

By: Senator(s) Tollison

To: Education

SENATE BILL NO. 2619

1 AN ACT TO AMEND SECTION 37-28-7, MISSISSIPPI CODE OF 1972, TO
 2 DELETE THE REQUIREMENT THAT THE EXECUTIVE DIRECTOR OF THE
 3 MISSISSIPPI CHARTER SCHOOL AUTHORIZER BOARD SHALL BE A LICENSED
 4 ATTORNEY; TO AMEND SECTION 37-28-23, MISSISSIPPI CODE OF 1972, TO
 5 PROVIDE THAT A PUBLIC CHARTER SCHOOL SHALL BE OPEN TO ENROLLMENT
 6 BY ANY STUDENT RESIDING IN THE STATE; TO AMEND SECTION 37-28-47,
 7 MISSISSIPPI CODE OF 1972, TO CLARIFY THAT TEACHERS AT A PUBLIC
 8 CHARTER SCHOOL SHALL HAVE UP TO THREE YEARS TO MEET LICENSURE
 9 REQUIREMENTS AND TO PROVIDE THAT PUBLIC CHARTER SCHOOL TEACHERS
 10 AND EMPLOYEES ARE MEMBERS OF THE PUBLIC EMPLOYEES' RETIREMENT
 11 SYSTEM; TO AMEND SECTION 25-11-103, MISSISSIPPI CODE OF 1972, TO
 12 INCLUDE PUBLIC CHARTER SCHOOLS IN THE DEFINITION OF POLITICAL
 13 SUBDIVISION FOR PURPOSES OF THE PUBLIC EMPLOYEES' RETIREMENT
 14 SYSTEM; AND FOR RELATED PURPOSES.

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

16 **SECTION 1.** Section 37-28-7, Mississippi Code of 1972, is
 17 amended as follows:

18 37-28-7. (1) There is created the Mississippi Charter
 19 School Authorizer Board as a state agency with exclusive
 20 chartering jurisdiction in the State of Mississippi. Unless
 21 otherwise authorized by law, no other governmental agency or
 22 entity may assume any charter authorizing function or duty in any
 23 form.



24 (2) (a) The mission of the Mississippi Charter School
25 Authorizer Board is to authorize high-quality charter schools,
26 particularly schools designed to expand opportunities for
27 underserved students, consistent with the purposes of this
28 chapter. Subject to the restrictions and conditions prescribed in
29 this subsection, the Mississippi Charter School Authorizer Board
30 may authorize charter schools within the geographical boundaries
31 of any school district.

32 (b) The Mississippi Charter School Authorizer Board may
33 approve a maximum of fifteen (15) qualified charter applications
34 during a fiscal year.

35 (c) In any school district designated as an "A," "B" or
36 "C" school district by the State Board of Education under the
37 accreditation rating system, the Mississippi Charter School
38 Authorizer Board may authorize charter schools only if a majority
39 of the members of the local school board votes at a public meeting
40 to endorse the application or to initiate the application on its
41 own initiative.

42 (3) The Mississippi Charter School Authorizer Board shall
43 consist of seven (7) members, to be appointed as follows:

44 (a) Three (3) members appointed by the Governor, with
45 one (1) member being from each of the Mississippi Supreme Court
46 Districts.



47 (b) Three (3) members appointed by the Lieutenant
48 Governor, with one (1) member being from each of the Mississippi
49 Supreme Court Districts.

50 (c) One (1) member appointed by the State
51 Superintendent of Public Education.

52 All appointments must be made with the advice and consent of
53 the Senate. In making the appointments, the appointing authority
54 shall ensure diversity among members of the Mississippi Charter
55 School Authorizer Board.

56 (4) Members appointed to the Mississippi Charter School
57 Authorizer Board collectively must possess strong experience and
58 expertise in public and nonprofit governance, management and
59 finance, public school leadership, assessment, curriculum and
60 instruction, and public education law. Each member of the
61 Mississippi Charter School Authorizer Board must have demonstrated
62 an understanding of and commitment to charter schooling as a
63 strategy for strengthening public education.

64 (5) To establish staggered terms of office, the initial term
65 of office for the three (3) Mississippi Charter School Authorizer
66 Board members appointed by the Governor shall be four (4) years
67 and thereafter shall be three (3) years; the initial term of
68 office for the three (3) members appointed by the Lieutenant
69 Governor shall be three (3) years and thereafter shall be three
70 (3) years; and the initial term of office for the member appointed
71 by the State Superintendent of Public Education shall be two (2)



72 years and thereafter shall be three (3) years. No member may
73 serve more than two (2) consecutive terms. The initial
74 appointments must be made before September 1, 2013.

75 (6) The Mississippi Charter School Authorizer Board shall
76 meet as soon as practical after September 1, 2013, upon the call
77 of the Governor, and shall organize for business by selecting a
78 chairman and adopting bylaws. Subsequent meetings shall be called
79 by the chairman.

80 (7) An individual member of the Mississippi Charter School
81 Authorizer Board may be removed by the board if the member's
82 personal incapacity renders the member incapable or unfit to
83 discharge the duties of the office or if the member is absent from
84 a number of meetings of the board, as determined and specified by
85 the board in its bylaws. Whenever a vacancy on the Mississippi
86 Charter School Authorizer Board exists, the original appointing
87 authority shall appoint a member for the remaining portion of the
88 term.

89 (8) No member of the Mississippi Charter School Authorizer
90 Board or employee, agent or representative of the board may serve
91 simultaneously as an employee, trustee, agent, representative,
92 vendor or contractor of a charter school authorized by the board.

93 (9) The Mississippi Charter School Authorizer Board shall
94 appoint an individual to serve as the Executive Director * * * of
95 the Mississippi Charter School Authorizer Board. * * * The
96 executive director shall possess the qualifications established by



97 the board which are based on national best practices, * * *
98 and * * * shall possess an understanding of state and federal
99 education law. The executive director * * *, who shall serve at
100 the will and pleasure of the board, shall devote his full time to
101 the proper administration of the board and the duties assigned to
102 him by the board and shall be paid a salary established by the
103 board, subject to the approval of the State Personnel Board.
104 Subject to the availability of funding, the executive
105 director * * * may employ such administrative staff as may be
106 necessary to assist the director and board in carrying out the
107 duties and directives of the Mississippi Charter School Authorizer
108 Board.

109 (10) The Mississippi Charter School Authorizer Board shall
110 be located, for administrative purposes, within the offices of the
111 State Institutions of Higher Learning, which shall provide meeting
112 space and clerical support for the board.

113 **SECTION 2.** Section 37-28-23, Mississippi Code of 1972, is
114 amended as follows:

115 37-28-23. (1) A charter school must be open to any student
116 residing in the * * * State of Mississippi.

117 (2) A school district may not require any student enrolled
118 in the school district to attend a charter school.

119 (3) Except as otherwise provided under subsection (8) (d) of
120 this section, a charter school may not limit admission based on
121 ethnicity, national origin, religion, gender, income level,



122 disabling condition, proficiency in the English language, or
123 academic or athletic ability.

124 (4) A charter school may limit admission to students within
125 a given age group or grade level, including pre-kindergarten
126 students, and may be organized around a special emphasis, theme or
127 concept as stated in the school's application.

128 (5) The underserved student composition of a charter
129 school's enrollment collectively must reflect that of students of
130 all ages attending the school district in which the charter school
131 is located, to be defined for the purposes of this chapter as
132 being at least eighty percent (80%) of that population. If the
133 underserved student composition of an applicant's or charter
134 school's enrollment is less than eighty percent (80%) of the
135 enrollment of students of all ages in the school district in which
136 the charter school is located, despite the school's best efforts,
137 the authorizer must consider the applicant's or charter school's
138 recruitment efforts and the underserved student composition of the
139 applicant pool in determining whether the applicant or charter
140 school is operating in a nondiscriminatory manner. A finding by
141 the authorizer that a charter school is operating in a
142 discriminatory manner justifies the revocation of a charter.

143 (6) A charter school must enroll all students who wish to
144 attend the school unless the number of students exceeds the
145 capacity of a program, class, grade level or building.



146 (7) If capacity is insufficient to enroll all students who
147 wish to attend the school based on initial application, the
148 charter school must select students through a lottery.

149 (8) (a) Any noncharter public school or part of a
150 noncharter public school converting to a charter school shall
151 adopt and maintain a policy giving an enrollment preference to
152 students who reside within the former attendance area of that
153 public school. If the charter school has excess capacity after
154 enrolling students residing within the former attendance area of
155 the school, students outside of the former attendance area of the
156 school * * * are eligible for enrollment. If the number of
157 students applying for admission exceeds the capacity of a program,
158 class, grade level or building of the charter school, the charter
159 school must admit students on the basis of a lottery.

160 (b) A charter school must give an enrollment preference
161 to students enrolled in the charter school during the preceding
162 school year and to siblings of students already enrolled in the
163 charter school. An enrollment preference for returning students
164 excludes those students from entering into a lottery.

165 (c) A charter school may give an enrollment preference
166 to children of the charter school's applicant, governing board
167 members and full-time employees, so long as those children
168 constitute no more than ten percent (10%) of the charter school's
169 total student population.



170 (d) This section does not preclude the formation of a
171 charter school whose mission is focused on serving students with
172 disabilities, students of the same gender, students who pose such
173 severe disciplinary problems that they warrant a specific
174 educational program, or students who are at risk of academic
175 failure. If capacity is insufficient to enroll all students who
176 wish to attend the school, the charter school must select students
177 through a lottery.

178 (9) Credit transferability. If a student who was previously
179 enrolled in a public charter school enrolls in another public
180 school in this state, the student's new school shall accept
181 credits earned by the student in courses or instructional programs
182 at the public charter school in a uniform and consistent manner
183 and according to the same criteria that are used to accept
184 academic credits from other public schools.

185 (10) Information to parents and the general public. A
186 school district shall provide or publicize to parents and the
187 general public information about public charter schools as an
188 enrollment option within the district to the same extent and
189 through the same means that the district provides and publicizes
190 information about noncharter public schools in the district.

191 **SECTION 3.** Section 37-28-47, Mississippi Code of 1972, is
192 amended as follows:

193 37-28-47. (1) (a) Charter schools must comply with
194 applicable federal laws, rules and regulations regarding the



195 qualification of teachers and other instructional staff. No more
196 than twenty-five percent (25%) of teachers in a charter school may
197 be exempt from state teacher licensure requirements at the time
198 the initial charter application is approved by the authorizer.
199 Administrators of charter schools are exempt from state
200 administrator licensure requirements. However, teachers and
201 administrators must have a bachelor's degree as a minimum
202 requirement, and teachers must have demonstrated subject-matter
203 competency. Within three (3) years of the date of initial * * *
204 employment with the charter school, all teachers must have, at a
205 minimum, alternative licensure approved by the Commission on
206 Teacher and Administrator Education, Certification and Licensure
207 and Development.

208 (b) A charter school may not staff positions for
209 teachers, administrators, ancillary support personnel or other
210 employees by utilizing or otherwise relying on nonimmigrant
211 foreign worker visa programs. However, a charter school may
212 submit a request to the authorizer for an exception allowing the
213 employment of a nonimmigrant foreign worker before the worker is
214 employed. The authorizer may grant permission for the employment
215 of the nonimmigrant foreign worker only if the charter school
216 makes a satisfactory showing of efforts to recruit lawful
217 permanent residents of the United States to fill the position and
218 a lack of qualified applicants to fill the position.



219 (2) Employees in charter schools must have the same general
220 rights and privileges as other public school employees, except
221 such employees are not:

222 (a) Covered under the Education Employment Procedures
223 Law (Section 37-9-103); and

224 (b) Subject to the state salary requirements prescribed
225 in Section 37-19-7 * * *.

226 * * *

227 (3) Teachers and other employees in charter schools are
228 eligible to participate in the Public Employees' Retirement
229 System. For the purpose of eligibility for participation in the
230 Public Employees' Retirement System, a public charter school is
231 considered to be a political subdivision of the state. Employees
232 in charter schools are eligible for participation in other
233 retirement and other benefits programs in which the charter school
234 chooses to make available to its employees.

235 **SECTION 4.** Section 25-11-103, Mississippi Code of 1972, is
236 amended as follows:

237 25-11-103. (1) The following words and phrases as used in
238 Articles 1 and 3, unless a different meaning is plainly required
239 by the context, have the following meanings:

240 (a) "Accumulated contributions" means the sum of all
241 the amounts deducted from the compensation of a member and
242 credited to his or her individual account in the annuity savings



243 account, together with regular interest as provided in Section
244 25-11-123.

245 (b) "Actuarial cost" means the amount of funds
246 presently required to provide future benefits as determined by the
247 board based on applicable tables and formulas provided by the
248 actuary.

249 (c) "Actuarial equivalent" means a benefit of equal
250 value to the accumulated contributions, annuity or benefit, as the
251 case may be, when computed upon the basis of such mortality tables
252 as adopted by the board of trustees, and regular interest.

253 (d) "Actuarial tables" means such tables of mortality
254 and rates of interest as adopted by the board in accordance with
255 the recommendation of the actuary.

256 (e) "Agency" means any governmental body employing
257 persons in the state service.

258 (f) "Average compensation" means the average of the
259 four (4) highest years of earned compensation reported for an
260 employee in a fiscal or calendar year period, or combination
261 thereof that do not overlap, or the last forty-eight (48)
262 consecutive months of earned compensation reported for an
263 employee. The four (4) years need not be successive or joined
264 years of service. In computing the average compensation for
265 retirement, disability or survivor benefits, any amount lawfully
266 paid in a lump sum for personal leave or major medical leave shall
267 be included in the calculation to the extent that the amount does



268 not exceed an amount that is equal to thirty (30) days of earned
269 compensation and to the extent that it does not cause the
270 employee's earned compensation to exceed the maximum reportable
271 amount specified in paragraph (k) of this section; however, this
272 thirty-day limitation shall not prevent the inclusion in the
273 calculation of leave earned under federal regulations before July
274 1, 1976, and frozen as of that date as referred to in Section
275 25-3-99. In computing the average compensation, no amounts shall
276 be used that are in excess of the amount on which contributions
277 were required and paid, and no nontaxable amounts paid by the
278 employer for health or life insurance premiums for the employee
279 shall be used. If any member who is or has been granted any
280 increase in annual salary or compensation of more than eight
281 percent (8%) retires within twenty-four (24) months from the date
282 that the increase becomes effective, then the board shall exclude
283 that part of the increase in salary or compensation that exceeds
284 eight percent (8%) in calculating that member's average
285 compensation for retirement purposes. The board may enforce this
286 provision by rule or regulation. However, increases in
287 compensation in excess of eight percent (8%) per year granted
288 within twenty-four (24) months of the date of retirement may be
289 included in the calculation of average compensation if
290 satisfactory proof is presented to the board showing that the
291 increase in compensation was the result of an actual change in the
292 position held or services rendered, or that the compensation



293 increase was authorized by the State Personnel Board or was
294 increased as a result of statutory enactment, and the employer
295 furnishes an affidavit stating that the increase granted within
296 the last twenty-four (24) months was not contingent on a promise
297 or agreement of the employee to retire. Nothing in Section
298 25-3-31 shall affect the calculation of the average compensation
299 of any member for the purposes of this article. The average
300 compensation of any member who retires before July 1, 1992, shall
301 not exceed the annual salary of the Governor.

302 (g) "Beneficiary" means any person entitled to receive
303 a retirement allowance, an annuity or other benefit as provided by
304 Articles 1 and 3. The term "beneficiary" may also include an
305 organization, estate, trust or entity; however, a beneficiary
306 designated or entitled to receive monthly payments under an
307 optional settlement based on life contingency or under a statutory
308 monthly benefit may only be a natural person. In the event of the
309 death before retirement of any member who became a member of the
310 system before July 1, 2007, and whose spouse and/or children are
311 not entitled to a retirement allowance on the basis that the
312 member has less than four (4) years of service credit, or who
313 became a member of the system on or after July 1, 2007, and whose
314 spouse and/or children are not entitled to a retirement allowance
315 on the basis that the member has less than eight (8) years of
316 service credit, and/or has not been married for a minimum of one
317 (1) year or the spouse has waived his or her entitlement to a



318 retirement allowance under Section 25-11-114, the lawful spouse of
319 a member at the time of the death of the member shall be the
320 beneficiary of the member unless the member has designated another
321 beneficiary after the date of marriage in writing, and filed that
322 writing in the office of the executive director of the board of
323 trustees. No designation or change of beneficiary shall be made
324 in any other manner.

325 (h) "Board" means the board of trustees provided in
326 Section 25-11-15 to administer the retirement system created under
327 this article.

328 (i) "Creditable service" means "prior service,"
329 "retroactive service" and all lawfully credited unused leave not
330 exceeding the accrual rates and limitations provided in Section
331 25-3-91 et seq., as of the date of withdrawal from service plus
332 "membership service" and other service for which credit is
333 allowable as provided in Section 25-11-109. Except to limit
334 creditable service reported to the system for the purpose of
335 computing an employee's retirement allowance or annuity or
336 benefits provided in this article, nothing in this paragraph shall
337 limit or otherwise restrict the power of the governing authority
338 of a municipality or other political subdivision of the state to
339 adopt such vacation and sick leave policies as it deems necessary.

340 (j) "Child" means either a natural child of the member,
341 a child that has been made a child of the member by applicable
342 court action before the death of the member, or a child under the



343 permanent care of the member at the time of the latter's death,
344 which permanent care status shall be determined by evidence
345 satisfactory to the board.

346 (k) "Earned compensation" means the full amount earned
347 during a fiscal year by an employee including any maintenance
348 furnished not to exceed the employee compensation limit set
349 pursuant to Section 401(a)(17) of the Internal Revenue Code for
350 the calendar year in which the fiscal year begins and
351 proportionately for less than one (1) year of service. The value
352 of that maintenance when not paid in money shall be fixed by the
353 employing state agency, and, in case of doubt, by the board of
354 trustees as defined in Section 25-11-15. Earned compensation
355 shall not include any nontaxable amounts paid by the employer for
356 health or life insurance premiums for an employee. In any case,
357 earned compensation shall be limited to the regular periodic
358 compensation paid, exclusive of litigation fees, bond fees, and
359 other similar extraordinary nonrecurring payments. In addition,
360 any member in a covered position, as defined by Public Employees'
361 Retirement System laws and regulations, who is also employed by
362 another covered agency or political subdivision shall have the
363 earnings of that additional employment reported to the Public
364 Employees' Retirement System regardless of whether the additional
365 employment is sufficient in itself to be a covered position. In
366 addition, computation of earned compensation shall be governed by
367 the following:



368 (i) In the case of constables, the net earnings
369 from their office after deduction of expenses shall apply, except
370 that in no case shall earned compensation be less than the total
371 direct payments made by the state or governmental subdivisions to
372 the official.

373 (ii) In the case of chancery or circuit clerks,
374 the net earnings from their office after deduction of expenses
375 shall apply as expressed in Section 25-11-123(f) (4).

376 (iii) In the case of members of the State
377 Legislature, all remuneration or amounts paid, except mileage
378 allowance, shall apply.

379 (iv) The amount by which an eligible employee's
380 salary is reduced under a salary reduction agreement authorized
381 under Section 25-17-5 shall be included as earned compensation
382 under this paragraph, provided this inclusion does not conflict
383 with federal law, including federal regulations and federal
384 administrative interpretations under the federal law, pertaining
385 to the Federal Insurance Contributions Act or to Internal Revenue
386 Code Section 125 cafeteria plans.

387 (v) Compensation in addition to an employee's base
388 salary that is paid to the employee under the vacation and sick
389 leave policies of a municipality or other political subdivision of
390 the state that employs him or her that exceeds the maximums
391 authorized by Section 25-3-91 et seq. shall be excluded from the
392 calculation of earned compensation under this article.



393 (vi) The maximum salary applicable for retirement
394 purposes before July 1, 1992, shall be the salary of the Governor.

395 (vii) Nothing in Section 25-3-31 shall affect the
396 determination of the earned compensation of any member for the
397 purposes of this article.

398 (l) "Employee" means any person legally occupying a
399 position in the state service, and shall include the employees of
400 the retirement system created under this article.

401 (m) "Employer" means the State of Mississippi or any of
402 its departments, agencies or subdivisions from which any employee
403 receives his or her compensation.

404 (n) "Executive director" means the secretary to the
405 board of trustees, as provided in Section 25-11-15(9), and the
406 administrator of the Public Employees' Retirement System and all
407 systems under the management of the board of trustees. Wherever
408 the term "Executive Secretary of the Public Employees' Retirement
409 System" or "executive secretary" appears in this article or in any
410 other provision of law, it shall be construed to mean the
411 Executive Director of the Public Employees' Retirement System.

412 (o) "Fiscal year" means the period beginning on July 1
413 of any year and ending on June 30 of the next succeeding year.

414 (p) "Medical board" means the board of physicians or
415 any governmental or nongovernmental disability determination
416 service designated by the board of trustees that is qualified to



417 make disability determinations as provided for in Section
418 25-11-119.

419 (q) "Member" means any person included in the
420 membership of the system as provided in Section 25-11-105. For
421 purposes of Sections 25-11-103, 25-11-105, 25-11-109, 25-11-111,
422 25-11-113, 25-11-114, 25-11-115 and 25-11-117, if a member of the
423 system withdrew from state service and received a refund of the
424 amount of the accumulated contributions to the credit of the
425 member in the annuity savings account before July 1, 2007, and the
426 person reenters state service and becomes a member of the system
427 again on or after July 1, 2007, and repays all or part of the
428 amount received as a refund and interest in order to receive
429 creditable service for service rendered before July 1, 2007, the
430 member shall be considered to have become a member of the system
431 on or after July 1, 2007, subject to the eight-year membership
432 service requirement, as applicable in those sections. For
433 purposes of Sections 25-11-103, 25-11-111, 25-11-114 and
434 25-11-115, if a member of the system withdrew from state service
435 and received a refund of the amount of the accumulated
436 contributions to the credit of the member in the annuity savings
437 account before July 1, 2011, and the person reenters state service
438 and becomes a member of the system again on or after July 1, 2011,
439 and repays all or part of the amount received as a refund and
440 interest in order to receive creditable service for service



441 rendered before July 1, 2011, the member shall be considered to
442 have become a member of the system on or after July 1, 2011.

443 (r) "Membership service" means service as an employee
444 in a covered position rendered while a contributing member of the
445 retirement system.

446 (s) "Position" means any office or any employment in
447 the state service, or two (2) or more of them, the duties of which
448 call for services to be rendered by one (1) person, including
449 positions jointly employed by federal and state agencies
450 administering federal and state funds. The employer shall
451 determine upon initial employment and during the course of
452 employment of an employee who does not meet the criteria for
453 coverage in the Public Employees' Retirement System based on the
454 position held, whether the employee is or becomes eligible for
455 coverage in the Public Employees' Retirement System based upon any
456 other employment in a covered agency or political subdivision. If
457 or when the employee meets the eligibility criteria for coverage
458 in the other position, then the employer must withhold
459 contributions and report wages from the noncovered position in
460 accordance with the provisions for reporting of earned
461 compensation. Failure to deduct and report those contributions
462 shall not relieve the employee or employer of liability thereof.
463 The board shall adopt such rules and regulations as necessary to
464 implement and enforce this provision.

465 (t) "Prior service" means:



466 (i) For persons who became members of the system
467 before July 1, 2007, service rendered before February 1, 1953, for
468 which credit is allowable under Sections 25-11-105 and 25-11-109,
469 and which shall allow prior service for any person who is now or
470 becomes a member of the Public Employees' Retirement System and
471 who does contribute to the system for a minimum period of four (4)
472 years.

473 (ii) For persons who became members of the system
474 on or after July 1, 2007, service rendered before February 1,
475 1953, for which credit is allowable under Sections 25-11-105 and
476 25-11-109, and which shall allow prior service for any person who
477 is now or becomes a member of the Public Employees' Retirement
478 System and who does contribute to the system for a minimum period
479 of eight (8) years.

480 (u) "Regular interest" means interest compounded
481 annually at such a rate as determined by the board in accordance
482 with Section 25-11-121.

483 (v) "Retirement allowance" means an annuity for life as
484 provided in this article, payable each year in twelve (12) equal
485 monthly installments beginning as of the date fixed by the board.
486 The retirement allowance shall be calculated in accordance with
487 Section 25-11-111. However, any spouse who received a spouse
488 retirement benefit in accordance with Section 25-11-111(d) before
489 March 31, 1971, and those benefits were terminated because of
490 eligibility for a social security benefit, may again receive his



491 or her spouse retirement benefit from and after making application
492 with the board of trustees to reinstate the spouse retirement
493 benefit.

494 (w) "Retroactive service" means service rendered after
495 February 1, 1953, for which credit is allowable under Section
496 25-11-105(b) and Section 25-11-105(k).

497 (x) "System" means the Public Employees' Retirement
498 System of Mississippi established and described in Section
499 25-11-101.

500 (y) "State" means the State of Mississippi or any
501 political subdivision thereof or instrumentality of the state.

502 (z) "State service" means all offices and positions of
503 trust or employment in the employ of the state, or any political
504 subdivision or instrumentality of the state, that elect to
505 participate as provided by Section 25-11-105(f), including the
506 position of elected or fee officials of the counties and their
507 deputies and employees performing public services or any
508 department, independent agency, board or commission thereof, and
509 also includes all offices and positions of trust or employment in
510 the employ of joint state and federal agencies administering state
511 and federal funds and service rendered by employees of the public
512 schools. Effective July 1, 1973, all nonprofessional public
513 school employees, such as bus drivers, janitors, maids,
514 maintenance workers and cafeteria employees, shall have the option
515 to become members in accordance with Section 25-11-105(b), and



516 shall be eligible to receive credit for services before July 1,
517 1973, provided that the contributions and interest are paid by the
518 employee in accordance with that section; in addition, the county
519 or municipal separate school district may pay the employer
520 contribution and pro rata share of interest of the retroactive
521 service from available funds. From and after July 1, 1998,
522 retroactive service credit shall be purchased at the actuarial
523 cost in accordance with Section 25-11-105(b).

524 (aa) "Withdrawal from service" or "termination from
525 service" means complete severance of employment in the state
526 service of any member by resignation, dismissal or discharge.

527 (bb) The masculine pronoun, wherever used, includes the
528 feminine pronoun.

529 (2) For purposes of this article, the term "political
530 subdivision" shall have the meaning ascribed to such term in
531 Section 25-11-5 and shall also include public charter schools.

532 **SECTION 5.** This act shall take effect and be in force from
533 and after July 1, 2014.

