  
191 behalf of that employee toward his or her certificate or  
192 endorsement.

193 (3) (a) Effective July 1, 2007, if funds are available for  
194 that purpose, the Legislature may authorize state funds for

195 additional base compensation for teachers holding licenses in  
196 critical subject areas or the equivalent and who teach at least a  
197 majority of their courses in a critical subject area, as  
198 determined by the State Board of Education.

199 (b) Effective July 1, 2007, if funds are available for  
200 that purpose, the Legislature may authorize state funds for  
201 additional base compensation for teachers employed in a public  
202 school district located in a geographic area of the state  
203 designated as a critical teacher shortage area by the State Board  
204 of Education.

205 (4) (a) This section shall be known and may be cited as the  
206 "Mississippi Performance Based Pay (MPBP)" plan. In addition to  
207 the minimum base pay described in this section, only after full  
208 funding of MAEP and if funds are available for that purpose, the  
209 State of Mississippi may provide monies from state funds to school  
210 districts for the purposes of rewarding certified teachers,  
211 administrators and nonlicensed personnel at individual schools  
212 showing improvement in student test scores. The MPBP plan shall  
213 be developed by the State Department of Education based on the  
214 following criteria:

215 (i) It is the express intent of this legislation  
216 that the MPBP plan shall utilize only existing standards of  
217 accreditation and assessment as established by the State Board of  
218 Education.

219 (ii) To ensure that all of Mississippi's teachers,  
220 administrators and nonlicensed personnel at all schools have equal  
221 access to the monies set aside in this section, the MPBP program  
222 shall be designed to calculate each school's performance as  
223 determined by the school's increase in scores from the prior  
224 school year. The MPBP program shall be based on a standardized  
225 scores rating where all levels of schools can be judged in a  
226 statistically fair and reasonable way upon implementation. At the  
227 end of each year, after all student achievement scores have been

228 standardized, the State Department of Education shall implement  
229 the MPBP plan.

230 (iii) To ensure all teachers cooperate in the  
231 spirit of teamwork, individual schools shall submit a plan to the  
232 local school educational authority to be approved before the  
233 beginning of each school year beginning July 1, 2008. The plan  
234 shall include, but not be limited to, how all teachers, regardless  
235 of subject area, and administrators will be responsible for  
236 improving student achievement for their individual school.

237 (b) The State Board of Education shall develop the  
238 processes and procedures for designating schools eligible to  
239 participate in the MPBP. State assessment results, growth in  
240 student achievement at individual schools and other measures  
241 deemed appropriate in designating successful student achievement  
242 shall be used in establishing MPBP criteria. The State Board of  
243 Education shall develop the MPBP policies and procedures and  
244 report to the Legislature and Governor by December 1, 2006.

245 (5) (a) Beginning in the 2006-2007 school year, if funds  
246 are available for that purpose, each middle school in Mississippi  
247 shall have at least two (2) mentor teachers, as defined by  
248 Sections 37-9-201 through 37-9-213, who shall receive additional  
249 base compensation provided for by the State Legislature in the  
250 amount of One Thousand Dollars (\$1,000.00). For the purposes of  
251 this subsection (5), "middle school" means any school composed  
252 individually or of some composite of Grades 6 through 8.

253 (b) To be eligible for this state funding, the  
254 individual school must have a classroom management program  
255 approved by the local school board.

256 (c) If funds are available for that purpose, the state  
257 shall provide additional funding under this subsection for two (2)  
258 mentor teachers per middle school; however, local school districts  
259 may provide additional salary supplements for more than two (2)  
260 teacher mentors from nonadequate education program funds. The



261 state department may develop an implementation process that fairly  
262 distributes these funds for the consideration of the Legislature.

263 (6) Beginning with the 2007-2008 school year and beginning  
264 with the school year in which a teacher meets the relocation  
265 requirements prescribed in this subsection, any licensed teacher  
266 who enters into a contract for employment in a school district  
267 situated within a geographical area of the state where there  
268 exists a critical shortage of teachers, as designated by the State  
269 Board of Education, wherein the employment necessitates the  
270 relocation of the teacher to a different geographical area than  
271 that in which the teacher resides before entering into such  
272 contract, shall receive a Five Thousand Dollar (\$5,000.00) salary  
273 supplement in addition to any other compensation to which the  
274 teacher may be entitled. All such salary supplements shall be  
275 paid directly by the State Department of Education to the local  
276 school district and shall be in addition to its adequate education  
277 program allotments and not a part thereof in accordance with  
278 regulations promulgated by the State Board of Education, and  
279 subject to appropriation by the Legislature. Local school  
280 districts shall not reduce the local supplement paid to any  
281 teacher receiving such salary supplement, and the teacher shall  
282 receive any local supplement to which teachers with similar  
283 training and experience are otherwise entitled. In order to be  
284 eligible for the salary supplement, the teacher must apply to the  
285 local district and the district must obtain the prior approval  
286 from the department for the salary supplement before the  
287 relocation occurs. In order to be eligible for the salary  
288 supplement, the teacher may relocate from in-state or  
289 out-of-state, however, the teacher must actually relocate to a  
290 residence within the boundaries of the State of Mississippi.  
291 Nothing in this subsection shall be construed to require the  
292 actual residence to which the teacher relocates to be within the  
293 boundaries of the school district which has executed a contract

294 for employment with the teacher or within the boundaries of the  
295 area designated by the State Board of Education as the critical  
296 teacher shortage area in order for the teacher to be eligible for  
297 the salary supplement. The State Board of Education shall  
298 prescribe rules and regulations under which teachers may qualify  
299 for the salary supplements authorized under this subsection.

300       **SECTION 2.** This act shall take effect and be in force from  
301 and after July 1, 2007.