

By: Representative Busby

To: Education

HOUSE BILL NO. 1349

1 AN ACT TO ESTABLISH THE "MISSISSIPPI GREAT TEACHERS ACT OF
2 2019" FOR THE PURPOSE OF PROVIDING INCENTIVES TO INDIVIDUALS TO
3 ENTER INTO THE TEACHING PROFESSION AND TO ADDRESS THE CRITICAL
4 TEACHER SHORTAGE IN THE STATE; TO AMEND SECTION 37-3-2,
5 MISSISSIPPI CODE OF 1972, TO REVISE THE ELIGIBILITY QUALIFICATIONS
6 FOR TEACHER PREPARATION PROGRAMS FOR PURPOSES OF ISSUANCE OF A
7 STANDARD EDUCATOR LICENSE; TO CLARIFY THE MEMBERSHIP OF THE
8 COMMISSION ON TEACHER AND ADMINISTRATOR EDUCATION, CERTIFICATION
9 AND LICENSURE AND DEVELOPMENT; TO CLARIFY PROCEDURES FOR APPEAL OF
10 EDUCATOR LICENSURE DECISIONS BY THE COMMISSION, ITS SUBCOMMITTEE
11 OR HEARING OFFICER; TO REVISE THE GROUNDS FOR DENIAL OF EDUCATOR
12 LICENSURE APPLICATIONS AND TO PROVIDE AUTHORITY FOR LICENSURES
13 PROBATION; TO CLARIFY GROUNDS FOR EDUCATION LICENSURE SUSPENSION
14 OR REVOCATION AND TO CLARIFY PROCEDURES FOR EDUCATOR LICENSURE
15 REINSTATEMENT FOLLOWING SUSPENSION; TO AUTHORIZE THE STATE
16 DEPARTMENT OF EDUCATION TO ISSUE A NONTRADITIONAL TEACHING ROUTE
17 STANDARD LICENSE TO INDIVIDUALS HOLDING ADVANCED DEGREES AND
18 ACHIEVING THE NATIONALLY RECOMMENDED PASSING SCORE ON THE PRAXIS
19 CORE ACADEMIC SKILLS FOR EDUCATORS EXAMINATION AND PRAXIS II
20 EXAMINATION PROVIDING THAT SUCH INDIVIDUALS COMPLETED THE COURSE
21 OF STUDY FOR THE ADVANCED DEGREE PROGRAM WITH THE GRADE OF A "C"
22 OR HIGHER AT THE TIME APPLICATION FOR LICENSURE IS SUBMITTED; TO
23 AMEND SECTIONS 37-9-201, 37-9-203, 37-9-205, 37-9-207, 37-9-209,
24 37-9-211 AND 37-9-213, MISSISSIPPI CODE OF 1972, WHICH ARE
25 PROVISIONS OF THE BEGINNING TEACHER SUPPORT PROGRAM, TO PROVIDE
26 FINANCIAL INCENTIVES TO TEACHER LEADERS TO PROMOTE THE SUPPORT AND
27 RETENTION OF EFFECTIVE CLASSROOM TEACHERS; TO AMEND SECTION
28 37-19-7, MISSISSIPPI CODE OF 1972, TO INCREASE THE MINIMUM TEACHER
29 SALARY SCALE BY \$2,000.00, TO BE PHASED IN OVER A TWO-YEAR PERIOD
30 AT \$1,000.00 PER YEAR BEGINNING WITH THE 2019-2020 SCHOOL YEAR; TO
31 INCREASE THE AMOUNT OF THE COMPENSATION TO TEACHER LEADERS IN THE
32 AMOUNT OF \$2,000.00 FOR EACH BEGINNING TEACHER MENTORED UNDER THE
33 BEGINNING TEACHER SUPPORT PROGRAM; TO AMEND SECTION 37-106-35,
34 MISSISSIPPI CODE OF 1972, TO REVISE THE ASSISTANT TEACHER



35 FORGIVABLE LOAN PROGRAM TO INCREASE THE AMOUNT OF FINANCIAL
36 ASSISTANCE AVAILABLE TO TEACHER ASSISTANTS TO EQUAL THE ACTUAL
37 COST OF SIX THREE-HOUR COURSES PER YEAR; TO REMOVE THE PROVISION
38 LIMITING THE PURPOSE OF THE LOAN FOR CRITICAL TEACHER SHORTAGE
39 AREAS; TO AMEND SECTION 37-149-1, MISSISSIPPI CODE OF 1972, TO
40 ESTABLISH SCHOLARSHIP PROGRAMS FOR THE MILITARY AND EXPERT
41 CITIZENS TO ENTER THE TEACHING PROFESSION; TO AMEND SECTION
42 37-159-9, MISSISSIPPI CODE OF 1972, TO ESTABLISH THE MISSISSIPPI
43 CLASSIFIED SCHOOL EMPLOYEE TEACHER CREDENTIALING AND RETENTION
44 GRANT PROGRAM FOR THE PURPOSE OF PROVIDING SCHOLARSHIPS TO
45 ASSISTANT TEACHERS AND PARAPROFESSIONALS AS AN OPPORTUNITY TO EARN
46 A BACHELOR OF EDUCATION DEGREE FOR THE PURPOSE OF EMPLOYMENT AS
47 LICENSED TEACHERS IN GEOGRAPHICAL CRITICAL TEACHER SHORTAGE AREAS
48 AS DETERMINED BY THE STATE BOARD OF EDUCATION; TO REQUIRE
49 PARTICIPATING INSTITUTIONS OF HIGHER LEARNING TO COLLABORATE WITH
50 THE MISSISSIPPI TEACHER CENTER TO IDENTIFY, RECRUIT AND PLACE
51 TEACHER EDUCATION GRADUATES IN GEOGRAPHICAL CRITICAL TEACHER
52 SHORTAGE AREAS; TO REQUIRE ASSISTANT TEACHERS AND
53 PARAPROFESSIONALS WHO COMPLETE THE PROGRAM WITH A BACHELOR OF
54 EDUCATION DEGREE TO COMMIT TO TEACHING IN A PUBLIC SCHOOL IN A
55 GEOGRAPHICAL CRITICAL TEACHER SHORTAGE AREA FOR A PERIOD OF NOT
56 LESS THAN THREE YEARS AFTER COMPLETION; TO PROVIDE THAT
57 INDIVIDUALS THAT FAIL TO COMPLETE THE PROGRAM OR COMPLY WITH
58 EMPLOYMENT REQUIREMENTS SHALL BE LIABLE FOR THE SUM OF ALL AWARDS
59 RECEIVED UNDER THE PROGRAMS, PLUS INTEREST ACCRUING AT THE CURRENT
60 STAFFORD LOAN RATE; TO EXTEND THE DATE OF REPEAL ON THESE PROGRAMS
61 UNTIL JULY 1, 2024; TO CREATE NEW SECTION 25-11-126, MISSISSIPPI
62 CODE OF 1972, TO PROVIDE THAT PERSONS WHO HAVE AT LEAST 25 YEARS
63 OF CREDITABLE SERVICE IN THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM,
64 WHO WERE EMPLOYED AS PUBLIC SCHOOLTEACHERS AT THE TIME OF THEIR
65 RETIREMENT AND WHO HAVE BEEN RETIRED AND RECEIVING A RETIREMENT
66 ALLOWANCE FOR AT LEAST ONE YEAR, MAY BE EMPLOYED AS TEACHERS BY A
67 PUBLIC SCHOOL DISTRICT AFTER THEIR RETIREMENT AND RECEIVE A
68 RETIREMENT ALLOWANCE FROM THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM
69 DURING THEIR EMPLOYMENT AS TEACHERS IN ADDITION TO RECEIVING A
70 BEGINNING TEACHER'S SALARY; TO BRING FORWARD SECTION 25-11-105,
71 MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENTS;
72 TO AMEND SECTIONS 25-11-123 AND 25-11-127, MISSISSIPPI CODE OF
73 1972, IN CONFORMITY THERETO; TO AMEND SECTION 37-21-7, MISSISSIPPI
74 CODE IF 1972, TO INCREASE THE MINIMUM SALARY OF ASSISTANT TEACHERS
75 BY \$1,000.00, TO BE PHASED IN OVER A TWO-YEAR PERIOD AT \$500.00
76 PER YEAR BEGINNING WITH THE 2019-2020 SCHOOL YEAR; AND FOR RELATED
77 PURPOSES.

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

79 **SECTION 1.** This act shall be known and may be cited as the

80 "Mississippi Great Teachers Act of 2019."



81 **SECTION 2.** Section 37-3-2, Mississippi Code of 1972, is
82 amended as follows:

83 37-3-2. (1) There is established within the State
84 Department of Education the Commission on Teacher and
85 Administrator Education, Certification and Licensure and
86 Development. It shall be the purpose and duty of the commission
87 to make recommendations to the State Board of Education regarding
88 standards for the certification and licensure and continuing
89 professional development of those who teach or perform tasks of an
90 educational nature in the public schools of Mississippi.

91 (2) The commission shall be composed of fifteen (15)
92 qualified members. The membership of the commission shall be
93 composed of the following members to be appointed, three (3) from
94 each congressional district, as such districts existed on January
95 1, 2011, in accordance with the population calculations determined
96 by the 2010 federal decennial census, and three (3) members at
97 large. The make up of the commission members shall include: four
98 (4) classroom teachers; three (3) school administrators; one (1)
99 representative of schools of education of institutions of higher
100 learning located within the state to be recommended by the Board
101 of Trustees of State Institutions of Higher Learning; one (1)
102 representative from the schools of education of independent
103 institutions of higher learning to be recommended by the Board of
104 the Mississippi Association of Independent Colleges; one (1)
105 representative from public community and junior colleges located



106 within the state to be recommended by the Mississippi Community
107 College Board; one (1) local school board member; and four (4)
108 laypersons. All appointments shall be made by the State Board of
109 Education after consultation with the State Superintendent of
110 Public Education. The first appointments by the State Board of
111 Education shall be made as follows: five (5) members shall be
112 appointed for a term of one (1) year; five (5) members shall be
113 appointed for a term of two (2) years; and five (5) members shall
114 be appointed for a term of three (3) years. Thereafter, all
115 members shall be appointed for a term of four (4) years.

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

122 (4) (a) An appropriate staff member of the State Department
123 of Education shall be designated and assigned by the State
124 Superintendent of Public Education to serve as executive secretary
125 and coordinator for the commission. No less than two (2) other
126 appropriate staff members of the State Department of Education
127 shall be designated and assigned by the State Superintendent of
128 Public Education to serve on the staff of the commission.

129 (b) An Office of Educator Misconduct Evaluations shall
130 be established within the State Department of Education to assist



131 the commission in responding to infractions and violations, and in
132 conducting hearings and enforcing the provisions of subsections
133 (11), (12), (13), (14) and (15) of this section, and violations of
134 the Mississippi Educator Code of Ethics.

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

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

139 (b) Recommend to the State Board of Education each year
140 approval or disapproval of each educator preparation program in
141 the state, subject to a process and schedule determined by the
142 State Board of Education;

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

146 (d) Establish, subject to the approval of the State
147 Board of Education, standards for the renewal of teacher licenses
148 in all fields;

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

152 (f) Review all existing requirements for certification
153 and licensure;

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



156 (h) Prepare reports from time to time on current
157 practices and issues in the general area of teacher education and
158 certification and licensure;

159 (i) Hold hearings concerning standards for teachers'
160 and administrators' education and certification and licensure with
161 approval of the State Board of Education;

162 (j) Hire expert consultants with approval of the State
163 Board of Education;

164 (k) Set up ad hoc committees to advise on specific
165 areas; and

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

169 (6) (a) **Standard License - Approved Program Route.** An
170 educator entering the school system of Mississippi for the first
171 time and meeting all requirements as established by the State
172 Board of Education shall be granted a standard five-year license.
173 Persons who possess two (2) years of classroom experience as an
174 assistant teacher or who have taught for one (1) year in an
175 accredited public or private school shall be allowed to fulfill
176 student teaching requirements under the supervision of a qualified
177 participating teacher approved by an accredited college of
178 education. The local school district in which the assistant
179 teacher is employed shall compensate such assistant teachers at
180 the required salary level during the period of time such



181 individual is completing student teaching requirements.
182 Applicants for a standard license shall submit to the department:
183 (i) An application on a department form;
184 (ii) An official transcript of completion of a
185 teacher education program approved by the department or a
186 nationally accredited program, subject to the following:
187 Licensure to teach in Mississippi prekindergarten through
188 kindergarten classrooms shall require completion of a teacher
189 education program or a Bachelor of Science degree with child
190 development emphasis from a program accredited by the American
191 Association of Family and Consumer Sciences (AAFCS) or by the
192 National Association for Education of Young Children (NAEYC) or by
193 the National Council for Accreditation of Teacher Education
194 (NCATE). Licensure to teach in Mississippi kindergarten, for
195 those applicants who have completed a teacher education program,
196 and in Grade 1 through Grade 4 shall require the completion of an
197 interdisciplinary program of studies. Licenses for Grades 4
198 through 8 shall require the completion of an interdisciplinary
199 program of studies with two (2) or more areas of concentration.
200 Licensure to teach in Mississippi Grades 7 through 12 shall
201 require a major in an academic field other than education, or a
202 combination of disciplines other than education. Students
203 preparing to teach a subject shall complete a major in the
204 respective subject discipline. All applicants for standard
205 licensure shall demonstrate that such person's college preparation



206 in those fields was in accordance with the standards set forth by
207 the National Council for Accreditation of Teacher Education
208 (NCATE) or the National Association of State Directors of Teacher
209 Education and Certification (NASDTEC) or, for those applicants who
210 have a Bachelor of Science degree with child development emphasis,
211 the American Association of Family and Consumer Sciences (AAFCS).
212 Effective July 1, 2016, for initial elementary education
213 licensure, a teacher candidate must earn a passing score on a
214 rigorous test of scientifically research-based reading instruction
215 and intervention and data-based decision-making principles as
216 approved by the State Board of Education;

217 (iii) A copy of test scores evidencing
218 satisfactory completion of nationally administered examinations of
219 achievement, such as the Educational Testing Service's teacher
220 testing examinations;

221 (iv) Any other document required by the State
222 Board of Education; and

223 (v) From and after September 30, * * *~~2015~~ 2019,
224 no teacher candidate shall be licensed to teach in Mississippi who
225 did not meet the following criteria for entrance into an approved
226 teacher education program:

227 1. A composite score of twenty-one (21) on
228 the ACT or SAT equivalent * * *~~or achieve the nationally~~
229 ~~recommended passing score on the Praxis Core Academic Skills for~~
230 ~~Educators examination; * * *and~~ or



231 2. * * *~~No less than 2.75~~ A minimum GPA of
232 3.0 on pre-major coursework * * *~~of the institution's approved~~
233 ~~teacher education program provided that the accepted cohort of~~
234 ~~candidates meets or exceeds a 3.0 GPA on pre-major coursework.; or~~

235 3. Achieve a qualifying score, approved by
236 the State Board of Education, on the Praxis Core Academic Skills
237 for Educators examination.

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

239 From and after September 30, * * *~~2015~~ 2019, no teacher candidate
240 shall be licensed to teach in Mississippi under the alternate
241 route who did not meet the following criteria:

242 (i) A composite score of twenty-one (21) on the
243 ACT or SAT equivalent * * *~~or achieve the nationally recommended~~
244 ~~passing score on the Praxis Core Academic Skills for Educators~~
245 ~~examination; * * *and or~~

246 (ii) * * *~~No less than 2.75~~ A minimum GPA of
247 3.0 * * *~~on content coursework in the requested area of~~
248 ~~certification or passing Praxis II scores at or above the national~~
249 ~~recommended score provided that the accepted cohort of candidates~~
250 ~~of the institution's teacher education program meets or exceeds a~~
251 ~~3.0 GPA on pre-major coursework * * *;~~ or

252 (iii) Achieve a qualifying score, approved by the
253 State Board of Education, on the Praxis Core Academic Skills for
254 Educators examination.



255 Beginning January 1, * * *~~2004~~ 2020, an individual who has
256 attained a * * *~~passing~~ State Board of Education approved
257 qualifying score on the Praxis * * *~~I Basic Skills~~ Core Academic
258 Skills for Educators, or earned a composite score of twenty-one
259 (21) on the ACT or SAT equivalent or maintained a minimum GPA of
260 3.0 on pre-major coursework, and attained a passing score on the
261 Praxis * * *~~II Specialty Area Test~~ Subject Assessment in the
262 requested area of endorsement may apply for admission to the Teach
263 Mississippi Institute (TMI) program to teach students in Grades 7
264 through 12 if the individual meets the requirements of this
265 paragraph (b). The State Board of Education shall adopt rules
266 requiring that teacher preparation institutions which provide the
267 Teach Mississippi Institute (TMI) program for the preparation of
268 nontraditional teachers shall meet the standards and comply with
269 the provisions of this paragraph.

270 (i) The Teach Mississippi Institute (TMI) shall
271 include an intensive eight-week, nine-semester-hour summer program
272 or a curriculum of study in which the student matriculates in the
273 fall or spring semester, which shall include, but not be limited
274 to, instruction in education, effective teaching strategies,
275 classroom management, state curriculum requirements, planning and
276 instruction, instructional methods and pedagogy, using test
277 results to improve instruction, and a one (1) semester three-hour
278 supervised internship to be completed while the teacher is
279 employed as a full-time teacher intern in a local school district.



280 The TMI shall be implemented * * *~~on a pilot program basis,~~ with
281 courses to be offered at up to four (4) locations in the state,
282 with one (1) TMI site to be located in each of the * * *~~three (3)~~
283 ~~Mississippi Supreme Court~~ four (4) Congressional districts.

284 (ii) The school sponsoring the teacher intern
285 shall enter into a written agreement with the institution
286 providing the Teach Mississippi Institute (TMI) program, under
287 terms and conditions as agreed upon by the contracting parties,
288 providing that the school district shall provide teacher interns
289 seeking a nontraditional provisional teaching license with a
290 one-year classroom teaching experience. The teacher intern shall
291 successfully complete the one (1) semester three-hour intensive
292 internship in the school district during the semester immediately
293 following successful completion of the TMI and prior to the end of
294 the one-year classroom teaching experience.

295 (iii) Upon completion of the nine-semester-hour
296 TMI or the fall or spring semester option, the individual shall
297 submit his transcript to the commission for provisional licensure
298 of the intern teacher, and the intern teacher shall be issued a
299 provisional teaching license by the commission, which will allow
300 the individual to legally serve as a teacher while the person
301 completes a nontraditional teacher preparation internship program.

302 (iv) During the semester of internship in the
303 school district, the teacher preparation institution shall monitor
304 the performance of the intern teacher. The school district that



305 employs the provisional teacher shall supervise the provisional
306 teacher during the teacher's intern year of employment under a
307 nontraditional provisional license, and shall, in consultation
308 with the teacher intern's mentor at the school district of
309 employment, submit to the commission a comprehensive evaluation of
310 the teacher's performance sixty (60) days prior to the expiration
311 of the nontraditional provisional license. If the comprehensive
312 evaluation establishes that the provisional teacher intern's
313 performance fails to meet the standards of the approved
314 nontraditional teacher preparation internship program, the
315 individual shall not be approved for a standard license.

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

321 (vi) Upon successful completion of the TMI and the
322 internship provisional license period, applicants for a Standard
323 License - Nontraditional Route shall submit to the commission a
324 transcript of successful completion of the twelve (12) semester
325 hours required in the internship program, and the employing school
326 district shall submit to the commission a recommendation for
327 standard licensure of the intern. If the school district
328 recommends licensure, the applicant shall be issued a Standard



329 License - Nontraditional Route which shall be valid for a
330 five-year period and be renewable.

331 (vii) At the discretion of the teacher preparation
332 institution, the individual shall be allowed to credit the twelve
333 (12) semester hours earned in the nontraditional teacher
334 internship program toward the graduate hours required for a Master
335 of Arts in Teacher (MAT) Degree.

336 (viii) The local school district in which the
337 nontraditional teacher intern or provisional licensee is employed
338 shall compensate such teacher interns at Step 1 of the required
339 salary level during the period of time such individual is
340 completing teacher internship requirements * * * ~~and shall~~
341 ~~compensate such Standard License - Nontraditional Route teachers~~
342 ~~at Step 3 of the required salary level when they complete license~~
343 ~~requirements.~~

344 Implementation of the TMI program provided for under this
345 paragraph (b) shall be contingent upon the availability of funds
346 appropriated specifically for such purpose by the Legislature.
347 Such implementation of the TMI program may not be deemed to
348 prohibit the State Board of Education from developing and
349 implementing additional alternative route teacher licensure
350 programs, as deemed appropriate by the board. The emergency
351 certification program in effect prior to July 1, 2002, shall
352 remain in effect.



353 (ix) From and after July 1, 2017, an individual
354 who has received a graduate degree in any subject matter or
355 educational discipline on the master's, educational specialist's
356 or doctoral level, who completes the college course of study
357 specific to that degree with at least eighteen (18) hours in the
358 same content area with a grade of "C" or higher at a regionally or
359 nationally accredited senior college or university, and who has
360 achieved the nationally recommended passing score on the Praxis
361 Core and Praxis II Specialty Area Test in the requested area of
362 endorsement at the time application for licensure is submitted,
363 and who has completed required additional coursework, including,
364 but not limited to, instruction in education, effective teaching
365 strategies, classroom management, state curriculum requirements,
366 planning and instruction, instructional methods and pedagogy, and
367 using test results to improve instruction, shall be issued an
368 alternate license to teach in Mississippi. When submitting the
369 application for licensure, applicants seeking licensure under this
370 subparagraph (ix) shall include an official transcript in a sealed
371 envelope or e-Scrip bearing the seal or signature of the registrar
372 of the institution from which the transcript was requested.

373 A Standard License - Approved Program Route shall be issued
374 for a five-year period, and may be renewed. Recognizing teaching
375 as a profession, a hiring preference shall be granted to persons
376 holding a Standard License - Approved Program Route or Standard



377 License - Nontraditional Teaching Route over persons holding any
378 other license.

379 (c) **Special License - Expert Citizen.** In order to
380 allow a school district to offer specialized or technical courses,
381 the State Department of Education, in accordance with rules and
382 regulations established by the State Board of Education, may grant
383 a one-year expert citizen-teacher license to local business or
384 other professional personnel to teach in a public school or
385 nonpublic school accredited or approved by the state. Such person
386 may begin teaching upon his employment by the local school board
387 and licensure by the Mississippi Department of Education. The
388 board shall adopt rules and regulations to administer the expert
389 citizen-teacher license. A Special License - Expert Citizen may
390 be renewed in accordance with the established rules and
391 regulations of the State Department of Education.

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

398 (e) **Nonlicensed Teaching Personnel.** A nonlicensed
399 person may teach for a maximum of three (3) periods per teaching
400 day in a public school district or a nonpublic school
401 accredited/approved by the state. Such person shall submit to the



402 department a transcript or record of his education and experience
403 which substantiates his preparation for the subject to be taught
404 and shall meet other qualifications specified by the commission
405 and approved by the State Board of Education. In no case shall
406 any local school board hire nonlicensed personnel as authorized
407 under this paragraph in excess of five percent (5%) of the total
408 number of licensed personnel in any single school.

409 (f) **Special License - Transitional Bilingual Education.**

410 Beginning July 1, 2003, the commission shall grant special
411 licenses to teachers of transitional bilingual education who
412 possess such qualifications as are prescribed in this section.
413 Teachers of transitional bilingual education shall be compensated
414 by local school boards at not less than one (1) step on the
415 regular salary schedule applicable to permanent teachers licensed
416 under this section. The commission shall grant special licenses
417 to teachers of transitional bilingual education who present the
418 commission with satisfactory evidence that they (i) possess a
419 speaking and reading ability in a language, other than English, in
420 which bilingual education is offered and communicative skills in
421 English; (ii) are in good health and sound moral character; (iii)
422 possess a bachelor's degree or an associate's degree in teacher
423 education from an accredited institution of higher education; (iv)
424 meet such requirements as to courses of study, semester hours
425 therein, experience and training as may be required by the
426 commission; and (v) are legally present in the United States and



427 possess legal authorization for employment. A teacher of
428 transitional bilingual education serving under a special license
429 shall be under an exemption from standard licensure if he achieves
430 the requisite qualifications therefor. Two (2) years of service
431 by a teacher of transitional bilingual education under such an
432 exemption shall be credited to the teacher in acquiring a Standard
433 Educator License. Nothing in this paragraph shall be deemed to
434 prohibit a local school board from employing a teacher licensed in
435 an appropriate field as approved by the State Department of
436 Education to teach in a program in transitional bilingual
437 education.

438 (g) In the event any school district meets the highest
439 accreditation standards as defined by the State Board of Education
440 in the accountability system, the State Board of Education, in its
441 discretion, may exempt such school district from any restrictions
442 in paragraph (e) relating to the employment of nonlicensed
443 teaching personnel.

444 * * * ~~(h) **Highly Qualified Teachers.** Beginning July 1,~~
445 ~~2006, any teacher from any state meeting the federal definition of~~
446 ~~highly qualified, as described in the No Child Left Behind Act,~~
447 ~~must be granted a standard five-year license by the State~~
448 ~~Department of Education.~~

449 (7) **Administrator License.** The State Board of Education is
450 authorized to establish rules and regulations and to administer
451 the licensure process of the school administrators in the State of



452 Mississippi. There will be four (4) categories of administrator
453 licensure with exceptions only through special approval of the
454 State Board of Education.

455 (a) **Administrator License - Nonpracticing.** Those
456 educators holding administrative endorsement but having no
457 administrative experience or not serving in an administrative
458 position on January 15, 1997.

459 (b) **Administrator License - Entry Level.** Those
460 educators holding administrative endorsement and having met the
461 department's qualifications to be eligible for employment in a
462 Mississippi school district. Administrator License - Entry Level
463 shall be issued for a five-year period and shall be nonrenewable.

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

467 (d) **Administrator License - Nontraditional Route.** The
468 board may establish a nontraditional route for licensing
469 administrative personnel. Such nontraditional route for
470 administrative licensure shall be available for persons holding,
471 but not limited to, a master of business administration degree, a
472 master of public administration degree, a master of public
473 planning and policy degree or a doctor of jurisprudence degree
474 from an accredited college or university, with five (5) years of
475 administrative or supervisory experience. Successful completion
476 of the requirements of alternate route licensure for



477 administrators shall qualify the person for a standard
478 administrator license.

479 Individuals seeking school administrator licensure under
480 paragraph (b), (c) or (d) shall successfully complete a training
481 program and an assessment process prescribed by the State Board of
482 Education. All applicants for school administrator licensure
483 shall meet all requirements prescribed by the department under
484 paragraph (b), (c) or (d), and the cost of the assessment process
485 required shall be paid by the applicant.

486 (8) **Reciprocity.** (a) The department shall grant a standard
487 license to any individual who possesses a valid standard license
488 from another state and meets minimum Mississippi license
489 requirements or equivalent requirements as determined by the State
490 Board of Education. The issuance of a license by reciprocity to a
491 military-trained applicant or military spouse shall be subject to
492 the provisions of Section 73-50-1.

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



501 (9) **Renewal and Reinstatement of Licenses.** The State Board
502 of Education is authorized to establish rules and regulations for
503 the renewal and reinstatement of educator and administrator
504 licenses. Effective May 15, 1997, the valid standard license held
505 by an educator shall be extended five (5) years beyond the
506 expiration date of the license in order to afford the educator
507 adequate time to fulfill new renewal requirements established
508 pursuant to this subsection. An educator completing a master of
509 education, educational specialist or doctor of education degree in
510 May 1997 for the purpose of upgrading the educator's license to a
511 higher class shall be given this extension of five (5) years plus
512 five (5) additional years for completion of a higher degree.

513 (10) All controversies involving the issuance, revocation,
514 suspension or any change whatsoever in the licensure of an
515 educator required to hold a license shall be initially heard in a
516 hearing de novo, by the commission or by a subcommittee
517 established by the commission and composed of commission members
518 or by a hearing officer retained and appointed by the commission
519 for the purpose of holding hearings. Any complaint seeking the
520 denial of issuance, revocation or suspension of a license shall be
521 by sworn affidavit filed with the Commission on Teacher and
522 Administrator Education, Certification and Licensure and
523 Development. The decision thereon by the commission or its
524 subcommittee or hearing officer shall be final, unless the
525 aggrieved party shall appeal to the State Board of Education,



526 within ten (10) days, of the decision of the * * *~~committee or~~
527 commission, its subcommittee or hearing officer. An appeal to the
528 State Board of Education shall be perfected upon filing a notice
529 of the appeal and by the prepayment of the costs of the
530 preparation of the record of the proceedings by the commission,
531 its subcommittee or hearing officer. An appeal shall be on the
532 record previously made before the commission * * *~~or,~~ its
533 subcommittee or hearing officer, unless otherwise provided by
534 rules and regulations adopted by the board. The decision of the
535 commission, its subcommittee or hearing officer shall not be
536 disturbed in appeal if: (i) supported by substantial evidence;
537 (ii) was not arbitrary and capricious; (iii) was within the
538 authority of the commission; and (iv) did not violate some
539 statutory or constitutional right. The State Board of Education
540 in its authority may reverse, or remand with instructions, the
541 decision of the * * *~~committee or~~ commission, its subcommittee or
542 hearing officer. The decision of the State Board of Education
543 shall be final.

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

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

549 (b) The applicant has a physical, emotional or mental
550 disability that renders the applicant unfit to perform the duties



551 authorized by the license, as certified by a licensed psychologist
552 or psychiatrist;

553 (c) The applicant is actively addicted to or actively
554 dependent on alcohol or other habit-forming drugs or is a habitual
555 user of narcotics, barbiturates, amphetamines, hallucinogens or
556 other drugs having similar effect, at the time of application for
557 a license;

558 (d) Revocation, suspension or surrender of an
559 applicant's certificate or license by another state shall result
560 in immediate denial of licensure until such time that the records
561 predicated the revocation, suspension or surrender in the prior
562 state have been cleared;

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

565 (f) Failing or refusing to furnish reasonable evidence
566 of identification;

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

570 (h) The applicant has been convicted, has pled guilty
571 or entered a plea of nolo contendere to a sex offense as defined
572 by federal or state law, shall result in the immediate denial of
573 licensure application. For purposes of this paragraph (h) and
574 paragraph (g) of this subsection, a "guilty plea" includes a plea



575 of guilty, entry of a plea of nolo contendere, or entry of an
576 order granting pretrial or judicial diversion; * * *~~or~~

577 (i) Probation or post-release supervision for a felony
578 or * * *~~sex-offense~~ conviction, as defined by federal or state
579 law, shall result in the immediate denial of licensure application
580 until expiration of the probationary or post-release supervision
581 period * * *~~;~~ or

582 (j) Probation or post-release supervision for a sex
583 offense conviction, as defined by federal or state law, shall
584 result in the immediate denial of licensure application.

585 (12) The State Board of Education, acting through the
586 commission, may revoke, suspend or refuse to renew any teacher or
587 administrator license for specified periods of time or may place
588 on probation, * * *~~censure~~, reprimand a licensee, or take other
589 disciplinary action with regard to any license issued under this
590 chapter for one or more of the following:

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

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

597 (c) Suspension or revocation of a certificate or
598 license by another state shall result in immediate suspension or



599 revocation and shall continue until records in the prior state
600 have been cleared;

601 (d) The license holder has been convicted, has pled
602 guilty or entered a plea of nolo contendere to a felony, as
603 defined by federal or state law. For purposes of this paragraph,
604 a "guilty plea" includes a plea of guilty, entry of a plea of nolo
605 contendere, or entry of an order granting pretrial or judicial
606 diversion;

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

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

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

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



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

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

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

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

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

640 For purposes of this subsection, probation shall be defined
641 as a length of time determined by the commission, its subcommittee
642 or hearing officer, and based on the severity of the offense, in
643 which the license holder shall meet certain requirements as
644 prescribed by the commission, its subcommittee or hearing officer.
645 Failure to complete the requirements of the time specified shall
646 result in immediate suspension of the license for one (1) year.



647 (13) (a) Dismissal or suspension of a licensed employee by
648 a local school board pursuant to Section 37-9-59, or a local
649 school board approved resignation of a licensed employee which
650 results from a violation of any of the professional code of ethics
651 and standards of conduct adopted by the State Board of Education,
652 may result in the suspension or revocation of a license for a
653 length of time which shall be determined by the commission and
654 based upon the severity of the offense.

655 (b) Any offense committed or attempted in any other
656 state shall result in the same penalty as if committed or
657 attempted in this state.

658 (c) A person may voluntarily surrender a license. The
659 surrender of such license may result in the commission
660 recommending any of the above penalties without the necessity of a
661 hearing. However, any such license which has voluntarily been
662 surrendered by a licensed employee may only be reinstated by a
663 majority vote of all members of the commission present at the
664 meeting called for such purpose.

665 (14) (a) A person whose license has been * * *~~revoked~~
666 suspended or surrendered on any grounds except criminal grounds
667 may petition for reinstatement of the license after one (1) year
668 from the date of * * *~~revocation~~ suspension or surrender, or after
669 one-half (1/2) of the * * *~~revoked~~ suspended or surrendered time
670 has lapsed, whichever is greater. A person whose license has been
671 suspended or revoked on any grounds or violations under subsection



672 (12) of this section may be reinstated automatically or approved
673 for a reinstatement hearing, upon submission of a written request
674 to the commission. A license suspended, revoked or surrendered on
675 criminal grounds may be reinstated upon petition to the commission
676 filed after expiration of the sentence and parole or probationary
677 period imposed upon conviction. A revoked, suspended or
678 surrendered license may be reinstated upon satisfactory showing of
679 evidence of rehabilitation. The commission shall require all who
680 petition for reinstatement to furnish evidence satisfactory to the
681 commission of good character, good mental, emotional and physical
682 health and such other evidence as the commission may deem
683 necessary to establish the petitioner's rehabilitation and fitness
684 to perform the duties authorized by the license.

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

689 (15) Reporting procedures and hearing procedures for dealing
690 with infractions under this section shall be promulgated by the
691 commission, subject to the approval of the State Board of
692 Education. The revocation or suspension of a license shall be
693 effected at the time indicated on the notice of suspension or
694 revocation. The commission shall immediately notify the
695 superintendent of the school district or school board where the
696 teacher or administrator is employed of any disciplinary action



697 and also notify the teacher or administrator of such revocation or
698 suspension and shall maintain records of action taken. The State
699 Board of Education may reverse or remand with instructions any
700 decision of the commission, its subcommittee or hearing officer,
701 regarding a petition for reinstatement of a license, and any such
702 decision of the State Board of Education shall be final.

703 (16) An appeal from the action of the State Board of
704 Education in denying an application, revoking or suspending a
705 license or otherwise disciplining any person under the provisions
706 of this section shall be filed in the Chancery Court of the First
707 Judicial District of Hinds County, Mississippi, on the record
708 made, including a verbatim transcript of the testimony at the
709 hearing. The appeal shall be filed within thirty (30) days after
710 notification of the action of the board is mailed or served and
711 the proceedings in chancery court shall be conducted as other
712 matters coming before the court. The appeal shall be perfected
713 upon filing notice of the appeal and by the prepayment of all
714 costs, including the cost of preparation of the record of the
715 proceedings by the State Board of Education, and the filing of a
716 bond in the sum of Two Hundred Dollars (\$200.00) conditioned that
717 if the action of the board be affirmed by the chancery court, the
718 applicant or license holder shall pay the costs of the appeal and
719 the action of the chancery court.

720 (17) All such programs, rules, regulations, standards and
721 criteria recommended or authorized by the commission shall become



722 effective upon approval by the State Board of Education as
723 designated by appropriate orders entered upon the minutes thereof.

724 (18) The granting of a license shall not be deemed a
725 property right nor a guarantee of employment in any public school
726 district. A license is a privilege indicating minimal eligibility
727 for teaching in the public school districts of Mississippi. This
728 section shall in no way alter or abridge the authority of local
729 school districts to require greater qualifications or standards of
730 performance as a prerequisite of initial or continued employment
731 in such districts.

732 (19) In addition to the reasons specified in subsections
733 (12) and (13) of this section, the board shall be authorized to
734 suspend the license of any licensee for being out of compliance
735 with an order for support, as defined in Section 93-11-153. The
736 procedure for suspension of a license for being out of compliance
737 with an order for support, and the procedure for the reissuance or
738 reinstatement of a license suspended for that purpose, and the
739 payment of any fees for the reissuance or reinstatement of a
740 license suspended for that purpose, shall be governed by Section
741 93-11-157 or 93-11-163, as the case may be. Actions taken by the
742 board in suspending a license when required by Section 93-11-157
743 or 93-11-163 are not actions from which an appeal may be taken
744 under this section. Any appeal of a license suspension that is
745 required by Section 93-11-157 or 93-11-163 shall be taken in
746 accordance with the appeal procedure specified in Section



747 93-11-157 or 93-11-163, as the case may be, rather than the
748 procedure specified in this section. If there is any conflict
749 between any provision of Section 93-11-157 or 93-11-163 and any
750 provision of this chapter, the provisions of Section 93-11-157 or
751 93-11-163, as the case may be, shall control.

752 **SECTION 3.** Section 37-9-201, Mississippi Code of 1972, is
753 amended as follows:

754 37-9-201. As used in Sections 37-9-201 through 37-9-213:

755 (a) "Beginning teacher" means a teacher who:

756 (i) Possesses a teaching license issued by the
757 Commission on Teacher and Administrator Education, Certification
758 and Licensure and Development;

759 (ii) Is employed at least half time, primarily as
760 a classroom teacher, by a school district; and

761 (iii) Has taught fewer than ninety (90)
762 consecutive days, or one hundred eighty (180) days total, as a
763 licensed teacher in any public school.

764 (b) "District" means any local school district.

765 (c) "Formal assistance" means a program provided by a
766 mentor teacher to a beginning teacher that includes, but is not
767 limited to, direct classroom observation and consultation;
768 assistance in instructional planning and preparation; support in
769 implementation and delivery of classroom instruction; and other
770 assistance intended to enhance the professional performance and
771 development of the beginning teacher.



772 (d) " * * * ~~Mentor~~ Teacher leader" means a teacher who:

773 (i) Possesses a standard teaching personnel
774 service or administrative license issued by the Commission on
775 Teacher and Administrator Education, Certification and Licensure
776 and Development;

777 (ii) At the time of selection, is employed under
778 contract primarily as a classroom teacher by a public school
779 district or is retired from a public school district;

780 (iii) Has successfully taught for three (3) or
781 more years as a licensed teacher in any public school;

782 (iv) Has been selected and trained as described in
783 Section 37-9-211; and

784 (v) Has demonstrated mastery of teaching skills
785 and subject matter knowledge.

786 (e) "Teacher" means a licensed employee of a local
787 school district who has direct responsibility for instruction,
788 coordination of educational programs or supervision of teachers
789 and who is compensated for services from public funds.

790 **SECTION 4.** Section 37-9-203, Mississippi Code of 1972, is
791 amended as follows:

792 37-9-203. The Legislature finds that:

793 (a) The quality of teaching in the public schools is of
794 vital importance to the future of this state;



795 (b) This state has a special interest in insuring that
796 the induction of beginning teachers into their profession is
797 conducive to their professional growth and development; and

798 (c) The formal assignment of * * *~~mentor teachers~~
799 teacher leaders who have demonstrated mastery of teaching skills
800 and subject matter knowledge should substantially improve the
801 induction and professional growth of beginning teachers in this
802 state, as well as provide * * *~~mentor teachers~~ teacher leaders
803 with additional and valuable opportunities to enhance their own
804 professional growth.

805 **SECTION 5.** Section 37-9-205, Mississippi Code of 1972, is
806 amended as follows:

807 37-9-205. (1) The Mississippi Teacher Center of the State
808 Department of Education shall establish a beginning teacher
809 support program to provide eligible beginning teachers in this
810 state with continued and sustained support from a formally
811 assigned * * *~~mentor~~ teacher leader during the first full year of
812 teaching.

813 (2) After the 1992-1993 school year, any district is
814 eligible to participate in the beginning teacher support program.

815 (3) Two (2) or more districts may operate jointly a
816 beginning teacher support program if they meet all the
817 requirements of Sections 37-9-201 through 37-9-213.

818 (4) Educational consortia established for approved teacher
819 education programs pursuant to rules of the Mississippi Teacher



820 Center are eligible to operate a beginning teacher support program
821 to serve beginning teachers in a participating school district.

822 (5) To the extent practicable, school districts may
823 coordinate with institutions of higher education in the design,
824 implementation and evaluation of * * *~~mentorship~~ teacher
825 leadership programs.

826 **SECTION 6.** Section 37-9-207, Mississippi Code of 1972, is
827 amended as follows:

828 37-9-207. Each district that wishes to participate in the
829 beginning teacher support program shall submit a formal
830 application to the Mississippi Teacher Center no later than
831 September 15 of each school year, according to rules of the
832 Mississippi Teacher Center. By that date, districts shall inform
833 the department of:

834 (a) The names of all eligible beginning teachers
835 employed by the district and a description of their teaching
836 assignments and extracurricular duties;

837 (b) The names of * * *~~mentor teachers~~ teacher leaders
838 selected by a district and a description of their teaching
839 assignments and the endorsement area in which they are certified
840 to teach;

841 (c) A description of the content and calendar of the
842 proposed beginning teacher support program. The program must
843 provide a minimum of ninety (90) hours of direct contact
844 between * * *~~mentor teachers~~ teacher leaders and beginning



845 teachers, including observation of or assistance with classroom
846 teaching, or both, during the school day;

847 (d) A description of the amount and nature of each
848 eligible beginning teacher's classroom and extracurricular duties
849 and assurance that these duties are not unreasonable for a
850 beginning teacher; and

851 (e) A certification that no eligible beginning teacher
852 is or may be misassigned outside the teacher's endorsement area,
853 except as provided for by rules of the Mississippi Teacher Center.

854 **SECTION 7.** Section 37-9-209, Mississippi Code of 1972, is
855 amended as follows:

856 37-9-209. After consulting with representatives of teachers,
857 administrators, school boards, schools of education, the
858 institutions of higher learning and such others as it considers
859 appropriate, the Mississippi Teacher Center shall develop or
860 approve workshops to provide training for * * *~~mentor teachers~~
861 teacher leaders and beginning teachers.

862 **SECTION 8.** Section 37-9-211, Mississippi Code of 1972, is
863 amended as follows:

864 37-9-211. (1) There is established the Mississippi Teacher
865 Leadership Program, as a four-year pilot program within the State
866 Department of Education. The purpose of the program shall be to
867 support and retain effective classroom teachers through teacher
868 leadership opportunities by making stipends available to teachers
869 who desire to lead while remaining in the classroom.



870 (* * *12) The selection, nature and extent of duties
871 of * * *~~mentor teachers~~ teacher leaders shall be determined by the
872 school district. The following guidelines shall apply:

873 (a) No teacher shall be designated as a * * *~~mentor~~
874 teacher leader unless willing to perform in that role;

875 (b) No * * *~~mentor~~ teacher leader shall participate in
876 the evaluation of beginning teachers;

877 (c) Each * * *~~mentor~~ teacher leader shall complete
878 successfully a training workshop provided or approved by the
879 Mississippi Teacher Center * * *~~prior to~~ before participating in
880 the beginning teacher support program; and

881 (d) If a * * *~~mentor~~ teacher leader receives additional
882 release time to support a beginning teacher, it is expected that
883 the total workload of other teachers regularly employed by the
884 school district should not increase in any substantial manner.

885 (2) A district may: (a) compensate * * *~~mentor teachers~~
886 teacher leaders from any available funds for additional duties to
887 support a beginning teacher which are performed after regular
888 school hours; (b) grant additional release time to * * *~~mentor~~
889 ~~teachers~~ teacher leaders for additional duties to support a
890 beginning teacher which are performed after regular school hours;
891 and (c) employ and compensate substitute teachers from any
892 available funds for assuming the regular teaching duties
893 of * * *~~mentor teachers~~ teacher leaders who are participating in
894 the beginning teacher program.



895 **SECTION 9.** Section 37-9-213, Mississippi Code of 1972, is
896 amended as follows:

897 37-9-213. The Mississippi Teacher Center shall be
898 responsible for the regular and ongoing evaluation of the
899 beginning teacher support program and may contract for such
900 evaluation. The evaluation shall include, but not be limited to,
901 assessments of the following:

902 (a) A survey and follow-up of all eligible * * *~~mentor~~
903 ~~teachers~~ teacher leaders and beginning teachers and appropriate
904 district officials, to assess satisfaction with and the
905 effectiveness of the beginning teacher support program;

906 (b) The amount and quality of the contact time
907 between * * *~~mentor teachers~~ teacher leaders and beginning
908 teachers;

909 (c) The effectiveness of workshops and other training
910 required under Sections 37-9-201 through 37-9-211;

911 (d) The effectiveness of the * * *~~mentor~~ teacher
912 leadership program in enhancing the professional development and
913 retention of new teachers in the district;

914 (e) The desirability of extending this assistance
915 program to students participating in graduate level teacher
916 preparation programs similar to those which have been proposed by
917 the Board of Trustees of State Institutions of Higher Learning;
918 and



919 (f) The desirability of extending this assistance
920 program to all probationary teachers.

921 **SECTION 10.** Section 37-19-7, Mississippi Code of 1972, is
922 amended as follows:

923 37-19-7. (1) The allowance in the Mississippi Adequate
924 Education Program for teachers' salaries in each county and
925 separate school district shall be determined and paid in
926 accordance with the scale for teachers' salaries as provided in
927 this subsection. For teachers holding the following types of
928 licenses or the equivalent as determined by the State Board of
929 Education, and the following number of years of teaching
930 experience, the scale shall be as follows:

931 *** * *~~2014-2015~~ MINIMUM SALARY SCHEDULE**

932 — Years

933	Exp.	AAAA	AAA	AA	A
934	0	38,108.00	36,944.00	35,780.00	33,390.00
935	1	38,108.00	36,944.00	35,780.00	33,390.00
936	2	38,108.00	36,944.00	35,780.00	33,390.00
937	3	38,902.00	37,671.00	36,440.00	33,885.00
938	4	39,696.00	38,398.00	37,100.00	34,380.00
939	5	40,490.00	39,125.00	37,760.00	34,875.00
940	6	41,284.00	39,852.00	38,420.00	35,370.00
941	7	42,078.00	40,579.00	39,080.00	35,865.00
942	8	42,872.00	41,306.00	39,740.00	36,360.00
943	9	43,666.00	42,033.00	40,400.00	36,855.00



944	10	44,460.00	42,760.00	41,060.00	37,350.00
945	11	45,254.00	43,487.00	41,720.00	37,845.00
946	12	46,048.00	44,214.00	42,380.00	38,340.00
947	13	46,842.00	44,941.00	43,040.00	38,835.00
948	14	47,636.00	45,668.00	43,700.00	39,330.00
949	15	48,430.00	46,395.00	44,360.00	39,825.00
950	16	49,224.00	47,122.00	45,020.00	40,320.00
951	17	50,018.00	47,849.00	45,680.00	40,815.00
952	18	50,812.00	48,576.00	46,340.00	41,310.00
953	19	51,606.00	49,303.00	47,000.00	41,805.00
954	20	52,400.00	50,030.00	47,660.00	42,300.00
955	21	53,194.00	50,757.00	48,320.00	42,795.00
956	22	53,988.00	51,484.00	48,980.00	43,290.00
957	23	54,782.00	52,211.00	49,640.00	43,785.00
958	24	55,576.00	52,938.00	50,300.00	44,280.00
959	25	58,430.00	55,725.00	53,020.00	46,835.00
960	26	59,224.00	56,452.00	53,680.00	47,330.00
961	27	60,018.00	57,179.00	54,340.00	47,825.00
962	28	60,812.00	57,906.00	55,000.00	48,320.00
963	29	61,606.00	58,633.00	55,660.00	48,815.00
964	30	62,400.00	59,360.00	56,320.00	49,310.00
965	31	63,194.00	60,087.00	56,980.00	49,805.00
966	32	63,988.00	60,814.00	57,640.00	50,300.00
967	33	64,782.00	61,541.00	58,300.00	50,795.00
968	34	65,576.00	62,268.00	58,960.00	51,290.00



969 ~~35~~
 970 ~~& above 66,370.00 62,995.00 59,620.00 51,785.00~~

2015-2016 MINIMUM SALARY SCHEDULE

972	Years				
973	Exp.	AAAA	AAA	AA	A
974	0	39,108.00	37,944.00	36,780.00	34,390.00
975	1	39,108.00	37,944.00	36,780.00	34,390.00
976	2	39,108.00	37,944.00	36,780.00	34,390.00
977	3	39,902.00	38,671.00	37,440.00	34,885.00
978	4	40,696.00	39,398.00	38,100.00	35,380.00
979	5	41,490.00	40,125.00	38,760.00	35,875.00
980	6	42,284.00	40,852.00	39,420.00	36,370.00
981	7	43,078.00	41,579.00	40,080.00	36,865.00
982	8	43,872.00	42,306.00	40,740.00	37,360.00
983	9	44,666.00	43,033.00	41,400.00	37,855.00
984	10	45,460.00	43,760.00	42,060.00	38,350.00
985	11	46,254.00	44,487.00	42,720.00	38,845.00
986	12	47,048.00	45,214.00	43,380.00	39,340.00
987	13	47,842.00	45,941.00	44,040.00	39,835.00
988	14	48,636.00	46,668.00	44,700.00	40,330.00
989	15	49,430.00	47,395.00	45,360.00	40,825.00
990	16	50,224.00	48,122.00	46,020.00	41,320.00
991	17	51,018.00	48,849.00	46,680.00	41,815.00
992	18	51,812.00	49,576.00	47,340.00	42,310.00
993	19	52,606.00	50,303.00	48,000.00	42,805.00



994	20	53,400.00	51,030.00	48,660.00	43,300.00
995	21	54,194.00	51,757.00	49,320.00	43,795.00
996	22	54,988.00	52,484.00	49,980.00	44,290.00
997	23	55,782.00	53,211.00	50,640.00	44,785.00
998	24	56,576.00	53,938.00	51,300.00	45,280.00
999	25	59,430.00	56,725.00	54,020.00	47,835.00
1000	26	60,224.00	57,452.00	54,680.00	48,330.00
1001	27	61,018.00	58,179.00	55,340.00	48,825.00
1002	28	61,812.00	58,906.00	56,000.00	49,320.00
1003	29	62,606.00	59,633.00	56,660.00	49,815.00
1004	30	63,400.00	60,360.00	57,320.00	50,310.00
1005	31	64,194.00	61,087.00	57,980.00	50,805.00
1006	32	64,988.00	61,814.00	58,640.00	51,300.00
1007	33	65,782.00	62,541.00	59,300.00	51,795.00
1008	34	66,576.00	63,268.00	59,960.00	52,290.00
1009	35				
1010	& above	67,370.00	63,995.00	60,620.00	52,785.00

2019-2020 MINIMUM SALARY SCHEDULE

1012	<u>Years</u>				
1013	<u>Exp.</u>	<u>AAAA</u>	<u>AAA</u>	<u>AA</u>	<u>A</u>
1014	<u>0</u>	<u>39,608.00</u>	<u>38,444.00</u>	<u>37,280.00</u>	<u>34,890.00</u>
1015	<u>1</u>	<u>39,608.00</u>	<u>38,444.00</u>	<u>37,280.00</u>	<u>34,890.00</u>
1016	<u>2</u>	<u>39,608.00</u>	<u>38,444.00</u>	<u>37,280.00</u>	<u>34,890.00</u>
1017	<u>3</u>	<u>40,402.00</u>	<u>39,171.00</u>	<u>37,940.00</u>	<u>35,385.00</u>
1018	<u>4</u>	<u>41,196.00</u>	<u>39,898.00</u>	<u>38,600.00</u>	<u>35,880.00</u>



1019	<u>5</u>	<u>41,990.00</u>	<u>40,625.00</u>	<u>39,260.00</u>	<u>36,375.00</u>
1020	<u>6</u>	<u>42,784.00</u>	<u>41,352.00</u>	<u>39,920.00</u>	<u>36,870.00</u>
1021	<u>7</u>	<u>43,578.00</u>	<u>42,079.00</u>	<u>40,580.00</u>	<u>37,365.00</u>
1022	<u>8</u>	<u>44,372.00</u>	<u>42,806.00</u>	<u>41,240.00</u>	<u>37,860.00</u>
1023	<u>9</u>	<u>45,166.00</u>	<u>43,533.00</u>	<u>41,900.00</u>	<u>38,355.00</u>
1024	<u>10</u>	<u>45,960.00</u>	<u>44,260.00</u>	<u>42,560.00</u>	<u>38,850.00</u>
1025	<u>11</u>	<u>46,754.00</u>	<u>44,987.00</u>	<u>43,220.00</u>	<u>39,345.00</u>
1026	<u>12</u>	<u>47,548.00</u>	<u>45,714.00</u>	<u>43,880.00</u>	<u>39,840.00</u>
1027	<u>13</u>	<u>48,342.00</u>	<u>46,441.00</u>	<u>44,540.00</u>	<u>40,335.00</u>
1028	<u>14</u>	<u>49,136.00</u>	<u>47,168.00</u>	<u>45,200.00</u>	<u>40,830.00</u>
1029	<u>15</u>	<u>49,930.00</u>	<u>47,895.00</u>	<u>45,860.00</u>	<u>41,325.00</u>
1030	<u>16</u>	<u>50,724.00</u>	<u>48,622.00</u>	<u>46,520.00</u>	<u>41,820.00</u>
1031	<u>17</u>	<u>51,518.00</u>	<u>49,349.00</u>	<u>47,180.00</u>	<u>42,315.00</u>
1032	<u>18</u>	<u>52,312.00</u>	<u>50,076.00</u>	<u>47,840.00</u>	<u>42,810.00</u>
1033	<u>19</u>	<u>53,106.00</u>	<u>50,803.00</u>	<u>48,500.00</u>	<u>43,305.00</u>
1034	<u>20</u>	<u>53,900.00</u>	<u>51,530.00</u>	<u>49,160.00</u>	<u>43,800.00</u>
1035	<u>21</u>	<u>54,694.00</u>	<u>52,257.00</u>	<u>49,820.00</u>	<u>44,295.00</u>
1036	<u>22</u>	<u>55,488.00</u>	<u>52,984.00</u>	<u>50,480.00</u>	<u>44,790.00</u>
1037	<u>23</u>	<u>56,282.00</u>	<u>53,711.00</u>	<u>51,140.00</u>	<u>45,285.00</u>
1038	<u>24</u>	<u>57,076.00</u>	<u>54,438.00</u>	<u>51,800.00</u>	<u>45,780.00</u>
1039	<u>25</u>	<u>59,930.00</u>	<u>57,225.00</u>	<u>54,520.00</u>	<u>48,335.00</u>
1040	<u>26</u>	<u>60,724.00</u>	<u>57,952.00</u>	<u>55,180.00</u>	<u>48,830.00</u>
1041	<u>27</u>	<u>61,518.00</u>	<u>58,679.00</u>	<u>55,840.00</u>	<u>49,325.00</u>
1042	<u>28</u>	<u>62,312.00</u>	<u>59,406.00</u>	<u>56,500.00</u>	<u>49,820.00</u>
1043	<u>29</u>	<u>63,106.00</u>	<u>60,133.00</u>	<u>57,160.00</u>	<u>50,315.00</u>



1044	<u>30</u>	<u>63,900.00</u>	<u>60,860.00</u>	<u>57,820.00</u>	<u>50,810.00</u>
1045	<u>31</u>	<u>64,694.00</u>	<u>61,587.00</u>	<u>58,480.00</u>	<u>51,305.00</u>
1046	<u>32</u>	<u>65,488.00</u>	<u>62,314.00</u>	<u>59,140.00</u>	<u>51,800.00</u>
1047	<u>33</u>	<u>66,282.00</u>	<u>63,041.00</u>	<u>59,800.00</u>	<u>52,295.00</u>
1048	<u>34</u>	<u>67,076.00</u>	<u>63,768.00</u>	<u>60,460.00</u>	<u>52,790.00</u>
1049	<u>35</u>				
1050	<u>& above</u>	<u>67,870.00</u>	<u>64,495.00</u>	<u>61,120.00</u>	<u>53,285.00</u>

2020-2021 MINIMUM SALARY SCHEDULE

1052	<u>Years</u>				
1053	<u>Exp.</u>	<u>AAAA</u>	<u>AAA</u>	<u>AA</u>	<u>A</u>
1054	<u>0</u>	<u>40,108.00</u>	<u>38,944.00</u>	<u>37,780.00</u>	<u>35,390.00</u>
1055	<u>1</u>	<u>40,108.00</u>	<u>38,944.00</u>	<u>37,780.00</u>	<u>35,390.00</u>
1056	<u>2</u>	<u>40,108.00</u>	<u>38,944.00</u>	<u>37,780.00</u>	<u>35,390.00</u>
1057	<u>3</u>	<u>40,902.00</u>	<u>39,671.00</u>	<u>38,440.00</u>	<u>35,885.00</u>
1058	<u>4</u>	<u>41,696.00</u>	<u>40,398.00</u>	<u>39,100.00</u>	<u>36,380.00</u>
1059	<u>5</u>	<u>42,490.00</u>	<u>41,125.00</u>	<u>39,760.00</u>	<u>36,875.00</u>
1060	<u>6</u>	<u>43,284.00</u>	<u>41,852.00</u>	<u>40,420.00</u>	<u>37,370.00</u>
1061	<u>7</u>	<u>44,078.00</u>	<u>42,579.00</u>	<u>41,080.00</u>	<u>37,865.00</u>
1062	<u>8</u>	<u>44,872.00</u>	<u>43,306.00</u>	<u>41,740.00</u>	<u>38,360.00</u>
1063	<u>9</u>	<u>45,666.00</u>	<u>44,033.00</u>	<u>42,400.00</u>	<u>38,855.00</u>
1064	<u>10</u>	<u>46,460.00</u>	<u>44,760.00</u>	<u>43,060.00</u>	<u>39,350.00</u>
1065	<u>11</u>	<u>47,254.00</u>	<u>45,487.00</u>	<u>43,720.00</u>	<u>39,845.00</u>
1066	<u>12</u>	<u>48,048.00</u>	<u>46,214.00</u>	<u>44,380.00</u>	<u>40,340.00</u>
1067	<u>13</u>	<u>48,842.00</u>	<u>46,941.00</u>	<u>45,040.00</u>	<u>40,835.00</u>
1068	<u>14</u>	<u>49,636.00</u>	<u>47,668.00</u>	<u>45,700.00</u>	<u>41,330.00</u>



1069	<u>15</u>	<u>50,430.00</u>	<u>48,395.00</u>	<u>46,360.00</u>	<u>41,825.00</u>
1070	<u>16</u>	<u>51,224.00</u>	<u>49,122.00</u>	<u>47,020.00</u>	<u>42,320.00</u>
1071	<u>17</u>	<u>52,018.00</u>	<u>49,849.00</u>	<u>47,680.00</u>	<u>42,815.00</u>
1072	<u>18</u>	<u>52,812.00</u>	<u>50,576.00</u>	<u>48,340.00</u>	<u>43,310.00</u>
1073	<u>19</u>	<u>53,606.00</u>	<u>51,303.00</u>	<u>49,000.00</u>	<u>43,805.00</u>
1074	<u>20</u>	<u>54,400.00</u>	<u>52,030.00</u>	<u>49,660.00</u>	<u>44,300.00</u>
1075	<u>21</u>	<u>55,194.00</u>	<u>52,757.00</u>	<u>50,320.00</u>	<u>44,795.00</u>
1076	<u>22</u>	<u>55,988.00</u>	<u>53,484.00</u>	<u>50,980.00</u>	<u>45,290.00</u>
1077	<u>23</u>	<u>56,782.00</u>	<u>54,211.00</u>	<u>51,640.00</u>	<u>45,785.00</u>
1078	<u>24</u>	<u>57,576.00</u>	<u>54,938.00</u>	<u>52,300.00</u>	<u>46,280.00</u>
1079	<u>25</u>	<u>60,430.00</u>	<u>57,725.00</u>	<u>55,020.00</u>	<u>48,835.00</u>
1080	<u>26</u>	<u>61,224.00</u>	<u>58,452.00</u>	<u>55,680.00</u>	<u>49,330.00</u>
1081	<u>27</u>	<u>62,018.00</u>	<u>59,179.00</u>	<u>56,340.00</u>	<u>49,825.00</u>
1082	<u>28</u>	<u>62,812.00</u>	<u>59,906.00</u>	<u>57,000.00</u>	<u>50,320.00</u>
1083	<u>29</u>	<u>63,606.00</u>	<u>60,633.00</u>	<u>57,660.00</u>	<u>50,815.00</u>
1084	<u>30</u>	<u>64,400.00</u>	<u>61,360.00</u>	<u>58,320.00</u>	<u>51,310.00</u>
1085	<u>31</u>	<u>65,194.00</u>	<u>62,087.00</u>	<u>58,980.00</u>	<u>51,805.00</u>
1086	<u>32</u>	<u>65,988.00</u>	<u>62,814.00</u>	<u>59,640.00</u>	<u>52,300.00</u>
1087	<u>33</u>	<u>66,782.00</u>	<u>63,541.00</u>	<u>60,300.00</u>	<u>52,795.00</u>
1088	<u>34</u>	<u>67,576.00</u>	<u>64,268.00</u>	<u>60,960.00</u>	<u>53,290.00</u>
1089	<u>35</u>				
1090	<u>& above</u>	<u>68,370.00</u>	<u>64,995.00</u>	<u>61,620.00</u>	<u>53,785.00</u>

1091 It is the intent of the Legislature that any state funds made
1092 available for salaries of licensed personnel in excess of the
1093 funds paid for such salaries for the 1986-1987 school year shall



1094 be paid to licensed personnel pursuant to a personnel appraisal
1095 and compensation system implemented by the State Board of
1096 Education. The State Board of Education shall have the authority
1097 to adopt and amend rules and regulations as are necessary to
1098 establish, administer and maintain the system.

1099 All teachers employed on a full-time basis shall be paid a
1100 minimum salary in accordance with the above scale. However, no
1101 school district shall receive any funds under this section for any
1102 school year during which the local supplement paid to any
1103 individual teacher shall have been reduced to a sum less than that
1104 paid to that individual teacher for performing the same duties
1105 from local supplement during the immediately preceding school
1106 year. The amount actually spent for the purposes of group health
1107 and/or life insurance shall be considered as a part of the
1108 aggregate amount of local supplement but shall not be considered a
1109 part of the amount of individual local supplement.

1110 The level of professional training of each teacher to be used
1111 in establishing the salary allotment for the teachers for each
1112 year shall be determined by the type of valid teacher's license
1113 issued to those teachers on or before October 1 of the current
1114 school year. Provided, however, that school districts are
1115 authorized, in their discretion, to negotiate the salary levels
1116 applicable to certificated employees who are receiving retirement
1117 benefits from the retirement system of another state, and the



1118 annual experience increment provided above in Section 37-19-7
1119 shall not be applicable to any such retired certificated employee.

1120 (2) (a) The following employees shall receive an annual
1121 salary supplement in the amount of Six Thousand Dollars
1122 (\$6,000.00), plus fringe benefits, in addition to any other
1123 compensation to which the employee may be entitled:

1124 (i) Any licensed teacher who has met the
1125 requirements and acquired a Master Teacher certificate from the
1126 National Board for Professional Teaching Standards and who is
1127 employed by a local school board or the State Board of Education
1128 as a teacher and not as an administrator. Such teacher shall
1129 submit documentation to the State Department of Education that the
1130 certificate was received prior to October 15 in order to be
1131 eligible for the full salary supplement in the current school
1132 year, or the teacher shall submit such documentation to the State
1133 Department of Education prior to February 15 in order to be
1134 eligible for a prorated salary supplement beginning with the
1135 second term of the school year.

1136 (ii) A licensed nurse who has met the requirements
1137 and acquired a certificate from the National Board for
1138 Certification of School Nurses, Inc., and who is employed by a
1139 local school board or the State Board of Education as a school
1140 nurse and not as an administrator. The licensed school nurse
1141 shall submit documentation to the State Department of Education
1142 that the certificate was received before October 15 in order to be



1143 eligible for the full salary supplement in the current school
1144 year, or the licensed school nurse shall submit the documentation
1145 to the State Department of Education before February 15 in order
1146 to be eligible for a prorated salary supplement beginning with the
1147 second term of the school year. Provided, however, that the total
1148 number of licensed school nurses eligible for a salary supplement
1149 under this subparagraph (ii) shall not exceed thirty-five (35).

1150 (iii) Any licensed school counselor who has met
1151 the requirements and acquired a National Certified School
1152 Counselor (NCSC) endorsement from the National Board of Certified
1153 Counselors and who is employed by a local school board or the
1154 State Board of Education as a counselor and not as an
1155 administrator. Such licensed school counselor shall submit
1156 documentation to the State Department of Education that the
1157 endorsement was received prior to October 15 in order to be
1158 eligible for the full salary supplement in the current school
1159 year, or the licensed school counselor shall submit such
1160 documentation to the State Department of Education prior to
1161 February 15 in order to be eligible for a prorated salary
1162 supplement beginning with the second term of the school year.
1163 However, any school counselor who started the National Board for
1164 Professional Teaching Standards process for school counselors
1165 between June 1, 2003, and June 30, 2004, and completes the
1166 requirements and acquires the Master Teacher certificate shall be
1167 entitled to the master teacher supplement, and those counselors



1168 who complete the process shall be entitled to a one-time
1169 reimbursement for the actual cost of the process as outlined in
1170 paragraph (b) of this subsection.

1171 (iv) Any licensed speech-language pathologist and
1172 audiologist who has met the requirements and acquired a
1173 Certificate of Clinical Competence from the American
1174 Speech-Language-Hearing Association and any certified academic
1175 language therapist (CALT) who has met the certification
1176 requirements of the Academic Language Therapy Association and who
1177 is employed by a local school board or is employed by a state
1178 agency under the State Personnel Board. The licensed
1179 speech-language pathologist and audiologist and certified academic
1180 language therapist shall submit documentation to the State
1181 Department of Education that the certificate or endorsement was
1182 received before October 15 in order to be eligible for the full
1183 salary supplement in the current school year, or the licensed
1184 speech-language pathologist and audiologist and certified academic
1185 language therapist shall submit the documentation to the State
1186 Department of Education before February 15 in order to be eligible
1187 for a prorated salary supplement beginning with the second term of
1188 the school year. However, the total number of certified academic
1189 language therapists eligible for a salary supplement under this
1190 paragraph (iv) shall not exceed twenty (20).

1191 (b) An employee shall be reimbursed for the actual cost
1192 of completing each component of acquiring the certificate or



1193 endorsement, excluding any costs incurred for postgraduate
1194 courses, not to exceed Five Hundred Dollars (\$500.00) for each
1195 component, not to exceed four (4) components, for a teacher,
1196 school counselor or speech-language pathologist and audiologist,
1197 regardless of whether or not the process resulted in the award of
1198 the certificate or endorsement. A local school district or any
1199 private individual or entity may pay the cost of completing the
1200 process of acquiring the certificate or endorsement for any
1201 employee of the school district described under paragraph (a), and
1202 the State Department of Education shall reimburse the school
1203 district for such cost, regardless of whether or not the process
1204 resulted in the award of the certificate or endorsement. If a
1205 private individual or entity has paid the cost of completing the
1206 process of acquiring the certificate or endorsement for an
1207 employee, the local school district may agree to directly
1208 reimburse the individual or entity for such cost on behalf of the
1209 employee.

1210 (c) All salary supplements, fringe benefits and process
1211 reimbursement authorized under this subsection shall be paid
1212 directly by the State Department of Education to the local school
1213 district and shall be in addition to its minimum education program
1214 allotments and not a part thereof in accordance with regulations
1215 promulgated by the State Board of Education. Local school
1216 districts shall not reduce the local supplement paid to any
1217 employee receiving such salary supplement, and the employee shall



1218 receive any local supplement to which employees with similar
1219 training and experience otherwise are entitled. However, an
1220 educational employee shall receive the salary supplement in the
1221 amount of Six Thousand Dollars (\$6,000.00) for only one (1) of the
1222 qualifying certifications authorized under paragraph (a) of this
1223 subsection. No school district shall provide more than one (1)
1224 annual salary supplement under the provisions of this subsection
1225 to any one individual employee holding multiple qualifying
1226 national certifications.

1227 (d) If an employee for whom such cost has been paid, in
1228 full or in part, by a local school district or private individual
1229 or entity fails to complete the certification or endorsement
1230 process, the employee shall be liable to the school district or
1231 individual or entity for all amounts paid by the school district
1232 or individual or entity on behalf of that employee toward his or
1233 her certificate or endorsement.

1234 (3) The following employees shall receive an annual salary
1235 supplement in the amount of Four Thousand Dollars (\$4,000.00),
1236 plus fringe benefits, in addition to any other compensation to
1237 which the employee may be entitled:

1238 Effective July 1, 2016, if funds are available for that
1239 purpose, any licensed teacher who has met the requirements and
1240 acquired a Master Teacher Certificate from the National Board for
1241 Professional Teaching Standards and who is employed in a public
1242 school district located in one (1) of the following counties:



1243 Claiborne, Adams, Jefferson, Wilkinson, Amite, Bolivar, Coahoma,
1244 Leflore, Quitman, Sharkey, Issaquena, Sunflower and Washington.
1245 The salary supplement awarded under the provisions of this
1246 subsection (3) shall be in addition to the salary supplement
1247 awarded under the provisions of subsection (2) of this section.

1248 Teachers who meet the qualifications for a salary supplement
1249 under this subsection (3) who are assigned for less than one (1)
1250 full year or less than full time for the school year shall receive
1251 the salary supplement in a prorated manner, with the portion of
1252 the teacher's assignment to the critical geographic area to be
1253 determined as of June 15th of the school year.

1254 (4) (a) This section shall be known and may be cited as the
1255 "Mississippi Performance-Based Pay (MPBP)" plan. In addition to
1256 the minimum base pay described in this section, only after full
1257 funding of MAEP and if funds are available for that purpose, the
1258 State of Mississippi may provide monies from state funds to school
1259 districts for the purposes of rewarding certified teachers,
1260 administrators and nonlicensed personnel at individual schools
1261 showing improvement in student test scores. The MPBP plan shall
1262 be developed by the State Department of Education based on the
1263 following criteria:

1264 (i) It is the express intent of this legislation
1265 that the MPBP plan shall utilize only existing standards of
1266 accreditation and assessment as established by the State Board of
1267 Education.



1268 (ii) To ensure that all of Mississippi's teachers,
1269 administrators and nonlicensed personnel at all schools have equal
1270 access to the monies set aside in this section, the MPBP program
1271 shall be designed to calculate each school's performance as
1272 determined by the school's increase in scores from the prior
1273 school year. The MPBP program shall be based on a standardized
1274 scores rating where all levels of schools can be judged in a
1275 statistically fair and reasonable way upon implementation. At the
1276 end of each year, after all student achievement scores have been
1277 standardized, the State Department of Education shall implement
1278 the MPBP plan.

1279 (iii) To ensure all teachers cooperate in the
1280 spirit of teamwork, individual schools shall submit a plan to the
1281 local school district to be approved before the beginning of each
1282 school year beginning July 1, 2008. The plan shall include, but
1283 not be limited to, how all teachers, regardless of subject area,
1284 and administrators will be responsible for improving student
1285 achievement for their individual school.

1286 (b) The State Board of Education shall develop the
1287 processes and procedures for designating schools eligible to
1288 participate in the MPBP. State assessment results, growth in
1289 student achievement at individual schools and other measures
1290 deemed appropriate in designating successful student achievement
1291 shall be used in establishing MPBP criteria. The State Board of



1292 Education shall develop the MPBP policies and procedures and
1293 report to the Legislature and Governor by December 1, 2006.

1294 (5) (a) Beginning ~~***in with the ***2008-2009~~ 2019-2020
1295 school year through the 2022-2023 school years, if funds are
1296 available for ~~***that the purpose of the ***~~, ~~each school in~~
1297 Mississippi ~~***shall have mentor teachers~~ Teacher Leadership
1298 Program pilot, as ~~***defined by~~ established under Sections
1299 37-9-201 through 37-9-213, ~~***who~~ teachers who assumes a teacher
1300 leadership role while remaining in the classroom shall receive
1301 additional base compensation provided for by the State Legislature
1302 in the amount of ~~***One Thousand Dollars (\$1,000.00)~~ Two
1303 Thousand Dollars (\$2,000.00) per each beginning teacher that is
1304 being mentored. The additional state compensation shall be
1305 limited to those ~~***mentor teachers~~ teacher leaders that provide
1306 mentoring services to beginning teachers. For the purposes of
1307 such funding, a beginning teacher shall be defined as any teacher
1308 in any school in Mississippi that has less than one (1) year of
1309 classroom experience teaching in a public school. For the
1310 purposes of such funding, no full-time academic teacher shall
1311 mentor more than two (2) beginning teachers.

1312 (b) To be eligible for this ~~***state funding~~
1313 consideration, teachers serving in teacher leader
1314 capacities ~~***the individual school~~ must be employed in schools
1315 that have a classroom management program approved by the local
1316 school board.



1317 (6) Effective with the 2014-2015 school year, the school
1318 districts participating in the Pilot Performance-Based
1319 Compensation System pursuant to Section 37-19-9 may award
1320 additional teacher and administrator pay based thereon.

1321 **SECTION 11.** Section 37-106-35, Mississippi Code of 1972, is
1322 amended as follows:

1323 37-106-35. (1) There is established the Assistant Teacher
1324 Forgivable Loan Program for the purpose of assisting eligible
1325 assistant teachers and teacher's aides to become certificated
1326 teachers through the awarding of forgivable loans and to attract
1327 and retain qualified teachers * * * ~~for those geographical areas~~
1328 ~~of the state and academic subject areas in which there exist a~~
1329 ~~critical shortage of teachers.~~ The forgivable loan program shall
1330 be implemented and administered by the board and is subject to the
1331 availability of funds appropriated specifically therefor by the
1332 Legislature.

1333 (2) Under the Assistant Teacher Forgivable Loan Program,
1334 qualified assistant teachers and teacher's aides may be awarded
1335 financial assistance in an amount that is equal to the actual cost
1336 of * * * ~~three (3)~~ six (6) three-hour academic courses per year.

1337 * * * ~~However, no assistant teacher may receive assistance through~~
1338 ~~the program for more than fifteen (15) three-hour academic~~
1339 ~~courses.~~ An assistant teacher forgivable loan shall not be based
1340 upon an applicant's financial need, and the receipt of any other
1341 forgivable loan or financial assistance shall not affect an



1342 assistant teacher's or teacher's aide's eligibility under the
1343 program.

1344 (3) In order to qualify for an assistant teacher * * *
1345 forgivable loan, an applicant must satisfy the following
1346 requirements:

1347 (a) The applicant must be employed full-time as an
1348 assistant teacher or teacher's aide with a local school district;

1349 (b) The applicant must be accepted for enrollment at a
1350 baccalaureate degree-granting institution of higher learning in
1351 the State of Mississippi that is regionally accredited and
1352 approved by the board;

1353 (c) The assistant teacher or teacher's aide must
1354 maintain a minimum cumulative grade point average of * * *~~2.7~~ 2.75
1355 calculated on a 4.0 scale for all courses funded through the
1356 assistant teacher forgivable loan program; and

1357 (d) The assistant teacher or teacher's aide must have
1358 expressed in writing a present intention to teach in a critical
1359 teacher shortage geographic or academic subject area.

1360 (4) At the beginning of the school year next succeeding the
1361 date on which a person who has received an assistant teacher
1362 forgivable loan obtains a baccalaureate degree, that person shall
1363 begin to render service as a certificated teacher in a school
1364 district or academic subject area, or both, designated by the
1365 State Board of Education. The board shall establish by rule and
1366 regulation the duration of teaching service due for recipients of



1367 forgivable loans based upon the number of academic hours funded
1368 through the Assistant Teacher Forgivable Loan Program. Repayment
1369 and conversion terms shall be the same as those outlined in
1370 Section 37-106-53.

1371 **SECTION 12.** Section 37-149-1, Mississippi Code of 1972, is
1372 amended as follows:

1373 37-149-1. (1) There is established within the State
1374 Department of Education, the Mississippi Teacher Center for the
1375 purpose of insuring that the children of our state are taught by
1376 quality professionals. The center shall serve as an interagency
1377 center focused on teacher recruitment, enhanced training and
1378 initial instructional support.

1379 (2) The center shall have a staff which shall consist of one
1380 (1) director, one (1) administrative assistant and professional
1381 teacher recruiters. A steering committee shall be established
1382 which shall consist of one (1) member from each of the following:
1383 the Board of Trustees of State Institutions of Higher Learning,
1384 the Mississippi Community College Board, the State Board of
1385 Education, the Board of the Mississippi Association of Independent
1386 Colleges, the Board of the Mississippi Association of Colleges of
1387 Teacher Education, trustees of the local school boards, teachers
1388 and the private sector. The members of the steering committee
1389 shall be appointed by the state superintendent with the approval
1390 of the board. The steering committee shall direct the work and
1391 establish policies for the purpose of operating the center.



1392 (3) The center shall provide leadership for the following
1393 initiatives:

1394 (a) The initiation and monitoring of high school
1395 programs for teacher recruitment;

1396 (b) The initiation and monitoring of college level
1397 programs for teacher recruitment;

1398 (c) The establishment of a Beginning Teacher/Mentoring
1399 program, as authorized in Sections 37-9-201 through 37-9-213;

1400 (d) The sponsorship of a teacher renewal institute;

1401 (e) The continuation of the Teacher Corps program;

1402 (f) The enhancement of the William Winter Scholarship
1403 program;

1404 (g) Research for the development of professional
1405 teaching standards;

1406 (h) Provide additional scholarships for any targeted
1407 populations needing potential teachers; and

1408 (i) Provide assistance to local school districts in
1409 identifying and locating specific teacher needs.

1410 (4) * * *~~(a)~~ The Legislature recognizes that a highly
1411 qualified teacher in every public classroom in this state is
1412 fundamental to a quality education. The Legislature also
1413 recognizes that Mississippi has a serious shortage of qualified
1414 teachers to serve in the public schools of this state and that it
1415 has a responsibility to enact public policy in an effort to remedy
1416 that shortage of qualified teachers.



1417 (* * *~~b~~5) (a) There is hereby established * * *~~a~~ the
1418 Mississippi "Troops to Teachers" * * *~~pilot~~ Scholarship
1419 Program * * *~~in the State Department of Education to assist in the~~
1420 ~~recruitment, licensure, referral, placement and compensation of~~
1421 ~~military personnel interested in beginning~~ to specifically assist
1422 former military personnel in completing the teacher certification
1423 process in order to teach in an elementary, secondary, vocational
1424 or career-technical school in the State of Mississippi and begin a
1425 second career in public education as a teacher. Individuals who
1426 wish to be considered for the Mississippi "Troops to Teachers"
1427 Scholarship Program must adhere to the requirements specified by
1428 the national "Troop to Teachers" program and the Mississippi
1429 Standard License-Nontraditional Teacher Route certification
1430 process as an alternate path to quality teaching certification,
1431 which shall include a one-year mentoring program conducted by the
1432 local school district, as authorized under Section 37-9-201
1433 through 37-9-213. The Teacher Center in the State Department of
1434 Education shall collaborate with the national "Troops to Teachers"
1435 program to establish the criteria and procedures for allocation of
1436 funds provided by the federal government to administer
1437 the * * *~~pilot~~ scholarship program to ensure the most effective
1438 placement of such teachers around the state taking into
1439 consideration the degree of teacher shortage in each school
1440 district.



1441 (b) For each eligible individual authorized under
1442 paragraph (a) of this subsection who meet the requirements of the
1443 Mississippi Standard License-Nontraditional Teacher Route
1444 certification process as an alternate path to quality teaching
1445 certification, the Mississippi Teacher Center shall reimburse the
1446 actual cost of the Praxis Core Academic Skills for Educators
1447 Examination and Praxis II examination for the first administration
1448 of each examination.

1449 (c) For fiscal year 2020, and each fiscal year
1450 thereafter, the Legislature shall appropriate an additional Two
1451 Hundred Thousand Dollars (\$200,000.00) to the State Department of
1452 Education for the purpose of providing scholarships under the
1453 program established in this subsection. The funds * * *necessary
1454 appropriated for the support of * * *~~this pilot~~ the scholarship
1455 program * * *~~which~~ will not supplant federal funds provided for
1456 that purpose. The Office of the Governor shall transfer any
1457 federal funds provided for the Mississippi "Troops to Teachers"
1458 Scholarship Program to the State Department of Education for the
1459 administration of this program. Any unexpended amounts and
1460 interests generated therefrom remaining in the scholarship fund at
1461 the end of the fiscal year shall not lapse into the State General
1462 Fund, but shall remain inviolate to the credit of the State
1463 Department of Education and carried forward for the same purposes
1464 in succeeding fiscal years.



1465 * * * ~~_____ (d) The Department of Education shall report to~~
1466 ~~the Legislature no later than January 1, 2009, on the status of~~
1467 ~~the implementation of the Mississippi "Troops to Teachers" program~~
1468 ~~and the need for its continuation.~~

1469 (6) (a) There is hereby established the Expert Citizen to
1470 Teacher Scholarship Program to specifically assist personnel of
1471 the business, professional and noneducator communities in
1472 completing the teacher certification process in order to teach in
1473 an elementary, secondary, vocational or career-technical school in
1474 the State of Mississippi and begin a second career in public
1475 education as a teacher. Individuals who wish to be considered for
1476 the program must adhere to the requirements specified by the
1477 Mississippi Standard License-Nontraditional Teacher Route
1478 certification process as an alternate path to quality teaching
1479 certification, which shall include a one-year mentoring program
1480 conducted by the local school district, as authorized under
1481 Section 37-9-201 through 37-9-213.

1482 (b) For each eligible individual authorized under
1483 paragraph (a) of this subsection who meet the requirements of the
1484 Mississippi Standard License-Nontraditional Teacher Route
1485 certification process as an alternate path to quality teaching
1486 certification, the Mississippi Teacher Center shall reimburse the
1487 actual cost of the Praxis Core Academic Skills for Educators
1488 Examination and Praxis II examination for the first administration
1489 of each examination.



1490 (c) For fiscal year 2020, and each fiscal year
1491 thereafter, the Legislature shall appropriate an additional Two
1492 Hundred Thousand Dollars (\$200,000.00) to the State Department of
1493 Education for the purpose of providing scholarships under the
1494 program established in this subsection. Any unexpended amounts
1495 and interests generated therefrom remaining in the scholarship
1496 fund at the end of the fiscal year shall not lapse into the State
1497 General Fund, but shall remain inviolate to the credit of the
1498 State Department of Education and carried forward for the same
1499 purposes in succeeding fiscal years.

1500 **SECTION 13.** Section 37-159-9, Mississippi Code of 1972, is
1501 amended as follows:

1502 37-159-9. (1) There is established the University Assisted
1503 Teacher Recruitment and Retention Grant Program within the State
1504 Department of Education. The purposes of the program shall be to
1505 attract additional qualified teachers to those geographical areas
1506 of the state where there exists a critical shortage of teachers
1507 and to retain the qualified teachers already serving as licensed
1508 teachers in geographical critical teacher shortage areas by making
1509 available scholarships to persons working towards a Master of
1510 Education degree or an Educational Specialist degree at an
1511 institution of higher learning whose teacher education program is
1512 approved by the State Board of Education.

1513 (2) Any institution of higher learning in the State of
1514 Mississippi which offers a Master of Education degree or an



1515 Educational Specialist degree may apply to the department for
1516 participation in the program. As part of the program,
1517 participating institutions shall collaborate with the Mississippi
1518 Teacher Center to identify, recruit and place teacher education
1519 graduates, from both within the state and out of state, in school
1520 districts situated within those areas of the state where there
1521 exists a critical shortage of teachers, as designated by the State
1522 Board of Education.

1523 (3) There is established the Mississippi Classified School
1524 Employee Teacher Credentialing and Retention Grant Program within
1525 the State Department of Education. The purposes of the program
1526 shall be to attract additional qualified teachers to those
1527 geographical areas of the state where there exists a critical
1528 shortage of teachers and to grow persons already serving as
1529 assistant teachers or paraprofessionals in geographical critical
1530 teacher shortage areas by making available scholarships towards
1531 earning a bachelor of education degree at any institution of
1532 higher learning in the State of Mississippi, whether public or
1533 private, which has its teacher education program approved by the
1534 State Board of Education.

1535 (4) Any institution of higher learning in the State of
1536 Mississippi, whether public or private, which offers a Bachelor
1537 of Education degree, may apply to the department for participation
1538 in the program described in subsection (3) of this section. As
1539 part of the program, participating institutions of higher learning



1540 shall collaborate with the Mississippi Teacher Center to identify,
1541 recruit and place teacher education graduates, from within the
1542 state, in school districts situated within those areas of the
1543 state where there exists a critical shortage of teachers, as
1544 designated by the State Board of Education.

1545 (* * *35) The State Department of Education shall provide
1546 funds to participating institutions of higher learning for the
1547 purpose of awarding scholarships to qualified persons pursuing a
1548 Master of Education degree or an Educational Specialist degree
1549 under subsections (1) and (2) of this section, and to qualified
1550 persons pursuing a bachelor of education degree under subsections
1551 (3) and (4) of this section, at such institutions while rendering
1552 service to the state as a licensed teacher in a school district in
1553 a geographical area of the state where there exists a critical
1554 shortage of teachers, as approved by the State Board of Education.
1555 The financial scholarship shall be applied to the total cost for
1556 tuition, books, materials and fees at the institution in which the
1557 student is enrolled, not to exceed an amount equal to the highest
1558 total cost of tuition, books, materials and fees assessed by a
1559 state institution of higher learning during that school year.
1560 Teachers who relocate within Mississippi from out of state in
1561 order to participate in the programs shall be classified as
1562 residents of the state for tuition purposes.

1563 (* * *46) Students awarded financial scholarships under the
1564 University Assisted Teacher Recruitment and Retention Grant



1565 Program and the Mississippi Classified School Employee Teacher
1566 Credentialing and Retention Grant Program may receive such awards
1567 for a maximum of four (4) school years; however, the maximum
1568 number of awards which may be made shall not exceed the length of
1569 time required to complete the number of academic hours necessary
1570 to obtain a bachelor of education degree, master of education
1571 degree or an educational specialist degree, respective to the
1572 program in which the student is a participant. Financial
1573 scholarships under the programs shall not be based upon an
1574 applicant's eligibility for financial aid.

1575 (* * *57) Persons relocating to a geographical area of the
1576 state where there exists a critical shortage of teachers, as
1577 approved by the State Board of Education, to participate in the
1578 University Assisted Teacher Recruitment and Retention Grant
1579 Program and the Mississippi Classified School Employee Teacher
1580 Credentialing and Retention Grant Program shall be eligible for
1581 reimbursement for their moving expenses to the critical teacher
1582 shortage area from the State Board of Education. The State Board
1583 of Education shall promulgate rules and regulations necessary for
1584 the administration of the relocation expense reimbursement
1585 component of the University Assisted Teacher Recruitment and
1586 Retention Grant Program and the Mississippi Classified School
1587 Employee Teacher Credentialing and Retention Grant Program.

1588 (* * *68) Subject to the availability of funds, the State
1589 Board of Education may provide for professional development and



1590 support services as may be necessary for the retention of teachers
1591 participating in the programs in those geographical areas of the
1592 state where there exists a critical shortage of teachers.

1593 (* * *79) Any person participating in the programs who
1594 fails to complete a program of study that will enable that person
1595 to obtain a bachelor of education degree, master of education
1596 degree or educational specialist degree shall become liable
1597 immediately to the State Board of Education for the sum of all
1598 awards made to that person under the programs, plus interest
1599 accruing at the current Stafford Loan rate at the time the person
1600 abrogates his participation in the programs.

1601 (* * *810) (a) As a condition for participation in the
1602 programs, a teacher, assistant teacher or paraprofessional shall
1603 agree to employment as a licensed teacher in a school district
1604 located in a geographical area of the state where there exists a
1605 critical shortage of teachers, as designated by the State Board of
1606 Education * * *—:

1607 (i) For licensed teachers, for a period of not
1608 less than three (3) years, which shall include those years of
1609 service rendered while obtaining the master of education degree or
1610 educational specialist degree;

1611 (ii) For assistant teachers and paraprofessionals,
1612 for a period of not less than three (3) years after obtaining the
1613 bachelor of education degree * * *—; and



1614 (iii) * * *~~However,~~ For any person who obtained a
1615 baccalaureate degree in education with a financial scholarship
1616 under the Critical Needs Teacher Scholarship Program and who
1617 entered the University Assisted Teacher Recruitment and Retention
1618 Grant Program before rendering service as a teacher, the period of
1619 employment for the purposes of this subsection shall be two (2)
1620 years, in addition to the employment commitment required under the
1621 Critical Needs Teacher Scholarship Program.

1622 (b) Service rendered by a participant as a licensed
1623 teacher in a school district in a geographical critical teacher
1624 shortage area before that teacher becomes a participant in the
1625 program may not be considered to fulfill the employment commitment
1626 required under this subsection. Any person failing to comply with
1627 this employment commitment in any required school year shall
1628 immediately be in breach of contract and become liable immediately
1629 to the State Department of Education for the sum of all
1630 scholarships awarded and relocation expenses granted to that
1631 person, less one-third (1/3) of the amount of that sum for each
1632 year that service was rendered, or for those persons whose
1633 required period of employment is two (2) years, less one-half
1634 (1/2) of the amount of that sum for each year that service was
1635 rendered, plus interest accruing at the current Stafford Loan rate
1636 at the time the breach occurs, except in the case of a deferral
1637 for cause by the State Board of Education when there is no
1638 employment position immediately available upon the teacher's



1639 obtaining of the bachelor of education degree, master of education
1640 degree or educational specialist degree. After the period of such
1641 deferral, the person shall begin or resume the required teaching
1642 duties or shall become liable to the board under this subsection.
1643 If a claim for repayment under this subsection is placed in the
1644 hands of an attorney for collection after default, then the
1645 obligor shall be liable for an additional amount equal to a
1646 reasonable attorney's fee.

1647 (* * *911) All funds received by the State Department of
1648 Education from the repayment of scholarship awards and relocation
1649 expenses by program participants shall be deposited in the
1650 Mississippi Critical Teacher Shortage Fund.

1651 (* * *1012) The State Board of Education shall promulgate
1652 rules and regulations necessary for the proper administration of
1653 the University Assisted Teacher Recruitment and Retention Grant
1654 Program and the Mississippi Classified School Employee Teacher
1655 Credentialing and Retention Grant Program.

1656 This section shall stand repealed on July 1, * * *~~2020~~ 2024.

1657 **SECTION 14.** The following shall be codified as Section
1658 25-11-126, Mississippi Code of 1972:

1659 25-11-126. (1) Any person who has at least twenty-five (25)
1660 years of creditable service, who was employed as a public
1661 schoolteacher at the time of his or her retirement and who has
1662 been retired and receiving a retirement allowance for at least one
1663 (1) year, may be employed as a teacher in a public school district



1664 located in a geographic area of the state designated as a critical
1665 teacher shortage area by the State Board of Education after
1666 retirement, and choose to continue receiving the retirement
1667 allowance under this article during his or her employment as a
1668 teacher after retirement in addition to receiving the salary
1669 authorized under Section 37-19-7 for teachers with zero to three
1670 (3) years of teaching experience with a Class A certification for
1671 the duration of his or her post-retirement reemployment.

1672 (2) (a) The retired teacher may be employed as a teacher,
1673 continue receiving his or her retirement allowance and be a
1674 contributing member of the system without accruing additional
1675 retirement benefits. This method is designed specifically to
1676 provide funding for the system to actuarially offset any pension
1677 liability by providing the employer contribution plus three
1678 percent (3%) of earned compensation as the employee contribution
1679 of employees hired under the authority of this section.

1680 (b) The State Department of Education shall transfer to
1681 the system the Mississippi Adequate Education Program funds of
1682 local school districts that on or after July 1, 2018, hire retired
1683 members as teachers under this section and other funds that
1684 otherwise would have been payable to the districts if the
1685 districts had not taken advantage of this section. The crediting
1686 of assets and financing shall follow the provisions of Section
1687 25-11-123.



1688 (c) Local educational agencies shall transfer to the
1689 system Mississippi Adequate Education Program funds of local
1690 school districts that on or after July 1, 2018, hire retired
1691 members as teachers under this section and other funds that
1692 otherwise would have been payable to the districts if the
1693 districts had not taken advantage of this section. The crediting
1694 of assets and financing must follow the provisions of Section
1695 25-11-123.

1696 (3) A person may be hired under this section subject to the
1697 following conditions:

1698 (a) The retired member holds any teacher's professional
1699 license or certificate as may be required in Section 37-3-2.

1700 (b) The superintendent of schools of the employing
1701 school district certifies in writing to the State Department of
1702 Education that the retired member has the requisite experience,
1703 training and expertise for the position to be filled and that no
1704 other qualified persons are available to fill the position.

1705 (c) The superintendent of schools of the district
1706 certifies or the principal of the school certifies that there was
1707 no preexisting arrangement for the person to be hired.

1708 (d) The person had a satisfactory performance review
1709 for the most recent period before retirement.

1710 (4) The State Superintendent of Public Education shall
1711 report the persons who are employed under this section to the
1712 Executive Director of the Public Employees' Retirement System.



1713 **SECTION 15.** Section 25-11-105, Mississippi Code of 1972, is
1714 brought forward as follows:

1715 25-11-105. **I. THOSE WHO ARE ELIGIBLE FOR MEMBERSHIP**

1716 The membership of this retirement system shall be composed as
1717 follows:

1718 (a) (i) All persons who become employees in the state
1719 service after January 31, 1953, and whose wages are subject to
1720 payroll taxes and are lawfully reported on IRS Form W-2, except
1721 those specifically excluded, or as to whom election is provided in
1722 Articles 1 and 3, shall become members of the retirement system as
1723 a condition of their employment.

1724 (ii) From and after July 1, 2002, any individual
1725 who is employed by a governmental entity to perform professional
1726 services shall become a member of the system if the individual is
1727 paid regular periodic compensation for those services that is
1728 subject to payroll taxes, is provided all other employee benefits
1729 and meets the membership criteria established by the regulations
1730 adopted by the board of trustees that apply to all other members
1731 of the system; however, any active member employed in such a
1732 position on July 1, 2002, will continue to be an active member for
1733 as long as they are employed in any such position.

1734 (b) All persons who become employees in the state
1735 service after January 31, 1953, except those specifically excluded
1736 or as to whom election is provided in Articles 1 and 3, unless
1737 they file with the board before the lapse of sixty (60) days of



1738 employment or sixty (60) days after the effective date of the
1739 cited articles, whichever is later, on a form prescribed by the
1740 board, a notice of election not to be covered by the membership of
1741 the retirement system and a duly executed waiver of all present
1742 and prospective benefits that would otherwise inure to them on
1743 account of their participation in the system, shall become members
1744 of the retirement system; however, no credit for prior service
1745 will be granted to members who became members of the system before
1746 July 1, 2007, until they have contributed to Article 3 of the
1747 retirement system for a minimum period of at least four (4) years,
1748 or to members who became members of the system on or after July 1,
1749 2007, until they have contributed to Article 3 of the retirement
1750 system for a minimum period of at least eight (8) years. Those
1751 members shall receive credit for services performed before January
1752 1, 1953, in employment now covered by Article 3, but no credit
1753 shall be granted for retroactive services between January 1, 1953,
1754 and the date of their entry into the retirement system, unless the
1755 employee pays into the retirement system both the employer's and
1756 the employee's contributions on wages paid him during the period
1757 from January 31, 1953, to the date of his becoming a contributing
1758 member, together with interest at the rate determined by the board
1759 of trustees. Members reentering after withdrawal from service
1760 shall qualify for prior service under the provisions of Section
1761 25-11-117. From and after July 1, 1998, upon eligibility as noted



1762 above, the member may receive credit for such retroactive service
1763 provided:

1764 (i) The member shall furnish proof satisfactory to
1765 the board of trustees of certification of that service from the
1766 covered employer where the services were performed; and

1767 (ii) The member shall pay to the retirement system
1768 on the date he or she is eligible for that credit or at any time
1769 thereafter before the date of retirement the actuarial cost for
1770 each year of that creditable service. The provisions of this
1771 subparagraph (ii) shall be subject to the limitations of Section
1772 415 of the Internal Revenue Code and regulations promulgated under
1773 Section 415.

1774 Nothing contained in this paragraph (b) shall be construed to
1775 limit the authority of the board to allow the correction of
1776 reporting errors or omissions based on the payment of the employee
1777 and employer contributions plus applicable interest.

1778 (c) All persons who become employees in the state
1779 service after January 31, 1953, and who are eligible for
1780 membership in any other retirement system shall become members of
1781 this retirement system as a condition of their employment, unless
1782 they elect at the time of their employment to become a member of
1783 that other system.

1784 (d) All persons who are employees in the state service
1785 on January 31, 1953, and who are members of any nonfunded
1786 retirement system operated by the State of Mississippi, or any of



1787 its departments or agencies, shall become members of this system
1788 with prior service credit unless, before February 1, 1953, they
1789 file a written notice with the board of trustees that they do not
1790 elect to become members.

1791 (e) All persons who are employees in the state service
1792 on January 31, 1953, and who under existing laws are members of
1793 any fund operated for the retirement of employees by the State of
1794 Mississippi, or any of its departments or agencies, shall not be
1795 entitled to membership in this retirement system unless, before
1796 February 1, 1953, any such person indicates by a notice filed with
1797 the board, on a form prescribed by the board, his individual
1798 election and choice to participate in this system, but no such
1799 person shall receive prior service credit unless he becomes a
1800 member on or before February 1, 1953.

1801 (f) Each political subdivision of the state and each
1802 instrumentality of the state or a political subdivision, or both,
1803 is authorized to submit, for approval by the board of trustees, a
1804 plan for extending the benefits of this article to employees of
1805 any such political subdivision or instrumentality. Each such plan
1806 or any amendment to the plan for extending benefits thereof shall
1807 be approved by the board of trustees if it finds that the plan, or
1808 the plan as amended, is in conformity with such requirements as
1809 are provided in Articles 1 and 3; however, upon approval of the
1810 plan or any such plan previously approved by the board of
1811 trustees, the approved plan shall not be subject to cancellation



1812 or termination by the political subdivision or instrumentality.

1813 No such plan shall be approved unless:

1814 (i) It provides that all services that constitute
1815 employment as defined in Section 25-11-5 and are performed in the
1816 employ of the political subdivision or instrumentality, by any
1817 employees thereof, shall be covered by the plan, with the
1818 exception of municipal employees who are already covered by
1819 existing retirement plans; however, those employees in this class
1820 may elect to come under the provisions of this article;

1821 (ii) It specifies the source or sources from which
1822 the funds necessary to make the payments required by paragraph (d)
1823 of Section 25-11-123 and of paragraph (f) (v)2 and 3 of this
1824 section are expected to be derived and contains reasonable
1825 assurance that those sources will be adequate for that purpose;

1826 (iii) It provides for such methods of
1827 administration of the plan by the political subdivision or
1828 instrumentality as are found by the board of trustees to be
1829 necessary for the proper and efficient administration thereof;

1830 (iv) It provides that the political subdivision or
1831 instrumentality will make such reports, in such form and
1832 containing such information, as the board of trustees may from
1833 time to time require;

1834 (v) It authorizes the board of trustees to
1835 terminate the plan in its entirety in the discretion of the board
1836 if it finds that there has been a failure to comply substantially



1837 with any provision contained in the plan, the termination to take
1838 effect at the expiration of such notice and on such conditions as
1839 may be provided by regulations of the board and as may be
1840 consistent with applicable federal law.

1841 1. The board of trustees shall not finally
1842 refuse to approve a plan submitted under paragraph (f), and shall
1843 not terminate an approved plan without reasonable notice and
1844 opportunity for hearing to each political subdivision or
1845 instrumentality affected by the board's decision. The board's
1846 decision in any such case shall be final, conclusive and binding
1847 unless an appeal is taken by the political subdivision or
1848 instrumentality aggrieved by the decision to the Circuit Court of
1849 the First Judicial District of Hinds County, Mississippi, in
1850 accordance with the provisions of law with respect to civil causes
1851 by certiorari.

1852 2. Each political subdivision or
1853 instrumentality as to which a plan has been approved under this
1854 section shall pay into the contribution fund, with respect to
1855 wages (as defined in Section 25-11-5), at such time or times as
1856 the board of trustees may by regulation prescribe, contributions
1857 in the amounts and at the rates specified in the applicable
1858 agreement entered into by the board.

1859 3. Every political subdivision or
1860 instrumentality required to make payments under paragraph (f)(v)2
1861 of this section is authorized, in consideration of the employees'



1862 retention in or entry upon employment after enactment of Articles
1863 1 and 3, to impose upon its employees, as to services that are
1864 covered by an approved plan, a contribution with respect to wages
1865 (as defined in Section 25-11-5) not exceeding the amount provided
1866 in Section 25-11-123(d) if those services constituted employment
1867 within the meaning of Articles 1 and 3, and to deduct the amount
1868 of the contribution from the wages as and when paid.

1869 Contributions so collected shall be paid into the contribution
1870 fund as partial discharge of the liability of the political
1871 subdivisions or instrumentalities under paragraph (f)(v)2 of this
1872 section. Failure to deduct the contribution shall not relieve the
1873 employee or employer of liability for the contribution.

1874 4. Any state agency, school, political
1875 subdivision, instrumentality or any employer that is required to
1876 submit contribution payments or wage reports under any section of
1877 this chapter shall be assessed interest on delinquent payments or
1878 wage reports as determined by the board of trustees in accordance
1879 with rules and regulations adopted by the board and delinquent
1880 payments, assessed interest and any other amount certified by the
1881 board as owed by an employer, may be recovered by action in a
1882 court of competent jurisdiction against the reporting agency
1883 liable therefor or may, upon due certification of delinquency and
1884 at the request of the board of trustees, be deducted from any
1885 other monies payable to the reporting agency by any department or
1886 agency of the state.



1887 5. Each political subdivision of the state
1888 and each instrumentality of the state or a political subdivision
1889 or subdivisions that submit a plan for approval of the board, as
1890 provided in this section, shall reimburse the board for coverage
1891 into the expense account, its pro rata share of the total expense
1892 of administering Articles 1 and 3 as provided by regulations of
1893 the board.

1894 (g) The board may, in its discretion, deny the right of
1895 membership in this system to any class of employees whose
1896 compensation is only partly paid by the state or who are occupying
1897 positions on a part-time or intermittent basis. The board may, in
1898 its discretion, make optional with employees in any such classes
1899 their individual entrance into this system.

1900 (h) An employee whose membership in this system is
1901 contingent on his own election, and who elects not to become a
1902 member, may thereafter apply for and be admitted to membership;
1903 but no such employee shall receive prior service credit unless he
1904 becomes a member before July 1, 1953, except as provided in
1905 paragraph (b).

1906 (i) If any member of this system changes his employment
1907 to any agency of the state having an actuarially funded retirement
1908 system, the board of trustees may authorize the transfer of the
1909 member's creditable service and of the present value of the
1910 member's employer's accumulation account and of the present value
1911 of the member's accumulated membership contributions to that other



1912 system, provided that the employee agrees to the transfer of his
1913 accumulated membership contributions and provided that the other
1914 system is authorized to receive and agrees to make the transfer.

1915 If any member of any other actuarially funded system
1916 maintained by an agency of the state changes his employment to an
1917 agency covered by this system, the board of trustees may authorize
1918 the receipt of the transfer of the member's creditable service and
1919 of the present value of the member's employer's accumulation
1920 account and of the present value of the member's accumulated
1921 membership contributions from the other system, provided that the
1922 employee agrees to the transfer of his accumulated membership
1923 contributions to this system and provided that the other system is
1924 authorized and agrees to make the transfer.

1925 (j) Wherever state employment is referred to in this
1926 section, it includes joint employment by state and federal
1927 agencies of all kinds.

1928 (k) Employees of a political subdivision or
1929 instrumentality who were employed by the political subdivision or
1930 instrumentality before an agreement between the entity and the
1931 Public Employees' Retirement System to extend the benefits of this
1932 article to its employees, and which agreement provides for the
1933 establishment of retroactive service credit, and who became
1934 members of the retirement system before July 1, 2007, and have
1935 remained contributors to the retirement system for four (4) years,
1936 or who became members of the retirement system on or after July 1,



1937 2007, and have remained contributors to the retirement system for
1938 eight (8) years, may receive credit for that retroactive service
1939 with the political subdivision or instrumentality, provided that
1940 the employee and/or employer, as provided under the terms of the
1941 modification of the joinder agreement in allowing that coverage,
1942 pay into the retirement system the employer's and employee's
1943 contributions on wages paid the member during the previous
1944 employment, together with interest or actuarial cost as determined
1945 by the board covering the period from the date the service was
1946 rendered until the payment for the credit for the service was
1947 made. Those wages shall be verified by the Social Security
1948 Administration or employer payroll records. Effective July 1,
1949 1998, upon eligibility as noted above, a member may receive credit
1950 for that retroactive service with the political subdivision or
1951 instrumentality provided:

1952 (i) The member shall furnish proof satisfactory to
1953 the board of trustees of certification of those services from the
1954 political subdivision or instrumentality where the services were
1955 rendered or verification by the Social Security Administration;
1956 and

1957 (ii) The member shall pay to the retirement system
1958 on the date he or she is eligible for that credit or at any time
1959 thereafter before the date of retirement the actuarial cost for
1960 each year of that creditable service. The provisions of this
1961 subparagraph (ii) shall be subject to the limitations of Section



1962 415 of the Internal Revenue Code and regulations promulgated under
1963 Section 415.

1964 Nothing contained in this paragraph (k) shall be construed to
1965 limit the authority of the board to allow the correction of
1966 reporting errors or omissions based on the payment of employee and
1967 employer contributions plus applicable interest. Payment for that
1968 time shall be made beginning with the most recent service. Upon
1969 the payment of all or part of the required contributions, plus
1970 interest or the actuarial cost as provided above, the member shall
1971 receive credit for the period of creditable service for which full
1972 payment has been made to the retirement system.

1973 (1) Through June 30, 1998, any state service eligible
1974 for retroactive service credit, no part of which has ever been
1975 reported, and requiring the payment of employee and employer
1976 contributions plus interest, or, from and after July 1, 1998, any
1977 state service eligible for retroactive service credit, no part of
1978 which has ever been reported to the retirement system, and
1979 requiring the payment of the actuarial cost for that creditable
1980 service, may, at the member's option, be purchased in quarterly
1981 increments as provided above at the time that its purchase is
1982 otherwise allowed.

1983 (m) All rights to purchase retroactive service credit
1984 or repay a refund as provided in Section 25-11-101 et seq. shall
1985 terminate upon retirement.

1986 **II. THOSE WHO ARE NOT ELIGIBLE FOR MEMBERSHIP**



1987 The following classes of employees and officers shall not
1988 become members of this retirement system, any other provisions of
1989 Articles 1 and 3 to the contrary notwithstanding:

1990 (a) Patient or inmate help in state charitable, penal
1991 or correctional institutions;

1992 (b) Students of any state educational institution
1993 employed by any agency of the state for temporary, part-time or
1994 intermittent work;

1995 (c) Participants of Comprehensive Employment and
1996 Training Act of 1973 (CETA) being Public Law 93-203, who enroll on
1997 or after July 1, 1979;

1998 (d) From and after July 1, 2002, individuals who are
1999 employed by a governmental entity to perform professional service
2000 on less than a full-time basis who do not meet the criteria
2001 established in I(a)(ii) of this section.

2002 **III. TERMINATION OF MEMBERSHIP**

2003 Membership in this system shall cease by a member withdrawing
2004 his accumulated contributions, or by a member withdrawing from
2005 active service with a retirement allowance, or by a member's
2006 death.

2007 **SECTION 16.** Section 25-11-123, Mississippi Code of 1972, is
2008 amended as follows:

2009 25-11-123. All of the assets of the system shall be credited
2010 according to the purpose for which they are held to one (1) of
2011 four (4) reserves; namely, the annuity savings account, the



2012 annuity reserve, the employer's accumulation account, and the
2013 expense account.

2014 (a) **Annuity savings account.** In the annuity savings account
2015 shall be accumulated the contributions made by members to provide
2016 for their annuities, including interest thereon which shall be
2017 posted monthly. Credits to and charges against the annuity
2018 savings account shall be made as follows:

2019 (1) Beginning July 1, 2010, except as otherwise
2020 provided by Section 25-11-126, the employer shall cause to be
2021 deducted from the salary of each member on each and every payroll
2022 of the employer for each and every payroll period nine percent
2023 (9%) of earned compensation as defined in Section 25-11-103.
2024 Future contributions shall be fixed biennially by the board on the
2025 basis of the liabilities of the retirement system for the various
2026 allowances and benefits as shown by actuarial valuation; however,
2027 any member earning at a rate less than Sixteen Dollars and
2028 Sixty-seven Cents (\$16.67) per month, or Two Hundred Dollars
2029 (\$200.00) per year, shall contribute not less than One Dollar
2030 (\$1.00) per month, or Twelve Dollars (\$12.00) per year.

2031 (2) The deductions provided in paragraph (1) of this
2032 subsection shall be made notwithstanding that the minimum
2033 compensation provided by law for any member is reduced by the
2034 deduction. Every member shall be deemed to consent and agree to
2035 the deductions made and provided for in paragraph (1) of this
2036 subsection and shall receipt for his full salary or compensation,



2037 and payment of salary or compensation less the deduction shall be
2038 a full and complete discharge and acquittance of all claims and
2039 demands whatsoever for the services rendered by the person during
2040 the period covered by the payment, except as to the benefits
2041 provided under Articles 1 and 3. The board shall provide by rules
2042 for the methods of collection of contributions from members and
2043 the employer. The board shall have full authority to require the
2044 production of evidence necessary to verify the correctness of
2045 amounts contributed.

2046 (b) **Annuity reserve.** The annuity reserve shall be the
2047 account representing the actuarial value of all annuities in
2048 force, and to it shall be charged all annuities and all benefits
2049 in lieu of annuities, payable as provided in this article. If a
2050 beneficiary retired on account of disability is restored to active
2051 service with a compensation not less than his average final
2052 compensation at the time of his last retirement, the remainder of
2053 his contributions shall be transferred from the annuity reserve to
2054 the annuity savings account and credited to his individual account
2055 therein, and the balance of his annuity reserve shall be
2056 transferred to the employer's accumulation account.

2057 (c) **Employer's accumulation account.** The employer's
2058 accumulation account shall represent the accumulation of all
2059 reserves for the payment of all retirement allowances and other
2060 benefits payable from contributions made by the employer, and
2061 against this account shall be charged all retirement allowances



2062 and other benefits on account of members. Credits to and charges
2063 against the employer's accumulation account shall be made as
2064 follows:

2065 (1) On account of each member there shall be paid
2066 monthly into the employer's accumulation account by the employers
2067 for the preceding fiscal year an amount equal to a certain
2068 percentage of the total earned compensation, as defined in Section
2069 25-11-103, of each member. The percentage rate of those
2070 contributions shall be fixed biennially by the board on the basis
2071 of the liabilities of the retirement system for the various
2072 allowances and benefits as shown by actuarial valuation.
2073 Beginning January 1, 1990, the rate shall be fixed at nine and
2074 three-fourths percent (9-3/4%). The board shall reduce the
2075 employer's contribution rate by one percent (1%) from and after
2076 July 1 of the year following the year in which the board
2077 determines and the board's actuary certifies that the employer's
2078 contribution rate can be reduced by that amount without causing
2079 the unfunded accrued actuarial liability amortization period for
2080 the retirement system to exceed twenty (20) years. Political
2081 subdivisions joining Article 3 of the Public Employees' Retirement
2082 System after July 1, 1968, may adjust the employer's contributions
2083 by agreement with the Board of Trustees of the Public Employees'
2084 Retirement System to provide service credits for any period before
2085 execution of the agreement based upon an actuarial determination
2086 of employer's contribution rates.



2087 (2) On the basis of regular interest and of such
2088 mortality and other tables as are adopted by the board of
2089 trustees, the actuary engaged by the board to make each valuation
2090 required by this article during the period over which the accrued
2091 liability contribution is payable, immediately after making that
2092 valuation, shall determine the uniform and constant percentage of
2093 the earnable compensation of each member which, if contributed by
2094 the employer on the basis of compensation of the member throughout
2095 his entire period of membership service, would be sufficient to
2096 provide for the payment of any retirement allowance payable on his
2097 account for that service. The percentage rate so determined shall
2098 be known as the "normal contribution rate." After the accrued
2099 liability contribution has ceased to be payable, the normal
2100 contribution rate shall be the percentage rate of the salary of
2101 all members obtained by deducting from the total liabilities on
2102 account of membership service the amount in the employer's
2103 accumulation account, and dividing the remainder by one percent
2104 (1%) of the present value of the prospective future salaries of
2105 all members as computed on the basis of the mortality and service
2106 tables adopted by the board of trustees and regular interest. The
2107 normal rate of contributions shall be determined by the actuary
2108 after each valuation.

2109 (3) The total amount payable in each year to the
2110 employer's accumulation account shall not be less than the sum of
2111 the percentage rate known as the "normal contribution rate" and



2112 the "accrued liability contribution rate" of the total
2113 compensation earnable by all members during the preceding year,
2114 provided that the payment by the employer shall be sufficient,
2115 when combined with the amounts in the account, to provide the
2116 allowances and other benefits chargeable to this account during
2117 the year then current.

2118 (4) The accrued liability contribution shall be
2119 discontinued as soon as the accumulated balance in the employer's
2120 accumulation account shall equal the present value, computed on
2121 the basis of the normal contribution rate then in force, or the
2122 prospective normal contributions to be received on account of all
2123 persons who are at that time members.

2124 (5) All allowances and benefits in lieu thereof, with
2125 the exception of those payable on account of members who receive
2126 no prior service credit, payable from contributions of the
2127 employer, shall be paid from the employer's accumulation account.

2128 (6) Upon the retirement of a member, an amount equal to
2129 his retirement allowance shall be transferred from the employer's
2130 accumulation account to the annuity reserve.

2131 (7) The employer's accumulation account shall be
2132 credited with any assets authorized by law to be credited to the
2133 account.

2134 (d) **Expense account.** The expense account shall be the
2135 account to which the expenses of the administration of the system
2136 shall be charged, exclusive of amounts payable as retirement



2137 allowances and as other benefits provided herein. The Legislature
2138 shall make annual appropriations in amounts sufficient to
2139 administer the system, which shall be credited to this account.
2140 There shall be transferred to the State Treasury from this
2141 account, not less than once per month, an amount sufficient for
2142 payment of the estimated expenses of the system for the succeeding
2143 thirty (30) days. Any interest earned on the expense account
2144 shall accrue to the benefit of the system. However,
2145 notwithstanding the provisions of Sections 25-11-15(10) and
2146 25-11-105(f)(v)5, all expenses of the administration of the system
2147 shall be paid from the interest earnings, provided the interest
2148 earnings are in excess of the actuarial interest assumption as
2149 determined by the board, and provided the present cost of the
2150 administrative expense fee of two percent (2%) of the
2151 contributions reported by the political subdivisions and
2152 instrumentalities shall be reduced to one percent (1%) from and
2153 after July 1, 1983, through June 30, 1984, and shall be eliminated
2154 thereafter.

2155 (e) **Collection of contributions.** The employer shall cause
2156 to be deducted on each and every payroll of a member for each and
2157 every payroll period, beginning subsequent to January 31, 1953,
2158 the contributions payable by the member as provided in Articles 1
2159 and 3.

2160 The employer shall make deductions from salaries of employees
2161 as provided in Articles 1 and 3 and shall transmit monthly, or at



2162 such time as the board of trustees designates, the amount
2163 specified to be deducted to the Executive Director of the Public
2164 Employees' Retirement System. The executive director, after
2165 making a record of all those receipts, shall deposit such amounts
2166 as provided by law.

2167 (f) (1) Upon the basis of each actuarial valuation provided
2168 herein, the board of trustees shall biennially determine the
2169 normal contribution rate and the accrued liability contribution
2170 rate as provided in this section. The sum of these two (2) rates
2171 shall be known as the "employer's contribution rate." Beginning
2172 on earned compensation effective January 1, 1990, the rate
2173 computed as provided in this section shall be nine and
2174 three-fourths percent (9-3/4%). The board shall reduce the
2175 employer's contribution rate by one percent (1%) from and after
2176 July 1 of the year following the year in which the board
2177 determines and the board's actuary certifies that the employer's
2178 contribution rate can be reduced by that amount without causing
2179 the unfunded accrued actuarial liability amortization period for
2180 the retirement system to exceed twenty (20) years. The percentage
2181 rate of those contributions shall be fixed biennially by the board
2182 on the basis of the liabilities of the retirement system for the
2183 various allowances and benefits as shown by actuarial valuation.

2184 (2) The amount payable by the employer on account of
2185 normal and accrued liability contributions shall be determined by
2186 applying the employer's contribution rate to the amount of



2187 compensation earned by employees who are members of the system.
2188 Monthly, or at such time as the board of trustees designates, each
2189 department or agency shall compute the amount of the employer's
2190 contribution payable, with respect to the salaries of its
2191 employees who are members of the system, and shall cause that
2192 amount to be paid to the board of trustees from the personal
2193 service allotment of the amount appropriated for the operation of
2194 the department or agency, or from funds otherwise available to the
2195 agency, for the payment of salaries to its employees.

2196 (3) Except as otherwise provided in Section 25-11-106:

2197 (i) Constables shall pay employer and employee
2198 contributions on their net fee income as well as the employee
2199 contributions on all direct treasury or county payroll income.

2200 (ii) The county shall be responsible for the
2201 employer contribution on all direct treasury or county payroll
2202 income of constables.

2203 (4) Except as otherwise provided in Section
2204 25-11-106.1, chancery and circuit clerks shall be responsible for
2205 both the employer and employee share of contributions on the
2206 proportionate share of net income attributable to fees, as well as
2207 the employee share of net income attributable to direct treasury
2208 or county payroll income, and the employing county shall be
2209 responsible for the employer contributions on the net income
2210 attributable to direct treasury or county payroll income.



2211 (5) Once each year, under procedures established by the
2212 system, each employer shall submit to the Public Employees'
2213 Retirement System a copy of their report to Social Security of all
2214 employees' earnings.

2215 (6) The board shall provide by rules for the methods of
2216 collection of contributions of employers and members. The amounts
2217 determined due by an agency to the various funds as specified in
2218 Articles 1 and 3 are made obligations of the agency to the board
2219 and shall be paid as provided herein. Failure to deduct those
2220 contributions shall not relieve the employee and employer from
2221 liability thereof. Delinquent employee contributions and any
2222 accrued interest shall be the obligation of the employee and
2223 delinquent employer contributions and any accrued interest shall
2224 be the obligation of the employer. The employer may, in its
2225 discretion, elect to pay any or all of the interest on delinquent
2226 employee contributions. From and after July 1, 1996, under rules
2227 and regulations established by the board, all employers are
2228 authorized and shall transfer all funds due to the Public
2229 Employees' Retirement System electronically and shall transmit any
2230 wage or other reports by computerized reporting systems.

2231 **SECTION 17.** Section 25-11-127, Mississippi Code of 1972, is
2232 amended as follows:

2233 25-11-127. (1) (a) No person who is being paid a
2234 retirement allowance or a pension after retirement under this
2235 article shall be employed or paid for any service by the State of



2236 Mississippi, including services as an employee, contract worker,
2237 contractual employee or independent contractor, until the retired
2238 person has been retired for not less than ninety (90) consecutive
2239 days from his or her effective date of retirement. After the
2240 person has been retired for not less than ninety (90) consecutive
2241 days from his or her effective date of retirement or such later
2242 date as established by the board, he or she may be reemployed
2243 while being paid a retirement allowance under the terms and
2244 conditions provided in this section or in Section 25-11-126.

2245 (b) No retiree of this retirement system who is
2246 reemployed or is reelected to office after retirement shall
2247 continue to draw retirement benefits while so reemployed, except
2248 as provided in this section or in Section 25-11-126.

2249 (c) No person employed or elected under the exceptions
2250 provided for in this section shall become a member under Article 3
2251 of the retirement system.

2252 (2) Except as otherwise provided in Section 25-11-126, any
2253 person who has been retired under the provisions of Article 3 and
2254 who is later reemployed in service covered by this article shall
2255 cease to receive benefits under this article and shall again
2256 become a contributing member of the retirement system. When the
2257 person retires again, if the person has been a contributing member
2258 of the retirement system during the reemployment and the
2259 reemployment exceeds six (6) months, the person shall have his or
2260 her benefit recomputed, including service after again becoming a



2261 member, provided that the total retirement allowance paid to the
2262 retired member in his or her previous retirement shall be deducted
2263 from the member's retirement reserve and taken into consideration
2264 in recalculating the retirement allowance under a new option
2265 selected.

2266 (3) The board shall have the right to prescribe rules and
2267 regulations for carrying out the provisions of this section.

2268 (4) The provisions of this section shall not be construed to
2269 prohibit any retiree, regardless of age, from being employed and
2270 drawing a retirement allowance either:

2271 (a) For a period of time not to exceed one-half (1/2)
2272 of the normal working days for the position in any fiscal year
2273 during which the retiree will receive no more than one-half (1/2)
2274 of the salary in effect for the position at the time of
2275 employment, or

2276 (b) For a period of time in any fiscal year sufficient
2277 in length to permit a retiree to earn not in excess of twenty-five
2278 percent (25%) of retiree's average compensation.

2279 To determine the normal working days for a position under
2280 paragraph (a) of this subsection, the employer shall determine the
2281 required number of working days for the position on a full-time
2282 basis and the equivalent number of hours representing the
2283 full-time position. The retiree then may work up to one-half
2284 (1/2) of the required number of working days or up to one-half
2285 (1/2) of the equivalent number of hours and receive up to one-half



2286 (1/2) of the salary for the position. In the case of employment
2287 with multiple employers, the limitation shall equal one-half (1/2)
2288 of the number of days or hours for a single full-time position.

2289 Notice shall be given in writing to the executive director,
2290 setting forth the facts upon which the employment is being made,
2291 and the notice shall be given within five (5) days from the date
2292 of employment and also from the date of termination of the
2293 employment.

2294 (5) Except as otherwise provided in subsection (6) of this
2295 section, the employer of any person who is receiving a retirement
2296 allowance and who is employed in service covered by subsection (4)
2297 of this section as an employee or a contractual employee shall pay
2298 to the board the full amount of the employer's contribution on the
2299 amount of compensation received by the retiree for his or her
2300 employment in accordance with regulations prescribed by the board.
2301 The retiree shall not receive any additional creditable service in
2302 the retirement system as a result of the payment of the employer's
2303 contribution. This subsection does not apply to persons who are
2304 receiving a retirement allowance and who contract with an employer
2305 to provide services as a true independent contractor, as defined
2306 by the board through regulation.

2307 (6) (a) A member may retire and continue in municipal or
2308 county elective office provided that the member has reached the
2309 age and/or service requirement that will not result in a
2310 prohibited in-service distribution as defined by the Internal



2311 Revenue Service, or a retiree may be elected to a municipal or
2312 county office, provided that the person:

2313 (i) Files annually, in writing, in the office of
2314 the employer and the office of the executive director of the
2315 system before the person takes office or as soon as possible after
2316 retirement, a waiver of all salary or compensation and elects to
2317 receive in lieu of that salary or compensation a retirement
2318 allowance as provided in this section, in which event no salary or
2319 compensation shall thereafter be due or payable for those
2320 services; however, any such officer or employee may receive, in
2321 addition to the retirement allowance, office expense allowance,
2322 mileage or travel expense authorized by any statute of the State
2323 of Mississippi; or

2324 (ii) Elects to receive compensation for that
2325 elective office in an amount not to exceed twenty-five percent
2326 (25%) of the retiree's average compensation. In order to receive
2327 compensation as allowed in this subparagraph, the retiree shall
2328 file annually, in writing, in the office of the employer and the
2329 office of the executive director of the system, an election to
2330 receive, in addition to a retirement allowance, compensation as
2331 allowed in this subparagraph.

2332 (b) The municipality or county in which the retired
2333 person holds elective office shall pay to the board the amount of
2334 the employer's contributions on the full amount of the regular



2335 compensation for the elective office that the retired person
2336 holds.

2337 (c) As used in this subsection, the term "compensation"
2338 does not include office expense allowance, mileage or travel
2339 expense authorized by a statute of the State of Mississippi.

2340 **SECTION 18.** Section 37-21-7, Mississippi Code of 1972, is
2341 amended as follows:

2342 37-21-7. (1) This section shall be referred to as the
2343 "Mississippi Elementary Schools Assistant Teacher Program," the
2344 purpose of which shall be to provide an early childhood education
2345 program that assists in the instruction of basic skills. The
2346 State Board of Education is authorized, empowered and directed to
2347 implement a statewide system of assistant teachers in kindergarten
2348 classes and in the first, second and third grades. The assistant
2349 teacher shall assist pupils in actual instruction under the strict
2350 supervision of a licensed teacher.

2351 (2) (a) Except as otherwise authorized under subsection
2352 (7), each school district shall employ the total number of
2353 assistant teachers funded under subsection (6) of this section.
2354 The superintendent of each district shall assign the assistant
2355 teachers to the kindergarten, first-, second- and third-grade
2356 classes in the district in a manner that will promote the maximum
2357 efficiency, as determined by the superintendent, in the
2358 instruction of skills such as verbal and linguistic skills,
2359 logical and mathematical skills, and social skills.



2360 (b) If a licensed teacher to whom an assistant teacher
2361 has been assigned is required to be absent from the classroom, the
2362 assistant teacher may assume responsibility for the classroom in
2363 lieu of a substitute teacher. However, no assistant teacher shall
2364 assume sole responsibility of the classroom for more than three
2365 (3) consecutive school days. Further, in no event shall any
2366 assistant teacher be assigned to serve as a substitute teacher for
2367 any teacher other than the licensed teacher to whom that assistant
2368 teacher has been assigned.

2369 (3) Assistant teachers shall have, at a minimum, a high
2370 school diploma or a High School Equivalency Diploma equivalent,
2371 and shall show demonstratable proficiency in reading and writing
2372 skills. The State Department of Education shall develop a testing
2373 procedure for assistant teacher applicants to be used in all
2374 school districts in the state.

2375 (4) (a) In order to receive funding, each school district
2376 shall:

2377 (i) Submit a plan on the implementation of a
2378 reading improvement program to the State Department of Education;
2379 and

2380 (ii) Develop a plan of educational accountability
2381 and assessment of performance, including pretests and posttests,
2382 for reading in Grades 1 through 6.

2383 (b) Additionally, each school district shall:



2384 (i) Provide annually a mandatory preservice
2385 orientation session, using an existing in-school service day, for
2386 administrators and teachers on the effective use of assistant
2387 teachers as part of a team in the classroom setting and on the
2388 role of assistant teachers, with emphasis on program goals;

2389 (ii) Hold periodic workshops for administrators
2390 and teachers on the effective use and supervision of assistant
2391 teachers;

2392 (iii) Provide training annually on specific
2393 instructional skills for assistant teachers;

2394 (iv) Annually evaluate their program in accordance
2395 with their educational accountability and assessment of
2396 performance plan; and

2397 (v) Designate the necessary personnel to supervise
2398 and report on their program.

2399 (5) The State Department of Education shall:

2400 (a) Develop and assist in the implementation of a
2401 statewide uniform training module, subject to the availability of
2402 funds specifically appropriated therefor by the Legislature, which
2403 shall be used in all school districts for training administrators,
2404 teachers and assistant teachers. The module shall provide for the
2405 consolidated training of each assistant teacher and teacher to
2406 whom the assistant teacher is assigned, working together as a
2407 team, and shall require further periodic training for



2408 administrators, teachers and assistant teachers regarding the role
2409 of assistant teachers;

2410 (b) Annually evaluate the program on the district and
2411 state level. Subject to the availability of funds specifically
2412 appropriated therefor by the Legislature, the department shall
2413 develop: (i) uniform evaluation reports, to be performed by the
2414 principal or assistant principal, to collect data for the annual
2415 overall program evaluation conducted by the department; or (ii) a
2416 program evaluation model that, at a minimum, addresses process
2417 evaluation; and

2418 (c) Promulgate rules, regulations and such other
2419 standards deemed necessary to effectuate the purposes of this
2420 section. Noncompliance with the provisions of this section and
2421 any rules, regulations or standards adopted by the department may
2422 result in a violation of compulsory accreditation standards as
2423 established by the State Board of Education and the Commission on
2424 School Accreditation.

2425 (6) In addition to other funds allotted under the Minimum
2426 Education or Adequate Education Program, each school district
2427 shall be allotted sufficient funding for the purpose of employing
2428 assistant teachers. No assistant teacher shall be paid less than
2429 the amount he or she received in the prior school year. No school
2430 district shall receive any funds under this section for any school
2431 year during which the aggregate amount of the local contribution



2432 to the salaries of assistant teachers by the district shall have
2433 been reduced below such amount for the previous year.

2434 For the * * * ~~2007-2008~~ 2019-2020 school year * * * ~~and school~~
2435 ~~years thereafter~~, the minimum annual salary for assistant teachers
2436 shall be * * * ~~Twelve Thousand Five Hundred Dollars (\$12,500.00)~~
2437 Thirteen Thousand Dollars (\$13,000.00). For the 2020-2021 school
2438 year, the minimum annual salary for assistant teachers shall be
2439 Thirteen Thousand Five Hundred Dollars (\$13,500.00).

2440 In addition, for each one percent (1%) that the Sine Die
2441 General Fund Revenue Estimate Growth exceeds five percent (5%) in
2442 fiscal year 2006, as certified by the Legislative Budget Office to
2443 the State Board of Education and subject to the specific
2444 appropriation therefor by the Legislature, the State Board of
2445 Education shall revise the salary scale in the appropriate year to
2446 provide an additional one percent (1%) across-the-board increase
2447 in the base salaries for assistant teachers. The State Board of
2448 Education shall revise the salaries prescribed above for assistant
2449 teachers to conform to any adjustments made in prior fiscal years
2450 due to revenue growth over and above five percent (5%). The
2451 assistant teachers shall not be restricted to working only in the
2452 grades for which the funds were allotted, but may be assigned to
2453 other classes as provided in subsection (2)(a) of this section.

2454 (7) (a) As an alternative to employing assistant teachers,
2455 any school district may use the allotment provided under
2456 subsection (6) of this section for the purpose of employing



2457 licensed teachers for kindergarten, first-, second- and
2458 third-grade classes; however, no school district shall be
2459 authorized to use the allotment for assistant teachers for the
2460 purpose of employing licensed teachers unless the district has
2461 established that the employment of licensed teachers using such
2462 funds will reduce the teacher:student ratio in the kindergarten,
2463 first-, second- and third-grade classes. All state funds for
2464 assistant teachers shall be applied to reducing teacher:student
2465 ratio in Grades K-3.

2466 It is the intent of the Legislature that no school district
2467 shall dismiss any assistant teacher for the purpose of using the
2468 assistant teacher allotment to employ licensed teachers. School
2469 districts may rely only upon normal attrition to reduce the number
2470 of assistant teachers employed in that district.

2471 (b) Districts meeting the highest levels of
2472 accreditation standards, as defined by the State Board of
2473 Education, shall be exempted from the provisions of subsection (4)
2474 of this section.

2475 **SECTION 19.** This act shall take effect and be in force from
2476 and after July 1, 2019.

