

By: Representatives Darnell, Goodin, Hale,
Tubb

To: Education;
Appropriations

HOUSE BILL NO. 742

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

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

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

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



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

30 (b) For purposes of this section, an eligible public
31 school is:

32 (i) A school that is in a school district located
33 in a geographic area of the state designated as a critical teacher
34 shortage area by the State Board of Education;

35 (ii) A school that is assigned a "C," "D" or "F"
36 performance rating under the statewide accountability system for
37 the most recent school year; or

38 (iii) A school that is designated a Title 1 school
39 under the Elementary and Secondary Education Act (ESEA), as
40 amended.

41 (2) (a) The retired teacher may be employed as a teacher,
42 continue receiving his or her retirement allowance and be a
43 contributing member of the system without accruing additional
44 retirement benefits. This method is designed specifically to
45 provide funding for the system to actuarially offset any pension
46 liability by providing the employer contribution plus three
47 percent (3%) of earned compensation as the employee contribution
48 of employees hired under the authority of this section.



49 (b) The State Department of Education shall transfer to
50 the system the Mississippi Adequate Education Program funds of
51 local school districts that on or after July 1, 2021, hire retired
52 members as teachers under this section and other funds that
53 otherwise would have been payable to the districts if the
54 districts had not taken advantage of this section. The crediting
55 of assets and financing shall follow the provisions of Section
56 25-11-123.

57 (c) Local educational agencies shall transfer to the
58 system the Mississippi Adequate Education Program funds of local
59 school districts that on or after July 1, 2021, hire retired
60 members as teachers under this section and other funds that
61 otherwise would have been payable to the districts if the
62 districts had not taken advantage of this section. The crediting
63 of assets and financing must follow the provisions of Section
64 25-11-123.

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

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

69 (b) The superintendent of the employing school district
70 certifies in writing to the State Department of Education that the
71 retired member has the requisite experience, training and
72 expertise for the position to be filled and that no other
73 qualified person is available to fill the position.



74 (c) The superintendent of the employing school district
75 or the principal of the school at which the person will teach
76 certifies that there was no preexisting arrangement for the person
77 to be hired.

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

80 (4) The State Superintendent of Public Education shall
81 report the names of those persons who are employed under this
82 section to the Executive Director of the Public Employees'
83 Retirement System.

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

86 25-11-105. **I. THOSE WHO ARE ELIGIBLE FOR MEMBERSHIP**

87 The membership of this retirement system shall be composed as
88 follows:

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

95 (ii) From and after July 1, 2002, any individual
96 who is employed by a governmental entity to perform professional
97 services shall become a member of the system if the individual is
98 paid regular periodic compensation for those services that is



99 subject to payroll taxes, is provided all other employee benefits
100 and meets the membership criteria established by the regulations
101 adopted by the board of trustees that apply to all other members
102 of the system; however, any active member employed in such a
103 position on July 1, 2002, will continue to be an active member for
104 as long as they are employed in any such position.

105 (b) All persons who become employees in the state
106 service after January 31, 1953, except those specifically excluded
107 or as to whom election is provided in Articles 1 and 3, unless
108 they file with the board before the lapse of sixty (60) days of
109 employment or sixty (60) days after the effective date of the
110 cited articles, whichever is later, on a form prescribed by the
111 board, a notice of election not to be covered by the membership of
112 the retirement system and a duly executed waiver of all present
113 and prospective benefits that would otherwise inure to them on
114 account of their participation in the system, shall become members
115 of the retirement system; however, no credit for prior service
116 will be granted to members who became members of the system before
117 July 1, 2007, until they have contributed to Article 3 of the
118 retirement system for a minimum period of at least four (4) years,
119 or to members who became members of the system on or after July 1,
120 2007, until they have contributed to Article 3 of the retirement
121 system for a minimum period of at least eight (8) years. Those
122 members shall receive credit for services performed before January
123 1, 1953, in employment now covered by Article 3, but no credit



124 shall be granted for retroactive services between January 1, 1953,
125 and the date of their entry into the retirement system, unless the
126 employee pays into the retirement system both the employer's and
127 the employee's contributions on wages paid him during the period
128 from January 31, 1953, to the date of his becoming a contributing
129 member, together with interest at the rate determined by the board
130 of trustees. Members reentering after withdrawal from service
131 shall qualify for prior service under the provisions of Section
132 25-11-117. From and after July 1, 1998, upon eligibility as noted
133 above, the member may receive credit for such retroactive service
134 provided:

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

138 (ii) The member shall pay to the retirement system
139 on the date he or she is eligible for that credit or at any time
140 thereafter before the date of retirement the actuarial cost for
141 each year of that creditable service. The provisions of this
142 subparagraph (ii) shall be subject to the limitations of Section
143 415 of the Internal Revenue Code and regulations promulgated under
144 Section 415.

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



149 (c) All persons who become employees in the state
150 service after January 31, 1953, and who are eligible for
151 membership in any other retirement system shall become members of
152 this retirement system as a condition of their employment, unless
153 they elect at the time of their employment to become a member of
154 that other system.

155 (d) All persons who are employees in the state service
156 on January 31, 1953, and who are members of any nonfunded
157 retirement system operated by the State of Mississippi, or any of
158 its departments or agencies, shall become members of this system
159 with prior service credit unless, before February 1, 1953, they
160 file a written notice with the board of trustees that they do not
161 elect to become members.

162 (e) All persons who are employees in the state service
163 on January 31, 1953, and who under existing laws are members of
164 any fund operated for the retirement of employees by the State of
165 Mississippi, or any of its departments or agencies, shall not be
166 entitled to membership in this retirement system unless, before
167 February 1, 1953, any such person indicates by a notice filed with
168 the board, on a form prescribed by the board, his individual
169 election and choice to participate in this system, but no such
170 person shall receive prior service credit unless he becomes a
171 member on or before February 1, 1953.

172 (f) Each political subdivision of the state and each
173 instrumentality of the state or a political subdivision, or both,



174 is authorized to submit, for approval by the board of trustees, a
175 plan for extending the benefits of this article to employees of
176 any such political subdivision or instrumentality. Each such plan
177 or any amendment to the plan for extending benefits thereof shall
178 be approved by the board of trustees if it finds that the plan, or
179 the plan as amended, is in conformity with such requirements as
180 are provided in Articles 1 and 3; however, upon approval of the
181 plan or any such plan previously approved by the board of
182 trustees, the approved plan shall not be subject to cancellation
183 or termination by the political subdivision or instrumentality.
184 No such plan shall be approved unless:

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

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

197 (iii) It provides for such methods of
198 administration of the plan by the political subdivision or



199 instrumentality as are found by the board of trustees to be
200 necessary for the proper and efficient administration thereof;

201 (iv) It provides that the political subdivision or
202 instrumentality will make such reports, in such form and
203 containing such information, as the board of trustees may from
204 time to time require;

205 (v) It authorizes the board of trustees to
206 terminate the plan in its entirety in the discretion of the board
207 if it finds that there has been a failure to comply substantially
208 with any provision contained in the plan, the termination to take
209 effect at the expiration of such notice and on such conditions as
210 may be provided by regulations of the board and as may be
211 consistent with applicable federal law.

212 1. The board of trustees shall not finally
213 refuse to approve a plan submitted under paragraph (f), and shall
214 not terminate an approved plan without reasonable notice and
215 opportunity for hearing to each political subdivision or
216 instrumentality affected by the board's decision. The board's
217 decision in any such case shall be final, conclusive and binding
218 unless an appeal is taken by the political subdivision or
219 instrumentality aggrieved by the decision to the Circuit Court of
220 the First Judicial District of Hinds County, Mississippi, in
221 accordance with the provisions of law with respect to civil causes
222 by certiorari.



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

230 3. Every political subdivision or
231 instrumentality required to make payments under paragraph (f)(v)2
232 of this section is authorized, in consideration of the employees'
233 retention in or entry upon employment after enactment of Articles
234 1 and 3, to impose upon its employees, as to services that are
235 covered by an approved plan, a contribution with respect to wages
236 (as defined in Section 25-11-5) not exceeding the amount provided
237 in Section 25-11-123(d) if those services constituted employment
238 within the meaning of Articles 1 and 3, and to deduct the amount
239 of the contribution from the wages as and when paid.

240 Contributions so collected shall be paid into the contribution
241 fund as partial discharge of the liability of the political
242 subdivisions or instrumentalities under paragraph (f)(v)2 of this
243 section. Failure to deduct the contribution shall not relieve the
244 employee or employer of liability for the contribution.

245 4. Any state agency, school, political
246 subdivision, instrumentality or any employer that is required to
247 submit contribution payments or wage reports under any section of



248 this chapter shall be assessed interest on delinquent payments or
249 wage reports as determined by the board of trustees in accordance
250 with rules and regulations adopted by the board and delinquent
251 payments, assessed interest and any other amount certified by the
252 board as owed by an employer, may be recovered by action in a
253 court of competent jurisdiction against the reporting agency
254 liable therefor or may, upon due certification of delinquency and
255 at the request of the board of trustees, be deducted from any
256 other monies payable to the reporting agency by any department or
257 agency of the state.

258 5. Each political subdivision of the state
259 and each instrumentality of the state or a political subdivision
260 or subdivisions that submit a plan for approval of the board, as
261 provided in this section, shall reimburse the board for coverage
262 into the expense account, its pro rata share of the total expense
263 of administering Articles 1 and 3 as provided by regulations of
264 the board.

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

271 (h) An employee whose membership in this system is
272 contingent on his own election, and who elects not to become a



273 member, may thereafter apply for and be admitted to membership;
274 but no such employee shall receive prior service credit unless he
275 becomes a member before July 1, 1953, except as provided in
276 paragraph (b).

277 (i) If any member of this system changes his employment
278 to any agency of the state having an actuarially funded retirement
279 system, the board of trustees may authorize the transfer of the
280 member's creditable service and of the present value of the
281 member's employer's accumulation account and of the present value
282 of the member's accumulated membership contributions to that other
283 system, provided that the employee agrees to the transfer of his
284 accumulated membership contributions and provided that the other
285 system is authorized to receive and agrees to make the transfer.

286 If any member of any other actuarially funded system
287 maintained by an agency of the state changes his employment to an
288 agency covered by this system, the board of trustees may authorize
289 the receipt of the transfer of the member's creditable service and
290 of the present value of the member's employer's accumulation
291 account and of the present value of the member's accumulated
292 membership contributions from the other system, provided that the
293 employee agrees to the transfer of his accumulated membership
294 contributions to this system and provided that the other system is
295 authorized and agrees to make the transfer.



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

299 (k) Employees of a political subdivision or
300 instrumentality who were employed by the political subdivision or
301 instrumentality before an agreement between the entity and the
302 Public Employees' Retirement System to extend the benefits of this
303 article to its employees, and which agreement provides for the
304 establishment of retroactive service credit, and who became
305 members of the retirement system before July 1, 2007, and have
306 remained contributors to the retirement system for four (4) years,
307 or who became members of the retirement system on or after July 1,
308 2007, and have remained contributors to the retirement system for
309 eight (8) years, may receive credit for that retroactive service
310 with the political subdivision or instrumentality, provided that
311 the employee and/or employer, as provided under the terms of the
312 modification of the joinder agreement in allowing that coverage,
313 pay into the retirement system the employer's and employee's
314 contributions on wages paid the member during the previous
315 employment, together with interest or actuarial cost as determined
316 by the board covering the period from the date the service was
317 rendered until the payment for the credit for the service was
318 made. Those wages shall be verified by the Social Security
319 Administration or employer payroll records. Effective July 1,
320 1998, upon eligibility as noted above, a member may receive credit



321 for that retroactive service with the political subdivision or
322 instrumentality provided:

323 (i) The member shall furnish proof satisfactory to
324 the board of trustees of certification of those services from the
325 political subdivision or instrumentality where the services were
326 rendered or verification by the Social Security Administration;
327 and

328 (ii) The member shall pay to the retirement system
329 on the date he or she is eligible for that credit or at any time
330 thereafter before the date of retirement the actuarial cost for
331 each year of that creditable service. The provisions of this
332 subparagraph (ii) shall be subject to the limitations of Section
333 415 of the Internal Revenue Code and regulations promulgated under
334 Section 415.

335 Nothing contained in this paragraph (k) shall be construed to
336 limit the authority of the board to allow the correction of
337 reporting errors or omissions based on the payment of employee and
338 employer contributions plus applicable interest. Payment for that
339 time shall be made beginning with the most recent service. Upon
340 the payment of all or part of the required contributions, plus
341 interest or the actuarial cost as provided above, the member shall
342 receive credit for the period of creditable service for which full
343 payment has been made to the retirement system.

344 (l) Through June 30, 1998, any state service eligible
345 for retroactive service credit, no part of which has ever been



346 reported, and requiring the payment of employee and employer
347 contributions plus interest, or, from and after July 1, 1998, any
348 state service eligible for retroactive service credit, no part of
349 which has ever been reported to the retirement system, and
350 requiring the payment of the actuarial cost for that creditable
351 service, may, at the member's option, be purchased in quarterly
352 increments as provided above at the time that its purchase is
353 otherwise allowed.

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

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

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

361 (a) Patient or inmate help in state charitable, penal
362 or correctional institutions;

363 (b) Students of any state educational institution
364 employed by any agency of the state for temporary, part-time or
365 intermittent work;

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

369 (d) From and after July 1, 2002, individuals who are
370 employed by a governmental entity to perform professional service



371 on less than a full-time basis who do not meet the criteria
372 established in I(a)(ii) of this section.

373 **III. TERMINATION OF MEMBERSHIP**

374 Membership in this system shall cease by a member withdrawing
375 his accumulated contributions, or by a member withdrawing from
376 active service with a retirement allowance, or by a member's
377 death.

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

380 25-11-123. All of the assets of the system shall be credited
381 according to the purpose for which they are held to one (1) of
382 four (4) reserves; namely, the annuity savings account, the
383 annuity reserve, the employer's accumulation account, and the
384 expense account.

385 (a) **Annuity savings account.** In the annuity savings account
386 shall be accumulated the contributions made by members to provide
387 for their annuities, including interest thereon which shall be
388 posted monthly. Credits to and charges against the annuity
389 savings account shall be made as follows:

390 (1) Beginning July 1, 2010, except as otherwise
391 provided by Section 25-11-126, the employer shall cause to be
392 deducted from the salary of each member on each and every payroll
393 of the employer for each and every payroll period nine percent
394 (9%) of earned compensation as defined in Section 25-11-103.
395 Future contributions shall be fixed biennially by the board on the



396 basis of the liabilities of the retirement system for the various
397 allowances and benefits as shown by actuarial valuation; however,
398 any member earning at a rate less than Sixteen Dollars and
399 Sixty-seven Cents (\$16.67) per month, or Two Hundred Dollars
400 (\$200.00) per year, shall contribute not less than One Dollar
401 (\$1.00) per month, or Twelve Dollars (\$12.00) per year.

402 (2) The deductions provided in paragraph (1) of this
403 subsection shall be made notwithstanding that the minimum
404 compensation provided by law for any member is reduced by the
405 deduction. Every member shall be deemed to consent and agree to
406 the deductions made and provided for in paragraph (1) of this
407 subsection and shall receipt for his full salary or compensation,
408 and payment of salary or compensation less the deduction shall be
409 a full and complete discharge and acquittance of all claims and
410 demands whatsoever for the services rendered by the person during
411 the period covered by the payment, except as to the benefits
412 provided under Articles 1 and 3. The board shall provide by rules
413 for the methods of collection of contributions from members and
414 the employer. The board shall have full authority to require the
415 production of evidence necessary to verify the correctness of
416 amounts contributed.

417 (b) **Annuity reserve.** The annuity reserve shall be the
418 account representing the actuarial value of all annuities in
419 force, and to it shall be charged all annuities and all benefits
420 in lieu of annuities, payable as provided in this article. If a



421 beneficiary retired on account of disability is restored to active
422 service with a compensation not less than his average final
423 compensation at the time of his last retirement, the remainder of
424 his contributions shall be transferred from the annuity reserve to
425 the annuity savings account and credited to his individual account
426 therein, and the balance of his annuity reserve shall be
427 transferred to the employer's accumulation account.

428 (c) **Employer's accumulation account.** The employer's
429 accumulation account shall represent the accumulation of all
430 reserves for the payment of all retirement allowances and other
431 benefits payable from contributions made by the employer, and
432 against this account shall be charged all retirement allowances
433 and other benefits on account of members. Credits to and charges
434 against the employer's accumulation account shall be made as
435 follows:

436 (1) On account of each member there shall be paid
437 monthly into the employer's accumulation account by the employers
438 for the preceding fiscal year an amount equal to a certain
439 percentage of the total earned compensation, as defined in Section
440 25-11-103, of each member. The percentage rate of those
441 contributions shall be fixed biennially by the board on the basis
442 of the liabilities of the retirement system for the various
443 allowances and benefits as shown by actuarial valuation.
444 Beginning January 1, 1990, the rate shall be fixed at nine and
445 three-fourths percent (9-3/4%). The board shall reduce the



446 employer's contribution rate by one percent (1%) from and after
447 July 1 of the year following the year in which the board
448 determines and the board's actuary certifies that the employer's
449 contribution rate can be reduced by that amount without causing
450 the unfunded accrued actuarial liability amortization period for
451 the retirement system to exceed twenty (20) years. Political
452 subdivisions joining Article 3 of the Public Employees' Retirement
453 System after July 1, 1968, may adjust the employer's contributions
454 by agreement with the Board of Trustees of the Public Employees'
455 Retirement System to provide service credits for any period before
456 execution of the agreement based upon an actuarial determination
457 of employer's contribution rates.

458 (2) On the basis of regular interest and of such
459 mortality and other tables as are adopted by the board of
460 trustees, the actuary engaged by the board to make each valuation
461 required by this article during the period over which the accrued
462 liability contribution is payable, immediately after making that
463 valuation, shall determine the uniform and constant percentage of
464 the earnable compensation of each member which, if contributed by
465 the employer on the basis of compensation of the member throughout
466 his entire period of membership service, would be sufficient to
467 provide for the payment of any retirement allowance payable on his
468 account for that service. The percentage rate so determined shall
469 be known as the "normal contribution rate." After the accrued
470 liability contribution has ceased to be payable, the normal



471 contribution rate shall be the percentage rate of the salary of
472 all members obtained by deducting from the total liabilities on
473 account of membership service the amount in the employer's
474 accumulation account, and dividing the remainder by one percent
475 (1%) of the present value of the prospective future salaries of
476 all members as computed on the basis of the mortality and service
477 tables adopted by the board of trustees and regular interest. The
478 normal rate of contributions shall be determined by the actuary
479 after each valuation.

480 (3) The total amount payable in each year to the
481 employer's accumulation account shall not be less than the sum of
482 the percentage rate known as the "normal contribution rate" and
483 the "accrued liability contribution rate" of the total
484 compensation earnable by all members during the preceding year,
485 provided that the payment by the employer shall be sufficient,
486 when combined with the amounts in the account, to provide the
487 allowances and other benefits chargeable to this account during
488 the year then current.

489 (4) The accrued liability contribution shall be
490 discontinued as soon as the accumulated balance in the employer's
491 accumulation account shall equal the present value, computed on
492 the basis of the normal contribution rate then in force, or the
493 prospective normal contributions to be received on account of all
494 persons who are at that time members.



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

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

502 (7) The employer's accumulation account shall be
503 credited with any assets authorized by law to be credited to the
504 account.

505 (d) **Expense account.** The expense account shall be the
506 account to which the expenses of the administration of the system
507 shall be charged, exclusive of amounts payable as retirement
508 allowances and as other benefits provided herein. The Legislature
509 shall make annual appropriations in amounts sufficient to
510 administer the system, which shall be credited to this account.
511 There shall be transferred to the State Treasury from this
512 account, not less than once per month, an amount sufficient for
513 payment of the estimated expenses of the system for the succeeding
514 thirty (30) days. Any interest earned on the expense account
515 shall accrue to the benefit of the system. However,
516 notwithstanding the provisions of Sections 25-11-15(10) and
517 25-11-105(f) (v)5, all expenses of the administration of the system
518 shall be paid from the interest earnings, provided the interest
519 earnings are in excess of the actuarial interest assumption as



520 determined by the board, and provided the present cost of the
521 administrative expense fee of two percent (2%) of the
522 contributions reported by the political subdivisions and
523 instrumentalities shall be reduced to one percent (1%) from and
524 after July 1, 1983, through June 30, 1984, and shall be eliminated
525 thereafter.

526 (e) **Collection of contributions.** The employer shall cause
527 to be deducted on each and every payroll of a member for each and
528 every payroll period, beginning subsequent to January 31, 1953,
529 the contributions payable by the member as provided in Articles 1
530 and 3.

531 The employer shall make deductions from salaries of employees
532 as provided in Articles 1 and 3 and shall transmit monthly, or at
533 such time as the board of trustees designates, the amount
534 specified to be deducted to the Executive Director of the Public
535 Employees' Retirement System. The executive director, after
536 making a record of all those receipts, shall deposit such amounts
537 as provided by law.

538 (f) (1) Upon the basis of each actuarial valuation provided
539 herein, the board of trustees shall biennially determine the
540 normal contribution rate and the accrued liability contribution
541 rate as provided in this section. The sum of these two (2) rates
542 shall be known as the "employer's contribution rate." Beginning
543 on earned compensation effective January 1, 1990, the rate
544 computed as provided in this section shall be nine and



545 three-fourths percent (9-3/4%). The board shall reduce the
546 employer's contribution rate by one percent (1%) from and after
547 July 1 of the year following the year in which the board
548 determines and the board's actuary certifies that the employer's
549 contribution rate can be reduced by that amount without causing
550 the unfunded accrued actuarial liability amortization period for
551 the retirement system to exceed twenty (20) years. The percentage
552 rate of those contributions shall be fixed biennially by the board
553 on the basis of the liabilities of the retirement system for the
554 various allowances and benefits as shown by actuarial valuation.

555 (2) The amount payable by the employer on account of
556 normal and accrued liability contributions shall be determined by
557 applying the employer's contribution rate to the amount of
558 compensation earned by employees who are members of the system.
559 Monthly, or at such time as the board of trustees designates, each
560 department or agency shall compute the amount of the employer's
561 contribution payable, with respect to the salaries of its
562 employees who are members of the system, and shall cause that
563 amount to be paid to the board of trustees from the personal
564 service allotment of the amount appropriated for the operation of
565 the department or agency, or from funds otherwise available to the
566 agency, for the payment of salaries to its employees.

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



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

571 (ii) The county shall be responsible for the
572 employer contribution on all direct treasury or county payroll
573 income of constables.

574 (4) Except as otherwise provided in Section
575 25-11-106.1, chancery and circuit clerks shall be responsible for
576 both the employer and employee share of contributions on the
577 proportionate share of net income attributable to fees, as well as
578 the employee share of net income attributable to direct treasury
579 or county payroll income, and the employing county shall be
580 responsible for the employer contributions on the net income
581 attributable to direct treasury or county payroll income.

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

586 (6) The board shall provide by rules for the methods of
587 collection of contributions of employers and members. The amounts
588 determined due by an agency to the various funds as specified in
589 Articles 1 and 3 are made obligations of the agency to the board
590 and shall be paid as provided herein. Failure to deduct those
591 contributions shall not relieve the employee and employer from
592 liability thereof. Delinquent employee contributions and any



593 accrued interest shall be the obligation of the employee and
594 delinquent employer contributions and any accrued interest shall
595 be the obligation of the employer. The employer may, in its
596 discretion, elect to pay any or all of the interest on delinquent
597 employee contributions. From and after July 1, 1996, under rules
598 and regulations established by the board, all employers are
599 authorized and shall transfer all funds due to the Public
600 Employees' Retirement System electronically and shall transmit any
601 wage or other reports by computerized reporting systems.

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

604 25-11-127. (1) (a) No person who is being paid a
605 retirement allowance or a pension after retirement under this
606 article shall be employed or paid for any service by the State of
607 Mississippi, including services as an employee, contract worker,
608 contractual employee or independent contractor, until the retired
609 person has been retired for not less than ninety (90) consecutive
610 days from his or her effective date of retirement. After the
611 person has been retired for not less than ninety (90) consecutive
612 days from his or her effective date of retirement or such later
613 date as established by the board, he or she may be reemployed
614 while being paid a retirement allowance under the terms and
615 conditions provided in this section or in Section 25-11-126.

616 (b) No retiree of this retirement system who is
617 reemployed or is reelected to office after retirement shall



618 continue to draw retirement benefits while so reemployed, except
619 as provided in this section or in Section 25-11-126.

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

623 (2) Except as otherwise provided in Section 25-11-126, any
624 person who has been retired under the provisions of Article 3 and
625 who is later reemployed in service covered by this article shall
626 cease to receive benefits under this article and shall again
627 become a contributing member of the retirement system. When the
628 person retires again, if the person has been a contributing member
629 of the retirement system during the reemployment and the
630 reemployment exceeds six (6) months, the person shall have his or
631 her benefit recomputed, including service after again becoming a
632 member, provided that the total retirement allowance paid to the
633 retired member in his or her previous retirement shall be deducted
634 from the member's retirement reserve and taken into consideration
635 in recalculating the retirement allowance under a new option
636 selected.

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

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



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

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

650 To determine the normal working days for a position under
651 paragraph (a) of this subsection, the employer shall determine the
652 required number of working days for the position on a full-time
653 basis and the equivalent number of hours representing the
654 full-time position. The retiree then may work up to one-half
655 (1/2) of the required number of working days or up to one-half
656 (1/2) of the equivalent number of hours and receive up to one-half
657 (1/2) of the salary for the position. In the case of employment
658 with multiple employers, the limitation shall equal one-half (1/2)
659 of the number of days or hours for a single full-time position.

660 Notice shall be given in writing to the executive director,
661 setting forth the facts upon which the employment is being made,
662 and the notice shall be given within five (5) days from the date
663 of employment and also from the date of termination of the
664 employment.

665 (5) Except as otherwise provided in subsection (6) of this
666 section, the employer of any person who is receiving a retirement



667 allowance and who is employed in service covered by subsection (4)
668 of this section as an employee or a contractual employee shall pay
669 to the board the full amount of the employer's contribution on the
670 amount of compensation received by the retiree for his or her
671 employment in accordance with regulations prescribed by the board.
672 The retiree shall not receive any additional creditable service in
673 the retirement system as a result of the payment of the employer's
674 contribution. This subsection does not apply to persons who are
675 receiving a retirement allowance and who contract with an employer
676 to provide services as a true independent contractor, as defined
677 by the board through regulation.

678 (6) (a) A member may retire and continue in municipal or
679 county elective office provided that the member has reached the
680 age and/or service requirement that will not result in a
681 prohibited in-service distribution as defined by the Internal
682 Revenue Service, or a retiree may be elected to a municipal or
683 county office, provided that the person:

684 (i) Files annually, in writing, in the office of
685 the employer and the office of the executive director of the
686 system before the person takes office or as soon as possible after
687 retirement, a waiver of all salary or compensation and elects to
688 receive in lieu of that salary or compensation a retirement
689 allowance as provided in this section, in which event no salary or
690 compensation shall thereafter be due or payable for those
691 services; however, any such officer or employee may receive, in



692 addition to the retirement allowance, office expense allowance,
693 mileage or travel expense authorized by any statute of the State
694 of Mississippi; or

695 (ii) Elects to receive compensation for that
696 elective office in an amount not to exceed twenty-five percent
697 (25%) of the retiree's average compensation. In order to receive
698 compensation as allowed in this subparagraph, the retiree shall
699 file annually, in writing, in the office of the employer and the
700 office of the executive director of the system, an election to
701 receive, in addition to a retirement allowance, compensation as
702 allowed in this subparagraph.

703 (b) The municipality or county in which the retired
704 person holds elective office shall pay to the board the amount of
705 the employer's contributions on the full amount of the regular
706 compensation for the elective office that the retired person
707 holds.

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

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

713 37-3-2. (1) There is established within the State
714 Department of Education the Commission on Teacher and
715 Administrator Education, Certification and Licensure and
716 Development. It shall be the purpose and duty of the commission



717 to make recommendations to the State Board of Education regarding
718 standards for the certification and licensure and continuing
719 professional development of those who teach or perform tasks of an
720 educational nature in the public schools of Mississippi.

721 (2) (a) The commission shall be composed of fifteen (15)
722 qualified members. The membership of the commission shall be
723 composed of the following members to be appointed, three (3) from
724 each of the four (4) congressional districts, as such districts
725 existed on January 1, 2011, in accordance with the population
726 calculations determined by the 2010 federal decennial census,
727 including: four (4) classroom teachers; three (3) school
728 administrators; one (1) representative of schools of education of
729 public institutions of higher learning located within the state to
730 be recommended by the Board of Trustees of State Institutions of
731 Higher Learning; one (1) representative from the schools of
732 education of independent institutions of higher learning to be
733 recommended by the Board of the Mississippi Association of
734 Independent Colleges; one (1) representative from public community
735 and junior colleges located within the state to be recommended by
736 the Mississippi Community College Board; one (1) local school
737 board member; and four (4) laypersons. Three (3) members of the
738 commission, at the sole discretion of the State Board of
739 Education, shall be appointed from the state at large.

740 (b) All appointments shall be made by the State Board
741 of Education after consultation with the State Superintendent of



742 Public Education. The first appointments by the State Board of
743 Education shall be made as follows: five (5) members shall be
744 appointed for a term of one (1) year; five (5) members shall be
745 appointed for a term of two (2) years; and five (5) members shall
746 be appointed for a term of three (3) years. Thereafter, all
747 members shall be appointed for a term of four (4) years.

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

754 (4) (a) An appropriate staff member of the State Department
755 of Education shall be designated and assigned by the State
756 Superintendent of Public Education to serve as executive secretary
757 and coordinator for the commission. No less than two (2) other
758 appropriate staff members of the State Department of Education
759 shall be designated and assigned by the State Superintendent of
760 Public Education to serve on the staff of the commission.

761 (b) An Office of Educator Misconduct Evaluations shall
762 be established within the State Department of Education to assist
763 the commission in responding to infractions and violations, and in
764 conducting hearings and enforcing the provisions of subsections
765 (11), (12), (13), (14) and (15) of this section, and violations of
766 the Mississippi Educator Code of Ethics.



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

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

771 (b) Recommend to the State Board of Education each year
772 approval or disapproval of each educator preparation program in
773 the state, subject to a process and schedule determined by the
774 State Board of Education;

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

778 (d) Establish, subject to the approval of the State
779 Board of Education, standards for the renewal of teacher licenses
780 in all fields;

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

784 (f) Review all existing requirements for certification
785 and licensure;

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

788 (h) Prepare reports from time to time on current
789 practices and issues in the general area of teacher education and
790 certification and licensure;



791 (i) Hold hearings concerning standards for teachers'
792 and administrators' education and certification and licensure with
793 approval of the State Board of Education;

794 (j) Hire expert consultants with approval of the State
795 Board of Education;

796 (k) Set up ad hoc committees to advise on specific
797 areas; and

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

801 (6) (a) **Standard License - Approved Program Route.** An
802 educator entering the school system of Mississippi for the first
803 time and meeting all requirements as established by the State
804 Board of Education shall be granted a standard five-year license.
805 Persons who possess two (2) years of classroom experience as an
806 assistant teacher or who have taught for one (1) year in an
807 accredited public or private school shall be allowed to fulfill
808 student teaching requirements under the supervision of a qualified
809 participating teacher approved by an accredited college of
810 education. The local school district in which the assistant
811 teacher is employed shall compensate such assistant teachers at
812 the required salary level during the period of time such
813 individual is completing student teaching requirements.
814 Applicants for a standard license shall submit to the department:

815 (i) An application on a department form;



816 (ii) An official transcript of completion of a
817 teacher education program approved by the department or a
818 nationally accredited program, subject to the following:
819 Licensure to teach in Mississippi prekindergarten through
820 kindergarten classrooms shall require completion of a teacher
821 education program or a Bachelor of Science degree with child
822 development emphasis from a program accredited by the American
823 Association of Family and Consumer Sciences (AAFCS) or by the
824 National Association for Education of Young Children (NAEYC) or by
825 the National Council for Accreditation of Teacher Education
826 (NCATE). Licensure to teach in Mississippi kindergarten, for
827 those applicants who have completed a teacher education program,
828 and in Grade 1 through Grade 4 shall require the completion of an
829 interdisciplinary program of studies. Licenses for Grades 4
830 through 8 shall require the completion of an interdisciplinary
831 program of studies with two (2) or more areas of concentration.
832 Licensure to teach in Mississippi Grades 7 through 12 shall
833 require a major in an academic field other than education, or a
834 combination of disciplines other than education. Students
835 preparing to teach a subject shall complete a major in the
836 respective subject discipline. All applicants for standard
837 licensure shall demonstrate that such person's college preparation
838 in those fields was in accordance with the standards set forth by
839 the National Council for Accreditation of Teacher Education
840 (NCATE) or the National Association of State Directors of Teacher



841 Education and Certification (NASDTEC) or, for those applicants who
842 have a Bachelor of Science degree with child development emphasis,
843 the American Association of Family and Consumer Sciences (AAFCS).
844 Effective July 1, 2016, for initial elementary education
845 licensure, a teacher candidate must earn a passing score on a
846 rigorous test of scientifically research-based reading instruction
847 and intervention and data-based decision-making principles as
848 approved by the State Board of Education;

849 (iii) A copy of test scores evidencing
850 satisfactory completion of nationally administered examinations of
851 achievement, such as the Educational Testing Service's teacher
852 testing examinations;

853 (iv) Any other document required by the State
854 Board of Education; and

855 (v) From and after July 1, 2020, no teacher
856 candidate shall be licensed to teach in Mississippi who did not
857 meet the following criteria for entrance into an approved teacher
858 education program:

859 1. An ACT Score of twenty-one (21) (or SAT
860 equivalent); or

861 2. Achieve a qualifying passing score on the
862 Praxis Core Academic Skills for Educators examination as
863 established by the State Board of Education; or

864 3. A minimum GPA of 3.0 on coursework prior
865 to admission to an approved teacher education program.



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

867 From and after July 1, 2020, no teacher candidate shall be
868 licensed to teach in Mississippi under the alternate route who did
869 not meet the following criteria:

870 (i) An ACT Score of twenty-one (21) (or SAT
871 equivalent); or

872 (ii) Achieve a qualifying passing score on the
873 Praxis Core Academic Skills for Educators examination as
874 established by the State Board of Education; or

875 (iii) A minimum GPA of 3.0 on coursework prior to
876 admission to an approved teacher education program.

877 Beginning July 1, 2020, an individual who has attained a
878 passing score on the Praxis Core Academic Skills for Educators or
879 an ACT Score of twenty-one (21) (or SAT equivalent) or a minimum
880 GPA of 3.0 on coursework prior to admission to an approved teacher
881 education program and a passing score on the Praxis Subject
882 Assessment in the requested area of endorsement may apply for
883 admission to the Teach Mississippi Institute (TMI) program to
884 teach students in Grades 7 through 12 if the individual meets the
885 requirements of this paragraph (b). The State Board of Education
886 shall adopt rules requiring that teacher preparation institutions
887 which provide the Teach Mississippi Institute (TMI) program for
888 the preparation of nontraditional teachers shall meet the
889 standards and comply with the provisions of this paragraph.



890 (i) The Teach Mississippi Institute (TMI) shall
891 include an intensive eight-week, nine-semester-hour summer program
892 or a curriculum of study in which the student matriculates in the
893 fall or spring semester, which shall include, but not be limited
894 to, instruction in education, effective teaching strategies,
895 classroom management, state curriculum requirements, planning and
896 instruction, instructional methods and pedagogy, using test
897 results to improve instruction, and a one (1) semester three-hour
898 supervised internship to be completed while the teacher is
899 employed as a full-time teacher intern in a local school district.
900 The TMI shall be implemented on a pilot program basis, with
901 courses to be offered at up to four (4) locations in the state,
902 with one (1) TMI site to be located in each of the three (3)
903 Mississippi Supreme Court districts.

904 (ii) The school sponsoring the teacher intern
905 shall enter into a written agreement with the institution
906 providing the Teach Mississippi Institute (TMI) program, under
907 terms and conditions as agreed upon by the contracting parties,
908 providing that the school district shall provide teacher interns
909 seeking a nontraditional provisional teaching license with a
910 one-year classroom teaching experience. The teacher intern shall
911 successfully complete the one (1) semester three-hour intensive
912 internship in the school district during the semester immediately
913 following successful completion of the TMI and prior to the end of
914 the one-year classroom teaching experience.



915 (iii) Upon completion of the nine-semester-hour
916 TMI or the fall or spring semester option, the individual shall
917 submit his transcript to the commission for provisional licensure
918 of the intern teacher, and the intern teacher shall be issued a
919 provisional teaching license by the commission, which will allow
920 the individual to legally serve as a teacher while the person
921 completes a nontraditional teacher preparation internship program.

922 (iv) During the semester of internship in the
923 school district, the teacher preparation institution shall monitor
924 the performance of the intern teacher. The school district that
925 employs the provisional teacher shall supervise the provisional
926 teacher during the teacher's intern year of employment under a
927 nontraditional provisional license, and shall, in consultation
928 with the teacher intern's mentor at the school district of
929 employment, submit to the commission a comprehensive evaluation of
930 the teacher's performance sixty (60) days prior to the expiration
931 of the nontraditional provisional license. If the comprehensive
932 evaluation establishes that the provisional teacher intern's
933 performance fails to meet the standards of the approved
934 nontraditional teacher preparation internship program, the
935 individual shall not be approved for a standard license.

936 (v) An individual issued a provisional teaching
937 license under this nontraditional route shall successfully
938 complete, at a minimum, a one-year beginning teacher mentoring and



939 induction program administered by the employing school district
940 with the assistance of the State Department of Education.

941 (vi) Upon successful completion of the TMI and the
942 internship provisional license period, applicants for a Standard
943 License - Nontraditional Route shall submit to the commission a
944 transcript of successful completion of the twelve (12) semester
945 hours required in the internship program, and the employing school
946 district shall submit to the commission a recommendation for
947 standard licensure of the intern. If the school district
948 recommends licensure, the applicant shall be issued a Standard
949 License - Nontraditional Route which shall be valid for a
950 five-year period and be renewable.

951 (vii) At the discretion of the teacher preparation
952 institution, the individual shall be allowed to credit the twelve
953 (12) semester hours earned in the nontraditional teacher
954 internship program toward the graduate hours required for a Master
955 of Arts in Teacher (MAT) Degree.

956 (viii) The local school district in which the
957 nontraditional teacher intern or provisional licensee is employed
958 shall compensate such teacher interns at Step 1 of the required
959 salary level during the period of time such individual is
960 completing teacher internship requirements and shall compensate
961 such Standard License - Nontraditional Route teachers at Step 3 of
962 the required salary level when they complete license requirements.



963 Implementation of the TMI program provided for under this
964 paragraph (b) shall be contingent upon the availability of funds
965 appropriated specifically for such purpose by the Legislature.
966 Such implementation of the TMI program may not be deemed to
967 prohibit the State Board of Education from developing and
968 implementing additional alternative route teacher licensure
969 programs, as deemed appropriate by the board. The emergency
970 certification program in effect prior to July 1, 2002, shall
971 remain in effect.

972 A Standard License - Approved Program Route shall be issued
973 for a five-year period, and may be renewed. Recognizing teaching
974 as a profession, a hiring preference shall be granted to persons
975 holding a Standard License - Approved Program Route or Standard
976 License - Nontraditional Teaching Route over persons holding any
977 other license.

978 (c) **Special License - Expert Citizen.** In order to
979 allow a school district to offer specialized or technical courses,
980 the State Department of Education, in accordance with rules and
981 regulations established by the State Board of Education, may grant
982 a one-year expert citizen-teacher license to local business or
983 other professional personnel to teach in a public school or
984 nonpublic school accredited or approved by the state. Such person
985 may begin teaching upon his employment by the local school board
986 and licensure by the Mississippi Department of Education. The
987 board shall adopt rules and regulations to administer the expert



988 citizen-teacher license. A Special License - Expert Citizen may
989 be renewed in accordance with the established rules and
990 regulations of the State Department of Education.

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

997 (e) **Nonlicensed Teaching Personnel.** A nonlicensed
998 person may teach for a maximum of three (3) periods per teaching
999 day in a public school district or a nonpublic school
1000 accredited/approved by the state. Such person shall submit to the
1001 department a transcript or record of his education and experience
1002 which substantiates his preparation for the subject to be taught
1003 and shall meet other qualifications specified by the commission
1004 and approved by the State Board of Education. In no case shall
1005 any local school board hire nonlicensed personnel as authorized
1006 under this paragraph in excess of five percent (5%) of the total
1007 number of licensed personnel in any single school.

1008 (f) **Special License - Transitional Bilingual Education.**
1009 Beginning July 1, 2003, the commission shall grant special
1010 licenses to teachers of transitional bilingual education who
1011 possess such qualifications as are prescribed in this section.
1012 Teachers of transitional bilingual education shall be compensated



1013 by local school boards at not less than one (1) step on the
1014 regular salary schedule applicable to permanent teachers licensed
1015 under this section. The commission shall grant special licenses
1016 to teachers of transitional bilingual education who present the
1017 commission with satisfactory evidence that they (i) possess a
1018 speaking and reading ability in a language, other than English, in
1019 which bilingual education is offered and communicative skills in
1020 English; (ii) are in good health and sound moral character; (iii)
1021 possess a bachelor's degree or an associate's degree in teacher
1022 education from an accredited institution of higher education; (iv)
1023 meet such requirements as to courses of study, semester hours
1024 therein, experience and training as may be required by the
1025 commission; and (v) are legally present in the United States and
1026 possess legal authorization for employment. A teacher of
1027 transitional bilingual education serving under a special license
1028 shall be under an exemption from standard licensure if he achieves
1029 the requisite qualifications therefor. Two (2) years of service
1030 by a teacher of transitional bilingual education under such an
1031 exemption shall be credited to the teacher in acquiring a Standard
1032 Educator License. Nothing in this paragraph shall be deemed to
1033 prohibit a local school board from employing a teacher licensed in
1034 an appropriate field as approved by the State Department of
1035 Education to teach in a program in transitional bilingual
1036 education.



1037 (g) In the event any school district meets the highest
1038 accreditation standards as defined by the State Board of Education
1039 in the accountability system, the State Board of Education, in its
1040 discretion, may exempt such school district from any restrictions
1041 in paragraph (e) relating to the employment of nonlicensed
1042 teaching personnel.

1043 (h) **Highly Qualified Teachers.** Beginning July 1, 2006,
1044 any teacher from any state meeting the federal definition of
1045 highly qualified, as described in the No Child Left Behind Act,
1046 must be granted a standard five-year license by the State
1047 Department of Education.

1048 (7) **Administrator License.** The State Board of Education is
1049 authorized to establish rules and regulations and to administer
1050 the licensure process of the school administrators in the State of
1051 Mississippi. There will be four (4) categories of administrator
1052 licensure with exceptions only through special approval of the
1053 State Board of Education.

1054 (a) **Administrator License - Nonpracticing.** Those
1055 educators holding administrative endorsement but having no
1056 administrative experience or not serving in an administrative
1057 position on January 15, 1997.

1058 (b) **Administrator License - Entry Level.** Those
1059 educators holding administrative endorsement and having met the
1060 department's qualifications to be eligible for employment in a



1061 Mississippi school district. Administrator License - Entry Level
1062 shall be issued for a five-year period and shall be nonrenewable.

1063 (c) **Standard Administrator License - Career Level.** An
1064 administrator who has met all the requirements of the department
1065 for standard administrator licensure.

1066 (d) **Administrator License - Nontraditional Route.** The
1067 board may establish a nontraditional route for licensing
1068 administrative personnel. Such nontraditional route for
1069 administrative licensure shall be available for persons holding,
1070 but not limited to, a master of business administration degree, a
1071 master of public administration degree, a master of public
1072 planning and policy degree or a doctor of jurisprudence degree
1073 from an accredited college or university, with five (5) years of
1074 administrative or supervisory experience. Successful completion
1075 of the requirements of alternate route licensure for
1076 administrators shall qualify the person for a standard
1077 administrator license.

1078 Individuals seeking school administrator licensure under
1079 paragraph (b), (c) or (d) shall successfully complete a training
1080 program and an assessment process prescribed by the State Board of
1081 Education. All applicants for school administrator licensure
1082 shall meet all requirements prescribed by the department under
1083 paragraph (b), (c) or (d), and the cost of the assessment process
1084 required shall be paid by the applicant.



1085 (8) **Reciprocity.** The department shall grant a standard
1086 five-year license to any individual who possesses a valid standard
1087 license from another state within a period of twenty-one (21) days
1088 from the date of a completed application. The issuance of a
1089 license by reciprocity to a military-trained applicant, military
1090 spouse or person who establishes residence in this state shall be
1091 subject to the provisions of Section 73-50-1 or 73-50-2, as
1092 applicable.

1093 (9) **Renewal and Reinstatement of Licenses.** The State Board
1094 of Education is authorized to establish rules and regulations for
1095 the renewal and reinstatement of educator and administrator
1096 licenses. Effective May 15, 1997, the valid standard license held
1097 by an educator shall be extended five (5) years beyond the
1098 expiration date of the license in order to afford the educator
1099 adequate time to fulfill new renewal requirements established
1100 pursuant to this subsection. An educator completing a master of
1101 education, educational specialist or doctor of education degree in
1102 May 1997 for the purpose of upgrading the educator's license to a
1103 higher class shall be given this extension of five (5) years plus
1104 five (5) additional years for completion of a higher degree. For
1105 all license types with a current valid expiration date of June 30,
1106 2021, the State Department of Education shall grant a one-year
1107 extension to June 30, 2022. Beginning July 1, 2022, and
1108 thereafter, applicants for licensure renewal shall meet all



1109 requirements in effect on the date that the complete application
1110 is received by the State Department of Education.

1111 (10) All controversies involving the issuance, revocation,
1112 suspension or any change whatsoever in the licensure of an
1113 educator required to hold a license shall be initially heard in a
1114 hearing de novo, by the commission or by a subcommittee
1115 established by the commission and composed of commission members,
1116 or by a hearing officer retained and appointed by the commission,
1117 for the purpose of holding hearings. Any complaint seeking the
1118 denial of issuance, revocation or suspension of a license shall be
1119 by sworn affidavit filed with the Commission on Teacher and
1120 Administrator Education, Certification and Licensure and
1121 Development. The decision thereon by the commission, its
1122 subcommittee or hearing officer, shall be final, unless the
1123 aggrieved party shall appeal to the State Board of Education,
1124 within ten (10) days, of the decision of the commission, its
1125 subcommittee or hearing officer. An appeal to the State Board of
1126 Education shall be perfected upon filing a notice of the appeal
1127 and by the prepayment of the costs of the preparation of the
1128 record of proceedings by the commission, its subcommittee or
1129 hearing officer. An appeal shall be on the record previously made
1130 before the commission, its subcommittee or hearing officer, unless
1131 otherwise provided by rules and regulations adopted by the board.
1132 The decision of the commission, its subcommittee or hearing
1133 officer shall not be disturbed on appeal if supported by



1134 substantial evidence, was not arbitrary or capricious, within the
1135 authority of the commission, and did not violate some statutory or
1136 constitutional right. The State Board of Education in its
1137 authority may reverse, or remand with instructions, the decision
1138 of the commission, its subcommittee or hearing officer. The
1139 decision of the State Board of Education shall be final.

1140 (11) (a) The State Board of Education, acting through the
1141 commission, may deny an application for any teacher or
1142 administrator license for one or more of the following:

1143 (i) Lack of qualifications which are prescribed by
1144 law or regulations adopted by the State Board of Education;

1145 (ii) The applicant has a physical, emotional or
1146 mental disability that renders the applicant unfit to perform the
1147 duties authorized by the license, as certified by a licensed
1148 psychologist or psychiatrist;

1149 (iii) The applicant is actively addicted to or
1150 actively dependent on alcohol or other habit-forming drugs or is a
1151 habitual user of narcotics, barbiturates, amphetamines,
1152 hallucinogens or other drugs having similar effect, at the time of
1153 application for a license;

1154 (iv) Fraud or deceit committed by the applicant in
1155 securing or attempting to secure such certification and license;

1156 (v) Failing or refusing to furnish reasonable
1157 evidence of identification;



1158 (vi) The applicant has been convicted, has pled
1159 guilty or entered a plea of nolo contendere to a felony, as
1160 defined by federal or state law. For purposes of this
1161 subparagraph (vi) of this paragraph (a), a "guilty plea" includes
1162 a plea of guilty, entry of a plea of nolo contendere, or entry of
1163 an order granting pretrial or judicial diversion;

1164 (vii) The applicant or licensee is on probation or
1165 post-release supervision for a felony or conviction, as defined by
1166 federal or state law. However, this disqualification expires upon
1167 the end of the probationary or post-release supervision period.

1168 (b) The State Board of Education, acting through the
1169 commission, shall deny an application for any teacher or
1170 administrator license, or immediately revoke the current teacher
1171 or administrator license, for one or more of the following:

1172 (i) If the applicant or licensee has been
1173 convicted, has pled guilty or entered a plea of nolo contendere to
1174 a sex offense as defined by federal or state law. For purposes of
1175 this subparagraph (i) of this paragraph (b), a "guilty plea"
1176 includes a plea of guilty, entry of a plea of nolo contendere, or
1177 entry of an order granting pretrial or judicial diversion;

1178 (ii) The applicant or licensee is on probation or
1179 post-release supervision for a sex offense conviction, as defined
1180 by federal or state law;



1181 (iii) The license holder has fondled a student as
1182 described in Section 97-5-23, or had any type of sexual
1183 involvement with a student as described in Section 97-3-95; or

1184 (iv) The license holder has failed to report
1185 sexual involvement of a school employee with a student as required
1186 by Section 97-5-24.

1187 (12) The State Board of Education, acting through the
1188 commission, may revoke, suspend or refuse to renew any teacher or
1189 administrator license for specified periods of time or may place
1190 on probation, reprimand a licensee, or take other disciplinary
1191 action with regard to any license issued under this chapter for
1192 one or more of the following:

1193 (a) Breach of contract or abandonment of employment may
1194 result in the suspension of the license for one (1) school year as
1195 provided in Section 37-9-57;

1196 (b) Obtaining a license by fraudulent means shall
1197 result in immediate suspension and continued suspension for one
1198 (1) year after correction is made;

1199 (c) Suspension or revocation of a certificate or
1200 license by another state shall result in immediate suspension or
1201 revocation and shall continue until records in the prior state
1202 have been cleared;

1203 (d) The license holder has been convicted, has pled
1204 guilty or entered a plea of nolo contendere to a felony, as
1205 defined by federal or state law. For purposes of this paragraph,



1206 a "guilty plea" includes a plea of guilty, entry of a plea of nolo
1207 contendere, or entry of an order granting pretrial or judicial
1208 diversion;

1209 (e) The license holder knowingly and willfully
1210 committing any of the acts affecting validity of mandatory uniform
1211 test results as provided in Section 37-16-4(1);

1212 (f) The license holder has engaged in unethical conduct
1213 relating to an educator/student relationship as identified by the
1214 State Board of Education in its rules;

1215 (g) The license holder served as superintendent or
1216 principal in a school district during the time preceding and/or
1217 that resulted in the Governor declaring a state of emergency and
1218 the State Board of Education appointing a conservator;

1219 (h) The license holder submitted a false certification
1220 to the State Department of Education that a statewide test was
1221 administered in strict accordance with the Requirements of the
1222 Mississippi Statewide Assessment System; or

1223 (i) The license holder has failed to comply with the
1224 Procedures for Reporting Infractions as promulgated by the
1225 commission and approved by the State Board of Education pursuant
1226 to subsection (15) of this section.

1227 For purposes of this subsection, probation shall be defined
1228 as a length of time determined by the commission, its subcommittee
1229 or hearing officer, and based on the severity of the offense in
1230 which the license holder shall meet certain requirements as



1231 prescribed by the commission, its subcommittee or hearing officer.
1232 Failure to complete the requirements in the time specified shall
1233 result in immediate suspension of the license for one (1) year.

1234 (13) (a) Dismissal or suspension of a licensed employee by
1235 a local school board pursuant to Section 37-9-59 may result in the
1236 suspension or revocation of a license for a length of time which
1237 shall be determined by the commission and based upon the severity
1238 of the offense.

1239 (b) Any offense committed or attempted in any other
1240 state shall result in the same penalty as if committed or
1241 attempted in this state.

1242 (c) A person may voluntarily surrender a license. The
1243 surrender of such license may result in the commission
1244 recommending any of the above penalties without the necessity of a
1245 hearing. However, any such license which has voluntarily been
1246 surrendered by a licensed employee may only be reinstated by a
1247 majority vote of all members of the commission present at the
1248 meeting called for such purpose.

1249 (14) (a) A person whose license has been suspended or
1250 surrendered on any grounds except criminal grounds may petition
1251 for reinstatement of the license after one (1) year from the date
1252 of suspension or surrender, or after one-half (1/2) of the
1253 suspended or surrendered time has lapsed, whichever is greater. A
1254 person whose license has been suspended or revoked on any grounds
1255 or violations under subsection (12) of this section may be



1256 reinstated automatically or approved for a reinstatement hearing,
1257 upon submission of a written request to the commission. A license
1258 suspended, revoked or surrendered on criminal grounds may be
1259 reinstated upon petition to the commission filed after expiration
1260 of the sentence and parole or probationary period imposed upon
1261 conviction. A revoked, suspended or surrendered license may be
1262 reinstated upon satisfactory showing of evidence of
1263 rehabilitation. The commission shall require all who petition for
1264 reinstatement to furnish evidence satisfactory to the commission
1265 of good character, good mental, emotional and physical health and
1266 such other evidence as the commission may deem necessary to
1267 establish the petitioner's rehabilitation and fitness to perform
1268 the duties authorized by the license.

1269 (b) A person whose license expires while under
1270 investigation by the Office of Educator Misconduct for an alleged
1271 violation may not be reinstated without a hearing before the
1272 commission if required based on the results of the investigation.

1273 (15) Reporting procedures and hearing procedures for dealing
1274 with infractions under this section shall be promulgated by the
1275 commission, subject to the approval of the State Board of
1276 Education. The revocation or suspension of a license shall be
1277 effected at the time indicated on the notice of suspension or
1278 revocation. The commission shall immediately notify the
1279 superintendent of the school district or school board where the
1280 teacher or administrator is employed of any disciplinary action



1281 and also notify the teacher or administrator of such revocation or
1282 suspension and shall maintain records of action taken. The State
1283 Board of Education may reverse or remand with instructions any
1284 decision of the commission, its subcommittee or hearing officer
1285 regarding a petition for reinstatement of a license, and any such
1286 decision of the State Board of Education shall be final.

1287 (16) An appeal from the action of the State Board of
1288 Education in denying an application, revoking or suspending a
1289 license or otherwise disciplining any person under the provisions
1290 of this section shall be filed in the Chancery Court of the First
1291 Judicial District of Hinds County, Mississippi, on the record
1292 made, including a verbatim transcript of the testimony at the
1293 hearing. The appeal shall be filed within thirty (30) days after
1294 notification of the action of the board is mailed or served and
1295 the proceedings in chancery court shall be conducted as other
1296 matters coming before the court. The appeal shall be perfected
1297 upon filing notice of the appeal and by the prepayment of all
1298 costs, including the cost of preparation of the record of the
1299 proceedings by the State Board of Education, and the filing of a
1300 bond in the sum of Two Hundred Dollars (\$200.00) conditioned that
1301 if the action of the board be affirmed by the chancery court, the
1302 applicant or license holder shall pay the costs of the appeal and
1303 the action of the chancery court.

1304 (17) All such programs, rules, regulations, standards and
1305 criteria recommended or authorized by the commission shall become



1306 effective upon approval by the State Board of Education as
1307 designated by appropriate orders entered upon the minutes thereof.

1308 (18) The granting of a license shall not be deemed a
1309 property right nor a guarantee of employment in any public school
1310 district. A license is a privilege indicating minimal eligibility
1311 for teaching in the public school districts of Mississippi. This
1312 section shall in no way alter or abridge the authority of local
1313 school districts to require greater qualifications or standards of
1314 performance as a prerequisite of initial or continued employment
1315 in such districts.

1316 (19) In addition to the reasons specified in subsections
1317 (12) and (13) of this section, the board shall be authorized to
1318 suspend the license of any licensee for being out of compliance
1319 with an order for support, as defined in Section 93-11-153. The
1320 procedure for suspension of a license for being out of compliance
1321 with an order for support, and the procedure for the reissuance or
1322 reinstatement of a license suspended for that purpose, and the
1323 payment of any fees for the reissuance or reinstatement of a
1324 license suspended for that purpose, shall be governed by Section
1325 93-11-157 or 93-11-163, as the case may be. Actions taken by the
1326 board in suspending a license when required by Section 93-11-157
1327 or 93-11-163 are not actions from which an appeal may be taken
1328 under this section. Any appeal of a license suspension that is
1329 required by Section 93-11-157 or 93-11-163 shall be taken in
1330 accordance with the appeal procedure specified in Section



1331 93-11-157 or 93-11-163, as the case may be, rather than the
 1332 procedure specified in this section. If there is any conflict
 1333 between any provision of Section 93-11-157 or 93-11-163 and any
 1334 provision of this chapter, the provisions of Section 93-11-157 or
 1335 93-11-163, as the case may be, shall control.

1336 **SECTION 6.** Section 37-19-7, Mississippi Code of 1972, is
 1337 brought forward as follows:

1338 37-19-7. (1) The allowance in the Mississippi Adequate
 1339 Education Program for teachers' salaries in each county and
 1340 separate school district shall be determined and paid in
 1341 accordance with the scale for teachers' salaries as provided in
 1342 this subsection. For teachers holding the following types of
 1343 licenses or the equivalent as determined by the State Board of
 1344 Education, and the following number of years of teaching
 1345 experience, the scale shall be as follows:

1346 **2021-2022 MINIMUM SALARY SCHEDULE**

1347	Years				
1348	Exp.	AAAA	AAA	AA	A
1349	0	41,608.00	40,444.00	39,280.00	37,000.00
1350	1	41,608.00	40,444.00	39,280.00	37,000.00
1351	2	41,608.00	40,444.00	39,280.00	37,000.00
1352	3	42,402.00	41,171.00	39,940.00	37,385.00
1353	4	43,196.00	41,898.00	40,600.00	37,880.00
1354	5	43,990.00	42,625.00	41,260.00	38,375.00
1355	6	44,784.00	43,352.00	41,920.00	38,870.00



1356	7	45,578.00	44,079.00	42,580.00	39,365.00
1357	8	46,372.00	44,806.00	43,240.00	39,860.00
1358	9	47,166.00	45,533.00	43,900.00	40,355.00
1359	10	47,960.00	46,260.00	44,560.00	40,850.00
1360	11	48,754.00	46,987.00	45,220.00	41,345.00
1361	12	49,548.00	47,714.00	45,880.00	41,840.00
1362	13	50,342.00	48,441.00	46,540.00	42,335.00
1363	14	51,136.00	49,168.00	47,200.00	42,830.00
1364	15	51,930.00	49,895.00	47,860.00	43,325.00
1365	16	52,724.00	50,622.00	48,520.00	43,820.00
1366	17	53,518.00	51,349.00	49,180.00	44,315.00
1367	18	54,312.00	52,076.00	49,840.00	44,810.00
1368	19	55,106.00	52,803.00	50,500.00	45,305.00
1369	20	55,900.00	53,530.00	51,160.00	45,800.00
1370	21	56,694.00	54,257.00	51,820.00	46,295.00
1371	22	57,488.00	54,984.00	52,480.00	46,790.00
1372	23	58,282.00	55,711.00	53,140.00	47,285.00
1373	24	59,076.00	56,438.00	53,800.00	47,780.00
1374	25	61,930.00	59,225.00	56,520.00	50,335.00
1375	26	62,724.00	59,952.00	57,180.00	50,830.00
1376	27	63,518.00	60,679.00	57,840.00	51,325.00
1377	28	64,312.00	61,406.00	58,500.00	51,820.00
1378	29	65,106.00	62,133.00	59,160.00	52,315.00
1379	30	65,900.00	62,860.00	59,820.00	52,810.00
1380	31	66,694.00	63,587.00	60,480.00	53,305.00



1381	32	67,488.00	64,314.00	61,140.00	53,800.00
1382	33	68,282.00	65,041.00	61,800.00	54,295.00
1383	34	69,076.00	65,768.00	62,460.00	54,790.00
1384	35				
1385	& above	69,870.00	66,495.00	63,120.00	55,285.00

1386 It is the intent of the Legislature that any state funds made
1387 available for salaries of licensed personnel in excess of the
1388 funds paid for such salaries for the 1986-1987 school year shall
1389 be paid to licensed personnel pursuant to a personnel appraisal
1390 and compensation system implemented by the State Board of
1391 Education. The State Board of Education shall have the authority
1392 to adopt and amend rules and regulations as are necessary to
1393 establish, administer and maintain the system.

1394 All teachers employed on a full-time basis shall be paid a
1395 minimum salary in accordance with the above scale. However, no
1396 school district shall receive any funds under this section for any
1397 school year during which the local supplement paid to any
1398 individual teacher shall have been reduced to a sum less than that
1399 paid to that individual teacher for performing the same duties
1400 from local supplement during the immediately preceding school
1401 year. The amount actually spent for the purposes of group health
1402 and/or life insurance shall be considered as a part of the
1403 aggregate amount of local supplement but shall not be considered a
1404 part of the amount of individual local supplement.



1405 The level of professional training of each teacher to be used
1406 in establishing the salary allotment for the teachers for each
1407 year shall be determined by the type of valid teacher's license
1408 issued to those teachers on or before October 1 of the current
1409 school year. Provided, however, that school districts are
1410 authorized, in their discretion, to negotiate the salary levels
1411 applicable to certificated employees who are receiving retirement
1412 benefits from the retirement system of another state, and the
1413 annual experience increment provided above in Section 37-19-7
1414 shall not be applicable to any such retired certificated employee.

1415 (2) (a) The following employees shall receive an annual
1416 salary supplement in the amount of Six Thousand Dollars
1417 (\$6,000.00), plus fringe benefits, in addition to any other
1418 compensation to which the employee may be entitled:

1419 (i) Any licensed teacher who has met the
1420 requirements and acquired a Master Teacher certificate from the
1421 National Board for Professional Teaching Standards and who is
1422 employed by a local school board or the State Board of Education
1423 as a teacher and not as an administrator. Such teacher shall
1424 submit documentation to the State Department of Education that the
1425 certificate was received prior to October 15 in order to be
1426 eligible for the full salary supplement in the current school
1427 year, or the teacher shall submit such documentation to the State
1428 Department of Education prior to February 15 in order to be



1429 eligible for a prorated salary supplement beginning with the
1430 second term of the school year.

1431 (ii) A licensed nurse who has met the requirements
1432 and acquired a certificate from the National Board for
1433 Certification of School Nurses, Inc., and who is employed by a
1434 local school board or the State Board of Education as a school
1435 nurse and not as an administrator. The licensed school nurse
1436 shall submit documentation to the State Department of Education
1437 that the certificate was received before October 15 in order to be
1438 eligible for the full salary supplement in the current school
1439 year, or the licensed school nurse shall submit the documentation
1440 to the State Department of Education before February 15 in order
1441 to be eligible for a prorated salary supplement beginning with the
1442 second term of the school year. Provided, however, that the total
1443 number of licensed school nurses eligible for a salary supplement
1444 under this subparagraph (ii) shall not exceed thirty-five (35).

1445 (iii) Any licensed school counselor who has met
1446 the requirements and acquired a National Certified School
1447 Counselor (NCSC) endorsement from the National Board of Certified
1448 Counselors and who is employed by a local school board or the
1449 State Board of Education as a counselor and not as an
1450 administrator. Such licensed school counselor shall submit
1451 documentation to the State Department of Education that the
1452 endorsement was received prior to October 15 in order to be
1453 eligible for the full salary supplement in the current school



1454 year, or the licensed school counselor shall submit such
1455 documentation to the State Department of Education prior to
1456 February 15 in order to be eligible for a prorated salary
1457 supplement beginning with the second term of the school year.
1458 However, any school counselor who started the National Board for
1459 Professional Teaching Standards process for school counselors
1460 between June 1, 2003, and June 30, 2004, and completes the
1461 requirements and acquires the Master Teacher certificate shall be
1462 entitled to the master teacher supplement, and those counselors
1463 who complete the process shall be entitled to a one-time
1464 reimbursement for the actual cost of the process as outlined in
1465 paragraph (b) of this subsection.

1466 (iv) Any licensed speech-language pathologist and
1467 audiologist who has met the requirements and acquired a
1468 Certificate of Clinical Competence from the American
1469 Speech-Language-Hearing Association and any certified academic
1470 language therapist (CALT) who has met the certification
1471 requirements of the Academic Language Therapy Association and who
1472 is employed by a local school board or is employed by a state
1473 agency under the State Personnel Board. The licensed
1474 speech-language pathologist and audiologist and certified academic
1475 language therapist shall submit documentation to the State
1476 Department of Education that the certificate or endorsement was
1477 received before October 15 in order to be eligible for the full
1478 salary supplement in the current school year, or the licensed



1479 speech-language pathologist and audiologist and certified academic
1480 language therapist shall submit the documentation to the State
1481 Department of Education before February 15 in order to be eligible
1482 for a prorated salary supplement beginning with the second term of
1483 the school year. However, the total number of certified academic
1484 language therapists eligible for a salary supplement under this
1485 subparagraph (iv) shall not exceed twenty (20).

1486 (b) An employee shall be reimbursed for the actual cost
1487 of completing each component of acquiring the certificate or
1488 endorsement, excluding any costs incurred for postgraduate
1489 courses, not to exceed Five Hundred Dollars (\$500.00) for each
1490 component, not to exceed four (4) components, for a teacher,
1491 school counselor or speech-language pathologist and audiologist,
1492 regardless of whether or not the process resulted in the award of
1493 the certificate or endorsement. A local school district or any
1494 private individual or entity may pay the cost of completing the
1495 process of acquiring the certificate or endorsement for any
1496 employee of the school district described under paragraph (a), and
1497 the State Department of Education shall reimburse the school
1498 district for such cost, regardless of whether or not the process
1499 resulted in the award of the certificate or endorsement. If a
1500 private individual or entity has paid the cost of completing the
1501 process of acquiring the certificate or endorsement for an
1502 employee, the local school district may agree to directly



1503 reimburse the individual or entity for such cost on behalf of the
1504 employee.

1505 (c) All salary supplements, fringe benefits and process
1506 reimbursement authorized under this subsection shall be paid
1507 directly by the State Department of Education to the local school
1508 district and shall be in addition to its minimum education program
1509 allotments and not a part thereof in accordance with regulations
1510 promulgated by the State Board of Education. Local school
1511 districts shall not reduce the local supplement paid to any
1512 employee receiving such salary supplement, and the employee shall
1513 receive any local supplement to which employees with similar
1514 training and experience otherwise are entitled. However, an
1515 educational employee shall receive the salary supplement in the
1516 amount of Six Thousand Dollars (\$6,000.00) for only one (1) of the
1517 qualifying certifications authorized under paragraph (a) of this
1518 subsection. No school district shall provide more than one (1)
1519 annual salary supplement under the provisions of this subsection
1520 to any one individual employee holding multiple qualifying
1521 national certifications.

1522 (d) If an employee for whom such cost has been paid, in
1523 full or in part, by a local school district or private individual
1524 or entity fails to complete the certification or endorsement
1525 process, the employee shall be liable to the school district or
1526 individual or entity for all amounts paid by the school district



1527 or individual or entity on behalf of that employee toward his or
1528 her certificate or endorsement.

1529 (3) The following employees shall receive an annual salary
1530 supplement in the amount of Four Thousand Dollars (\$4,000.00),
1531 plus fringe benefits, in addition to any other compensation to
1532 which the employee may be entitled:

1533 Effective July 1, 2016, if funds are available for that
1534 purpose, any licensed teacher who has met the requirements and
1535 acquired a Master Teacher Certificate from the National Board for
1536 Professional Teaching Standards and who is employed in a public
1537 school district located in one (1) of the following counties:
1538 Claiborne, Adams, Jefferson, Wilkinson, Amite, Bolivar, Coahoma,
1539 Leflore, Quitman, Sharkey, Issaquena, Sunflower, Washington,
1540 Holmes, Yazoo and Tallahatchie. The salary supplement awarded
1541 under the provisions of this subsection (3) shall be in addition
1542 to the salary supplement awarded under the provisions of
1543 subsection (2) of this section.

1544 Teachers who meet the qualifications for a salary supplement
1545 under this subsection (3) who are assigned for less than one (1)
1546 full year or less than full time for the school year shall receive
1547 the salary supplement in a prorated manner, with the portion of
1548 the teacher's assignment to the critical geographic area to be
1549 determined as of June 15th of the school year.

1550 (4) (a) This section shall be known and may be cited as the
1551 "Mississippi Performance-Based Pay (MPBP)" plan. In addition to



1552 the minimum base pay described in this section, only after full
1553 funding of MAEP and if funds are available for that purpose, the
1554 State of Mississippi may provide monies from state funds to school
1555 districts for the purposes of rewarding certified teachers,
1556 administrators and nonlicensed personnel at individual schools
1557 showing improvement in student test scores. The MPBP plan shall
1558 be developed by the State Department of Education based on the
1559 following criteria:

1560 (i) It is the express intent of this legislation
1561 that the MPBP plan shall utilize only existing standards of
1562 accreditation and assessment as established by the State Board of
1563 Education.

1564 (ii) To ensure that all of Mississippi's teachers,
1565 administrators and nonlicensed personnel at all schools have equal
1566 access to the monies set aside in this section, the MPBP program
1567 shall be designed to calculate each school's performance as
1568 determined by the school's increase in scores from the prior
1569 school year. The MPBP program shall be based on a standardized
1570 scores rating where all levels of schools can be judged in a
1571 statistically fair and reasonable way upon implementation. At the
1572 end of each year, after all student achievement scores have been
1573 standardized, the State Department of Education shall implement
1574 the MPBP plan.

1575 (iii) To ensure all teachers cooperate in the
1576 spirit of teamwork, individual schools shall submit a plan to the



1577 local school district to be approved before the beginning of each
1578 school year beginning July 1, 2008. The plan shall include, but
1579 not be limited to, how all teachers, regardless of subject area,
1580 and administrators will be responsible for improving student
1581 achievement for their individual school.

1582 (b) The State Board of Education shall develop the
1583 processes and procedures for designating schools eligible to
1584 participate in the MPBP. State assessment results, growth in
1585 student achievement at individual schools and other measures
1586 deemed appropriate in designating successful student achievement
1587 shall be used in establishing MPBP criteria. The State Board of
1588 Education shall develop the MPBP policies and procedures and
1589 report to the Legislature and Governor by December 1, 2006.

1590 (5) (a) Beginning in the 2008-2009 school year, if funds
1591 are available for that purpose, each school in Mississippi shall
1592 have mentor teachers, as defined by Sections 37-9-201 through
1593 37-9-213, who shall receive additional base compensation provided
1594 for by the State Legislature in the amount of One Thousand Dollars
1595 (\$1,000.00) per each beginning teacher that is being mentored.
1596 The additional state compensation shall be limited to those mentor
1597 teachers that provide mentoring services to beginning teachers.
1598 For the purposes of such funding, a beginning teacher shall be
1599 defined as any teacher in any school in Mississippi that has less
1600 than one (1) year of classroom experience teaching in a public



1601 school. For the purposes of such funding, no full-time academic
1602 teacher shall mentor more than two (2) beginning teachers.

1603 (b) To be eligible for this state funding, the
1604 individual school must have a classroom management program
1605 approved by the local school board.

1606 (6) Effective with the 2014-2015 school year, the school
1607 districts participating in the Pilot Performance-Based
1608 Compensation System pursuant to Section 37-19-9 may award
1609 additional teacher and administrator pay based thereon.

1610 **SECTION 7.** This act shall take effect and be in force from
1611 and after July 1, 2022.

