

By: Representative Paden

To: Education

## HOUSE BILL NO. 3

1 AN ACT TO AMEND SECTION 37-159-9, MISSISSIPPI CODE OF 1972,  
2 TO REQUIRE THE STATE DEPARTMENT OF EDUCATION TO COLLABORATE WITH  
3 THE UNIVERSITY ASSISTED TEACHER RECRUITMENT AND RETENTION GRANT  
4 PROGRAM, STATE INSTITUTIONS OF HIGHER LEARNING WITH TEACHER  
5 EDUCATION PROGRAMS AND SCHOOL ADMINISTRATORS IN CRITICAL TEACHER  
6 SHORTAGE AREAS TO DEVELOP AN ALTERNATIVE LICENSING PROCEDURE  
7 SPECIFICALLY FOR TEACHERS EMPLOYED IN ALL CRITICAL TEACHER  
8 SHORTAGE AREAS; TO AMEND SECTION 37-3-2, MISSISSIPPI CODE OF 1972,  
9 TO AUTHORIZE THE COMMISSION ON TEACHER AND ADMINISTRATOR  
10 EDUCATION, CERTIFICATION AND LICENSURE AND DEVELOPMENT TO ISSUE  
11 CRITICAL TEACHER SHORTAGE AREA LICENSES TO CERTAIN EDUCATORS  
12 BEGINNING JULY 1, 2019; TO PRESCRIBE THE REQUIREMENTS USED IN  
13 AWARDING A CRITICAL TEACHER SHORTAGE AREA LICENSE; TO PROVIDE THAT  
14 THE LICENSE MAY ONLY BE USED BY SCHOOL DISTRICTS IN CRITICAL  
15 TEACHER SHORTAGE AREAS WHICH MAKE A FORMAL WRITTEN REQUEST TO THE  
16 STATE DEPARTMENT OF EDUCATION FOR SUCH ALLOWANCES AT THE  
17 CONCLUSION OF EACH ACADEMIC TERM; TO REQUIRE AFFECTED SCHOOL  
18 DISTRICTS TO PROVIDE A MINIMUM OF FIFTY ADDITIONAL HOURS OF  
19 PROFESSIONAL DEVELOPMENT TO HOLDERS OF A CRITICAL TEACHER SHORTAGE  
20 AREA LICENSE DURING THE FIRST THREE YEARS OF EMPLOYMENT WITH THE  
21 SCHOOL DISTRICT; TO REQUIRE THE AFFECTED SCHOOL DISTRICT TO ASSIGN  
22 A VETERAN ON-SITE MENTOR TEACHER TO THE CRITICAL TEACHER SHORTAGE  
23 AREA LICENSEE DURING THE FIRST TWO YEARS OF EMPLOYMENT; TO AMEND  
24 SECTIONS 37-159-1, 37-159-5, 37-159-7, 37-159-11, 37-159-13 AND  
25 37-159-17, MISSISSIPPI CODE OF 1972, WHICH ARE PROVISIONS OF THE  
26 "MISSISSIPPI CRITICAL TEACHER SHORTAGE ACT OF 1998," TO DELETE THE  
27 REPEALER ON THOSE PROVISIONS; TO CREATE NEW SECTION 25-11-126,  
28 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT PERSONS WHO HAVE AT  
29 LEAST 25 YEARS OF CREDITABLE SERVICE IN THE PUBLIC EMPLOYEES'  
30 RETIREMENT SYSTEM, WHO WERE EMPLOYED AS PUBLIC SCHOOL TEACHERS AT  
31 THE TIME OF THEIR RETIREMENT AND WHO HAVE BEEN RETIRED AND  
32 RECEIVING A RETIREMENT ALLOWANCE FOR AT LEAST ONE YEAR, MAY BE  
33 EMPLOYED AS TEACHERS BY A PUBLIC SCHOOL DISTRICT AFTER THEIR  
34 RETIREMENT AND RECEIVE A RETIREMENT ALLOWANCE FROM THE PUBLIC

35 EMPLOYEES' RETIREMENT SYSTEM DURING THEIR EMPLOYMENT AS TEACHERS  
36 IN ADDITION TO RECEIVING A BEGINNING TEACHER'S SALARY; TO BRING  
37 FORWARD SECTION 25-11-105, MISSISSIPPI CODE OF 1972, FOR THE  
38 PURPOSE OF POSSIBLE AMENDMENTS; TO AMEND SECTIONS 25-11-123 AND  
39 25-11-127, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO  
40 BRING FORWARD SECTION 37-19-7, MISSISSIPPI CODE OF 1972, FOR THE  
41 PURPOSE OF POSSIBLE AMENDMENTS; AND FOR RELATED PURPOSES.

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

43 **SECTION 1.** Section 37-159-9, Mississippi Code of 1972, is  
44 amended as follows:

45 37-159-9. (1) (a) There is established the University  
46 Assisted Teacher Recruitment and Retention Grant Program within  
47 the State Department of Education. The purposes of the program  
48 shall be to attract additional qualified teachers to those  
49 geographical areas of the state where there exists a critical  
50 shortage of teachers and to retain the qualified teachers already  
51 serving as licensed teachers in geographical critical teacher  
52 shortage areas by making available scholarships to persons working  
53 towards a Master of Education degree or an Educational Specialist  
54 degree at an institution of higher learning whose teacher  
55 education program is approved by the State Board of Education.

56 (b) Additionally the State Department of Education  
57 shall collaborate with the University Assisted Teacher Recruitment  
58 and Retention Grant Program, state institutions of higher learning  
59 with teacher education programs and school administrators in  
60 critical teacher shortage areas to develop an alternative  
61 licensing procedure specifically for teachers employed in all  
62 critical teacher shortage areas, as designated by the State Board  
63 of Education, consistent with the procedures established by the

64 Commission on Teacher and Administrator Education, Certification  
65 and Licensure and Development in Section 37-3-2(6)(i). The  
66 purpose of the alternative licensing procedure shall be to attract  
67 individuals to the field of education by emphasizing professional  
68 development and the effort to reduce the number of certified  
69 teachers in critical teacher shortage areas by seventy-five  
70 percent (75%).

71 (2) Any institution of higher learning in the State of  
72 Mississippi which offers a Master of Education degree or an  
73 Educational Specialist degree may apply to the department for  
74 participation in the program. As part of the program,  
75 participating institutions shall collaborate with the Mississippi  
76 Teacher Center to identify, recruit and place teacher education  
77 graduates, from both within the state and out of state, in school  
78 districts situated within those areas of the state where there  
79 exists a critical shortage of teachers, as designated by the State  
80 Board of Education.

81 (3) The State Department of Education shall provide funds to  
82 participating institutions of higher learning for the purpose of  
83 awarding scholarships to qualified persons pursuing a Master of  
84 Education degree or an Educational Specialist degree at such  
85 institutions while rendering service to the state as a licensed  
86 teacher in a school district in a geographical area of the state  
87 where there exists a critical shortage of teachers, as approved by  
88 the State Board of Education. The financial scholarship shall be

89 applied to the total cost for tuition, books, materials and fees  
90 at the institution in which the student is enrolled, not to exceed  
91 an amount equal to the highest total cost of tuition, books,  
92 materials and fees assessed by a state institution of higher  
93 learning during that school year. Teachers who relocate within  
94 Mississippi from out of state in order to participate in the  
95 program shall be classified as residents of the state for tuition  
96 purposes.

97 (4) Students awarded financial scholarships under the  
98 University Assisted Teacher Recruitment and Retention Grant  
99 Program may receive such awards for a maximum of four (4) school  
100 years; however, the maximum number of awards which may be made  
101 shall not exceed the length of time required to complete the  
102 number of academic hours necessary to obtain a Master of Education  
103 degree or an Educational Specialist degree. Financial  
104 scholarships under the program shall not be based upon an  
105 applicant's eligibility for financial aid.

106 (5) Persons relocating to a geographical area of the state  
107 where there exists a critical shortage of teachers, as approved by  
108 the State Board of Education, to participate in the University  
109 Assisted Teacher Recruitment and Retention Grant Program shall be  
110 eligible for reimbursement for their moving expenses to the  
111 critical teacher shortage area from the State Board of Education.  
112 The State Board of Education shall promulgate rules and  
113 regulations necessary for the administration of the relocation

114 expense reimbursement component of the University Assisted Teacher  
115 Recruitment and Retention Grant Program.

116 (6) Subject to the availability of funds, the State Board of  
117 Education may provide for professional development and support  
118 services as may be necessary for the retention of teachers  
119 participating in the program in those geographical areas of the  
120 state where there exists a critical shortage of teachers.

121 (7) Any person participating in the program who fails to  
122 complete a program of study that will enable that person to obtain  
123 a Master of Education degree or Educational Specialist degree  
124 shall become liable immediately to the State Board of Education  
125 for the sum of all awards made to that person under the program,  
126 plus interest accruing at the current Stafford Loan rate at the  
127 time the person abrogates his participation in the program.

128 (8) As a condition for participation in the program, a  
129 teacher shall agree to employment as a licensed teacher in a  
130 school district located in a geographical area of the state where  
131 there exists a critical shortage of teachers, as designated by the  
132 State Board of Education, for a period of not less than three (3)  
133 years, which shall include those years of service rendered while  
134 obtaining the Master of Education degree or Educational Specialist  
135 degree. However, for any person who obtained a baccalaureate  
136 degree in education with a financial scholarship under the  
137 Critical Needs Teacher Scholarship Program and who entered the  
138 University Assisted Teacher Recruitment and Retention Grant

139 Program before rendering service as a teacher, the period of  
140 employment for the purposes of this subsection shall be two (2)  
141 years, in addition to the employment commitment required under the  
142 Critical Needs Teacher Scholarship Program. Service rendered by a  
143 participant as a licensed teacher in a school district in a  
144 geographical critical teacher shortage area before that teacher  
145 becomes a participant in the program may not be considered to  
146 fulfill the employment commitment required under this subsection.  
147 Any person failing to comply with this employment commitment in  
148 any required school year shall immediately be in breach of  
149 contract and become liable immediately to the State Department of  
150 Education for the sum of all scholarships awarded and relocation  
151 expenses granted to that person, less one-third (1/3) of the  
152 amount of that sum for each year that service was rendered, or for  
153 those persons whose required period of employment is two (2)  
154 years, less one-half (1/2) of the amount of that sum for each year  
155 that service was rendered, plus interest accruing at the current  
156 Stafford Loan rate at the time the breach occurs, except in the  
157 case of a deferral for cause by the State Board of Education when  
158 there is no employment position immediately available upon the  
159 teacher's obtaining of the Master of Education degree or  
160 Educational Specialist degree. After the period of such deferral,  
161 the person shall begin or resume the required teaching duties or  
162 shall become liable to the board under this subsection. If a  
163 claim for repayment under this subsection is placed in the hands

164 of an attorney for collection after default, then the obligor  
165 shall be liable for an additional amount equal to a reasonable  
166 attorney's fee.

167 (9) All funds received by the State Department of Education  
168 from the repayment of scholarship awards and relocation expenses  
169 by program participants shall be deposited in the Mississippi  
170 Critical Teacher Shortage Fund.

171 (10) The State Board of Education shall promulgate rules and  
172 regulations necessary for the proper administration of the  
173 University Assisted Teacher Recruitment and Retention Grant  
174 Program.

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

177 37-3-2. (1) There is established within the State  
178 Department of Education the Commission on Teacher and  
179 Administrator Education, Certification and Licensure and  
180 Development. It shall be the purpose and duty of the commission  
181 to make recommendations to the State Board of Education regarding  
182 standards for the certification and licensure and continuing  
183 professional development of those who teach or perform tasks of an  
184 educational nature in the public schools of Mississippi.

185 (2) The commission shall be composed of fifteen (15)  
186 qualified members. The membership of the commission shall be  
187 composed of the following members to be appointed, three (3) from  
188 each congressional district: four (4) classroom teachers; three

189 (3) school administrators; one (1) representative of schools of  
190 education of institutions of higher learning located within the  
191 state to be recommended by the Board of Trustees of State  
192 Institutions of Higher Learning; one (1) representative from the  
193 schools of education of independent institutions of higher  
194 learning to be recommended by the Board of the Mississippi  
195 Association of Independent Colleges; one (1) representative from  
196 public community and junior colleges located within the state to  
197 be recommended by the Mississippi Community College Board; one (1)  
198 local school board member; and four (4) laypersons. All  
199 appointments shall be made by the State Board of Education after  
200 consultation with the State Superintendent of Public Education.  
201 The first appointments by the State Board of Education shall be  
202 made as follows: five (5) members shall be appointed for a term  
203 of one (1) year; five (5) members shall be appointed for a term of  
204 two (2) years; and five (5) members shall be appointed for a term  
205 of three (3) years. Thereafter, all members shall be appointed  
206 for a term of four (4) years.

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



213           (4)   (a)   An appropriate staff member of the State Department  
214 of Education shall be designated and assigned by the State  
215 Superintendent of Public Education to serve as executive secretary  
216 and coordinator for the commission. No less than two (2) other  
217 appropriate staff members of the State Department of Education  
218 shall be designated and assigned by the State Superintendent of  
219 Public Education to serve on the staff of the commission.

220                   (b)   An Office of Educator Misconduct Evaluations shall  
221 be established within the State Department of Education to assist  
222 the commission in responding to infractions and violations, and in  
223 conducting hearings and enforcing the provisions of subsections  
224 (11), (12), (13), (14) and (15) of this section, and violations of  
225 the Mississippi Educator Code of Ethics.

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

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

230                   (b)   Recommend to the State Board of Education each year  
231 approval or disapproval of each educator preparation program in  
232 the state, subject to a process and schedule determined by the  
233 State Board of Education;

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

237 (d) Establish, subject to the approval of the State  
238 Board of Education, standards for the renewal of teacher licenses  
239 in all fields;

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

243 (f) Review all existing requirements for certification  
244 and licensure;

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

247 (h) Prepare reports,    from time to time,    on current  
248 practices and issues in the general area of teacher education and  
249 certification and licensure;

250 (i) Hold hearings concerning standards for teachers'  
251 and administrators' education and certification and licensure with  
252 approval of the State Board of Education;

253 (j) Hire expert consultants with approval of the State  
254 Board of Education;

255 (k) Set up ad hoc committees to advise on specific  
256 areas; and

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

260 (6) (a) **Standard License - Approved Program Route.** An  
261 educator entering the school system of Mississippi for the first

262 time and meeting all requirements as established by the State  
263 Board of Education shall be granted a standard five-year license.  
264 Persons who possess two (2) years of classroom experience as an  
265 assistant teacher or who have taught for one (1) year in an  
266 accredited public or private school shall be allowed to fulfill  
267 student teaching requirements under the supervision of a qualified  
268 participating teacher approved by an accredited college of  
269 education. The local school district in which the assistant  
270 teacher is employed shall compensate such assistant teachers at  
271 the required salary level during the period of time such  
272 individual is completing student teaching requirements.

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

- 274 (i) An application on a department form;  
275 (ii) An official transcript of completion of a  
276 teacher education program approved by the department or a  
277 nationally accredited program, subject to the following:  
278 Licensure to teach in Mississippi prekindergarten through  
279 kindergarten classrooms shall require completion of a teacher  
280 education program or a Bachelor of Science degree with child  
281 development emphasis from a program accredited by the American  
282 Association of Family and Consumer Sciences (AAFCS) or by the  
283 National Association for Education of Young Children (NAEYC) or by  
284 the National Council for Accreditation of Teacher Education  
285 (NCATE). Licensure to teach in Mississippi kindergarten, for  
286 those applicants who have completed a teacher education program,

287 and in Grade 1 through Grade 4 shall require the completion of an  
288 interdisciplinary program of studies. Licenses for Grades 4  
289 through 8 shall require the completion of an interdisciplinary  
290 program of studies with two (2) or more areas of concentration.  
291 Licensure to teach in Mississippi Grades 7 through 12 shall  
292 require a major in an academic field other than education, or a  
293 combination of disciplines other than education. Students  
294 preparing to teach a subject shall complete a major in the  
295 respective subject discipline. All applicants for standard  
296 licensure shall demonstrate that such person's college preparation  
297 in those fields was in accordance with the standards set forth by  
298 the National Council for Accreditation of Teacher Education  
299 (NCATE) or the National Association of State Directors of Teacher  
300 Education and Certification (NASDTEC) or, for those applicants who  
301 have a Bachelor of Science degree with child development emphasis,  
302 the American Association of Family and Consumer Sciences (AAFCS).  
303 Effective July 1, 2016, for initial elementary education  
304 licensure, a teacher candidate must earn a passing score on a  
305 rigorous test of scientifically research-based reading instruction  
306 and intervention and data-based decision-making principles as  
307 approved by the State Board of Education;

308 (iii) A copy of test scores evidencing  
309 satisfactory completion of nationally administered examinations of  
310 achievement, such as the Educational Testing Service's teacher  
311 testing examinations;

312 (iv) Any other document required by the State  
313 Board of Education; and

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

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

321 2. No less than 2.75 GPA on pre-major  
322 coursework of the institution's approved teacher education program  
323 provided that the accepted cohort of candidates meets or exceeds a  
324 3.0 GPA on pre-major coursework.

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

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

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

332 (ii) No less than 2.75 GPA on content coursework  
333 in the requested area of certification or passing Praxis II scores  
334 at or above the national recommended score provided that the  
335 accepted cohort of candidates of the institution's teacher

336 education program meets or exceeds a 3.0 GPA on pre-major  
337 coursework.

338         Beginning January 1, 2004, an individual who has a passing  
339 score on the Praxis I Basic Skills and Praxis II Specialty Area  
340 Test in the requested area of endorsement may apply for the Teach  
341 Mississippi Institute (TMI) program to teach students in Grades 7  
342 through 12 if the individual meets the requirements of this  
343 paragraph (b). The State Board of Education shall adopt rules  
344 requiring that teacher preparation institutions which provide the  
345 Teach Mississippi Institute (TMI) program for the preparation of  
346 nontraditional teachers shall meet the standards and comply with  
347 the provisions of this paragraph.

348                 (i) The Teach Mississippi Institute (TMI) shall  
349 include an intensive eight-week, nine-semester-hour summer program  
350 or a curriculum of study in which the student matriculates in the  
351 fall or spring semester, which shall include, but not be limited  
352 to, instruction in education, effective teaching strategies,  
353 classroom management, state curriculum requirements, planning and  
354 instruction, instructional methods and pedagogy, using test  
355 results to improve instruction, and a one (1) semester three-hour  
356 supervised internship to be completed while the teacher is  
357 employed as a full-time teacher intern in a local school district.  
358 The TMI shall be implemented on a pilot program basis, with  
359 courses to be offered at up to four (4) locations in the state,

360 with one (1) TMI site to be located in each of the three (3)  
361 Mississippi Supreme Court districts.

362 (ii) The school sponsoring the teacher intern  
363 shall enter into a written agreement with the institution  
364 providing the Teach Mississippi Institute (TMI) program, under  
365 terms and conditions as agreed upon by the contracting parties,  
366 providing that the school district shall provide teacher interns  
367 seeking a nontraditional provisional teaching license with a  
368 one-year classroom teaching experience. The teacher intern shall  
369 successfully complete the one (1) semester three-hour intensive  
370 internship in the school district during the semester immediately  
371 following successful completion of the TMI and prior to the end of  
372 the one-year classroom teaching experience.

373 (iii) Upon completion of the nine-semester-hour  
374 TMI or the fall or spring semester option, the individual shall  
375 submit his transcript to the commission for provisional licensure  
376 of the intern teacher, and the intern teacher shall be issued a  
377 provisional teaching license by the commission, which will allow  
378 the individual to legally serve as a teacher while the person  
379 completes a nontraditional teacher preparation internship program.

380 (iv) During the semester of internship in the  
381 school district, the teacher preparation institution shall monitor  
382 the performance of the intern teacher. The school district that  
383 employs the provisional teacher shall supervise the provisional  
384 teacher during the teacher's intern year of employment under a

385 nontraditional provisional license, and shall, in consultation  
386 with the teacher intern's mentor at the school district of  
387 employment, submit to the commission a comprehensive evaluation of  
388 the teacher's performance sixty (60) days prior to the expiration  
389 of the nontraditional provisional license. If the comprehensive  
390 evaluation establishes that the provisional teacher intern's  
391 performance fails to meet the standards of the approved  
392 nontraditional teacher preparation internship program, the  
393 individual shall not be approved for a standard license.

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

399 (vi) Upon successful completion of the TMI and the  
400 internship provisional license period, applicants for a Standard  
401 License - Nontraditional Route shall submit to the commission a  
402 transcript of successful completion of the twelve (12) semester  
403 hours required in the internship program, and the employing school  
404 district shall submit to the commission a recommendation for  
405 standard licensure of the intern. If the school district  
406 recommends licensure, the applicant shall be issued a Standard  
407 License - Nontraditional Route which shall be valid for a  
408 five-year period and be renewable.



409 (vii) At the discretion of the teacher preparation  
410 institution, the individual shall be allowed to credit the twelve  
411 (12) semester hours earned in the nontraditional teacher  
412 internship program toward the graduate hours required for a Master  
413 of Arts in Teacher (MAT) Degree.

414 (viii) The local school district in which the  
415 nontraditional teacher intern or provisional licensee is employed  
416 shall compensate such teacher interns at Step 1 of the required  
417 salary level during the period of time such individual is  
418 completing teacher internship requirements and shall compensate  
419 such Standard License - Nontraditional Route teachers at Step 3 of  
420 the required salary level when they complete license requirements.

421 Implementation of the TMI program provided for under this  
422 paragraph (b) shall be contingent upon the availability of funds  
423 appropriated specifically for such purpose by the Legislature.  
424 Such implementation of the TMI program may not be deemed to  
425 prohibit the State Board of Education from developing and  
426 implementing additional alternative route teacher licensure  
427 programs, as deemed appropriate by the board. The emergency  
428 certification program in effect prior to July 1, 2002, shall  
429 remain in effect.

430 A Standard License - Approved Program Route shall be issued  
431 for a five-year period, and may be renewed. Recognizing teaching  
432 as a profession, a hiring preference shall be granted to persons  
433 holding a Standard License - Approved Program Route or Standard

434 License - Nontraditional Teaching Route over persons holding any  
435 other license.

436           (c) **Special License - Expert Citizen.** In order to  
437 allow a school district to offer specialized or technical courses,  
438 the State Department of Education, in accordance with rules and  
439 regulations established by the State Board of Education, may grant  
440 a one-year expert citizen-teacher license to local business or  
441 other professional personnel to teach in a public school or  
442 nonpublic school accredited or approved by the state. Such person  
443 may begin teaching upon his employment by the local school board  
444 and licensure by the Mississippi Department of Education. The  
445 board shall adopt rules and regulations to administer the expert  
446 citizen-teacher license. A Special License - Expert Citizen may  
447 be renewed in accordance with the established rules and  
448 regulations of the State Department of Education.

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

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

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

466 (f) **Special License - Transitional Bilingual Education.**  
467 Beginning July 1, 2003, the commission shall grant special  
468 licenses to teachers of transitional bilingual education who  
469 possess such qualifications as are prescribed in this section.  
470 Teachers of transitional bilingual education shall be compensated  
471 by local school boards at not less than one (1) step on the  
472 regular salary schedule applicable to permanent teachers licensed  
473 under this section. The commission shall grant special licenses  
474 to teachers of transitional bilingual education who present the  
475 commission with satisfactory evidence that they (i) possess a  
476 speaking and reading ability in a language, other than English, in  
477 which bilingual education is offered and communicative skills in  
478 English; (ii) are in good health and sound moral character; (iii)  
479 possess a bachelor's degree or an associate's degree in teacher  
480 education from an accredited institution of higher education; (iv)  
481 meet such requirements as to courses of study, semester hours  
482 therein, experience and training as may be required by the  
483 commission; and (v) are legally present in the United States and

484 possess legal authorization for employment. A teacher of  
485 transitional bilingual education serving under a special license  
486 shall be under an exemption from standard licensure if he achieves  
487 the requisite qualifications therefor. Two (2) years of service  
488 by a teacher of transitional bilingual education under such an  
489 exemption shall be credited to the teacher in acquiring a Standard  
490 Educator License. Nothing in this paragraph shall be deemed to  
491 prohibit a local school board from employing a teacher licensed in  
492 an appropriate field as approved by the State Department of  
493 Education to teach in a program in transitional bilingual  
494 education.

495 (g) In the event any school district meets the highest  
496 accreditation standards as defined by the State Board of Education  
497 in the accountability system, the State Board of Education, in its  
498 discretion, may exempt such school district from any restrictions  
499 in paragraph (e) relating to the employment of nonlicensed  
500 teaching personnel.

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

506 (i) **Critical Teacher Shortage Area License.** Beginning  
507 July 1, 2019, the commission shall grant critical teacher shortage

508 area licenses to educators who successfully meet either of the  
509 following:

510 (i) Earned a twenty-one (21) ACT equivalent,  
511 achieved the nationally recommended score on the Praxis Core  
512 Academic Skills for Educators examination or earned an eighteen  
513 (18) ACT equivalent while maintaining no less than a 2.75 GPA on  
514 content coursework in the area of certification, which shall serve  
515 as an alternate to a passing Praxis Core examination score;

516 (ii) Achieved the nationally recommended passing  
517 score on all but one (1) developmental area of the Praxis Core and  
518 Praxis II examinations;

519 (iii) Submit a portfolio and video based on the  
520 Teacher Growth Rubric, which shall serve as an alternative to  
521 achieving the nationally recommended passing score on the Praxis  
522 II examination; or

523 (iv) Be a retired teacher receiving full  
524 retirement benefits under the provisions of this act, who are  
525 authorized to return to the classroom on a full-time basis.

526 This critical teacher shortage area license may only be used  
527 by school districts in critical teacher shortage areas, as  
528 designated by the State Board of Education, which make a formal  
529 written request to the State Department of Education for such  
530 allowances at the conclusion of each academic term. As a  
531 condition of being approved to employ educators with a critical  
532 teacher shortage area license, the affected school district must

533 provide a minimum of fifty (50) additional hours of professional  
534 development to holders of a critical teacher shortage area license  
535 above that which is required for educators who hold a standard  
536 license during the first three (3) years of employment with the  
537 affected school district. The school district shall assign a  
538 veteran on-site mentor teacher to the critical teacher shortage  
539 area licensee, who shall be compensated for mentoring services in  
540 the same manner provided under Section 37-9-211.

541 (7) **Administrator License.** The State Board of Education is  
542 authorized to establish rules and regulations and to administer  
543 the licensure process of the school administrators in the State of  
544 Mississippi. There will be four (4) categories of administrator  
545 licensure with exceptions only through special approval of the  
546 State Board of Education.

547 (a) **Administrator License - Nonpracticing.** Those  
548 educators holding administrative endorsement but having no  
549 administrative experience or not serving in an administrative  
550 position on January 15, 1997.

551 (b) **Administrator License - Entry Level.** Those  
552 educators holding administrative endorsement and having met the  
553 department's qualifications to be eligible for employment in a  
554 Mississippi school district. Administrator License - Entry Level  
555 shall be issued for a five-year period and shall be nonrenewable.

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

559                   (d)   **Administrator License - Nontraditional Route.**  The  
560 board may establish a nontraditional route for licensing  
561 administrative personnel.  Such nontraditional route for  
562 administrative licensure shall be available for persons holding,  
563 but not limited to, a master of business administration degree, a  
564 master of public administration degree, a master of public  
565 planning and policy degree or a doctor of jurisprudence degree  
566 from an accredited college or university, with five (5) years of  
567 administrative or supervisory experience.  Successful completion  
568 of the requirements of alternate route licensure for  
569 administrators shall qualify the person for a standard  
570 administrator license.

571           Individuals seeking school administrator licensure under  
572 paragraph (b), (c) or (d) shall successfully complete a training  
573 program and an assessment process prescribed by the State Board of  
574 Education.  All applicants for school administrator licensure  
575 shall meet all requirements prescribed by the department under  
576 paragraph (b), (c) or (d), and the cost of the assessment process  
577 required shall be paid by the applicant.

578           (8)   **Reciprocity.**  (a)  The department shall grant a standard  
579 license to any individual who possesses a valid standard license  
580 from another state and meets minimum Mississippi license

581 requirements or equivalent requirements as determined by the State  
582 Board of Education. The issuance of a license by reciprocity to a  
583 military-trained applicant or military spouse shall be subject to  
584 the provisions of Section 73-50-1.

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

593 (9) **Renewal and Reinstatement of Licenses.** The State Board  
594 of Education is authorized to establish rules and regulations for  
595 the renewal and reinstatement of educator and administrator  
596 licenses. Effective May 15, 1997, the valid standard license held  
597 by an educator shall be extended five (5) years beyond the  
598 expiration date of the license in order to afford the educator  
599 adequate time to fulfill new renewal requirements established  
600 pursuant to this subsection. An educator completing a master of  
601 education, educational specialist or doctor of education degree in  
602 May 1997 for the purpose of upgrading the educator's license to a  
603 higher class shall be given this extension of five (5) years plus  
604 five (5) additional years for completion of a higher degree.



605           (10) All controversies involving the issuance, revocation,  
606 suspension or any change whatsoever in the licensure of an  
607 educator required to hold a license shall be initially heard in a  
608 hearing de novo, by the commission or by a subcommittee  
609 established by the commission and composed of commission members  
610 for the purpose of holding hearings. Any complaint seeking the  
611 denial of issuance, revocation or suspension of a license shall be  
612 by sworn affidavit filed with the Commission on Teacher and  
613 Administrator Education, Certification and Licensure and  
614 Development. The decision thereon by the commission or its  
615 subcommittee shall be final, unless the aggrieved party shall  
616 appeal to the State Board of Education, within ten (10) days, of  
617 the decision of the committee or its subcommittee. An appeal to  
618 the State Board of Education shall be on the record previously  
619 made before the commission or its subcommittee unless otherwise  
620 provided by rules and regulations adopted by the board. The State  
621 Board of Education in its authority may reverse, or remand with  
622 instructions, the decision of the committee or its subcommittee.  
623 The decision of the State Board of Education shall be final.

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

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

629 (b) The applicant has a physical, emotional or mental  
630 disability that renders the applicant unfit to perform the duties  
631 authorized by the license, as certified by a licensed psychologist  
632 or psychiatrist;

633 (c) The applicant is actively addicted to or actively  
634 dependent on alcohol or other habit-forming drugs or is a habitual  
635 user of narcotics, barbiturates, amphetamines, hallucinogens or  
636 other drugs having similar effect, at the time of application for  
637 a license;

638 (d) Revocation, suspension or surrender of an  
639 applicant's certificate or license by another state shall result  
640 in immediate denial of licensure until such time that the records  
641 predicated the revocation, suspension or surrender in the prior  
642 state have been cleared;

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

645 (f) Failing or refusing to furnish reasonable evidence  
646 of identification;

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

650 (h) The applicant has been convicted, has pled guilty  
651 or entered a plea of nolo contendere to a sex offense as defined  
652 by federal or state law. For purposes of this paragraph (h) and  
653 paragraph (g) of this subsection, a "guilty plea" includes a plea

654 of guilty, entry of a plea of nolo contendere, or entry of an  
655 order granting pretrial or judicial diversion; or

656 (i) Probation or post-release supervision for a felony  
657 or sex offense conviction, as defined by federal or state law,  
658 shall result in the immediate denial of licensure application  
659 until expiration of the probationary or post-release supervision  
660 period.

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

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

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

673 (c) Suspension or revocation of a certificate or  
674 license by another state shall result in immediate suspension or  
675 revocation and shall continue until records in the prior state  
676 have been cleared;

677 (d) The license holder has been convicted, has pled  
678 guilty or entered a plea of nolo contendere to a felony, as

679 defined by federal or state law. For purposes of this paragraph,  
680 a "guilty plea" includes a plea of guilty, entry of a plea of nolo  
681 contendere, or entry of an order granting pretrial or judicial  
682 diversion;

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

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

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

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

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

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

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

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

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

716           (13) (a) Dismissal or suspension of a licensed employee by  
717 a local school board pursuant to Section 37-9-59 may result in the  
718 suspension or revocation of a license for a length of time which  
719 shall be determined by the commission and based upon the severity  
720 of the offense.

721           (b) Any offense committed or attempted in any other  
722 state shall result in the same penalty as if committed or  
723 attempted in this state.

724           (c) A person may voluntarily surrender a license. The  
725 surrender of such license may result in the commission  
726 recommending any of the above penalties without the necessity of a  
727 hearing. However, any such license which has voluntarily been  
728 surrendered by a licensed employee may only be reinstated by a

729 majority vote of all members of the commission present at the  
730 meeting called for such purpose.

731       (14) (a) A person whose license has been revoked or  
732 surrendered on any grounds except criminal grounds may petition  
733 for reinstatement of the license after one (1) year from the date  
734 of revocation or surrender, or after one-half (1/2) of the revoked  
735 or surrendered time has lapsed, whichever is greater. A person  
736 whose license has been suspended on any grounds or violations  
737 under subsection (12) of this section may be reinstated  
738 automatically or approved for a reinstatement hearing, upon  
739 submission of a written request to the commission. A license  
740 suspended, revoked or surrendered on criminal grounds may be  
741 reinstated upon petition to the commission filed after expiration  
742 of the sentence and parole or probationary period imposed upon  
743 conviction. A revoked, suspended or surrendered license may be  
744 reinstated upon satisfactory showing of evidence of  
745 rehabilitation. The commission shall require all who petition for  
746 reinstatement to furnish evidence satisfactory to the commission  
747 of good character, good mental, emotional and physical health and  
748 such other evidence as the commission may deem necessary to  
749 establish the petitioner's rehabilitation and fitness to perform  
750 the duties authorized by the license.

751       (b) A person whose license expires while under  
752 investigation by the Office of Educator Misconduct for an alleged

753 violation may not be reinstated without a hearing before the  
754 commission if required based on the results of the investigation.

755 (15) Reporting procedures and hearing procedures for dealing  
756 with infractions under this section shall be promulgated by the  
757 commission, subject to the approval of the State Board of  
758 Education. The revocation or suspension of a license shall be  
759 effected at the time indicated on the notice of suspension or  
760 revocation. The commission shall immediately notify the  
761 superintendent of the school district or school board where the  
762 teacher or administrator is employed of any disciplinary action  
763 and also notify the teacher or administrator of such revocation or  
764 suspension and shall maintain records of action taken. The State  
765 Board of Education may reverse or remand with instructions any  
766 decision of the commission regarding a petition for reinstatement  
767 of a license, and any such decision of the State Board of  
768 Education shall be final.

769 (16) An appeal from the action of the State Board of  
770 Education in denying an application, revoking or suspending a  
771 license or otherwise disciplining any person under the provisions  
772 of this section shall be filed in the Chancery Court of the First  
773 Judicial District of Hinds County, Mississippi, on the record  
774 made, including a verbatim transcript of the testimony at the  
775 hearing. The appeal shall be filed within thirty (30) days after  
776 notification of the action of the board is mailed or served and  
777 the proceedings in chancery court shall be conducted as other

778 matters coming before the court. The appeal shall be perfected  
779 upon filing notice of the appeal and by the prepayment of all  
780 costs, including the cost of preparation of the record of the  
781 proceedings by the State Board of Education, and the filing of a  
782 bond in the sum of Two Hundred Dollars (\$200.00) conditioned that  
783 if the action of the board be affirmed by the chancery court, the  
784 applicant or license holder shall pay the costs of the appeal and  
785 the action of the chancery court.

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

790 (18) The granting of a license shall not be deemed a  
791 property right nor a guarantee of employment in any public school  
792 district. A license is a privilege indicating minimal eligibility  
793 for teaching in the public school districts of Mississippi. This  
794 section shall in no way alter or abridge the authority of local  
795 school districts to require greater qualifications or standards of  
796 performance as a prerequisite of initial or continued employment  
797 in such districts.

798 (19) In addition to the reasons specified in subsections  
799 (12) and (13) of this section, the board shall be authorized to  
800 suspend the license of any licensee for being out of compliance  
801 with an order for support, as defined in Section 93-11-153. The  
802 procedure for suspension of a license for being out of compliance



803 with an order for support, and the procedure for the reissuance or  
804 reinstatement of a license suspended for that purpose, and the  
805 payment of any fees for the reissuance or reinstatement of a  
806 license suspended for that purpose, shall be governed by Section  
807 93-11-157 or 93-11-163, as the case may be. Actions taken by the  
808 board in suspending a license when required by Section 93-11-157  
809 or 93-11-163 are not actions from which an appeal may be taken  
810 under this section. Any appeal of a license suspension that is  
811 required by Section 93-11-157 or 93-11-163 shall be taken in  
812 accordance with the appeal procedure specified in Section  
813 93-11-157 or 93-11-163, as the case may be, rather than the  
814 procedure specified in this section. If there is any conflict  
815 between any provision of Section 93-11-157 or 93-11-163 and any  
816 provision of this chapter, the provisions of Section 93-11-157 or  
817 93-11-163, as the case may be, shall control.

818       **SECTION 3.** Section 37-159-1, Mississippi Code of 1972, is  
819 amended as follows:

820       37-159-1. This act [Laws of 1998, Chapter 544] shall be  
821 known and may be cited as the "Mississippi Critical Teacher  
822 Shortage Act of 1998."

823       \* \* \*

824       **SECTION 4.** Section 37-159-5, Mississippi Code of 1972, is  
825 amended as follows:

826       37-159-5. The State Board of Education shall prescribe rules  
827 and regulations which, subject to available appropriations, allow

828 for reimbursement to the state licensed teachers, from both in  
829 state and out of state, who enter into a contract for employment  
830 in a school district situated within a geographical area of the  
831 state where there exists a critical shortage of teachers, as  
832 designated by the State Board of Education, for the expense of  
833 moving when the employment necessitates the relocation of the  
834 teacher to a different geographical area than that in which the  
835 teacher resides before entering into such contract. In order to  
836 be eligible for the reimbursement, the teacher must apply to the  
837 local district and the district must obtain the prior approval  
838 from the department for reimbursement before the relocation  
839 occurs. If the reimbursement is approved, the department shall  
840 provide funds to the school district to reimburse the teacher an  
841 amount not to exceed One Thousand Dollars (\$1,000.00) for the  
842 documented actual expenses incurred in the course of relocating,  
843 including the expense of any professional moving company or  
844 persons employed to assist with the move, rented moving vehicles  
845 or equipment, mileage in the amount authorized for state employees  
846 under Section 25-3-41 if the teacher used his personal vehicle or  
847 vehicles for the move, meals and such other expenses associated  
848 with the relocation in accordance with the department's  
849 established rules and regulations. No teacher may be reimbursed  
850 for moving expenses under this section on more than one (1)  
851 occasion.

852           Nothing in this section shall be construed to require the  
853 actual residence to which the teacher relocates to be within the  
854 boundaries of the school district which has executed a contract  
855 for employment with the teacher or within the boundaries of the  
856 area designated by the State Board of Education as the critical  
857 teacher shortage area in order for the teacher to be eligible for  
858 reimbursement for his moving expenses. However, teachers must  
859 relocate within the boundaries of the State of Mississippi.

860           \* \* \*

861           **SECTION 5.** Section 37-159-7, Mississippi Code of 1972, is  
862 amended as follows:

863           37-159-7. The school board of any school district situated  
864 within a geographical area of the state where there exists a  
865 critical shortage of teachers, as designated by the State Board of  
866 Education, in its discretion, may reimburse persons who interview  
867 for employment as a licensed teacher with the district for the  
868 mileage and other actual expenses incurred in the course of travel  
869 to and from the interview by such persons at the rate authorized  
870 for county and municipal employees under Section 25-3-41. Any  
871 reimbursement by a school board under this section shall be paid  
872 from nonminimum education program funds.

873           \* \* \*

874           **SECTION 6.** Section 37-159-11, Mississippi Code of 1972, is  
875 amended as follows:

876           37-159-11. (1) There is established the Mississippi  
877 Employer-Assisted Housing Teacher Program, which shall be a  
878 special home loan program for eligible licensed teachers who  
879 render service to the state in a geographical area of the state  
880 where there exists a critical shortage of teachers, as designated  
881 by the State Board of Education. The home loan program shall be  
882 administered by the State Department of Education in conjunction  
883 with the Federal National Mortgage Association (Fannie Mae). The  
884 department may contract with one or more public or private  
885 entities to provide assistance in implementing and administering  
886 the program. The State Board of Education shall adopt rules and  
887 regulations regarding the implementation and administration of the  
888 program.

889           (2) Participation in the loan program shall be available to  
890 any licensed teacher who renders service in a geographical area of  
891 the state where there exists a critical shortage of teachers, as  
892 designated by the State Board of Education. Any person who  
893 receives a loan under the program shall be required to purchase a  
894 house and reside in a county in which the school district for  
895 which the teacher is rendering service, or any portion of the  
896 school district, is located. The maximum amount of a loan that  
897 may be made under the program to any person shall be Six Thousand  
898 Dollars (\$6,000.00).

899           (3) Any loan made under the program to a person who actually  
900 renders service as a teacher in a geographical area of the state

901 where there exists a critical shortage of teachers, as designated  
902 by the State Board of Education, shall be converted to an  
903 interest-free grant on the basis of one (1) year's service for  
904 one-third (1/3) of the amount of the loan. Any person who does  
905 not render three (3) years' service as a teacher in a geographical  
906 area of the state where there exists a critical shortage of  
907 teachers, as designated by the State Board of Education, shall be  
908 liable to the State Department of Education for one-third (1/3) of  
909 the amount of the loan for each year that he does not render such  
910 service, plus interest accruing at the current Stafford Loan rate  
911 at the time the person discontinues his service. If a claim for  
912 repayment under this subsection is placed in the hands of an  
913 attorney for collection, the obligor shall be liable for an  
914 additional amount equal to a reasonable attorney's fee.

915 (4) All funds received by the State Department of Education  
916 as repayment of loans by program participants shall be deposited  
917 in the Mississippi Critical Teacher Shortage Fund.

918 \* \* \*

919 **SECTION 7.** Section 37-159-13, Mississippi Code of 1972, is  
920 amended as follows:

921 37-159-13. (1) There is established a pilot program to  
922 provide for the construction of rental housing units for teachers  
923 in the West Tallahatchie School District, which pilot program  
924 shall be administered by the State Department of Education. The  
925 department may contract with one or more public or private

926 entities to provide assistance in implementing and administering  
927 the program. The State Board of Education shall adopt rules and  
928 regulations regarding the implementation and administration of the  
929 program.

930 (2) The West Tallahatchie School District shall receive  
931 proposals from developers for the construction of the rental  
932 housing units, and submit its recommendation to the State  
933 Department of Education about which developer should construct the  
934 units. The department shall make the final determination about  
935 the developer that will construct the units.

936 (3) After selection of the developer, the department shall  
937 loan the developer not more than Two Hundred Thousand Dollars  
938 (\$200,000.00) for construction of the units. The interest rate on  
939 the loan shall be equal to one percent (1%) below the discount  
940 rate at the Federal Reserve Bank in the Federal Reserve district  
941 in which the school district is located, and the loan shall be  
942 repaid in not more than fifteen (15) years, as determined by the  
943 department. All funds received by the department as repayment of  
944 the principal and interest of the loan shall be deposited in the  
945 Mississippi Critical Teacher Shortage Fund. If a claim against  
946 the developer for repayment is placed in the hands of an attorney  
947 for collection, the obligor shall be liable for an additional  
948 amount equal to a reasonable attorney's fee.

949 (4) The developer shall operate the rental housing units.  
950 For a period of ten (10) years or until such time as the loan to

951 the developer is repaid, whichever is longer, the priority for  
952 residence in the units shall be given first to teachers employed  
953 by the school district, then to other licensed school district  
954 employees, and then to any other school district employees.

955 \* \* \*

956 **SECTION 8.** Section 37-159-17, Mississippi Code of 1972, is  
957 amended as follows:

958 37-159-17. There is established in the State Treasury a  
959 special fund to be designated the "Mississippi Critical Teacher  
960 Shortage Fund," into which shall be deposited those funds  
961 appropriated by the Legislature, and any other funds that may be  
962 made available, for the purpose of implementing the programs  
963 established under Sections 37-159-5, 37-9-77, 37-3-91 and 37-159-9  
964 through 37-159-13. Money in the fund at the end of a fiscal year  
965 shall not lapse into the General Fund, and interest earned on any  
966 amounts deposited into the fund shall be credited to the special  
967 fund.

968 \* \* \*

969 **SECTION 9.** The following shall be codified as Section  
970 25-11-126, Mississippi Code of 1972:

971 25-11-126. (1) Any person who has at least twenty-five (25)  
972 years of creditable service, who was employed as a public  
973 schoolteacher at the time of his or her retirement and who has  
974 been retired and receiving a retirement allowance for at least one  
975 (1) year, may be employed as a teacher in a public school district

976 located in a geographic area of the state designated as a critical  
977 teacher shortage area by the State Board of Education after  
978 retirement, and choose to continue receiving the retirement  
979 allowance under this article during his or her employment as a  
980 teacher after retirement in addition to receiving the salary  
981 authorized under Section 37-19-7 for teachers with zero to three  
982 (3) years of teaching experience with a Class A certification for  
983 the duration of his or her post-retirement reemployment.

984 (2) (a) The retired teacher may be employed as a teacher,  
985 continue receiving his or her retirement allowance and be a  
986 contributing member of the system without accruing additional  
987 retirement benefits. This method is designed specifically to  
988 provide funding for the system to actuarially offset any pension  
989 liability by providing the employer contribution plus three  
990 percent (3%) of earned compensation as the employee contribution  
991 of employees hired under the authority of this section.

992 (b) The State Department of Education shall transfer to  
993 the system the Mississippi Adequate Education Program funds of  
994 local school districts that on or after July 1, 2019, hire retired  
995 members as teachers under this section and other funds that  
996 otherwise would have been payable to the districts if the  
997 districts had not taken advantage of this section. The crediting  
998 of assets and financing shall follow the provisions of Section  
999 25-11-123.



1000           (c) Local educational agencies shall transfer to the  
1001 system the Mississippi Adequate Education Program funds of local  
1002 school districts that on or after July 1, 2019, hire retired  
1003 members as teachers under this section and other funds that  
1004 otherwise would have been payable to the districts if the  
1005 districts had not taken advantage of this section. The crediting  
1006 of assets and financing must follow the provisions of Section  
1007 25-11-123.

1008           (3) A person may be hired under this section subject to the  
1009 following conditions:

1010           (a) The retired member holds any teacher's professional  
1011 license or certificate as may be required in Section 37-3-2.

1012           (b) The superintendent of schools of the employing  
1013 school district certifies in writing to the State Department of  
1014 Education that the retired member has the requisite experience,  
1015 training and expertise for the position to be filled and that no  
1016 other qualified persons are available to fill the position.

1017           (c) The superintendent of schools of the district  
1018 certifies or the principal of the school certifies that there was  
1019 no preexisting arrangement for the person to be hired.

1020           (d) The person had a satisfactory performance review  
1021 for the most recent period before retirement.

1022           (4) The State Superintendent of Public Education shall  
1023 report the persons who are employed under this section to the  
1024 Executive Director of the Public Employees' Retirement System.

1025           **SECTION 10.** Section 25-11-105, Mississippi Code of 1972, is  
1026 brought forward as follows:

1027           25-11-105.   **I.   THOSE WHO ARE ELIGIBLE FOR MEMBERSHIP**

1028           The membership of this retirement system shall be composed as  
1029 follows:

1030                   (a)   (i) All persons who become employees in the state  
1031 service after January 31, 1953, and whose wages are subject to  
1032 payroll taxes and are lawfully reported on IRS Form W-2, except  
1033 those specifically excluded, or as to whom election is provided in  
1034 Articles 1 and 3, shall become members of the retirement system as  
1035 a condition of their employment.

1036                           (ii) From and after July 1, 2002, any individual  
1037 who is employed by a governmental entity to perform professional  
1038 services shall become a member of the system if the individual is  
1039 paid regular periodic compensation for those services that is  
1040 subject to payroll taxes, is provided all other employee benefits  
1041 and meets the membership criteria established by the regulations  
1042 adopted by the board of trustees that apply to all other members  
1043 of the system; however, any active member employed in such a  
1044 position on July 1, 2002, will continue to be an active member for  
1045 as long as they are employed in any such position.

1046                   (b) All persons who become employees in the state  
1047 service after January 31, 1953, except those specifically excluded  
1048 or as to whom election is provided in Articles 1 and 3, unless  
1049 they file with the board before the lapse of sixty (60) days of

1050 employment or sixty (60) days after the effective date of the  
1051 cited articles, whichever is later, on a form prescribed by the  
1052 board, a notice of election not to be covered by the membership of  
1053 the retirement system and a duly executed waiver of all present  
1054 and prospective benefits that would otherwise inure to them on  
1055 account of their participation in the system, shall become members  
1056 of the retirement system; however, no credit for prior service  
1057 will be granted to members who became members of the system before  
1058 July 1, 2007, until they have contributed to Article 3 of the  
1059 retirement system for a minimum period of at least four (4) years,  
1060 or to members who became members of the system on or after July 1,  
1061 2007, until they have contributed to Article 3 of the retirement  
1062 system for a minimum period of at least eight (8) years. Those  
1063 members shall receive credit for services performed before January  
1064 1, 1953, in employment now covered by Article 3, but no credit  
1065 shall be granted for retroactive services between January 1, 1953,  
1066 and the date of their entry into the retirement system, unless the  
1067 employee pays into the retirement system both the employer's and  
1068 the employee's contributions on wages paid him during the period  
1069 from January 31, 1953, to the date of his becoming a contributing  
1070 member, together with interest at the rate determined by the board  
1071 of trustees. Members reentering after withdrawal from service  
1072 shall qualify for prior service under the provisions of Section  
1073 25-11-117. From and after July 1, 1998, upon eligibility as noted

1074 above, the member may receive credit for such retroactive service  
1075 provided:

1076 (i) The member shall furnish proof satisfactory to  
1077 the board of trustees of certification of that service from the  
1078 covered employer where the services were performed; and

1079 (ii) The member shall pay to the retirement system  
1080 on the date he or she is eligible for that credit or at any time  
1081 thereafter before the date of retirement the actuarial cost for  
1082 each year of that creditable service. The provisions of this  
1083 subparagraph (ii) shall be subject to the limitations of Section  
1084 415 of the Internal Revenue Code and regulations promulgated under  
1085 Section 415.

1086 Nothing contained in this paragraph (b) shall be construed to  
1087 limit the authority of the board to allow the correction of  
1088 reporting errors or omissions based on the payment of the employee  
1089 and employer contributions plus applicable interest.

1090 (c) All persons who become employees in the state  
1091 service after January 31, 1953, and who are eligible for  
1092 membership in any other retirement system shall become members of  
1093 this retirement system as a condition of their employment, unless  
1094 they elect at the time of their employment to become a member of  
1095 that other system.

1096 (d) All persons who are employees in the state service  
1097 on January 31, 1953, and who are members of any nonfunded  
1098 retirement system operated by the State of Mississippi, or any of

1099 its departments or agencies, shall become members of this system  
1100 with prior service credit unless, before February 1, 1953, they  
1101 file a written notice with the board of trustees that they do not  
1102 elect to become members.

1103 (e) All persons who are employees in the state service  
1104 on January 31, 1953, and who under existing laws are members of  
1105 any fund operated for the retirement of employees by the State of  
1106 Mississippi, or any of its departments or agencies, shall not be  
1107 entitled to membership in this retirement system unless, before  
1108 February 1, 1953, any such person indicates by a notice filed with  
1109 the board, on a form prescribed by the board, his individual  
1110 election and choice to participate in this system, but no such  
1111 person shall receive prior service credit unless he becomes a  
1112 member on or before February 1, 1953.

1113 (f) Each political subdivision of the state and each  
1114 instrumentality of the state or a political subdivision, or both,  
1115 is authorized to submit, for approval by the board of trustees, a  
1116 plan for extending the benefits of this article to employees of  
1117 any such political subdivision or instrumentality. Each such plan  
1118 or any amendment to the plan for extending benefits thereof shall  
1119 be approved by the board of trustees if it finds that the plan, or  
1120 the plan as amended, is in conformity with such requirements as  
1121 are provided in Articles 1 and 3; however, upon approval of the  
1122 plan or any such plan previously approved by the board of  
1123 trustees, the approved plan shall not be subject to cancellation

1124 or termination by the political subdivision or instrumentality.

1125 No such plan shall be approved unless:

1126 (i) It provides that all services that constitute  
1127 employment as defined in Section 25-11-5 and are performed in the  
1128 employ of the political subdivision or instrumentality, by any  
1129 employees thereof, shall be covered by the plan, with the  
1130 exception of municipal employees who are already covered by  
1131 existing retirement plans; however, those employees in this class  
1132 may elect to come under the provisions of this article;

1133 (ii) It specifies the source or sources from which  
1134 the funds necessary to make the payments required by paragraph (d)  
1135 of Section 25-11-123 and of paragraph (f) (v)2 and 3 of this  
1136 section are expected to be derived and contains reasonable  
1137 assurance that those sources will be adequate for that purpose;

1138 (iii) It provides for such methods of  
1139 administration of the plan by the political subdivision or  
1140 instrumentality as are found by the board of trustees to be  
1141 necessary for the proper and efficient administration thereof;

1142 (iv) It provides that the political subdivision or  
1143 instrumentality will make such reports, in such form and  
1144 containing such information, as the board of trustees may from  
1145 time to time require;

1146 (v) It authorizes the board of trustees to  
1147 terminate the plan in its entirety in the discretion of the board  
1148 if it finds that there has been a failure to comply substantially

1149 with any provision contained in the plan, the termination to take  
1150 effect at the expiration of such notice and on such conditions as  
1151 may be provided by regulations of the board and as may be  
1152 consistent with applicable federal law.

1153           1. The board of trustees shall not finally  
1154 refuse to approve a plan submitted under paragraph (f), and shall  
1155 not terminate an approved plan without reasonable notice and  
1156 opportunity for hearing to each political subdivision or  
1157 instrumentality affected by the board's decision. The board's  
1158 decision in any such case shall be final, conclusive and binding  
1159 unless an appeal is taken by the political subdivision or  
1160 instrumentality aggrieved by the decision to the Circuit Court of  
1161 the First Judicial District of Hinds County, Mississippi, in  
1162 accordance with the provisions of law with respect to civil causes  
1163 by certiorari.

1164           2. Each political subdivision or  
1165 instrumentality as to which a plan has been approved under this  
1166 section shall pay into the contribution fund, with respect to  
1167 wages (as defined in Section 25-11-5), at such time or times as  
1168 the board of trustees may by regulation prescribe, contributions  
1169 in the amounts and at the rates specified in the applicable  
1170 agreement entered into by the board.

1171           3. Every political subdivision or  
1172 instrumentality required to make payments under paragraph (f) (v) 2  
1173 of this section is authorized, in consideration of the employees'

1174 retention in or entry upon employment after enactment of Articles  
1175 1 and 3, to impose upon its employees, as to services that are  
1176 covered by an approved plan, a contribution with respect to wages  
1177 (as defined in Section 25-11-5) not exceeding the amount provided  
1178 in Section 25-11-123(d) if those services constituted employment  
1179 within the meaning of Articles 1 and 3, and to deduct the amount  
1180 of the contribution from the wages as and when paid.

1181 Contributions so collected shall be paid into the contribution  
1182 fund as partial discharge of the liability of the political  
1183 subdivisions or instrumentalities under paragraph (f)(v)2 of this  
1184 section. Failure to deduct the contribution shall not relieve the  
1185 employee or employer of liability for the contribution.

1186                   4. Any state agency, school, political  
1187 subdivision, instrumentality or any employer that is required to  
1188 submit contribution payments or wage reports under any section of  
1189 this chapter shall be assessed interest on delinquent payments or  
1190 wage reports as determined by the board of trustees in accordance  
1191 with rules and regulations adopted by the board and delinquent  
1192 payments, assessed interest and any other amount certified by the  
1193 board as owed by an employer, may be recovered by action in a  
1194 court of competent jurisdiction against the reporting agency  
1195 liable therefor or may, upon due certification of delinquency and  
1196 at the request of the board of trustees, be deducted from any  
1197 other monies payable to the reporting agency by any department or  
1198 agency of the state.



1199                   5. Each political subdivision of the state  
1200 and each instrumentality of the state or a political subdivision  
1201 or subdivisions that submit a plan for approval of the board, as  
1202 provided in this section, shall reimburse the board for coverage  
1203 into the expense account, its pro rata share of the total expense  
1204 of administering Articles 1 and 3 as provided by regulations of  
1205 the board.

1206                   (g) The board may, in its discretion, deny the right of  
1207 membership in this system to any class of employees whose  
1208 compensation is only partly paid by the state or who are occupying  
1209 positions on a part-time or intermittent basis. The board may, in  
1210 its discretion, make optional with employees in any such classes  
1211 their individual entrance into this system.

1212                   (h) An employee whose membership in this system is  
1213 contingent on his own election, and who elects not to become a  
1214 member, may thereafter apply for and be admitted to membership;  
1215 but no such employee shall receive prior service credit unless he  
1216 becomes a member before July 1, 1953, except as provided in  
1217 paragraph (b).

1218                   (i) If any member of this system changes his employment  
1219 to any agency of the state having an actuarially funded retirement  
1220 system, the board of trustees may authorize the transfer of the  
1221 member's creditable service and of the present value of the  
1222 member's employer's accumulation account and of the present value  
1223 of the member's accumulated membership contributions to that other

1224 system, provided that the employee agrees to the transfer of his  
1225 accumulated membership contributions and provided that the other  
1226 system is authorized to receive and agrees to make the transfer.

1227         If any member of any other actuarially funded system  
1228 maintained by an agency of the state changes his employment to an  
1229 agency covered by this system, the board of trustees may authorize  
1230 the receipt of the transfer of the member's creditable service and  
1231 of the present value of the member's employer's accumulation  
1232 account and of the present value of the member's accumulated  
1233 membership contributions from the other system, provided that the  
1234 employee agrees to the transfer of his accumulated membership  
1235 contributions to this system and provided that the other system is  
1236 authorized and agrees to make the transfer.

1237         (j) Wherever state employment is referred to in this  
1238 section, it includes joint employment by state and federal  
1239 agencies of all kinds.

1240         (k) Employees of a political subdivision or  
1241 instrumentality who were employed by the political subdivision or  
1242 instrumentality before an agreement between the entity and the  
1243 Public Employees' Retirement System to extend the benefits of this  
1244 article to its employees, and which agreement provides for the  
1245 establishment of retroactive service credit, and who became  
1246 members of the retirement system before July 1, 2007, and have  
1247 remained contributors to the retirement system for four (4) years,  
1248 or who became members of the retirement system on or after July 1,

1249 2007, and have remained contributors to the retirement system for  
1250 eight (8) years, may receive credit for that retroactive service  
1251 with the political subdivision or instrumentality, provided that  
1252 the employee and/or employer, as provided under the terms of the  
1253 modification of the joinder agreement in allowing that coverage,  
1254 pay into the retirement system the employer's and employee's  
1255 contributions on wages paid the member during the previous  
1256 employment, together with interest or actuarial cost as determined  
1257 by the board covering the period from the date the service was  
1258 rendered until the payment for the credit for the service was  
1259 made. Those wages shall be verified by the Social Security  
1260 Administration or employer payroll records. Effective July 1,  
1261 1998, upon eligibility as noted above, a member may receive credit  
1262 for that retroactive service with the political subdivision or  
1263 instrumentality provided:

1264 (i) The member shall furnish proof satisfactory to  
1265 the board of trustees of certification of those services from the  
1266 political subdivision or instrumentality where the services were  
1267 rendered or verification by the Social Security Administration;  
1268 and

1269 (ii) The member shall pay to the retirement system  
1270 on the date he or she is eligible for that credit or at any time  
1271 thereafter before the date of retirement the actuarial cost for  
1272 each year of that creditable service. The provisions of this  
1273 subparagraph (ii) shall be subject to the limitations of Section

1274 415 of the Internal Revenue Code and regulations promulgated under  
1275 Section 415.

1276 Nothing contained in this paragraph (k) shall be construed to  
1277 limit the authority of the board to allow the correction of  
1278 reporting errors or omissions based on the payment of employee and  
1279 employer contributions plus applicable interest. Payment for that  
1280 time shall be made beginning with the most recent service. Upon  
1281 the payment of all or part of the required contributions, plus  
1282 interest or the actuarial cost as provided above, the member shall  
1283 receive credit for the period of creditable service for which full  
1284 payment has been made to the retirement system.

1285 (l) Through June 30, 1998, any state service eligible  
1286 for retroactive service credit, no part of which has ever been  
1287 reported, and requiring the payment of employee and employer  
1288 contributions plus interest, or, from and after July 1, 1998, any  
1289 state service eligible for retroactive service credit, no part of  
1290 which has ever been reported to the retirement system, and  
1291 requiring the payment of the actuarial cost for that creditable  
1292 service, may, at the member's option, be purchased in quarterly  
1293 increments as provided above at the time that its purchase is  
1294 otherwise allowed.

1295 (m) All rights to purchase retroactive service credit  
1296 or repay a refund as provided in Section 25-11-101 et seq. shall  
1297 terminate upon retirement.

1298 **II. THOSE WHO ARE NOT ELIGIBLE FOR MEMBERSHIP**

1299           The following classes of employees and officers shall not  
1300 become members of this retirement system, any other provisions of  
1301 Articles 1 and 3 to the contrary notwithstanding:

1302                 (a) Patient or inmate help in state charitable, penal  
1303 or correctional institutions;

1304                 (b) Students of any state educational institution  
1305 employed by any agency of the state for temporary, part-time or  
1306 intermittent work;

1307                 (c) Participants of Comprehensive Employment and  
1308 Training Act of 1973 (CETA) being Public Law 93-203, who enroll on  
1309 or after July 1, 1979;

1310                 (d) From and after July 1, 2002, individuals who are  
1311 employed by a governmental entity to perform professional service  
1312 on less than a full-time basis who do not meet the criteria  
1313 established in I(a)(ii) of this section.

1314   **III.    TERMINATION OF MEMBERSHIP**

1315           Membership in this system shall cease by a member withdrawing  
1316 his accumulated contributions, or by a member withdrawing from  
1317 active service with a retirement allowance, or by a member's  
1318 death.

1319           **SECTION 11.** Section 25-11-123, Mississippi Code of 1972, is  
1320 amended as follows:

1321           25-11-123. All of the assets of the system shall be credited  
1322 according to the purpose for which they are held to one (1) of  
1323 four (4) reserves; namely, the annuity savings account, the

1324 annuity reserve, the employer's accumulation account, and the  
1325 expense account.

1326 (a) **Annuity savings account.** In the annuity savings account  
1327 shall be accumulated the contributions made by members to provide  
1328 for their annuities, including interest thereon which shall be  
1329 posted monthly. Credits to and charges against the annuity  
1330 savings account shall be made as follows:

1331 (1) Beginning July 1, 2010, except as otherwise  
1332 provided by Section 25-11-126, the employer shall cause to be  
1333 deducted from the salary of each member on each and every payroll  
1334 of the employer for each and every payroll period nine percent  
1335 (9%) of earned compensation as defined in Section 25-11-103.  
1336 Future contributions shall be fixed biennially by the board on the  
1337 basis of the liabilities of the retirement system for the various  
1338 allowances and benefits as shown by actuarial valuation; however,  
1339 any member earning at a rate less than Sixteen Dollars and  
1340 Sixty-seven Cents (\$16.67) per month, or Two Hundred Dollars  
1341 (\$200.00) per year, shall contribute not less than One Dollar  
1342 (\$1.00) per month, or Twelve Dollars (\$12.00) per year.

1343 (2) The deductions provided in paragraph (1) of this  
1344 subsection shall be made notwithstanding that the minimum  
1345 compensation provided by law for any member is reduced by the  
1346 deduction. Every member shall be deemed to consent and agree to  
1347 the deductions made and provided for in paragraph (1) of this  
1348 subsection and shall receipt for his full salary or compensation,

1349 and payment of salary or compensation less the deduction shall be  
1350 a full and complete discharge and acquittance of all claims and  
1351 demands whatsoever for the services rendered by the person during  
1352 the period covered by the payment, except as to the benefits  
1353 provided under Articles 1 and 3. The board shall provide by rules  
1354 for the methods of collection of contributions from members and  
1355 the employer. The board shall have full authority to require the  
1356 production of evidence necessary to verify the correctness of  
1357 amounts contributed.

1358       (b) **Annuity reserve.** The annuity reserve shall be the  
1359 account representing the actuarial value of all annuities in  
1360 force, and to it shall be charged all annuities and all benefits  
1361 in lieu of annuities, payable as provided in this article. If a  
1362 beneficiary retired on account of disability is restored to active  
1363 service with a compensation not less than his average final  
1364 compensation at the time of his last retirement, the remainder of  
1365 his contributions shall be transferred from the annuity reserve to  
1366 the annuity savings account and credited to his individual account  
1367 therein, and the balance of his annuity reserve shall be  
1368 transferred to the employer's accumulation account.

1369       (c) **Employer's accumulation account.** The employer's  
1370 accumulation account shall represent the accumulation of all  
1371 reserves for the payment of all retirement allowances and other  
1372 benefits payable from contributions made by the employer, and  
1373 against this account shall be charged all retirement allowances

1374 and other benefits on account of members. Credits to and charges  
1375 against the employer's accumulation account shall be made as  
1376 follows:

1377           (1) On account of each member there shall be paid  
1378 monthly into the employer's accumulation account by the employers  
1379 for the preceding fiscal year an amount equal to a certain  
1380 percentage of the total earned compensation, as defined in Section  
1381 25-11-103, of each member. The percentage rate of those  
1382 contributions shall be fixed biennially by the board on the basis  
1383 of the liabilities of the retirement system for the various  
1384 allowances and benefits as shown by actuarial valuation.  
1385 Beginning January 1, 1990, the rate shall be fixed at nine and  
1386 three-fourths percent (9-3/4%). The board shall reduce the  
1387 employer's contribution rate by one percent (1%) from and after  
1388 July 1 of the year following the year in which the board  
1389 determines and the board's actuary certifies that the employer's  
1390 contribution rate can be reduced by that amount without causing  
1391 the unfunded accrued actuarial liability amortization period for  
1392 the retirement system to exceed twenty (20) years. Political  
1393 subdivisions joining Article 3 of the Public Employees' Retirement  
1394 System after July 1, 1968, may adjust the employer's contributions  
1395 by agreement with the Board of Trustees of the Public Employees'  
1396 Retirement System to provide service credits for any period before  
1397 execution of the agreement based upon an actuarial determination  
1398 of employer's contribution rates.



1399                   (2) On the basis of regular interest and of such  
1400 mortality and other tables as are adopted by the board of  
1401 trustees, the actuary engaged by the board to make each valuation  
1402 required by this article during the period over which the accrued  
1403 liability contribution is payable, immediately after making that  
1404 valuation, shall determine the uniform and constant percentage of  
1405 the earnable compensation of each member which, if contributed by  
1406 the employer on the basis of compensation of the member throughout  
1407 his entire period of membership service, would be sufficient to  
1408 provide for the payment of any retirement allowance payable on his  
1409 account for that service. The percentage rate so determined shall  
1410 be known as the "normal contribution rate." After the accrued  
1411 liability contribution has ceased to be payable, the normal  
1412 contribution rate shall be the percentage rate of the salary of  
1413 all members obtained by deducting from the total liabilities on  
1414 account of membership service the amount in the employer's  
1415 accumulation account, and dividing the remainder by one percent  
1416 (1%) of the present value of the prospective future salaries of  
1417 all members as computed on the basis of the mortality and service  
1418 tables adopted by the board of trustees and regular interest. The  
1419 normal rate of contributions shall be determined by the actuary  
1420 after each valuation.

1421                   (3) The total amount payable in each year to the  
1422 employer's accumulation account shall not be less than the sum of  
1423 the percentage rate known as the "normal contribution rate" and

1424 the "accrued liability contribution rate" of the total  
1425 compensation earnable by all members during the preceding year,  
1426 provided that the payment by the employer shall be sufficient,  
1427 when combined with the amounts in the account, to provide the  
1428 allowances and other benefits chargeable to this account during  
1429 the year then current.

1430 (4) The accrued liability contribution shall be  
1431 discontinued as soon as the accumulated balance in the employer's  
1432 accumulation account shall equal the present value, computed on  
1433 the basis of the normal contribution rate then in force, or the  
1434 prospective normal contributions to be received on account of all  
1435 persons who are at that time members.

1436 (5) All allowances and benefits in lieu thereof, with  
1437 the exception of those payable on account of members who receive  
1438 no prior service credit, payable from contributions of the  
1439 employer, shall be paid from the employer's accumulation account.

1440 (6) Upon the retirement of a member, an amount equal to  
1441 his retirement allowance shall be transferred from the employer's  
1442 accumulation account to the annuity reserve.

1443 (7) The employer's accumulation account shall be  
1444 credited with any assets authorized by law to be credited to the  
1445 account.

1446 (d) **Expense account.** The expense account shall be the  
1447 account to which the expenses of the administration of the system  
1448 shall be charged, exclusive of amounts payable as retirement

1449 allowances and as other benefits provided herein. The Legislature  
1450 shall make annual appropriations in amounts sufficient to  
1451 administer the system, which shall be credited to this account.  
1452 There shall be transferred to the State Treasury from this  
1453 account, not less than once per month, an amount sufficient for  
1454 payment of the estimated expenses of the system for the succeeding  
1455 thirty (30) days. Any interest earned on the expense account  
1456 shall accrue to the benefit of the system. However,  
1457 notwithstanding the provisions of Sections 25-11-15(10) and  
1458 25-11-105(f)(v)5, all expenses of the administration of the system  
1459 shall be paid from the interest earnings, provided the interest  
1460 earnings are in excess of the actuarial interest assumption as  
1461 determined by the board, and provided the present cost of the  
1462 administrative expense fee of two percent (2%) of the  
1463 contributions reported by the political subdivisions and  
1464 instrumentalities shall be reduced to one percent (1%) from and  
1465 after July 1, 1983, through June 30, 1984, and shall be eliminated  
1466 thereafter.

1467       (e) **Collection of contributions.** The employer shall cause  
1468 to be deducted on each and every payroll of a member for each and  
1469 every payroll period, beginning subsequent to January 31, 1953,  
1470 the contributions payable by the member as provided in Articles 1  
1471 and 3.

1472       The employer shall make deductions from salaries of employees  
1473 as provided in Articles 1 and 3 and shall transmit monthly, or at

1474 such time as the board of trustees designates, the amount  
1475 specified to be deducted to the Executive Director of the Public  
1476 Employees' Retirement System. The executive director, after  
1477 making a record of all those receipts, shall deposit such amounts  
1478 as provided by law.

1479 (f) (1) Upon the basis of each actuarial valuation provided  
1480 herein, the board of trustees shall biennially determine the  
1481 normal contribution rate and the accrued liability contribution  
1482 rate as provided in this section. The sum of these two (2) rates  
1483 shall be known as the "employer's contribution rate." Beginning  
1484 on earned compensation effective January 1, 1990, the rate  
1485 computed as provided in this section shall be nine and  
1486 three-fourths percent (9-3/4%). The board shall reduce the  
1487 employer's contribution rate by one percent (1%) from and after  
1488 July 1 of the year following the year in which the board  
1489 determines and the board's actuary certifies that the employer's  
1490 contribution rate can be reduced by that amount without causing  
1491 the unfunded accrued actuarial liability amortization period for  
1492 the retirement system to exceed twenty (20) years. The percentage  
1493 rate of those contributions shall be fixed biennially by the board  
1494 on the basis of the liabilities of the retirement system for the  
1495 various allowances and benefits as shown by actuarial valuation.

1496 (2) The amount payable by the employer on account of  
1497 normal and accrued liability contributions shall be determined by  
1498 applying the employer's contribution rate to the amount of

1499 compensation earned by employees who are members of the system.  
1500 Monthly, or at such time as the board of trustees designates, each  
1501 department or agency shall compute the amount of the employer's  
1502 contribution payable, with respect to the salaries of its  
1503 employees who are members of the system, and shall cause that  
1504 amount to be paid to the board of trustees from the personal  
1505 service allotment of the amount appropriated for the operation of  
1506 the department or agency, or from funds otherwise available to the  
1507 agency, for the payment of salaries to its employees.

1508 (3) Except as otherwise provided in Section 25-11-106:

1509 (i) Constables shall pay employer and employee  
1510 contributions on their net fee income as well as the employee  
1511 contributions on all direct treasury or county payroll income.

1512 (ii) The county shall be responsible for the  
1513 employer contribution on all direct treasury or county payroll  
1514 income of constables.

1515 (4) Except as otherwise provided in Section  
1516 25-11-106.1, chancery and circuit clerks shall be responsible for  
1517 both the employer and employee share of contributions on the  
1518 proportionate share of net income attributable to fees, as well as  
1519 the employee share of net income attributable to direct treasury  
1520 or county payroll income, and the employing county shall be  
1521 responsible for the employer contributions on the net income  
1522 attributable to direct treasury or county payroll income.

1523           (5) Once each year, under procedures established by the  
1524 system, each employer shall submit to the Public Employees'  
1525 Retirement System a copy of their report to Social Security of all  
1526 employees' earnings.

1527           (6) The board shall provide by rules for the methods of  
1528 collection of contributions of employers and members. The amounts  
1529 determined due by an agency to the various funds as specified in  
1530 Articles 1 and 3 are made obligations of the agency to the board  
1531 and shall be paid as provided herein. Failure to deduct those  
1532 contributions shall not relieve the employee and employer from  
1533 liability thereof. Delinquent employee contributions and any  
1534 accrued interest shall be the obligation of the employee and  
1535 delinquent employer contributions and any accrued interest shall  
1536 be the obligation of the employer. The employer may, in its  
1537 discretion, elect to pay any or all of the interest on delinquent  
1538 employee contributions. From and after July 1, 1996, under rules  
1539 and regulations established by the board, all employers are  
1540 authorized and shall transfer all funds due to the Public  
1541 Employees' Retirement System electronically and shall transmit any  
1542 wage or other reports by computerized reporting systems.

1543           **SECTION 12.** Section 25-11-127, Mississippi Code of 1972, is  
1544 amended as follows:

1545           25-11-127. (1) (a) No person who is being paid a  
1546 retirement allowance or a pension after retirement under this  
1547 article shall be employed or paid for any service by the State of

1548 Mississippi, including services as an employee, contract worker,  
1549 contractual employee or independent contractor, until the retired  
1550 person has been retired for not less than ninety (90) consecutive  
1551 days from his or her effective date of retirement. After the  
1552 person has been retired for not less than ninety (90) consecutive  
1553 days from his or her effective date of retirement or such later  
1554 date as established by the board, he or she may be reemployed  
1555 while being paid a retirement allowance under the terms and  
1556 conditions provided in this section or in Section 25-11-126.

1557 (b) No retiree of this retirement system who is  
1558 reemployed or is reelected to office after retirement shall  
1559 continue to draw retirement benefits while so reemployed, except  
1560 as provided in this section or in Section 25-11-126.

1561 (c) No person employed or elected under the exceptions  
1562 provided for in this section shall become a member under Article 3  
1563 of the retirement system.

1564 (2) Except as otherwise provided in Section 25-11-126, any  
1565 person who has been retired under the provisions of Article 3 and  
1566 who is later reemployed in service covered by this article shall  
1567 cease to receive benefits under this article and shall again  
1568 become a contributing member of the retirement system. When the  
1569 person retires again, if the person has been a contributing member  
1570 of the retirement system during the reemployment and the  
1571 reemployment exceeds six (6) months, the person shall have his or  
1572 her benefit recomputed, including service after again becoming a

1573 member, provided that the total retirement allowance paid to the  
1574 retired member in his or her previous retirement shall be deducted  
1575 from the member's retirement reserve and taken into consideration  
1576 in recalculating the retirement allowance under a new option  
1577 selected.

1578 (3) The board shall have the right to prescribe rules and  
1579 regulations for carrying out the provisions of this section.

1580 (4) The provisions of this section shall not be construed to  
1581 prohibit any retiree, regardless of age, from being employed and  
1582 drawing a retirement allowance either:

1583 (a) For a period of time not to exceed one-half (1/2)  
1584 of the normal working days for the position in any fiscal year  
1585 during which the retiree will receive no more than one-half (1/2)  
1586 of the salary in effect for the position at the time of  
1587 employment, or

1588 (b) For a period of time in any fiscal year sufficient  
1589 in length to permit a retiree to earn not in excess of twenty-five  
1590 percent (25%) of retiree's average compensation.

1591 To determine the normal working days for a position under  
1592 paragraph (a) of this subsection, the employer shall determine the  
1593 required number of working days for the position on a full-time  
1594 basis and the equivalent number of hours representing the  
1595 full-time position. The retiree then may work up to one-half  
1596 (1/2) of the required number of working days or up to one-half  
1597 (1/2) of the equivalent number of hours and receive up to one-half



1598 (1/2) of the salary for the position. In the case of employment  
1599 with multiple employers, the limitation shall equal one-half (1/2)  
1600 of the number of days or hours for a single full-time position.

1601 Notice shall be given in writing to the executive director,  
1602 setting forth the facts upon which the employment is being made,  
1603 and the notice shall be given within five (5) days from the date  
1604 of employment and also from the date of termination of the  
1605 employment.

1606 (5) Except as otherwise provided in subsection (6) of this  
1607 section, the employer of any person who is receiving a retirement  
1608 allowance and who is employed in service covered by subsection (4)  
1609 of this section as an employee or a contractual employee shall pay  
1610 to the board the full amount of the employer's contribution on the  
1611 amount of compensation received by the retiree for his or her  
1612 employment in accordance with regulations prescribed by the board.  
1613 The retiree shall not receive any additional creditable service in  
1614 the retirement system as a result of the payment of the employer's  
1615 contribution. This subsection does not apply to persons who are  
1616 receiving a retirement allowance and who contract with an employer  
1617 to provide services as a true independent contractor, as defined  
1618 by the board through regulation.

1619 (6) (a) A member may retire and continue in municipal or  
1620 county elective office provided that the member has reached the  
1621 age and/or service requirement that will not result in a  
1622 prohibited in-service distribution as defined by the Internal

1623 Revenue Service, or a retiree may be elected to a municipal or  
1624 county office, provided that the person:

1625                   (i) Files annually, in writing, in the office of  
1626 the employer and the office of the executive director of the  
1627 system before the person takes office or as soon as possible after  
1628 retirement, a waiver of all salary or compensation and elects to  
1629 receive in lieu of that salary or compensation a retirement  
1630 allowance as provided in this section, in which event no salary or  
1631 compensation shall thereafter be due or payable for those  
1632 services; however, any such officer or employee may receive, in  
1633 addition to the retirement allowance, office expense allowance,  
1634 mileage or travel expense authorized by any statute of the State  
1635 of Mississippi; or

1636                   (ii) Elects to receive compensation for that  
1637 elective office in an amount not to exceed twenty-five percent  
1638 (25%) of the retiree's average compensation. In order to receive  
1639 compensation as allowed in this subparagraph, the retiree shall  
1640 file annually, in writing, in the office of the employer and the  
1641 office of the executive director of the system, an election to  
1642 receive, in addition to a retirement allowance, compensation as  
1643 allowed in this subparagraph.

1644                   (b) The municipality or county in which the retired  
1645 person holds elective office shall pay to the board the amount of  
1646 the employer's contributions on the full amount of the regular

1647 compensation for the elective office that the retired person  
1648 holds.

1649 (c) As used in this subsection, the term "compensation"  
1650 does not include office expense allowance, mileage or travel  
1651 expense authorized by a statute of the State of Mississippi.

1652 **SECTION 13.** Section 37-19-7, Mississippi Code of 1972, is  
1653 brought forward as follows:

1654 37-19-7. (1) The allowance in the Mississippi Adequate  
1655 Education Program for teachers' salaries in each county and  
1656 separate school district shall be determined and paid in  
1657 accordance with the scale for teachers' salaries as provided in  
1658 this subsection. For teachers holding the following types of  
1659 licenses or the equivalent as determined by the State Board of  
1660 Education, and the following number of years of teaching  
1661 experience, the scale shall be as follows:

1662 **2014-2015 MINIMUM SALARY SCHEDULE**

1663 Years

1664	Exp.	AAAA	AAA	AA	A
1665	0	38,108.00	36,944.00	35,780.00	33,390.00
1666	1	38,108.00	36,944.00	35,780.00	33,390.00
1667	2	38,108.00	36,944.00	35,780.00	33,390.00
1668	3	38,902.00	37,671.00	36,440.00	33,885.00
1669	4	39,696.00	38,398.00	37,100.00	34,380.00
1670	5	40,490.00	39,125.00	37,760.00	34,875.00
1671	6	41,284.00	39,852.00	38,420.00	35,370.00

1672	7	42,078.00	40,579.00	39,080.00	35,865.00
1673	8	42,872.00	41,306.00	39,740.00	36,360.00
1674	9	43,666.00	42,033.00	40,400.00	36,855.00
1675	10	44,460.00	42,760.00	41,060.00	37,350.00
1676	11	45,254.00	43,487.00	41,720.00	37,845.00
1677	12	46,048.00	44,214.00	42,380.00	38,340.00
1678	13	46,842.00	44,941.00	43,040.00	38,835.00
1679	14	47,636.00	45,668.00	43,700.00	39,330.00
1680	15	48,430.00	46,395.00	44,360.00	39,825.00
1681	16	49,224.00	47,122.00	45,020.00	40,320.00
1682	17	50,018.00	47,849.00	45,680.00	40,815.00
1683	18	50,812.00	48,576.00	46,340.00	41,310.00
1684	19	51,606.00	49,303.00	47,000.00	41,805.00
1685	20	52,400.00	50,030.00	47,660.00	42,300.00
1686	21	53,194.00	50,757.00	48,320.00	42,795.00
1687	22	53,988.00	51,484.00	48,980.00	43,290.00
1688	23	54,782.00	52,211.00	49,640.00	43,785.00
1689	24	55,576.00	52,938.00	50,300.00	44,280.00
1690	25	58,430.00	55,725.00	53,020.00	46,835.00
1691	26	59,224.00	56,452.00	53,680.00	47,330.00
1692	27	60,018.00	57,179.00	54,340.00	47,825.00
1693	28	60,812.00	57,906.00	55,000.00	48,320.00
1694	29	61,606.00	58,633.00	55,660.00	48,815.00
1695	30	62,400.00	59,360.00	56,320.00	49,310.00
1696	31	63,194.00	60,087.00	56,980.00	49,805.00

1697	32	63,988.00	60,814.00	57,640.00	50,300.00
1698	33	64,782.00	61,541.00	58,300.00	50,795.00
1699	34	65,576.00	62,268.00	58,960.00	51,290.00
1700	35				
1701	& above	66,370.00	62,995.00	59,620.00	51,785.00

**2015-2016 MINIMUM SALARY SCHEDULE**

1703	Years				
1704	Exp.	AAAA	AAA	AA	A
1705	0	39,108.00	37,944.00	36,780.00	34,390.00
1706	1	39,108.00	37,944.00	36,780.00	34,390.00
1707	2	39,108.00	37,944.00	36,780.00	34,390.00
1708	3	39,902.00	38,671.00	37,440.00	34,885.00
1709	4	40,696.00	39,398.00	38,100.00	35,380.00
1710	5	41,490.00	40,125.00	38,760.00	35,875.00
1711	6	42,284.00	40,852.00	39,420.00	36,370.00
1712	7	43,078.00	41,579.00	40,080.00	36,865.00
1713	8	43,872.00	42,306.00	40,740.00	37,360.00
1714	9	44,666.00	43,033.00	41,400.00	37,855.00
1715	10	45,460.00	43,760.00	42,060.00	38,350.00
1716	11	46,254.00	44,487.00	42,720.00	38,845.00
1717	12	47,048.00	45,214.00	43,380.00	39,340.00
1718	13	47,842.00	45,941.00	44,040.00	39,835.00
1719	14	48,636.00	46,668.00	44,700.00	40,330.00
1720	15	49,430.00	47,395.00	45,360.00	40,825.00
1721	16	50,224.00	48,122.00	46,020.00	41,320.00

1722	17	51,018.00	48,849.00	46,680.00	41,815.00
1723	18	51,812.00	49,576.00	47,340.00	42,310.00
1724	19	52,606.00	50,303.00	48,000.00	42,805.00
1725	20	53,400.00	51,030.00	48,660.00	43,300.00
1726	21	54,194.00	51,757.00	49,320.00	43,795.00
1727	22	54,988.00	52,484.00	49,980.00	44,290.00
1728	23	55,782.00	53,211.00	50,640.00	44,785.00
1729	24	56,576.00	53,938.00	51,300.00	45,280.00
1730	25	59,430.00	56,725.00	54,020.00	47,835.00
1731	26	60,224.00	57,452.00	54,680.00	48,330.00
1732	27	61,018.00	58,179.00	55,340.00	48,825.00
1733	28	61,812.00	58,906.00	56,000.00	49,320.00
1734	29	62,606.00	59,633.00	56,660.00	49,815.00
1735	30	63,400.00	60,360.00	57,320.00	50,310.00
1736	31	64,194.00	61,087.00	57,980.00	50,805.00
1737	32	64,988.00	61,814.00	58,640.00	51,300.00
1738	33	65,782.00	62,541.00	59,300.00	51,795.00
1739	34	66,576.00	63,268.00	59,960.00	52,290.00
1740	35				
1741	& above	67,370.00	63,995.00	60,620.00	52,785.00

1742           It is the intent of the Legislature that any state funds made  
1743 available for salaries of licensed personnel in excess of the  
1744 funds paid for such salaries for the 1986-1987 school year shall  
1745 be paid to licensed personnel pursuant to a personnel appraisal  
1746 and compensation system implemented by the State Board of

1747 Education. The State Board of Education shall have the authority  
1748 to adopt and amend rules and regulations as are necessary to  
1749 establish, administer and maintain the system.

1750 All teachers employed on a full-time basis shall be paid a  
1751 minimum salary in accordance with the above scale. However, no  
1752 school district shall receive any funds under this section for any  
1753 school year during which the local supplement paid to any  
1754 individual teacher shall have been reduced to a sum less than that  
1755 paid to that individual teacher for performing the same duties  
1756 from local supplement during the immediately preceding school  
1757 year. The amount actually spent for the purposes of group health  
1758 and/or life insurance shall be considered as a part of the  
1759 aggregate amount of local supplement but shall not be considered a  
1760 part of the amount of individual local supplement.

1761 The level of professional training of each teacher to be used  
1762 in establishing the salary allotment for the teachers for each  
1763 year shall be determined by the type of valid teacher's license  
1764 issued to those teachers on or before October 1 of the current  
1765 school year. Provided, however, that school districts are  
1766 authorized, in their discretion, to negotiate the salary levels  
1767 applicable to certificated employees who are receiving retirement  
1768 benefits from the retirement system of another state, and the  
1769 annual experience increment provided above in Section 37-19-7  
1770 shall not be applicable to any such retired certificated employee.

1771           (2)   (a)   The following employees shall receive an annual  
1772 salary supplement in the amount of Six Thousand Dollars  
1773 (\$6,000.00), plus fringe benefits, in addition to any other  
1774 compensation to which the employee may be entitled:

1775                       (i)   Any licensed teacher who has met the  
1776 requirements and acquired a Master Teacher certificate from the  
1777 National Board for Professional Teaching Standards and who is  
1778 employed by a local school board or the State Board of Education  
1779 as a teacher and not as an administrator. Such teacher shall  
1780 submit documentation to the State Department of Education that the  
1781 certificate was received prior to October 15 in order to be  
1782 eligible for the full salary supplement in the current school  
1783 year, or the teacher shall submit such documentation to the State  
1784 Department of Education prior to February 15 in order to be  
1785 eligible for a prorated salary supplement beginning with the  
1786 second term of the school year.

1787                       (ii)   A licensed nurse who has met the requirements  
1788 and acquired a certificate from the National Board for  
1789 Certification of School Nurses, Inc., and who is employed by a  
1790 local school board or the State Board of Education as a school  
1791 nurse and not as an administrator. The licensed school nurse  
1792 shall submit documentation to the State Department of Education  
1793 that the certificate was received before October 15 in order to be  
1794 eligible for the full salary supplement in the current school  
1795 year, or the licensed school nurse shall submit the documentation



1796 to the State Department of Education before February 15 in order  
1797 to be eligible for a prorated salary supplement beginning with the  
1798 second term of the school year. Provided, however, that the total  
1799 number of licensed school nurses eligible for a salary supplement  
1800 under this subparagraph (ii) shall not exceed thirty-five (35).

1801 (iii) Any licensed school counselor who has met  
1802 the requirements and acquired a National Certified School  
1803 Counselor (NCSC) endorsement from the National Board of Certified  
1804 Counselors and who is employed by a local school board or the  
1805 State Board of Education as a counselor and not as an  
1806 administrator. Such licensed school counselor shall submit  
1807 documentation to the State Department of Education that the  
1808 endorsement was received prior to October 15 in order to be  
1809 eligible for the full salary supplement in the current school  
1810 year, or the licensed school counselor shall submit such  
1811 documentation to the State Department of Education prior to  
1812 February 15 in order to be eligible for a prorated salary  
1813 supplement beginning with the second term of the school year.  
1814 However, any school counselor who started the National Board for  
1815 Professional Teaching Standards process for school counselors  
1816 between June 1, 2003, and June 30, 2004, and completes the  
1817 requirements and acquires the Master Teacher certificate shall be  
1818 entitled to the master teacher supplement, and those counselors  
1819 who complete the process shall be entitled to a one-time

1820 reimbursement for the actual cost of the process as outlined in  
1821 paragraph (b) of this subsection.

1822 (iv) Any licensed speech-language pathologist and  
1823 audiologist who has met the requirements and acquired a  
1824 Certificate of Clinical Competence from the American  
1825 Speech-Language-Hearing Association and any certified academic  
1826 language therapist (CALT) who has met the certification  
1827 requirements of the Academic Language Therapy Association and who  
1828 is employed by a local school board or is employed by a state  
1829 agency under the State Personnel Board. The licensed  
1830 speech-language pathologist and audiologist and certified academic  
1831 language therapist shall submit documentation to the State  
1832 Department of Education that the certificate or endorsement was  
1833 received before October 15 in order to be eligible for the full  
1834 salary supplement in the current school year, or the licensed  
1835 speech-language pathologist and audiologist and certified academic  
1836 language therapist shall submit the documentation to the State  
1837 Department of Education before February 15 in order to be eligible  
1838 for a prorated salary supplement beginning with the second term of  
1839 the school year. However, the total number of certified academic  
1840 language therapists eligible for a salary supplement under this  
1841 paragraph (iv) shall not exceed twenty (20).

1842 (b) An employee shall be reimbursed for the actual cost  
1843 of completing each component of acquiring the certificate or  
1844 endorsement, excluding any costs incurred for postgraduate

1845 courses, not to exceed Five Hundred Dollars (\$500.00) for each  
1846 component, not to exceed four (4) components, for a teacher,  
1847 school counselor or speech-language pathologist and audiologist,  
1848 regardless of whether or not the process resulted in the award of  
1849 the certificate or endorsement. A local school district or any  
1850 private individual or entity may pay the cost of completing the  
1851 process of acquiring the certificate or endorsement for any  
1852 employee of the school district described under paragraph (a), and  
1853 the State Department of Education shall reimburse the school  
1854 district for such cost, regardless of whether or not the process  
1855 resulted in the award of the certificate or endorsement. If a  
1856 private individual or entity has paid the cost of completing the  
1857 process of acquiring the certificate or endorsement for an  
1858 employee, the local school district may agree to directly  
1859 reimburse the individual or entity for such cost on behalf of the  
1860 employee.

1861 (c) All salary supplements, fringe benefits and process  
1862 reimbursement authorized under this subsection shall be paid  
1863 directly by the State Department of Education to the local school  
1864 district and shall be in addition to its minimum education program  
1865 allotments and not a part thereof in accordance with regulations  
1866 promulgated by the State Board of Education. Local school  
1867 districts shall not reduce the local supplement paid to any  
1868 employee receiving such salary supplement, and the employee shall  
1869 receive any local supplement to which employees with similar

1870 training and experience otherwise are entitled. However, an  
1871 educational employee shall receive the salary supplement in the  
1872 amount of Six Thousand Dollars (\$6,000.00) for only one (1) of the  
1873 qualifying certifications authorized under paragraph (a) of this  
1874 subsection. No school district shall provide more than one (1)  
1875 annual salary supplement under the provisions of this subsection  
1876 to any one individual employee holding multiple qualifying  
1877 national certifications.

1878 (d) If an employee for whom such cost has been paid, in  
1879 full or in part, by a local school district or private individual  
1880 or entity fails to complete the certification or endorsement  
1881 process, the employee shall be liable to the school district or  
1882 individual or entity for all amounts paid by the school district  
1883 or individual or entity on behalf of that employee toward his or  
1884 her certificate or endorsement.

1885 (3) The following employees shall receive an annual salary  
1886 supplement in the amount of Four Thousand Dollars (\$4,000.00),  
1887 plus fringe benefits, in addition to any other compensation to  
1888 which the employee may be entitled:

1889 Effective July 1, 2016, if funds are available for that  
1890 purpose, any licensed teacher who has met the requirements and  
1891 acquired a Master Teacher Certificate from the National Board for  
1892 Professional Teaching Standards and who is employed in a public  
1893 school district located in one (1) of the following counties:

1894 Claiborne, Adams, Jefferson, Wilkinson, Amite, Bolivar, Coahoma,

1895 Leflore, Quitman, Sharkey, Issaquena, Sunflower and Washington.  
1896 The salary supplement awarded under the provisions of this  
1897 subsection (3) shall be in addition to the salary supplement  
1898 awarded under the provisions of subsection (2) of this section.

1899 Teachers who meet the qualifications for a salary supplement  
1900 under this subsection (3) who are assigned for less than one (1)  
1901 full year or less than full time for the school year shall receive  
1902 the salary supplement in a prorated manner, with the portion of  
1903 the teacher's assignment to the critical geographic area to be  
1904 determined as of June 15th of the school year.

1905 (4) (a) This section shall be known and may be cited as the  
1906 "Mississippi Performance-Based Pay (MPBP)" plan. In addition to  
1907 the minimum base pay described in this section, only after full  
1908 funding of MAEP and if funds are available for that purpose, the  
1909 State of Mississippi may provide monies from state funds to school  
1910 districts for the purposes of rewarding certified teachers,  
1911 administrators and nonlicensed personnel at individual schools  
1912 showing improvement in student test scores. The MPBP plan shall  
1913 be developed by the State Department of Education based on the  
1914 following criteria:

1915 (i) It is the express intent of this legislation  
1916 that the MPBP plan shall utilize only existing standards of  
1917 accreditation and assessment as established by the State Board of  
1918 Education.

1919                   (ii) To ensure that all of Mississippi's teachers,  
1920 administrators and nonlicensed personnel at all schools have equal  
1921 access to the monies set aside in this section, the MPBP program  
1922 shall be designed to calculate each school's performance as  
1923 determined by the school's increase in scores from the prior  
1924 school year. The MPBP program shall be based on a standardized  
1925 scores rating where all levels of schools can be judged in a  
1926 statistically fair and reasonable way upon implementation. At the  
1927 end of each year, after all student achievement scores have been  
1928 standardized, the State Department of Education shall implement  
1929 the MPBP plan.

1930                   (iii) To ensure all teachers cooperate in the  
1931 spirit of teamwork, individual schools shall submit a plan to the  
1932 local school district to be approved before the beginning of each  
1933 school year beginning July 1, 2008. The plan shall include, but  
1934 not be limited to, how all teachers, regardless of subject area,  
1935 and administrators will be responsible for improving student  
1936 achievement for their individual school.

1937                   (b) The State Board of Education shall develop the  
1938 processes and procedures for designating schools eligible to  
1939 participate in the MPBP. State assessment results, growth in  
1940 student achievement at individual schools and other measures  
1941 deemed appropriate in designating successful student achievement  
1942 shall be used in establishing MPBP criteria. The State Board of

1943 Education shall develop the MPBP policies and procedures and  
1944 report to the Legislature and Governor by December 1, 2006.

1945 (5) (a) Beginning in the 2008-2009 school year, if funds  
1946 are available for that purpose, each school in Mississippi shall  
1947 have mentor teachers, as defined by Sections 37-9-201 through  
1948 37-9-213, who shall receive additional base compensation provided  
1949 for by the State Legislature in the amount of One Thousand Dollars  
1950 (\$1,000.00) per each beginning teacher that is being mentored.  
1951 The additional state compensation shall be limited to those mentor  
1952 teachers that provide mentoring services to beginning teachers.  
1953 For the purposes of such funding, a beginning teacher shall be  
1954 defined as any teacher in any school in Mississippi that has less  
1955 than one (1) year of classroom experience teaching in a public  
1956 school. For the purposes of such funding, no full-time academic  
1957 teacher shall mentor more than two (2) beginning teachers.

1958 (b) To be eligible for this state funding, the  
1959 individual school must have a classroom management program  
1960 approved by the local school board.

1961 (6) Effective with the 2014-2015 school year, the school  
1962 districts participating in the Pilot Performance-Based  
1963 Compensation System pursuant to Section 37-19-9 may award  
1964 additional teacher and administrator pay based thereon.

1965 **SECTION 14.** This act shall take effect and be in force from  
1966 and after its passage.