

By: Representatives Hopkins, Sykes

To: Education;
Appropriations

HOUSE BILL NO. 689

1 AN ACT TO CREATE NEW SECTION 25-11-126, MISSISSIPPI CODE OF
 2 1972, TO PROVIDE THAT PERSONS WHO HAVE AT LEAST 25 YEARS OF
 3 CREDITABLE SERVICE IN THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM, WHO
 4 WERE EMPLOYED AS PUBLIC SCHOOLTEACHERS AT THE TIME OF THEIR
 5 RETIREMENT AND WHO HAVE BEEN RETIRED AND RECEIVING A RETIREMENT
 6 ALLOWANCE FOR AT LEAST ONE YEAR, MAY BE EMPLOYED AS TEACHERS BY A
 7 PUBLIC SCHOOL DISTRICT AFTER THEIR RETIREMENT AND RECEIVE A
 8 RETIREMENT ALLOWANCE FROM THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM
 9 DURING THEIR EMPLOYMENT AS TEACHERS IN ADDITION TO RECEIVING A
 10 BEGINNING TEACHER'S SALARY; TO BRING FORWARD SECTION 25-11-105,
 11 MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENTS;
 12 TO AMEND SECTIONS 25-11-123 AND 25-11-127, MISSISSIPPI CODE OF
 13 1972, IN CONFORMITY THERETO; TO BRING FORWARD SECTIONS 37-3-2 AND
 14 37-19-7, MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE
 15 AMENDMENTS; AND FOR RELATED PURPOSES.

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

17 **SECTION 1.** The following shall be codified as Section
 18 25-11-126, Mississippi Code of 1972:

19 25-11-126. (1) Any person who has at least twenty-five (25)
 20 years of creditable service, who was employed as a public
 21 schoolteacher at the time of his or her retirement and who has
 22 been retired and receiving a retirement allowance for at least one
 23 (1) year, may be employed as a teacher in a public school district
 24 located in a geographic area of the state designated as a critical



25 teacher shortage area by the State Board of Education after
26 retirement, and choose to continue receiving the retirement
27 allowance under this article during his or her employment as a
28 teacher after retirement in addition to receiving the salary
29 authorized under Section 37-19-7 for teachers with zero to three
30 (3) years of teaching experience with a Class A certification for
31 the duration of his or her post-retirement reemployment.

32 (2) (a) The retired teacher may be employed as a teacher,
33 continue receiving his or her retirement allowance and be a
34 contributing member of the system without accruing additional
35 retirement benefits. This method is designed specifically to
36 provide funding for the system to actuarially offset any pension
37 liability by providing the employer contribution plus three
38 percent (3%) of earned compensation as the employee contribution
39 of employees hired under the authority of this section.

40 (b) The State Department of Education shall transfer to
41 the system the Mississippi Adequate Education Program funds of
42 local school districts that on or after July 1, 2018, hire retired
43 members as teachers under this section and other funds that
44 otherwise would have been payable to the districts if the
45 districts had not taken advantage of this section. The crediting
46 of assets and financing shall follow the provisions of Section
47 25-11-123.

48 (c) Local educational agencies shall transfer to the
49 system Mississippi Adequate Education Program funds of local



50 school districts that on or after July 1, 2018, hire retired
51 members as teachers under this section and other funds that
52 otherwise would have been payable to the districts if the
53 districts had not taken advantage of this section. The crediting
54 of assets and financing must follow the provisions of Section
55 25-11-123.

56 (3) A person may be hired under this section subject to the
57 following conditions:

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

60 (b) The superintendent of schools of the employing
61 school district certifies in writing to the State Department of
62 Education that the retired member has the requisite experience,
63 training and expertise for the position to be filled and that no
64 other qualified persons are available to fill the position.

65 (c) The superintendent of schools of the district
66 certifies or the principal of the school certifies that there was
67 no preexisting arrangement for the person to be hired.

68 (d) The person had a satisfactory performance review
69 for the most recent period before retirement.

70 (4) The State Superintendent of Public Education shall
71 report the persons who are employed under this section to the
72 Executive Director of the Public Employees' Retirement System.

73 **SECTION 2.** Section 25-11-105, Mississippi Code of 1972, is
74 brought forward as follows:



75 25-11-105. I. **THOSE WHO ARE ELIGIBLE FOR MEMBERSHIP**

76 The membership of this retirement system shall be composed as
77 follows:

78 (a) (i) All persons who become employees in the state
79 service after January 31, 1953, and whose wages are subject to
80 payroll taxes and are lawfully reported on IRS Form W-2, except
81 those specifically excluded, or as to whom election is provided in
82 Articles 1 and 3, shall become members of the retirement system as
83 a condition of their employment.

84 (ii) From and after July 1, 2002, any individual
85 who is employed by a governmental entity to perform professional
86 services shall become a member of the system if the individual is
87 paid regular periodic compensation for those services that is
88 subject to payroll taxes, is provided all other employee benefits
89 and meets the membership criteria established by the regulations
90 adopted by the board of trustees that apply to all other members
91 of the system; however, any active member employed in such a
92 position on July 1, 2002, will continue to be an active member for
93 as long as they are employed in any such position.

94 (b) All persons who become employees in the state
95 service after January 31, 1953, except those specifically excluded
96 or as to whom election is provided in Articles 1 and 3, unless
97 they file with the board before the lapse of sixty (60) days of
98 employment or sixty (60) days after the effective date of the
99 cited articles, whichever is later, on a form prescribed by the



100 board, a notice of election not to be covered by the membership of
101 the retirement system and a duly executed waiver of all present
102 and prospective benefits that would otherwise inure to them on
103 account of their participation in the system, shall become members
104 of the retirement system; however, no credit for prior service
105 will be granted to members who became members of the system before
106 July 1, 2007, until they have contributed to Article 3 of the
107 retirement system for a minimum period of at least four (4) years,
108 or to members who became members of the system on or after July 1,
109 2007, until they have contributed to Article 3 of the retirement
110 system for a minimum period of at least eight (8) years. Those
111 members shall receive credit for services performed before January
112 1, 1953, in employment now covered by Article 3, but no credit
113 shall be granted for retroactive services between January 1, 1953,
114 and the date of their entry into the retirement system, unless the
115 employee pays into the retirement system both the employer's and
116 the employee's contributions on wages paid him during the period
117 from January 31, 1953, to the date of his becoming a contributing
118 member, together with interest at the rate determined by the board
119 of trustees. Members reentering after withdrawal from service
120 shall qualify for prior service under the provisions of Section
121 25-11-117. From and after July 1, 1998, upon eligibility as noted
122 above, the member may receive credit for such retroactive service
123 provided:



124 (i) The member shall furnish proof satisfactory to
125 the board of trustees of certification of that service from the
126 covered employer where the services were performed; and

127 (ii) The member shall pay to the retirement system
128 on the date he or she is eligible for that credit or at any time
129 thereafter before the date of retirement the actuarial cost for
130 each year of that creditable service. The provisions of this
131 subparagraph (ii) shall be subject to the limitations of Section
132 415 of the Internal Revenue Code and regulations promulgated under
133 Section 415.

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

138 (c) All persons who become employees in the state
139 service after January 31, 1953, and who are eligible for
140 membership in any other retirement system shall become members of
141 this retirement system as a condition of their employment, unless
142 they elect at the time of their employment to become a member of
143 that other system.

144 (d) All persons who are employees in the state service
145 on January 31, 1953, and who are members of any nonfunded
146 retirement system operated by the State of Mississippi, or any of
147 its departments or agencies, shall become members of this system
148 with prior service credit unless, before February 1, 1953, they



149 file a written notice with the board of trustees that they do not
150 elect to become members.

151 (e) All persons who are employees in the state service
152 on January 31, 1953, and who under existing laws are members of
153 any fund operated for the retirement of employees by the State of
154 Mississippi, or any of its departments or agencies, shall not be
155 entitled to membership in this retirement system unless, before
156 February 1, 1953, any such person indicates by a notice filed with
157 the board, on a form prescribed by the board, his individual
158 election and choice to participate in this system, but no such
159 person shall receive prior service credit unless he becomes a
160 member on or before February 1, 1953.

161 (f) Each political subdivision of the state and each
162 instrumentality of the state or a political subdivision, or both,
163 is authorized to submit, for approval by the board of trustees, a
164 plan for extending the benefits of this article to employees of
165 any such political subdivision or instrumentality. Each such plan
166 or any amendment to the plan for extending benefits thereof shall
167 be approved by the board of trustees if it finds that the plan, or
168 the plan as amended, is in conformity with such requirements as
169 are provided in Articles 1 and 3; however, upon approval of the
170 plan or any such plan previously approved by the board of
171 trustees, the approved plan shall not be subject to cancellation
172 or termination by the political subdivision or instrumentality.
173 No such plan shall be approved unless:



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

181 (ii) It specifies the source or sources from which
182 the funds necessary to make the payments required by paragraph (d)
183 of Section 25-11-123 and of paragraph (f) (v)2 and 3 of this
184 section are expected to be derived and contains reasonable
185 assurance that those sources will be adequate for that purpose;

186 (iii) It provides for such methods of
187 administration of the plan by the political subdivision or
188 instrumentality as are found by the board of trustees to be
189 necessary for the proper and efficient administration thereof;

190 (iv) It provides that the political subdivision or
191 instrumentality will make such reports, in such form and
192 containing such information, as the board of trustees may from
193 time to time require;

194 (v) It authorizes the board of trustees to
195 terminate the plan in its entirety in the discretion of the board
196 if it finds that there has been a failure to comply substantially
197 with any provision contained in the plan, the termination to take
198 effect at the expiration of such notice and on such conditions as



199 may be provided by regulations of the board and as may be
200 consistent with applicable federal law.

201 1. The board of trustees shall not finally
202 refuse to approve a plan submitted under paragraph (f), and shall
203 not terminate an approved plan without reasonable notice and
204 opportunity for hearing to each political subdivision or
205 instrumentality affected by the board's decision. The board's
206 decision in any such case shall be final, conclusive and binding
207 unless an appeal is taken by the political subdivision or
208 instrumentality aggrieved by the decision to the Circuit Court of
209 the First Judicial District of Hinds County, Mississippi, in
210 accordance with the provisions of law with respect to civil causes
211 by certiorari.

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

219 3. Every political subdivision or
220 instrumentality required to make payments under paragraph (f)(v)2
221 of this section is authorized, in consideration of the employees'
222 retention in or entry upon employment after enactment of Articles
223 1 and 3, to impose upon its employees, as to services that are



224 covered by an approved plan, a contribution with respect to wages
225 (as defined in Section 25-11-5) not exceeding the amount provided
226 in Section 25-11-123(d) if those services constituted employment
227 within the meaning of Articles 1 and 3, and to deduct the amount
228 of the contribution from the wages as and when paid.
229 Contributions so collected shall be paid into the contribution
230 fund as partial discharge of the liability of the political
231 subdivisions or instrumentalities under paragraph (f)(v)2 of this
232 section. Failure to deduct the contribution shall not relieve the
233 employee or employer of liability for the contribution.

234 4. Any state agency, school, political
235 subdivision, instrumentality or any employer that is required to
236 submit contribution payments or wage reports under any section of
237 this chapter shall be assessed interest on delinquent payments or
238 wage reports as determined by the board of trustees in accordance
239 with rules and regulations adopted by the board and delinquent
240 payments, assessed interest and any other amount certified by the
241 board as owed by an employer, may be recovered by action in a
242 court of competent jurisdiction against the reporting agency
243 liable therefor or may, upon due certification of delinquency and
244 at the request of the board of trustees, be deducted from any
245 other monies payable to the reporting agency by any department or
246 agency of the state.

247 5. Each political subdivision of the state
248 and each instrumentality of the state or a political subdivision



249 or subdivisions that submit a plan for approval of the board, as
250 provided in this section, shall reimburse the board for coverage
251 into the expense account, its pro rata share of the total expense
252 of administering Articles 1 and 3 as provided by regulations of
253 the board.

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

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

266 (i) If any member of this system changes his employment
267 to any agency of the state having an actuarially funded retirement
268 system, the board of trustees may authorize the transfer of the
269 member's creditable service and of the present value of the
270 member's employer's accumulation account and of the present value
271 of the member's accumulated membership contributions to that other
272 system, provided that the employee agrees to the transfer of his



273 accumulated membership contributions and provided that the other
274 system is authorized to receive and agrees to make the transfer.

275 If any member of any other actuarially funded system
276 maintained by an agency of the state changes his employment to an
277 agency covered by this system, the board of trustees may authorize
278 the receipt of the transfer of the member's creditable service and
279 of the present value of the member's employer's accumulation
280 account and of the present value of the member's accumulated
281 membership contributions from the other system, provided that the
282 employee agrees to the transfer of his accumulated membership
283 contributions to this system and provided that the other system is
284 authorized and agrees to make the transfer.

285 (j) Wherever state employment is referred to in this
286 section, it includes joint employment by state and federal
287 agencies of all kinds.

288 (k) Employees of a political subdivision or
289 instrumentality who were employed by the political subdivision or
290 instrumentality before an agreement between the entity and the
291 Public Employees' Retirement System to extend the benefits of this
292 article to its employees, and which agreement provides for the
293 establishment of retroactive service credit, and who became
294 members of the retirement system before July 1, 2007, and have
295 remained contributors to the retirement system for four (4) years,
296 or who became members of the retirement system on or after July 1,
297 2007, and have remained contributors to the retirement system for



298 eight (8) years, may receive credit for that retroactive service
299 with the political subdivision or instrumentality, provided that
300 the employee and/or employer, as provided under the terms of the
301 modification of the joinder agreement in allowing that coverage,
302 pay into the retirement system the employer's and employee's
303 contributions on wages paid the member during the previous
304 employment, together with interest or actuarial cost as determined
305 by the board covering the period from the date the service was
306 rendered until the payment for the credit for the service was
307 made. Those wages shall be verified by the Social Security
308 Administration or employer payroll records. Effective July 1,
309 1998, upon eligibility as noted above, a member may receive credit
310 for that retroactive service with the political subdivision or
311 instrumentality provided:

312 (i) The member shall furnish proof satisfactory to
313 the board of trustees of certification of those services from the
314 political subdivision or instrumentality where the services were
315 rendered or verification by the Social Security Administration;
316 and

317 (ii) The member shall pay to the retirement system
318 on the date he or she is eligible for that credit or at any time
319 thereafter before the date of retirement the actuarial cost for
320 each year of that creditable service. The provisions of this
321 subparagraph (ii) shall be subject to the limitations of Section



322 415 of the Internal Revenue Code and regulations promulgated under
323 Section 415.

324 Nothing contained in this paragraph (k) shall be construed to
325 limit the authority of the board to allow the correction of
326 reporting errors or omissions based on the payment of employee and
327 employer contributions plus applicable interest. Payment for that
328 time shall be made beginning with the most recent service. Upon
329 the payment of all or part of the required contributions, plus
330 interest or the actuarial cost as provided above, the member shall
331 receive credit for the period of creditable service for which full
332 payment has been made to the retirement system.

333 (l) Through June 30, 1998, any state service eligible
334 for retroactive service credit, no part of which has ever been
335 reported, and requiring the payment of employee and employer
336 contributions plus interest, or, from and after July 1, 1998, any
337 state service eligible for retroactive service credit, no part of
338 which has ever been reported to the retirement system, and
339 requiring the payment of the actuarial cost for that creditable
340 service, may, at the member's option, be purchased in quarterly
341 increments as provided above at the time that its purchase is
342 otherwise allowed.

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

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



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

350 (a) Patient or inmate help in state charitable, penal
351 or correctional institutions;

352 (b) Students of any state educational institution
353 employed by any agency of the state for temporary, part-time or
354 intermittent work;

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

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

362 **III. TERMINATION OF MEMBERSHIP**

363 Membership in this system shall cease by a member withdrawing
364 his accumulated contributions, or by a member withdrawing from
365 active service with a retirement allowance, or by a member's
366 death.

367 **SECTION 3.** Section 25-11-123, Mississippi Code of 1972, is
368 amended as follows:

369 25-11-123. All of the assets of the system shall be credited
370 according to the purpose for which they are held to one (1) of
371 four (4) reserves; namely, the annuity savings account, the



372 annuity reserve, the employer's accumulation account, and the
373 expense account.

374 (a) **Annuity savings account.** In the annuity savings account
375 shall be accumulated the contributions made by members to provide
376 for their annuities, including interest thereon which shall be
377 posted monthly. Credits to and charges against the annuity
378 savings account shall be made as follows:

379 (1) Beginning July 1, 2010, except as otherwise
380 provided by Section 25-11-126, the employer shall cause to be
381 deducted from the salary of each member on each and every payroll
382 of the employer for each and every payroll period nine percent
383 (9%) of earned compensation as defined in Section 25-11-103.
384 Future contributions shall be fixed biennially by the board on the
385 basis of the liabilities of the retirement system for the various
386 allowances and benefits as shown by actuarial valuation; however,
387 any member earning at a rate less than Sixteen Dollars and
388 Sixty-seven Cents (\$16.67) per month, or Two Hundred Dollars
389 (\$200.00) per year, shall contribute not less than One Dollar
390 (\$1.00) per month, or Twelve Dollars (\$12.00) per year.

391 (2) The deductions provided in paragraph (1) of this
392 subsection shall be made notwithstanding that the minimum
393 compensation provided by law for any member is reduced by the
394 deduction. Every member shall be deemed to consent and agree to
395 the deductions made and provided for in paragraph (1) of this
396 subsection and shall receipt for his full salary or compensation,



397 and payment of salary or compensation less the deduction shall be
398 a full and complete discharge and acquittance of all claims and
399 demands whatsoever for the services rendered by the person during
400 the period covered by the payment, except as to the benefits
401 provided under Articles 1 and 3. The board shall provide by rules
402 for the methods of collection of contributions from members and
403 the employer. The board shall have full authority to require the
404 production of evidence necessary to verify the correctness of
405 amounts contributed.

406 (b) **Annuity reserve.** The annuity reserve shall be the
407 account representing the actuarial value of all annuities in
408 force, and to it shall be charged all annuities and all benefits
409 in lieu of annuities, payable as provided in this article. If a
410 beneficiary retired on account of disability is restored to active
411 service with a compensation not less than his average final
412 compensation at the time of his last retirement, the remainder of
413 his contributions shall be transferred from the annuity reserve to
414 the annuity savings account and credited to his individual account
415 therein, and the balance of his annuity reserve shall be
416 transferred to the employer's accumulation account.

417 (c) **Employer's accumulation account.** The employer's
418 accumulation account shall represent the accumulation of all
419 reserves for the payment of all retirement allowances and other
420 benefits payable from contributions made by the employer, and
421 against this account shall be charged all retirement allowances



422 and other benefits on account of members. Credits to and charges
423 against the employer's accumulation account shall be made as
424 follows:

425 (1) On account of each member there shall be paid
426 monthly into the employer's accumulation account by the employers
427 for the preceding fiscal year an amount equal to a certain
428 percentage of the total earned compensation, as defined in Section
429 25-11-103, of each member. The percentage rate of those
430 contributions shall be fixed biennially by the board on the basis
431 of the liabilities of the retirement system for the various
432 allowances and benefits as shown by actuarial valuation.
433 Beginning January 1, 1990, the rate shall be fixed at nine and
434 three-fourths percent (9-3/4%). The board shall reduce the
435 employer's contribution rate by one percent (1%) from and after
436 July 1 of the year following the year in which the board
437 determines and the board's actuary certifies that the employer's
438 contribution rate can be reduced by that amount without causing
439 the unfunded accrued actuarial liability amortization period for
440 the retirement system to exceed twenty (20) years. Political
441 subdivisions joining Article 3 of the Public Employees' Retirement
442 System after July 1, 1968, may adjust the employer's contributions
443 by agreement with the Board of Trustees of the Public Employees'
444 Retirement System to provide service credits for any period before
445 execution of the agreement based upon an actuarial determination
446 of employer's contribution rates.



447 (2) On the basis of regular interest and of such
448 mortality and other tables as are adopted by the board of
449 trustees, the actuary engaged by the board to make each valuation
450 required by this article during the period over which the accrued
451 liability contribution is payable, immediately after making that
452 valuation, shall determine the uniform and constant percentage of
453 the earnable compensation of each member which, if contributed by
454 the employer on the basis of compensation of the member throughout
455 his entire period of membership service, would be sufficient to
456 provide for the payment of any retirement allowance payable on his
457 account for that service. The percentage rate so determined shall
458 be known as the "normal contribution rate." After the accrued
459 liability contribution has ceased to be payable, the normal
460 contribution rate shall be the percentage rate of the salary of
461 all members obtained by deducting from the total liabilities on
462 account of membership service the amount in the employer's
463 accumulation account, and dividing the remainder by one percent
464 (1%) of the present value of the prospective future salaries of
465 all members as computed on the basis of the mortality and service
466 tables adopted by the board of trustees and regular interest. The
467 normal rate of contributions shall be determined by the actuary
468 after each valuation.

469 (3) The total amount payable in each year to the
470 employer's accumulation account shall not be less than the sum of
471 the percentage rate known as the "normal contribution rate" and



472 the "accrued liability contribution rate" of the total
473 compensation earnable by all members during the preceding year,
474 provided that the payment by the employer shall be sufficient,
475 when combined with the amounts in the account, to provide the
476 allowances and other benefits chargeable to this account during
477 the year then current.

478 (4) The accrued liability contribution shall be
479 discontinued as soon as the accumulated balance in the employer's
480 accumulation account shall equal the present value, computed on
481 the basis of the normal contribution rate then in force, or the
482 prospective normal contributions to be received on account of all
483 persons who are at that time members.

484 (5) All allowances and benefits in lieu thereof, with
485 the exception of those payable on account of members who receive
486 no prior service credit, payable from contributions of the
487 employer, shall be paid from the employer's accumulation account.

488 (6) Upon the retirement of a member, an amount equal to
489 his retirement allowance shall be transferred from the employer's
490 accumulation account to the annuity reserve.

491 (7) The employer's accumulation account shall be
492 credited with any assets authorized by law to be credited to the
493 account.

494 (d) **Expense account.** The expense account shall be the
495 account to which the expenses of the administration of the system
496 shall be charged, exclusive of amounts payable as retirement



497 allowances and as other benefits provided herein. The Legislature
498 shall make annual appropriations in amounts sufficient to
499 administer the system, which shall be credited to this account.
500 There shall be transferred to the State Treasury from this
501 account, not less than once per month, an amount sufficient for
502 payment of the estimated expenses of the system for the succeeding
503 thirty (30) days. Any interest earned on the expense account
504 shall accrue to the benefit of the system. However,
505 notwithstanding the provisions of Sections 25-11-15(10) and
506 25-11-105(f) (v)5, all expenses of the administration of the system
507 shall be paid from the interest earnings, provided the interest
508 earnings are in excess of the actuarial interest assumption as
509 determined by the board, and provided the present cost of the
510 administrative expense fee of two percent (2%) of the
511 contributions reported by the political subdivisions and
512 instrumentalities shall be reduced to one percent (1%) from and
513 after July 1, 1983, through June 30, 1984, and shall be eliminated
514 thereafter.

515 (e) **Collection of contributions.** The employer shall cause
516 to be deducted on each and every payroll of a member for each and
517 every payroll period, beginning subsequent to January 31, 1953,
518 the contributions payable by the member as provided in Articles 1
519 and 3.

520 The employer shall make deductions from salaries of employees
521 as provided in Articles 1 and 3 and shall transmit monthly, or at



522 such time as the board of trustees designates, the amount
523 specified to be deducted to the Executive Director of the Public
524 Employees' Retirement System. The executive director, after
525 making a record of all those receipts, shall deposit such amounts
526 as provided by law.

527 (f) (1) Upon the basis of each actuarial valuation provided
528 herein, the board of trustees shall biennially determine the
529 normal contribution rate and the accrued liability contribution
530 rate as provided in this section. The sum of these two (2) rates
531 shall be known as the "employer's contribution rate." Beginning
532 on earned compensation effective January 1, 1990, the rate
533 computed as provided in this section shall be nine and
534 three-fourths percent (9-3/4%). The board shall reduce the
535 employer's contribution rate by one percent (1%) from and after
536 July 1 of the year following the year in which the board
537 determines and the board's actuary certifies that the employer's
538 contribution rate can be reduced by that amount without causing
539 the unfunded accrued actuarial liability amortization period for
540 the retirement system to exceed twenty (20) years. The percentage
541 rate of those contributions shall be fixed biennially by the board
542 on the basis of the liabilities of the retirement system for the
543 various allowances and benefits as shown by actuarial valuation.

544 (2) The amount payable by the employer on account of
545 normal and accrued liability contributions shall be determined by
546 applying the employer's contribution rate to the amount of



547 compensation earned by employees who are members of the system.
548 Monthly, or at such time as the board of trustees designates, each
549 department or agency shall compute the amount of the employer's
550 contribution payable, with respect to the salaries of its
551 employees who are members of the system, and shall cause that
552 amount to be paid to the board of trustees from the personal
553 service allotment of the amount appropriated for the operation of
554 the department or agency, or from funds otherwise available to the
555 agency, for the payment of salaries to its employees.

556 (3) Except as otherwise provided in Section 25-11-106:

557 (i) Constables shall pay employer and employee
558 contributions on their net fee income as well as the employee
559 contributions on all direct treasury or county payroll income.

560 (ii) The county shall be responsible for the
561 employer contribution on all direct treasury or county payroll
562 income of constables.

563 (4) Except as otherwise provided in Section
564 25-11-106.1, chancery and circuit clerks shall be responsible for
565 both the employer and employee share of contributions on the
566 proportionate share of net income attributable to fees, as well as
567 the employee share of net income attributable to direct treasury
568 or county payroll income, and the employing county shall be
569 responsible for the employer contributions on the net income
570 attributable to direct treasury or county payroll income.



571 (5) Once each year, under procedures established by the
572 system, each employer shall submit to the Public Employees'
573 Retirement System a copy of their report to Social Security of all
574 employees' earnings.

575 (6) The board shall provide by rules for the methods of
576 collection of contributions of employers and members. The amounts
577 determined due by an agency to the various funds as specified in
578 Articles 1 and 3 are made obligations of the agency to the board
579 and shall be paid as provided herein. Failure to deduct those
580 contributions shall not relieve the employee and employer from
581 liability thereof. Delinquent employee contributions and any
582 accrued interest shall be the obligation of the employee and
583 delinquent employer contributions and any accrued interest shall
584 be the obligation of the employer. The employer may, in its
585 discretion, elect to pay any or all of the interest on delinquent
586 employee contributions. From and after July 1, 1996, under rules
587 and regulations established by the board, all employers are
588 authorized and shall transfer all funds due to the Public
589 Employees' Retirement System electronically and shall transmit any
590 wage or other reports by computerized reporting systems.

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

593 25-11-127. (1) (a) No person who is being paid a
594 retirement allowance or a pension after retirement under this
595 article shall be employed or paid for any service by the State of



596 Mississippi, including services as an employee, contract worker,
597 contractual employee or independent contractor, until the retired
598 person has been retired for not less than ninety (90) consecutive
599 days from his or her effective date of retirement. After the
600 person has been retired for not less than ninety (90) consecutive
601 days from his or her effective date of retirement or such later
602 date as established by the board, he or she may be reemployed
603 while being paid a retirement allowance under the terms and
604 conditions provided in this section or in Section 25-11-126.

605 (b) No retiree of this retirement system who is
606 reemployed or is reelected to office after retirement shall
607 continue to draw retirement benefits while so reemployed, except
608 as provided in this section or in Section 25-11-126.

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

612 (2) Except as otherwise provided in Section 25-11-126, any
613 person who has been retired under the provisions of Article 3 and
614 who is later reemployed in service covered by this article shall
615 cease to receive benefits under this article and shall again
616 become a contributing member of the retirement system. When the
617 person retires again, if the person has been a contributing member
618 of the retirement system during the reemployment and the
619 reemployment exceeds six (6) months, the person shall have his or
620 her benefit recomputed, including service after again becoming a



621 member, provided that the total retirement allowance paid to the
622 retired member in his or her previous retirement shall be deducted
623 from the member's retirement reserve and taken into consideration
624 in recalculating the retirement allowance under a new option
625 selected.

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

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

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

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

639 To determine the normal working days for a position under
640 paragraph (a) of this subsection, the employer shall determine the
641 required number of working days for the position on a full-time
642 basis and the equivalent number of hours representing the
643 full-time position. The retiree then may work up to one-half
644 (1/2) of the required number of working days or up to one-half
645 (1/2) of the equivalent number of hours and receive up to one-half



646 (1/2) of the salary for the position. In the case of employment
647 with multiple employers, the limitation shall equal one-half (1/2)
648 of the number of days or hours for a single full-time position.

649 Notice shall be given in writing to the executive director,
650 setting forth the facts upon which the employment is being made,
651 and the notice shall be given within five (5) days from the date
652 of employment and also from the date of termination of the
653 employment.

654 (5) Except as otherwise provided in subsection (6) of this
655 section, the employer of any person who is receiving a retirement
656 allowance and who is employed in service covered by subsection (4)
657 of this section as an employee or a contractual employee shall pay
658 to the board the full amount of the employer's contribution on the
659 amount of compensation received by the retiree for his or her
660 employment in accordance with regulations prescribed by the board.
661 The retiree shall not receive any additional creditable service in
662 the retirement system as a result of the payment of the employer's
663 contribution. This subsection does not apply to persons who are
664 receiving a retirement allowance and who contract with an employer
665 to provide services as a true independent contractor, as defined
666 by the board through regulation.

667 (6) (a) A member may retire and continue in municipal or
668 county elective office provided that the member has reached the
669 age and/or service requirement that will not result in a
670 prohibited in-service distribution as defined by the Internal



671 Revenue Service, or a retiree may be elected to a municipal or
672 county office, provided that the person:

673 (i) Files annually, in writing, in the office of
674 the employer and the office of the executive director of the
675 system before the person takes office or as soon as possible after
676 retirement, a waiver of all salary or compensation and elects to
677 receive in lieu of that salary or compensation a retirement
678 allowance as provided in this section, in which event no salary or
679 compensation shall thereafter be due or payable for those
680 services; however, any such officer or employee may receive, in
681 addition to the retirement allowance, office expense allowance,
682 mileage or travel expense authorized by any statute of the State
683 of Mississippi; or

684 (ii) Elects to receive compensation for that
685 elective office in an amount not to exceed twenty-five percent
686 (25%) of the retiree's average compensation. In order to receive
687 compensation as allowed in this subparagraph, the retiree shall
688 file annually, in writing, in the office of the employer and the
689 office of the executive director of the system, an election to
690 receive, in addition to a retirement allowance, compensation as
691 allowed in this subparagraph.

692 (b) The municipality or county in which the retired
693 person holds elective office shall pay to the board the amount of
694 the employer's contributions on the full amount of the regular



695 compensation for the elective office that the retired person
696 holds.

697 (c) As used in this subsection, the term "compensation"
698 does not include office expense allowance, mileage or travel
699 expense authorized by a statute of the State of Mississippi.

700 **SECTION 5.** Section 37-3-2, Mississippi Code of 1972, is
701 brought forward as follows:

702 37-3-2. (1) There is established within the State
703 Department of Education the Commission on Teacher and
704 Administrator Education, Certification and Licensure and
705 Development. It shall be the purpose and duty of the commission
706 to make recommendations to the State Board of Education regarding
707 standards for the certification and licensure and continuing
708 professional development of those who teach or perform tasks of an
709 educational nature in the public schools of Mississippi.

710 (2) The commission shall be composed of fifteen (15)
711 qualified members. The membership of the commission shall be
712 composed of the following members to be appointed, three (3) from
713 each congressional district: four (4) classroom teachers; three
714 (3) school administrators; one (1) representative of schools of
715 education of institutions of higher learning located within the
716 state to be recommended by the Board of Trustees of State
717 Institutions of Higher Learning; one (1) representative from the
718 schools of education of independent institutions of higher
719 learning to be recommended by the Board of the Mississippi



720 Association of Independent Colleges; one (1) representative from
721 public community and junior colleges located within the state to
722 be recommended by the Mississippi Community College Board; one (1)
723 local school board member; and four (4) laypersons. All
724 appointments shall be made by the State Board of Education after
725 consultation with the State Superintendent of Public Education.
726 The first appointments by the State Board of Education shall be
727 made as follows: five (5) members shall be appointed for a term
728 of one (1) year; five (5) members shall be appointed for a term of
729 two (2) years; and five (5) members shall be appointed for a term
730 of three (3) years. Thereafter, all members shall be appointed
731 for a term of four (4) years.

732 (3) The State Board of Education when making appointments
733 shall designate a chairman. The commission shall meet at least
734 once every two (2) months or more often if needed. Members of the
735 commission shall be compensated at a rate of per diem as
736 authorized by Section 25-3-69 and be reimbursed for actual and
737 necessary expenses as authorized by Section 25-3-41.

738 (4) (a) An appropriate staff member of the State Department
739 of Education shall be designated and assigned by the State
740 Superintendent of Public Education to serve as executive secretary
741 and coordinator for the commission. No less than two (2) other
742 appropriate staff members of the State Department of Education
743 shall be designated and assigned by the State Superintendent of
744 Public Education to serve on the staff of the commission.



745 (b) An Office of Educator Misconduct Evaluations shall
746 be established within the State Department of Education to assist
747 the commission in responding to infractions and violations, and in
748 conducting hearings and enforcing the provisions of subsections
749 (11), (12), (13), (14) and (15) of this section, and violations of
750 the Mississippi Educator Code of Ethics.

751 (5) It shall be the duty of the commission to:

752 (a) Set standards and criteria, subject to the approval
753 of the State Board of Education, for all educator preparation
754 programs in the state;

755 (b) Recommend to the State Board of Education each year
756 approval or disapproval of each educator preparation program in
757 the state, subject to a process and schedule determined by the
758 State Board of Education;

759 (c) Establish, subject to the approval of the State
760 Board of Education, standards for initial teacher certification
761 and licensure in all fields;

762 (d) Establish, subject to the approval of the State
763 Board of Education, standards for the renewal of teacher licenses
764 in all fields;

765 (e) Review and evaluate objective measures of teacher
766 performance, such as test scores, which may form part of the
767 licensure process, and to make recommendations for their use;

768 (f) Review all existing requirements for certification
769 and licensure;



770 (g) Consult with groups whose work may be affected by
771 the commission's decisions;

772 (h) Prepare reports from time to time on current
773 practices and issues in the general area of teacher education and
774 certification and licensure;

775 (i) Hold hearings concerning standards for teachers'
776 and administrators' education and certification and licensure with
777 approval of the State Board of Education;

778 (j) Hire expert consultants with approval of the State
779 Board of Education;

780 (k) Set up ad hoc committees to advise on specific
781 areas; and

782 (l) Perform such other functions as may fall within
783 their general charge and which may be delegated to them by the
784 State Board of Education.

785 (6) (a) **Standard License - Approved Program Route.** An
786 educator entering the school system of Mississippi for the first
787 time and meeting all requirements as established by the State
788 Board of Education shall be granted a standard five-year license.
789 Persons who possess two (2) years of classroom experience as an
790 assistant teacher or who have taught for one (1) year in an
791 accredited public or private school shall be allowed to fulfill
792 student teaching requirements under the supervision of a qualified
793 participating teacher approved by an accredited college of
794 education. The local school district in which the assistant



795 teacher is employed shall compensate such assistant teachers at
796 the required salary level during the period of time such
797 individual is completing student teaching requirements.

798 Applicants for a standard license shall submit to the department:

799 (i) An application on a department form;

800 (ii) An official transcript of completion of a
801 teacher education program approved by the department or a
802 nationally accredited program, subject to the following:

803 Licensure to teach in Mississippi prekindergarten through
804 kindergarten classrooms shall require completion of a teacher
805 education program or a Bachelor of Science degree with child
806 development emphasis from a program accredited by the American
807 Association of Family and Consumer Sciences (AAFCS) or by the
808 National Association for Education of Young Children (NAEYC) or by
809 the National Council for Accreditation of Teacher Education
810 (NCATE). Licensure to teach in Mississippi kindergarten, for
811 those applicants who have completed a teacher education program,
812 and in Grade 1 through Grade 4 shall require the completion of an
813 interdisciplinary program of studies. Licenses for Grades 4
814 through 8 shall require the completion of an interdisciplinary
815 program of studies with two (2) or more areas of concentration.
816 Licensure to teach in Mississippi Grades 7 through 12 shall
817 require a major in an academic field other than education, or a
818 combination of disciplines other than education. Students
819 preparing to teach a subject shall complete a major in the



820 respective subject discipline. All applicants for standard
821 licensure shall demonstrate that such person's college preparation
822 in those fields was in accordance with the standards set forth by
823 the National Council for Accreditation of Teacher Education
824 (NCATE) or the National Association of State Directors of Teacher
825 Education and Certification (NASDTEC) or, for those applicants who
826 have a Bachelor of Science degree with child development emphasis,
827 the American Association of Family and Consumer Sciences (AAFCS).
828 Effective July 1, 2016, for initial elementary education
829 licensure, a teacher candidate must earn a passing score on a
830 rigorous test of scientifically research-based reading instruction
831 and intervention and data-based decision-making principles as
832 approved by the State Board of Education;

833 (iii) A copy of test scores evidencing
834 satisfactory completion of nationally administered examinations of
835 achievement, such as the Educational Testing Service's teacher
836 testing examinations;

837 (iv) Any other document required by the State
838 Board of Education; and

839 (v) From and after September 30, 2015, no teacher
840 candidate shall be licensed to teach in Mississippi who did not
841 meet the following criteria for entrance into an approved teacher
842 education program:



843 1. Twenty-one (21) ACT equivalent or achieve
844 the nationally recommended passing score on the Praxis Core
845 Academic Skills for Educators examination; and

846 2. No less than 2.75 GPA on pre-major
847 coursework of the institution's approved teacher education program
848 provided that the accepted cohort of candidates meets or exceeds a
849 3.0 GPA on pre-major coursework.

850 (b) **Standard License - Nontraditional Teaching Route.**

851 From and after September 30, 2015, no teacher candidate shall be
852 licensed to teach in Mississippi under the alternate route who did
853 not meet the following criteria:

854 (i) Twenty-one (21) ACT equivalent or achieve the
855 nationally recommended passing score on the Praxis Core Academic
856 Skills for Educators examination; and

857 (ii) No less than 2.75 GPA on content coursework
858 in the requested area of certification or passing Praxis II scores
859 at or above the national recommended score provided that the
860 accepted cohort of candidates of the institution's teacher
861 education program meets or exceeds a 3.0 GPA on pre-major
862 coursework.

863 Beginning January 1, 2004, an individual who has a passing
864 score on the Praxis I Basic Skills and Praxis II Specialty Area
865 Test in the requested area of endorsement may apply for the Teach
866 Mississippi Institute (TMI) program to teach students in Grades 7
867 through 12 if the individual meets the requirements of this



868 paragraph (b). The State Board of Education shall adopt rules
869 requiring that teacher preparation institutions which provide the
870 Teach Mississippi Institute (TMI) program for the preparation of
871 nontraditional teachers shall meet the standards and comply with
872 the provisions of this paragraph.

873 (i) The Teach Mississippi Institute (TMI) shall
874 include an intensive eight-week, nine-semester-hour summer program
875 or a curriculum of study in which the student matriculates in the
876 fall or spring semester, which shall include, but not be limited
877 to, instruction in education, effective teaching strategies,
878 classroom management, state curriculum requirements, planning and
879 instruction, instructional methods and pedagogy, using test
880 results to improve instruction, and a one (1) semester three-hour
881 supervised internship to be completed while the teacher is
882 employed as a full-time teacher intern in a local school district.
883 The TMI shall be implemented on a pilot program basis, with
884 courses to be offered at up to four (4) locations in the state,
885 with one (1) TMI site to be located in each of the three (3)
886 Mississippi Supreme Court districts.

887 (ii) The school sponsoring the teacher intern
888 shall enter into a written agreement with the institution
889 providing the Teach Mississippi Institute (TMI) program, under
890 terms and conditions as agreed upon by the contracting parties,
891 providing that the school district shall provide teacher interns
892 seeking a nontraditional provisional teaching license with a



893 one-year classroom teaching experience. The teacher intern shall
894 successfully complete the one (1) semester three-hour intensive
895 internship in the school district during the semester immediately
896 following successful completion of the TMI and prior to the end of
897 the one-year classroom teaching experience.

898 (iii) Upon completion of the nine-semester-hour
899 TMI or the fall or spring semester option, the individual shall
900 submit his transcript to the commission for provisional licensure
901 of the intern teacher, and the intern teacher shall be issued a
902 provisional teaching license by the commission, which will allow
903 the individual to legally serve as a teacher while the person
904 completes a nontraditional teacher preparation internship program.

905 (iv) During the semester of internship in the
906 school district, the teacher preparation institution shall monitor
907 the performance of the intern teacher. The school district that
908 employs the provisional teacher shall supervise the provisional
909 teacher during the teacher's intern year of employment under a
910 nontraditional provisional license, and shall, in consultation
911 with the teacher intern's mentor at the school district of
912 employment, submit to the commission a comprehensive evaluation of
913 the teacher's performance sixty (60) days prior to the expiration
914 of the nontraditional provisional license. If the comprehensive
915 evaluation establishes that the provisional teacher intern's
916 performance fails to meet the standards of the approved



917 nontraditional teacher preparation internship program, the
918 individual shall not be approved for a standard license.

919 (v) An individual issued a provisional teaching
920 license under this nontraditional route shall successfully
921 complete, at a minimum, a one-year beginning teacher mentoring and
922 induction program administered by the employing school district
923 with the assistance of the State Department of Education.

924 (vi) Upon successful completion of the TMI and the
925 internship provisional license period, applicants for a Standard
926 License - Nontraditional Route shall submit to the commission a
927 transcript of successful completion of the twelve (12) semester
928 hours required in the internship program, and the employing school
929 district shall submit to the commission a recommendation for
930 standard licensure of the intern. If the school district
931 recommends licensure, the applicant shall be issued a Standard
932 License - Nontraditional Route which shall be valid for a
933 five-year period and be renewable.

934 (vii) At the discretion of the teacher preparation
935 institution, the individual shall be allowed to credit the twelve
936 (12) semester hours earned in the nontraditional teacher
937 internship program toward the graduate hours required for a Master
938 of Arts in Teacher (MAT) Degree.

939 (viii) The local school district in which the
940 nontraditional teacher intern or provisional licensee is employed
941 shall compensate such teacher interns at Step 1 of the required



942 salary level during the period of time such individual is
943 completing teacher internship requirements and shall compensate
944 such Standard License - Nontraditional Route teachers at Step 3 of
945 the required salary level when they complete license requirements.

946 Implementation of the TMI program provided for under this
947 paragraph (b) shall be contingent upon the availability of funds
948 appropriated specifically for such purpose by the Legislature.
949 Such implementation of the TMI program may not be deemed to
950 prohibit the State Board of Education from developing and
951 implementing additional alternative route teacher licensure
952 programs, as deemed appropriate by the board. The emergency
953 certification program in effect prior to July 1, 2002, shall
954 remain in effect.

955 A Standard License - Approved Program Route shall be issued
956 for a five-year period, and may be renewed. Recognizing teaching
957 as a profession, a hiring preference shall be granted to persons
958 holding a Standard License - Approved Program Route or Standard
959 License - Nontraditional Teaching Route over persons holding any
960 other license.

961 (c) **Special License - Expert Citizen.** In order to
962 allow a school district to offer specialized or technical courses,
963 the State Department of Education, in accordance with rules and
964 regulations established by the State Board of Education, may grant
965 a one-year expert citizen-teacher license to local business or
966 other professional personnel to teach in a public school or



967 nonpublic school accredited or approved by the state. Such person
968 may begin teaching upon his employment by the local school board
969 and licensure by the Mississippi Department of Education. The
970 board shall adopt rules and regulations to administer the expert
971 citizen-teacher license. A Special License - Expert Citizen may
972 be renewed in accordance with the established rules and
973 regulations of the State Department of Education.

974 (d) **Special License - Nonrenewable.** The State Board of
975 Education is authorized to establish rules and regulations to
976 allow those educators not meeting requirements in paragraph (a),
977 (b) or (c) of this subsection (6) to be licensed for a period of
978 not more than three (3) years, except by special approval of the
979 State Board of Education.

980 (e) **Nonlicensed Teaching Personnel.** A nonlicensed
981 person may teach for a maximum of three (3) periods per teaching
982 day in a public school district or a nonpublic school
983 accredited/approved by the state. Such person shall submit to the
984 department a transcript or record of his education and experience
985 which substantiates his preparation for the subject to be taught
986 and shall meet other qualifications specified by the commission
987 and approved by the State Board of Education. In no case shall
988 any local school board hire nonlicensed personnel as authorized
989 under this paragraph in excess of five percent (5%) of the total
990 number of licensed personnel in any single school.



991 (f) **Special License - Transitional Bilingual Education.**
992 Beginning July 1, 2003, the commission shall grant special
993 licenses to teachers of transitional bilingual education who
994 possess such qualifications as are prescribed in this section.
995 Teachers of transitional bilingual education shall be compensated
996 by local school boards at not less than one (1) step on the
997 regular salary schedule applicable to permanent teachers licensed
998 under this section. The commission shall grant special licenses
999 to teachers of transitional bilingual education who present the
1000 commission with satisfactory evidence that they (i) possess a
1001 speaking and reading ability in a language, other than English, in
1002 which bilingual education is offered and communicative skills in
1003 English; (ii) are in good health and sound moral character; (iii)
1004 possess a bachelor's degree or an associate's degree in teacher
1005 education from an accredited institution of higher education; (iv)
1006 meet such requirements as to courses of study, semester hours
1007 therein, experience and training as may be required by the
1008 commission; and (v) are legally present in the United States and
1009 possess legal authorization for employment. A teacher of
1010 transitional bilingual education serving under a special license
1011 shall be under an exemption from standard licensure if he achieves
1012 the requisite qualifications therefor. Two (2) years of service
1013 by a teacher of transitional bilingual education under such an
1014 exemption shall be credited to the teacher in acquiring a Standard
1015 Educator License. Nothing in this paragraph shall be deemed to



1016 prohibit a local school board from employing a teacher licensed in
1017 an appropriate field as approved by the State Department of
1018 Education to teach in a program in transitional bilingual
1019 education.

1020 (g) In the event any school district meets the highest
1021 accreditation standards as defined by the State Board of Education
1022 in the accountability system, the State Board of Education, in its
1023 discretion, may exempt such school district from any restrictions
1024 in paragraph (e) relating to the employment of nonlicensed
1025 teaching personnel.

1026 (h) **Highly Qualified Teachers.** Beginning July 1, 2006,
1027 any teacher from any state meeting the federal definition of
1028 highly qualified, as described in the No Child Left Behind Act,
1029 must be granted a standard five-year license by the State
1030 Department of Education.

1031 (7) **Administrator License.** The State Board of Education is
1032 authorized to establish rules and regulations and to administer
1033 the licensure process of the school administrators in the State of
1034 Mississippi. There will be four (4) categories of administrator
1035 licensure with exceptions only through special approval of the
1036 State Board of Education.

1037 (a) **Administrator License - Nonpracticing.** Those
1038 educators holding administrative endorsement but having no
1039 administrative experience or not serving in an administrative
1040 position on January 15, 1997.



1041 (b) **Administrator License - Entry Level.** Those
1042 educators holding administrative endorsement and having met the
1043 department's qualifications to be eligible for employment in a
1044 Mississippi school district. Administrator License - Entry Level
1045 shall be issued for a five-year period and shall be nonrenewable.

1046 (c) **Standard Administrator License - Career Level.** An
1047 administrator who has met all the requirements of the department
1048 for standard administrator licensure.

1049 (d) **Administrator License - Nontraditional Route.** The
1050 board may establish a nontraditional route for licensing
1051 administrative personnel. Such nontraditional route for
1052 administrative licensure shall be available for persons holding,
1053 but not limited to, a master of business administration degree, a
1054 master of public administration degree, a master of public
1055 planning and policy degree or a doctor of jurisprudence degree
1056 from an accredited college or university, with five (5) years of
1057 administrative or supervisory experience. Successful completion
1058 of the requirements of alternate route licensure for
1059 administrators shall qualify the person for a standard
1060 administrator license.

1061 Individuals seeking school administrator licensure under
1062 paragraph (b), (c) or (d) shall successfully complete a training
1063 program and an assessment process prescribed by the State Board of
1064 Education. All applicants for school administrator licensure
1065 shall meet all requirements prescribed by the department under



1066 paragraph (b), (c) or (d), and the cost of the assessment process
1067 required shall be paid by the applicant.

1068 (8) **Reciprocity.** (a) The department shall grant a standard
1069 license to any individual who possesses a valid standard license
1070 from another state and meets minimum Mississippi license
1071 requirements or equivalent requirements as determined by the State
1072 Board of Education. The issuance of a license by reciprocity to a
1073 military-trained applicant or military spouse shall be subject to
1074 the provisions of Section 73-50-1.

1075 (b) The department shall grant a nonrenewable special
1076 license to any individual who possesses a credential which is less
1077 than a standard license or certification from another state. Such
1078 special license shall be valid for the current school year plus
1079 one (1) additional school year to expire on June 30 of the second
1080 year, not to exceed a total period of twenty-four (24) months,
1081 during which time the applicant shall be required to complete the
1082 requirements for a standard license in Mississippi.

1083 (9) **Renewal and Reinstatement of Licenses.** The State Board
1084 of Education is authorized to establish rules and regulations for
1085 the renewal and reinstatement of educator and administrator
1086 licenses. Effective May 15, 1997, the valid standard license held
1087 by an educator shall be extended five (5) years beyond the
1088 expiration date of the license in order to afford the educator
1089 adequate time to fulfill new renewal requirements established
1090 pursuant to this subsection. An educator completing a master of



1091 education, educational specialist or doctor of education degree in
1092 May 1997 for the purpose of upgrading the educator's license to a
1093 higher class shall be given this extension of five (5) years plus
1094 five (5) additional years for completion of a higher degree.

1095 (10) All controversies involving the issuance, revocation,
1096 suspension or any change whatsoever in the licensure of an
1097 educator required to hold a license shall be initially heard in a
1098 hearing de novo, by the commission or by a subcommittee
1099 established by the commission and composed of commission members
1100 for the purpose of holding hearings. Any complaint seeking the
1101 denial of issuance, revocation or suspension of a license shall be
1102 by sworn affidavit filed with the Commission on Teacher and
1103 Administrator Education, Certification and Licensure and
1104 Development. The decision thereon by the commission or its
1105 subcommittee shall be final, unless the aggrieved party shall
1106 appeal to the State Board of Education, within ten (10) days, of
1107 the decision of the committee or its subcommittee. An appeal to
1108 the State Board of Education shall be on the record previously
1109 made before the commission or its subcommittee unless otherwise
1110 provided by rules and regulations adopted by the board. The State
1111 Board of Education in its authority may reverse, or remand with
1112 instructions, the decision of the committee or its subcommittee.
1113 The decision of the State Board of Education shall be final.



1114 (11) The State Board of Education, acting through the
1115 commission, may deny an application for any teacher or
1116 administrator license for one or more of the following:

1117 (a) Lack of qualifications which are prescribed by law
1118 or regulations adopted by the State Board of Education;

1119 (b) The applicant has a physical, emotional or mental
1120 disability that renders the applicant unfit to perform the duties
1121 authorized by the license, as certified by a licensed psychologist
1122 or psychiatrist;

1123 (c) The applicant is actively addicted to or actively
1124 dependent on alcohol or other habit-forming drugs or is a habitual
1125 user of narcotics, barbiturates, amphetamines, hallucinogens or
1126 other drugs having similar effect, at the time of application for
1127 a license;

1128 (d) Revocation, suspension or surrender of an
1129 applicant's certificate or license by another state shall result
1130 in immediate denial of licensure until such time that the records
1131 predicated the revocation, suspension or surrender in the prior
1132 state have been cleared;

1133 (e) Fraud or deceit committed by the applicant in
1134 securing or attempting to secure such certification and license;

1135 (f) Failing or refusing to furnish reasonable evidence
1136 of identification;



1137 (g) The applicant has been convicted, has pled guilty
1138 or entered a plea of nolo contendere to a felony, as defined by
1139 federal or state law;

1140 (h) The applicant has been convicted, has pled guilty
1141 or entered a plea of nolo contendere to a sex offense as defined
1142 by federal or state law. For purposes of this paragraph (h) and
1143 paragraph (g) of this subsection, a "guilty plea" includes a plea
1144 of guilty, entry of a plea of nolo contendere, or entry of an
1145 order granting pretrial or judicial diversion; or

1146 (i) Probation or post-release supervision for a felony
1147 or sex offense conviction, as defined by federal or state law,
1148 shall result in the immediate denial of licensure application
1149 until expiration of the probationary or post-release supervision
1150 period.

1151 (12) The State Board of Education, acting through the
1152 commission, may revoke, suspend or refuse to renew any teacher or
1153 administrator license for specified periods of time or may place
1154 on probation, censure, reprimand a licensee, or take other
1155 disciplinary action with regard to any license issued under this
1156 chapter for one or more of the following:

1157 (a) Breach of contract or abandonment of employment may
1158 result in the suspension of the license for one (1) school year as
1159 provided in Section 37-9-57;



1160 (b) Obtaining a license by fraudulent means shall
1161 result in immediate suspension and continued suspension for one
1162 (1) year after correction is made;

1163 (c) Suspension or revocation of a certificate or
1164 license by another state shall result in immediate suspension or
1165 revocation and shall continue until records in the prior state
1166 have been cleared;

1167 (d) The license holder has been convicted, has pled
1168 guilty or entered a plea of nolo contendere to a felony, as
1169 defined by federal or state law. For purposes of this paragraph,
1170 a "guilty plea" includes a plea of guilty, entry of a plea of nolo
1171 contendere, or entry of an order granting pretrial or judicial
1172 diversion;

1173 (e) The license holder has been convicted, has pled
1174 guilty or entered a plea of nolo contendere to a sex offense, as
1175 defined by federal or state law, shall result in immediate
1176 suspension or revocation;

1177 (f) The license holder has received probation or
1178 post-release supervision for a felony or sex offense conviction,
1179 as defined by federal or state law, which shall result in
1180 immediate suspension or revocation until expiration of the
1181 probationary or post-release supervision period;

1182 (g) The license holder knowingly and willfully
1183 committing any of the acts affecting validity of mandatory uniform
1184 test results as provided in Section 37-16-4(1);



1185 (h) The license holder has engaged in unethical conduct
1186 relating to an educator/student relationship as identified by the
1187 State Board of Education in its rules;

1188 (i) The license holder has fondled a student as
1189 described in Section 97-5-23, or had any type of sexual
1190 involvement with a student as described in Section 97-3-95;

1191 (j) The license holder has failed to report sexual
1192 involvement of a school employee with a student as required by
1193 Section 97-5-24;

1194 (k) The license holder served as superintendent or
1195 principal in a school district during the time preceding and/or
1196 that resulted in the Governor declaring a state of emergency and
1197 the State Board of Education appointing a conservator;

1198 (l) The license holder submitted a false certification
1199 to the State Department of Education that a statewide test was
1200 administered in strict accordance with the Requirements of the
1201 Mississippi Statewide Assessment System; or

1202 (m) The license holder has failed to comply with the
1203 Procedures for Reporting Infractions as promulgated by the
1204 commission and approved by the State Board of Education pursuant
1205 to subsection (15) of this section.

1206 (13) (a) Dismissal or suspension of a licensed employee by
1207 a local school board pursuant to Section 37-9-59 may result in the
1208 suspension or revocation of a license for a length of time which



1209 shall be determined by the commission and based upon the severity
1210 of the offense.

1211 (b) Any offense committed or attempted in any other
1212 state shall result in the same penalty as if committed or
1213 attempted in this state.

1214 (c) A person may voluntarily surrender a license. The
1215 surrender of such license may result in the commission
1216 recommending any of the above penalties without the necessity of a
1217 hearing. However, any such license which has voluntarily been
1218 surrendered by a licensed employee may only be reinstated by a
1219 majority vote of all members of the commission present at the
1220 meeting called for such purpose.

1221 (14) (a) A person whose license has been revoked or
1222 surrendered on any grounds except criminal grounds may petition
1223 for reinstatement of the license after one (1) year from the date
1224 of revocation or surrender, or after one-half (1/2) of the revoked
1225 or surrendered time has lapsed, whichever is greater. A person
1226 whose license has been suspended on any grounds or violations
1227 under subsection (12) of this section may be reinstated
1228 automatically or approved for a reinstatement hearing, upon
1229 submission of a written request to the commission. A license
1230 suspended, revoked or surrendered on criminal grounds may be
1231 reinstated upon petition to the commission filed after expiration
1232 of the sentence and parole or probationary period imposed upon
1233 conviction. A revoked, suspended or surrendered license may be



1234 reinstated upon satisfactory showing of evidence of
1235 rehabilitation. The commission shall require all who petition for
1236 reinstatement to furnish evidence satisfactory to the commission
1237 of good character, good mental, emotional and physical health and
1238 such other evidence as the commission may deem necessary to
1239 establish the petitioner's rehabilitation and fitness to perform
1240 the duties authorized by the license.

1241 (b) A person whose license expires while under
1242 investigation by the Office of Educator Misconduct for an alleged
1243 violation may not be reinstated without a hearing before the
1244 commission if required based on the results of the investigation.

1245 (15) Reporting procedures and hearing procedures for dealing
1246 with infractions under this section shall be promulgated by the
1247 commission, subject to the approval of the State Board of
1248 Education. The revocation or suspension of a license shall be
1249 effected at the time indicated on the notice of suspension or
1250 revocation. The commission shall immediately notify the
1251 superintendent of the school district or school board where the
1252 teacher or administrator is employed of any disciplinary action
1253 and also notify the teacher or administrator of such revocation or
1254 suspension and shall maintain records of action taken. The State
1255 Board of Education may reverse or remand with instructions any
1256 decision of the commission regarding a petition for reinstatement
1257 of a license, and any such decision of the State Board of
1258 Education shall be final.



1259 (16) An appeal from the action of the State Board of
1260 Education in denying an application, revoking or suspending a
1261 license or otherwise disciplining any person under the provisions
1262 of this section shall be filed in the Chancery Court of the First
1263 Judicial District of Hinds County, Mississippi, on the record
1264 made, including a verbatim transcript of the testimony at the
1265 hearing. The appeal shall be filed within thirty (30) days after
1266 notification of the action of the board is mailed or served and
1267 the proceedings in chancery court shall be conducted as other
1268 matters coming before the court. The appeal shall be perfected
1269 upon filing notice of the appeal and by the prepayment of all
1270 costs, including the cost of preparation of the record of the
1271 proceedings by the State Board of Education, and the filing of a
1272 bond in the sum of Two Hundred Dollars (\$200.00) conditioned that
1273 if the action of the board be affirmed by the chancery court, the
1274 applicant or license holder shall pay the costs of the appeal and
1275 the action of the chancery court.

1276 (17) All such programs, rules, regulations, standards and
1277 criteria recommended or authorized by the commission shall become
1278 effective upon approval by the State Board of Education as
1279 designated by appropriate orders entered upon the minutes thereof.

1280 (18) The granting of a license shall not be deemed a
1281 property right nor a guarantee of employment in any public school
1282 district. A license is a privilege indicating minimal eligibility
1283 for teaching in the public school districts of Mississippi. This



1284 section shall in no way alter or abridge the authority of local
1285 school districts to require greater qualifications or standards of
1286 performance as a prerequisite of initial or continued employment
1287 in such districts.

1288 (19) In addition to the reasons specified in subsections
1289 (12) and (13) of this section, the board shall be authorized to
1290 suspend the license of any licensee for being out of compliance
1291 with an order for support, as defined in Section 93-11-153. The
1292 procedure for suspension of a license for being out of compliance
1293 with an order for support, and the procedure for the reissuance or
1294 reinstatement of a license suspended for that purpose, and the
1295 payment of any fees for the reissuance or reinstatement of a
1296 license suspended for that purpose, shall be governed by Section
1297 93-11-157 or 93-11-163, as the case may be. Actions taken by the
1298 board in suspending a license when required by Section 93-11-157
1299 or 93-11-163 are not actions from which an appeal may be taken
1300 under this section. Any appeal of a license suspension that is
1301 required by Section 93-11-157 or 93-11-163 shall be taken in
1302 accordance with the appeal procedure specified in Section
1303 93-11-157 or 93-11-163, as the case may be, rather than the
1304 procedure specified in this section. If there is any conflict
1305 between any provision of Section 93-11-157 or 93-11-163 and any
1306 provision of this chapter, the provisions of Section 93-11-157 or
1307 93-11-163, as the case may be, shall control.



1308 **SECTION 6.** Section 37-19-7, Mississippi Code of 1972, is
1309 brought forward as follows:

1310 37-19-7. (1) The allowance in the Mississippi Adequate
1311 Education Program for teachers' salaries in each county and
1312 separate school district shall be determined and paid in
1313 accordance with the scale for teachers' salaries as provided in
1314 this subsection. For teachers holding the following types of
1315 licenses or the equivalent as determined by the State Board of
1316 Education, and the following number of years of teaching
1317 experience, the scale shall be as follows:

1318 **2014-2015 MINIMUM SALARY SCHEDULE**

| 1319 | Years | | | | |
|------|-------|-----------|-----------|-----------|-----------|
| 1320 | Exp. | AAAA | AAA | AA | A |
| 1321 | 0 | 38,108.00 | 36,944.00 | 35,780.00 | 33,390.00 |
| 1322 | 1 | 38,108.00 | 36,944.00 | 35,780.00 | 33,390.00 |
| 1323 | 2 | 38,108.00 | 36,944.00 | 35,780.00 | 33,390.00 |
| 1324 | 3 | 38,902.00 | 37,671.00 | 36,440.00 | 33,885.00 |
| 1325 | 4 | 39,696.00 | 38,398.00 | 37,100.00 | 34,380.00 |
| 1326 | 5 | 40,490.00 | 39,125.00 | 37,760.00 | 34,875.00 |
| 1327 | 6 | 41,284.00 | 39,852.00 | 38,420.00 | 35,370.00 |
| 1328 | 7 | 42,078.00 | 40,579.00 | 39,080.00 | 35,865.00 |
| 1329 | 8 | 42,872.00 | 41,306.00 | 39,740.00 | 36,360.00 |
| 1330 | 9 | 43,666.00 | 42,033.00 | 40,400.00 | 36,855.00 |
| 1331 | 10 | 44,460.00 | 42,760.00 | 41,060.00 | 37,350.00 |
| 1332 | 11 | 45,254.00 | 43,487.00 | 41,720.00 | 37,845.00 |



| | | | | | |
|------|---------|-----------|-----------|-----------|-----------|
| 1333 | 12 | 46,048.00 | 44,214.00 | 42,380.00 | 38,340.00 |
| 1334 | 13 | 46,842.00 | 44,941.00 | 43,040.00 | 38,835.00 |
| 1335 | 14 | 47,636.00 | 45,668.00 | 43,700.00 | 39,330.00 |
| 1336 | 15 | 48,430.00 | 46,395.00 | 44,360.00 | 39,825.00 |
| 1337 | 16 | 49,224.00 | 47,122.00 | 45,020.00 | 40,320.00 |
| 1338 | 17 | 50,018.00 | 47,849.00 | 45,680.00 | 40,815.00 |
| 1339 | 18 | 50,812.00 | 48,576.00 | 46,340.00 | 41,310.00 |
| 1340 | 19 | 51,606.00 | 49,303.00 | 47,000.00 | 41,805.00 |
| 1341 | 20 | 52,400.00 | 50,030.00 | 47,660.00 | 42,300.00 |
| 1342 | 21 | 53,194.00 | 50,757.00 | 48,320.00 | 42,795.00 |
| 1343 | 22 | 53,988.00 | 51,484.00 | 48,980.00 | 43,290.00 |
| 1344 | 23 | 54,782.00 | 52,211.00 | 49,640.00 | 43,785.00 |
| 1345 | 24 | 55,576.00 | 52,938.00 | 50,300.00 | 44,280.00 |
| 1346 | 25 | 58,430.00 | 55,725.00 | 53,020.00 | 46,835.00 |
| 1347 | 26 | 59,224.00 | 56,452.00 | 53,680.00 | 47,330.00 |
| 1348 | 27 | 60,018.00 | 57,179.00 | 54,340.00 | 47,825.00 |
| 1349 | 28 | 60,812.00 | 57,906.00 | 55,000.00 | 48,320.00 |
| 1350 | 29 | 61,606.00 | 58,633.00 | 55,660.00 | 48,815.00 |
| 1351 | 30 | 62,400.00 | 59,360.00 | 56,320.00 | 49,310.00 |
| 1352 | 31 | 63,194.00 | 60,087.00 | 56,980.00 | 49,805.00 |
| 1353 | 32 | 63,988.00 | 60,814.00 | 57,640.00 | 50,300.00 |
| 1354 | 33 | 64,782.00 | 61,541.00 | 58,300.00 | 50,795.00 |
| 1355 | 34 | 65,576.00 | 62,268.00 | 58,960.00 | 51,290.00 |
| 1356 | 35 | | | | |
| 1357 | & above | 66,370.00 | 62,995.00 | 59,620.00 | 51,785.00 |



2015-2016 MINIMUM SALARY SCHEDULE

| 1358 | | | | | |
|------|-------|-----------|-----------|-----------|-----------|
| 1359 | Years | | | | |
| 1360 | Exp. | AAAA | AAA | AA | A |
| 1361 | 0 | 39,108.00 | 37,944.00 | 36,780.00 | 34,390.00 |
| 1362 | 1 | 39,108.00 | 37,944.00 | 36,780.00 | 34,390.00 |
| 1363 | 2 | 39,108.00 | 37,944.00 | 36,780.00 | 34,390.00 |
| 1364 | 3 | 39,902.00 | 38,671.00 | 37,440.00 | 34,885.00 |
| 1365 | 4 | 40,696.00 | 39,398.00 | 38,100.00 | 35,380.00 |
| 1366 | 5 | 41,490.00 | 40,125.00 | 38,760.00 | 35,875.00 |
| 1367 | 6 | 42,284.00 | 40,852.00 | 39,420.00 | 36,370.00 |
| 1368 | 7 | 43,078.00 | 41,579.00 | 40,080.00 | 36,865.00 |
| 1369 | 8 | 43,872.00 | 42,306.00 | 40,740.00 | 37,360.00 |
| 1370 | 9 | 44,666.00 | 43,033.00 | 41,400.00 | 37,855.00 |
| 1371 | 10 | 45,460.00 | 43,760.00 | 42,060.00 | 38,350.00 |
| 1372 | 11 | 46,254.00 | 44,487.00 | 42,720.00 | 38,845.00 |
| 1373 | 12 | 47,048.00 | 45,214.00 | 43,380.00 | 39,340.00 |
| 1374 | 13 | 47,842.00 | 45,941.00 | 44,040.00 | 39,835.00 |
| 1375 | 14 | 48,636.00 | 46,668.00 | 44,700.00 | 40,330.00 |
| 1376 | 15 | 49,430.00 | 47,395.00 | 45,360.00 | 40,825.00 |
| 1377 | 16 | 50,224.00 | 48,122.00 | 46,020.00 | 41,320.00 |
| 1378 | 17 | 51,018.00 | 48,849.00 | 46,680.00 | 41,815.00 |
| 1379 | 18 | 51,812.00 | 49,576.00 | 47,340.00 | 42,310.00 |
| 1380 | 19 | 52,606.00 | 50,303.00 | 48,000.00 | 42,805.00 |
| 1381 | 20 | 53,400.00 | 51,030.00 | 48,660.00 | 43,300.00 |
| 1382 | 21 | 54,194.00 | 51,757.00 | 49,320.00 | 43,795.00 |



| | | | | | |
|------|---------|-----------|-----------|-----------|-----------|
| 1383 | 22 | 54,988.00 | 52,484.00 | 49,980.00 | 44,290.00 |
| 1384 | 23 | 55,782.00 | 53,211.00 | 50,640.00 | 44,785.00 |
| 1385 | 24 | 56,576.00 | 53,938.00 | 51,300.00 | 45,280.00 |
| 1386 | 25 | 59,430.00 | 56,725.00 | 54,020.00 | 47,835.00 |
| 1387 | 26 | 60,224.00 | 57,452.00 | 54,680.00 | 48,330.00 |
| 1388 | 27 | 61,018.00 | 58,179.00 | 55,340.00 | 48,825.00 |
| 1389 | 28 | 61,812.00 | 58,906.00 | 56,000.00 | 49,320.00 |
| 1390 | 29 | 62,606.00 | 59,633.00 | 56,660.00 | 49,815.00 |
| 1391 | 30 | 63,400.00 | 60,360.00 | 57,320.00 | 50,310.00 |
| 1392 | 31 | 64,194.00 | 61,087.00 | 57,980.00 | 50,805.00 |
| 1393 | 32 | 64,988.00 | 61,814.00 | 58,640.00 | 51,300.00 |
| 1394 | 33 | 65,782.00 | 62,541.00 | 59,300.00 | 51,795.00 |
| 1395 | 34 | 66,576.00 | 63,268.00 | 59,960.00 | 52,290.00 |
| 1396 | 35 | | | | |
| 1397 | & above | 67,370.00 | 63,995.00 | 60,620.00 | 52,785.00 |

1398 It is the intent of the Legislature that any state funds made
1399 available for salaries of licensed personnel in excess of the
1400 funds paid for such salaries for the 1986-1987 school year shall
1401 be paid to licensed personnel pursuant to a personnel appraisal
1402 and compensation system implemented by the State Board of
1403 Education. The State Board of Education shall have the authority
1404 to adopt and amend rules and regulations as are necessary to
1405 establish, administer and maintain the system.

1406 All teachers employed on a full-time basis shall be paid a
1407 minimum salary in accordance with the above scale. However, no



1408 school district shall receive any funds under this section for any
1409 school year during which the local supplement paid to any
1410 individual teacher shall have been reduced to a sum less than that
1411 paid to that individual teacher for performing the same duties
1412 from local supplement during the immediately preceding school
1413 year. The amount actually spent for the purposes of group health
1414 and/or life insurance shall be considered as a part of the
1415 aggregate amount of local supplement but shall not be considered a
1416 part of the amount of individual local supplement.

1417 The level of professional training of each teacher to be used
1418 in establishing the salary allotment for the teachers for each
1419 year shall be determined by the type of valid teacher's license
1420 issued to those teachers on or before October 1 of the current
1421 school year. Provided, however, that school districts are
1422 authorized, in their discretion, to negotiate the salary levels
1423 applicable to certificated employees who are receiving retirement
1424 benefits from the retirement system of another state, and the
1425 annual experience increment provided above in Section 37-19-7
1426 shall not be applicable to any such retired certificated employee.

1427 (2) (a) The following employees shall receive an annual
1428 salary supplement in the amount of Six Thousand Dollars
1429 (\$6,000.00), plus fringe benefits, in addition to any other
1430 compensation to which the employee may be entitled:

1431 (i) Any licensed teacher who has met the
1432 requirements and acquired a Master Teacher certificate from the



1433 National Board for Professional Teaching Standards and who is
1434 employed by a local school board or the State Board of Education
1435 as a teacher and not as an administrator. Such teacher shall
1436 submit documentation to the State Department of Education that the
1437 certificate was received prior to October 15 in order to be
1438 eligible for the full salary supplement in the current school
1439 year, or the teacher shall submit such documentation to the State
1440 Department of Education prior to February 15 in order to be
1441 eligible for a prorated salary supplement beginning with the
1442 second term of the school year.

1443 (ii) A licensed nurse who has met the requirements
1444 and acquired a certificate from the National Board for
1445 Certification of School Nurses, Inc., and who is employed by a
1446 local school board or the State Board of Education as a school
1447 nurse and not as an administrator. The licensed school nurse
1448 shall submit documentation to the State Department of Education
1449 that the certificate was received before October 15 in order to be
1450 eligible for the full salary supplement in the current school
1451 year, or the licensed school nurse shall submit the documentation
1452 to the State Department of Education before February 15 in order
1453 to be eligible for a prorated salary supplement beginning with the
1454 second term of the school year. Provided, however, that the total
1455 number of licensed school nurses eligible for a salary supplement
1456 under this subparagraph (ii) shall not exceed thirty-five (35).



1457 (iii) Any licensed school counselor who has met
1458 the requirements and acquired a National Certified School
1459 Counselor (NCSC) endorsement from the National Board of Certified
1460 Counselors and who is employed by a local school board or the
1461 State Board of Education as a counselor and not as an
1462 administrator. Such licensed school counselor shall submit
1463 documentation to the State Department of Education that the
1464 endorsement was received prior to October 15 in order to be
1465 eligible for the full salary supplement in the current school
1466 year, or the licensed school counselor shall submit such
1467 documentation to the State Department of Education prior to
1468 February 15 in order to be eligible for a prorated salary
1469 supplement beginning with the second term of the school year.
1470 However, any school counselor who started the National Board for
1471 Professional Teaching Standards process for school counselors
1472 between June 1, 2003, and June 30, 2004, and completes the
1473 requirements and acquires the Master Teacher certificate shall be
1474 entitled to the master teacher supplement, and those counselors
1475 who complete the process shall be entitled to a one-time
1476 reimbursement for the actual cost of the process as outlined in
1477 paragraph (b) of this subsection.

1478 (iv) Any licensed speech-language pathologist and
1479 audiologist who has met the requirements and acquired a
1480 Certificate of Clinical Competence from the American
1481 Speech-Language-Hearing Association and any certified academic



1482 language therapist (CALT) who has met the certification
1483 requirements of the Academic Language Therapy Association and who
1484 is employed by a local school board or is employed by a state
1485 agency under the State Personnel Board. The licensed
1486 speech-language pathologist and audiologist and certified academic
1487 language therapist shall submit documentation to the State
1488 Department of Education that the certificate or endorsement was
1489 received before October 15 in order to be eligible for the full
1490 salary supplement in the current school year, or the licensed
1491 speech-language pathologist and audiologist and certified academic
1492 language therapist shall submit the documentation to the State
1493 Department of Education before February 15 in order to be eligible
1494 for a prorated salary supplement beginning with the second term of
1495 the school year. However, the total number of certified academic
1496 language therapists eligible for a salary supplement under this
1497 paragraph (iv) shall not exceed twenty (20).

1498 (b) An employee shall be reimbursed for the actual cost
1499 of completing each component of acquiring the certificate or
1500 endorsement, excluding any costs incurred for postgraduate
1501 courses, not to exceed Five Hundred Dollars (\$500.00) for each
1502 component, not to exceed four (4) components, for a teacher,
1503 school counselor or speech-language pathologist and audiologist,
1504 regardless of whether or not the process resulted in the award of
1505 the certificate or endorsement. A local school district or any
1506 private individual or entity may pay the cost of completing the



1507 process of acquiring the certificate or endorsement for any
1508 employee of the school district described under paragraph (a), and
1509 the State Department of Education shall reimburse the school
1510 district for such cost, regardless of whether or not the process
1511 resulted in the award of the certificate or endorsement. If a
1512 private individual or entity has paid the cost of completing the
1513 process of acquiring the certificate or endorsement for an
1514 employee, the local school district may agree to directly
1515 reimburse the individual or entity for such cost on behalf of the
1516 employee.

1517 (c) All salary supplements, fringe benefits and process
1518 reimbursement authorized under this subsection shall be paid
1519 directly by the State Department of Education to the local school
1520 district and shall be in addition to its minimum education program
1521 allotments and not a part thereof in accordance with regulations
1522 promulgated by the State Board of Education. Local school
1523 districts shall not reduce the local supplement paid to any
1524 employee receiving such salary supplement, and the employee shall
1525 receive any local supplement to which employees with similar
1526 training and experience otherwise are entitled. However, an
1527 educational employee shall receive the salary supplement in the
1528 amount of Six Thousand Dollars (\$6,000.00) for only one (1) of the
1529 qualifying certifications authorized under paragraph (a) of this
1530 subsection. No school district shall provide more than one (1)
1531 annual salary supplement under the provisions of this subsection



1532 to any one individual employee holding multiple qualifying
1533 national certifications.

1534 (d) If an employee for whom such cost has been paid, in
1535 full or in part, by a local school district or private individual
1536 or entity fails to complete the certification or endorsement
1537 process, the employee shall be liable to the school district or
1538 individual or entity for all amounts paid by the school district
1539 or individual or entity on behalf of that employee toward his or
1540 her certificate or endorsement.

1541 (3) The following employees shall receive an annual salary
1542 supplement in the amount of Four Thousand Dollars (\$4,000.00),
1543 plus fringe benefits, in addition to any other compensation to
1544 which the employee may be entitled:

1545 Effective July 1, 2016, if funds are available for that
1546 purpose, any licensed teacher who has met the requirements and
1547 acquired a Master Teacher Certificate from the National Board for
1548 Professional Teaching Standards and who is employed in a public
1549 school district located in one (1) of the following counties:

1550 Claiborne, Adams, Jefferson, Wilkinson, Amite, Bolivar, Coahoma,
1551 Leflore, Quitman, Sharkey, Issaquena, Sunflower and Washington.

1552 The salary supplement awarded under the provisions of this
1553 subsection (3) shall be in addition to the salary supplement
1554 awarded under the provisions of subsection (2) of this section.

1555 Teachers who meet the qualifications for a salary supplement
1556 under this subsection (3) who are assigned for less than one (1)



1557 full year or less than full time for the school year shall receive
1558 the salary supplement in a prorated manner, with the portion of
1559 the teacher's assignment to the critical geographic area to be
1560 determined as of June 15th of the school year.

1561 (4) (a) This section shall be known and may be cited as the
1562 "Mississippi Performance-Based Pay (MPBP)" plan. In addition to
1563 the minimum base pay described in this section, only after full
1564 funding of MAEP and if funds are available for that purpose, the
1565 State of Mississippi may provide monies from state funds to school
1566 districts for the purposes of rewarding certified teachers,
1567 administrators and nonlicensed personnel at individual schools
1568 showing improvement in student test scores. The MPBP plan shall
1569 be developed by the State Department of Education based on the
1570 following criteria:

1571 (i) It is the express intent of this legislation
1572 that the MPBP plan shall utilize only existing standards of
1573 accreditation and assessment as established by the State Board of
1574 Education.

1575 (ii) To ensure that all of Mississippi's teachers,
1576 administrators and nonlicensed personnel at all schools have equal
1577 access to the monies set aside in this section, the MPBP program
1578 shall be designed to calculate each school's performance as
1579 determined by the school's increase in scores from the prior
1580 school year. The MPBP program shall be based on a standardized
1581 scores rating where all levels of schools can be judged in a



1582 statistically fair and reasonable way upon implementation. At the
1583 end of each year, after all student achievement scores have been
1584 standardized, the State Department of Education shall implement
1585 the MPBP plan.

1586 (iii) To ensure all teachers cooperate in the
1587 spirit of teamwork, individual schools shall submit a plan to the
1588 local school district to be approved before the beginning of each
1589 school year beginning July 1, 2008. The plan shall include, but
1590 not be limited to, how all teachers, regardless of subject area,
1591 and administrators will be responsible for improving student
1592 achievement for their individual school.

1593 (b) The State Board of Education shall develop the
1594 processes and procedures for designating schools eligible to
1595 participate in the MPBP. State assessment results, growth in
1596 student achievement at individual schools and other measures
1597 deemed appropriate in designating successful student achievement
1598 shall be used in establishing MPBP criteria. The State Board of
1599 Education shall develop the MPBP policies and procedures and
1600 report to the Legislature and Governor by December 1, 2006.

1601 (5) (a) Beginning in the 2008-2009 school year, if funds
1602 are available for that purpose, each school in Mississippi shall
1603 have mentor teachers, as defined by Sections 37-9-201 through
1604 37-9-213, who shall receive additional base compensation provided
1605 for by the State Legislature in the amount of One Thousand Dollars
1606 (\$1,000.00) per each beginning teacher that is being mentored.



1607 The additional state compensation shall be limited to those mentor
1608 teachers that provide mentoring services to beginning teachers.
1609 For the purposes of such funding, a beginning teacher shall be
1610 defined as any teacher in any school in Mississippi that has less
1611 than one (1) year of classroom experience teaching in a public
1612 school. For the purposes of such funding, no full-time academic
1613 teacher shall mentor more than two (2) beginning teachers.

1614 (b) To be eligible for this state funding, the
1615 individual school must have a classroom management program
1616 approved by the local school board.

1617 (6) Effective with the 2014-2015 school year, the school
1618 districts participating in the Pilot Performance-Based
1619 Compensation System pursuant to Section 37-19-9 may award
1620 additional teacher and administrator pay based thereon.

1621 **SECTION 7.** This act shall take effect and be in force from
1622 and after July 1, 2018.

