

By: Representative Darnell

To: Education;
Appropriations

HOUSE BILL NO. 994

1 AN ACT TO CREATE NEW SECTION 25-11-126, MISSISSIPPI CODE OF
2 1972, TO PROVIDE THAT PERSONS WHO HAVE AT LEAST 25 YEARS OF
3 CREDITABLE SERVICE IN THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM, WHO
4 WERE EMPLOYED AS PUBLIC SCHOOL TEACHERS AT THE TIME OF THEIR
5 RETIREMENT AND WHO HAVE BEEN RETIRED AT LEAST 90 DAYS AND
6 RECEIVING A RETIREMENT ALLOWANCE, MAY BE EMPLOYED AS TEACHERS BY A
7 PUBLIC SCHOOL DISTRICT AFTER THEIR RETIREMENT AND RECEIVE A
8 RETIREMENT ALLOWANCE FROM THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM
9 DURING THEIR EMPLOYMENT AS TEACHERS IN ADDITION TO RECEIVING A
10 BEGINNING TEACHER'S SALARY; TO PROVIDE THAT SUCH RETIRED TEACHERS
11 SHALL BE ELIGIBLE TO RETURN TO TEACHING AND CONTINUE TO RECEIVE A
12 RETIREMENT BENEFIT FOR A TOTAL OF FIVE YEARS; TO STIPULATE THE
13 AMOUNT TO BE PAID BY SCHOOL DISTRICTS, WHICH AVAIL THEMSELVES OF
14 REEMPLOYING RETIRED TEACHERS TO PERS, FOR EACH TEACHER REEMPLOYED
15 UNDER THE AUTHORITY OF THIS ACT; TO PROVIDE THAT ANY TIME WORKED
16 BY A RETIRED TEACHER IN A SCHOOL DISTRICT THAT IS LESS THAN A FULL
17 CONTRACTUAL TERM OF TRADITIONAL TEACHERS SHALL CONSTITUTE ONE OF
18 THE FIVE YEARS OF POST-RETIREMENT TEACHING ELIGIBILITY AND THE
19 SALARY AUTHORIZED FOR SUCH INDIVIDUAL SHALL BE PRORATED FOR ANY
20 TIME WORKED LESS THAN A FULL ACADEMIC YEAR; TO PROVIDE THAT A
21 RETIRED TEACHER SHALL NOT BE RESTRICTED TO TEACHING IN ONE SCHOOL
22 DISTRICT FOR HIS OR HER PERIOD OF POST-RETIREMENT TEACHING
23 ELIGIBILITY; TO PROVIDE THAT SCHOOL DISTRICTS ARE ALLOWED TO
24 EMPLOY RETIRED TEACHERS BASED ON THE VACANT TEACHER UNITS
25 ALLOCATED TO THE DISTRICT AS DETERMINED BY THE TOTAL STUDENT
26 ENROLLMENT OF THE SCHOOL DISTRICT; TO AMEND SECTION 37-19-7,
27 MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE MINIMUM SALARY FOR
28 RETIRED TEACHERS RETURNING TO THE CLASSROOM BASED ON HIS OR HER
29 CERTIFICATION LEVEL; TO ALLOW RETIRED TEACHERS WHO HAD RECEIVED
30 NATIONAL BOARD CERTIFICATION PRIOR TO RETIREMENT TO CONTINUE
31 RECEIVING THE ANNUAL SUPPLEMENT FOR SUCH CERTIFICATION; TO BRING
32 FORWARD SECTION 25-11-105, MISSISSIPPI CODE OF 1972, FOR THE
33 PURPOSE OF POSSIBLE AMENDMENTS; TO AMEND SECTIONS 25-11-123 AND
34 25-11-127, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO



35 BRING FORWARD SECTION 37-3-2, MISSISSIPPI CODE OF 1972, FOR THE
36 PURPOSE OF POSSIBLE AMENDMENTS; AND FOR RELATED PURPOSES.

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

38 **SECTION 1.** The following shall be codified as Section
39 25-11-126, Mississippi Code of 1972:

40 25-11-126. (1) Any person who has at least twenty-five (25)
41 years of creditable service, who was employed as a public school
42 teacher at the time of his or her retirement and who has been
43 retired at least ninety (90) days and receiving a retirement
44 allowance, may be employed as a teacher in a public school
45 district after retirement, and choose to continue receiving the
46 retirement allowance under this article during his or her
47 employment as a teacher after retirement in addition to receiving
48 the starting salary authorized under Section 37-19-7 for a first-
49 year teacher with equivalent educational credentials and
50 certification along with the local contribution of the school
51 district in which the retiree is employed. The base compensation
52 authorized for returning retired teachers under Section 37-19-7
53 shall not be graduated annually in the same manner as teachers who
54 are employed by a school district under traditional employment
55 guidelines, but shall remain static for the entirety of his or her
56 eligible teaching period as a retired teacher.

57 (2) (a) The retired teacher may be employed as a teacher,
58 continue receiving his or her retirement allowance and be a
59 contributing member of the system without accruing additional
60 retirement benefits for a total of five (5) years, which may be



61 performed consecutively or intermittently. This method is
62 designed specifically to provide funding for the system to
63 actuarially offset any pension liability by providing the employer
64 contribution plus three percent (3%) of earned compensation as the
65 employee contribution of employees hired under the authority of
66 this section. Additionally, each school district hiring retired
67 teachers under the authority of this section, shall make a direct
68 payment to PERS, which shall serve as pension liability
69 participation assessment to offset the loss of revenue that a
70 nonretired teacher would provide to PERS along with the amount
71 that the district would pay if a nonretired teacher had been
72 employed for the teaching position. The amount of the pension
73 liability participation assessment shall be determined by the
74 number of retired teacher units allocated for employment by a
75 school district in any year, as prescribed in subsection (3) of
76 this section, as follows:

77 (i) For each allocated retired teacher employed by
78 a school district for any portion of the school year, Twelve
79 Thousand Dollars (\$12,000.00);

80 (ii) For each retired teacher employed by a school
81 district in excess of the limit allocated for the district for any
82 portion of the school year, Sixteen Thousand Dollars (\$16,000.00);
83 and

84 (iii) For each retired teacher the school district
85 chooses to retain beyond the five (5) years authorized under this



86 section for the teacher to teach and continue to draw retirement
87 benefits, Twenty Thousand Dollars (\$20,000.00). The assessment
88 required under this subparagraph (iii) is applicable to any school
89 district without regard to the number of retired teacher units
90 allocated to that district or if the limit on allocated retired
91 teacher units has not yet been satisfied.

92 (b) If a retired teacher, reemployed under the
93 authority of this section, works in a school district for any
94 portion of a scholastic year less than a full contractual term of
95 traditional teachers, the time worked by the retired teacher shall
96 constitute one (1) of the five (5) years of post retirement
97 teaching eligibility. A retired teacher, under the authority of
98 this section, shall be entitled to work in any school district and
99 shall not be obligated to remain in any one (1) school district
100 for the entirety of his or her post retirement teaching
101 eligibility, but shall be cumulative in nature so as not to exceed
102 five (5) years. The salary authorized under Section 37-19-7 for
103 retired teachers shall be prorated for any period worked by the
104 retired teacher that is less than one (1) full academic year.

105 (c) The State Department of Education shall transfer to
106 the system the Mississippi Adequate Education Program funds of
107 local school districts that on or after July 1, 2023, hire retired
108 members as teachers under this section and other funds that
109 otherwise would have been payable to the districts if the



110 districts had not taken advantage of this section. The crediting
111 of assets and financing shall follow the provisions of Section
112 25-11-123.

113 (d) Local educational agencies shall transfer to the
114 system Mississippi Adequate Education Program funds of local
115 school districts that on or after July 1, 2023, hire retired
116 members as teachers under this section and other funds that
117 otherwise would have been payable to the districts if the
118 districts had not taken advantage of this section. The crediting
119 of assets and financing must follow the provisions of Section
120 25-11-123.

121 (3) Under the authority of this section, school districts
122 are allowed to employ retired teachers based on the vacant teacher
123 units allocated to the district as determined by the total student
124 enrollment of the school district as follows:

125 (a) Districts with less than one thousand (1,000)
126 students enrolled shall be entitled to employ one (1) retired
127 teacher;

128 (b) Districts with one thousand (1,000) to three
129 thousand (3,000) students, shall be entitled to employ two (2)
130 retired teachers;

131 (c) Districts with three thousand one (3,001) to six
132 thousand (6,000) students, shall be entitled to employ three (3)
133 retired teachers;



134 (d) Districts with six thousand one (6,001) to nine
135 thousand (9,000) students, shall be entitled to employ four (4)
136 retired teachers;

137 (e) Districts with nine thousand one (9,001) to twelve
138 thousand (12,000) students, shall be entitled to employ five (5)
139 retired teachers;

140 (f) Districts with twelve thousand one (12,001) to
141 fifteen thousand (15,000) students, shall be entitled to employ
142 six (6) retired teachers;

143 (g) Districts with fifteen thousand one (15,001) to
144 eighteen thousand (18,000) students, shall be entitled to employ
145 seven (7) retired teachers;

146 (h) Districts with eighteen thousand one (18,001) to
147 twenty one thousand (21,000) students, shall be entitled to employ
148 eight (8) retired teachers; and

149 (i) Districts with more than twenty one thousand
150 (21,000) students, shall be entitled to employ nine (9) retired
151 teachers.

152 (4) A person may be hired under this section subject to the
153 following conditions:

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

156 (b) The superintendent of schools of the employing
157 school district certifies in writing to the State Department of



158 Education that the retired member has the requisite experience,
159 training and expertise for the position to be filled.

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

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

165 (5) The State Superintendent of Public Education shall
166 report the persons who are employed under this section to the
167 Executive Director of the Public Employees' Retirement System.

168 **SECTION 2.** Section 37-19-7, Mississippi Code of 1972, is
169 amended as follows:

170 37-19-7. (1) The allowance in the Mississippi Adequate
171 Education Program for teachers' salaries in each public school
172 district shall be determined and paid in accordance with the scale
173 for teachers' salaries as provided in this subsection. For
174 teachers holding the following types of licenses or the equivalent
175 as determined by the State Board of Education, and the following
176 number of years of teaching experience, the scale shall be as
177 follows:

178 **2022-2023 AND SUBSEQUENT SCHOOL YEARS MINIMUM SALARY SCHEDULE**

179	Exp.	AAAA	AAA	AA	A
180	0	45,500.00	44,000.00	43,000.00	41,500.00
181	1	46,100.00	44,550.00	43,525.00	41,900.00
182	2	46,700.00	45,100.00	44,050.00	42,300.00



183	3	47,300.00	45,650.00	44,575.00	42,700.00
184	4	47,900.00	46,200.00	45,100.00	43,100.00
185	5	49,250.00	47,500.00	46,350.00	44,300.00
186	6	49,850.00	48,050.00	46,875.00	44,700.00
187	7	50,450.00	48,600.00	47,400.00	45,100.00
188	8	51,050.00	49,150.00	47,925.00	45,500.00
189	9	51,650.00	49,700.00	48,450.00	45,900.00
190	10	53,000.00	51,000.00	49,700.00	47,100.00
191	11	53,600.00	51,550.00	50,225.00	47,500.00
192	12	54,200.00	52,100.00	50,750.00	47,900.00
193	13	54,800.00	52,650.00	51,275.00	48,300.00
194	14	55,400.00	53,200.00	51,800.00	48,700.00
195	15	56,750.00	54,500.00	53,050.00	49,900.00
196	16	57,350.00	55,050.00	53,575.00	50,300.00
197	17	57,950.00	55,600.00	54,100.00	50,700.00
198	18	58,550.00	56,150.00	54,625.00	51,100.00
199	19	59,150.00	56,700.00	55,150.00	51,500.00
200	20	60,500.00	58,000.00	56,400.00	52,700.00
201	21	61,100.00	58,550.00	56,925.00	53,100.00
202	22	61,700.00	59,100.00	57,450.00	53,500.00
203	23	62,300.00	59,650.00	57,975.00	53,900.00
204	24	62,900.00	60,200.00	58,500.00	54,300.00
205	25	65,400.00	62,700.00	61,000.00	56,800.00
206	26	66,000.00	63,250.00	61,525.00	57,200.00
207	27	66,600.00	63,800.00	62,050.00	57,600.00



208	28	67,200.00	64,350.00	62,575.00	58,000.00
209	29	67,800.00	64,900.00	63,100.00	58,400.00
210	30	68,400.00	65,450.00	63,625.00	58,800.00
211	31	69,000.00	66,000.00	64,150.00	59,200.00
212	32	69,600.00	66,550.00	64,675.00	59,600.00
213	33	70,200.00	67,100.00	65,200.00	60,000.00
214	34	70,800.00	67,650.00	65,725.00	60,400.00
215	35				
216	& above	71,400.00	68,200.00	66,250.00	60,800.00

2023-2024 AND SUBSEQUENT SCHOOL YEARS MINIMUM SALARY SCHEDULE

218	<u>Exp.</u>	<u>AAAA</u>	<u>AAA</u>	<u>AA</u>	<u>A</u>
219	<u>Retired</u>				
220	<u>Teacher</u>	<u>45,500.00</u>	<u>44,000.00</u>	<u>43,000.00</u>	<u>41,500.00</u>

221 It is the intent of the Legislature that any state funds made
222 available for salaries of licensed personnel in excess of the
223 funds paid for such salaries for the 1986-1987 school year shall
224 be paid to licensed personnel pursuant to a personnel appraisal
225 and compensation system implemented by the State Board of
226 Education. The State Board of Education shall have the authority
227 to adopt and amend rules and regulations as are necessary to
228 establish, administer and maintain the system.

229 All teachers employed on a full-time basis shall be paid a
230 minimum salary in accordance with the above scale. However, no
231 school district shall receive any funds under this section for any
232 school year during which the local supplement paid to any



233 individual teacher shall have been reduced to a sum less than that
234 paid to that individual teacher for performing the same duties
235 from local supplement during the immediately preceding school
236 year. The amount actually spent for the purposes of group health
237 and/or life insurance shall be considered as a part of the
238 aggregate amount of local supplement but shall not be considered a
239 part of the amount of individual local supplement.

240 The level of professional training of each teacher to be used
241 in establishing the salary allotment for the teachers for each
242 year shall be determined by the type of valid teacher's license
243 issued to those teachers on or before October 1 of the current
244 school year. However, school districts are authorized, in their
245 discretion, to negotiate the salary levels applicable to licensed
246 employees who are receiving retirement benefits from the
247 retirement system of another state, and the annual experience
248 increment provided above in Section 37-19-7 shall not be
249 applicable to any such retired certificated employee.

250 (2) (a) The following employees shall receive an annual
251 salary supplement in the amount of Six Thousand Dollars
252 (\$6,000.00), plus fringe benefits, in addition to any other
253 compensation to which the employee may be entitled:

254 (i) Any licensed teacher or retired teacher
255 employed by a school district under the authority of Section 1 of
256 this act who has met the requirements and acquired a Master
257 Teacher certificate from the National Board for Professional



258 Teaching Standards and who is employed by a local school board or
259 the State Board of Education as a teacher and not as an
260 administrator. Such teacher shall submit documentation to the
261 State Department of Education that the certificate was received
262 prior to October 15 in order to be eligible for the full salary
263 supplement in the current school year, or the teacher shall submit
264 such documentation to the State Department of Education prior to
265 February 15 in order to be eligible for a prorated salary
266 supplement beginning with the second term of the school year.

267 (ii) A licensed nurse who has met the requirements
268 and acquired a certificate from the National Board for
269 Certification of School Nurses, Inc., and who is employed by a
270 local school board or the State Board of Education as a school
271 nurse and not as an administrator. The licensed school nurse
272 shall submit documentation to the State Department of Education
273 that the certificate was received before October 15 in order to be
274 eligible for the full salary supplement in the current school
275 year, or the licensed school nurse shall submit the documentation
276 to the State Department of Education before February 15 in order
277 to be eligible for a prorated salary supplement beginning with the
278 second term of the school year.

279 (iii) Any licensed school counselor who has met
280 the requirements and acquired a National Certified School
281 Counselor (NCSC) endorsement from the National Board of Certified
282 Counselors and who is employed by a local school board or the



283 State Board of Education as a counselor and not as an
284 administrator. Such licensed school counselor shall submit
285 documentation to the State Department of Education that the
286 endorsement was received prior to October 15 in order to be
287 eligible for the full salary supplement in the current school
288 year, or the licensed school counselor shall submit such
289 documentation to the State Department of Education prior to
290 February 15 in order to be eligible for a prorated salary
291 supplement beginning with the second term of the school year.
292 However, any school counselor who started the National Board for
293 Professional Teaching Standards process for school counselors
294 between June 1, 2003, and June 30, 2004, and completes the
295 requirements and acquires the Master Teacher certificate shall be
296 entitled to the master teacher supplement, and those counselors
297 who complete the process shall be entitled to a one-time
298 reimbursement for the actual cost of the process as outlined in
299 paragraph (b) of this subsection.

300 (iv) Any licensed speech-language pathologist and
301 audiologist who has met the requirements and acquired a
302 Certificate of Clinical Competence from the American
303 Speech-Language-Hearing Association and any certified academic
304 language therapist (CALT) who has met the certification
305 requirements of the Academic Language Therapy Association and who
306 is employed by a local school board. The licensed speech-language
307 pathologist and audiologist and certified academic language



308 therapist shall submit documentation to the State Department of
309 Education that the certificate or endorsement was received before
310 October 15 in order to be eligible for the full salary supplement
311 in the current school year, or the licensed speech-language
312 pathologist and audiologist and certified academic language
313 therapist shall submit the documentation to the State Department
314 of Education before February 15 in order to be eligible for a
315 prorated salary supplement beginning with the second term of the
316 school year.

317 (v) Any licensed athletic trainer who has met the
318 requirements and acquired Board Certification for the Athletic
319 Trainer from the Board of Certification, Inc., and who is employed
320 by a local school board or the State Board of Education as an
321 athletic trainer and not as an administrator. The licensed
322 athletic trainer shall submit documentation to the State
323 Department of Education that the certificate was received before
324 October 15 in order to be eligible for the full salary supplement
325 in the current school year, or the licensed athletic trainer shall
326 submit the documentation to the State Department of Education
327 before February 15 in order to be eligible for a prorated salary
328 supplement beginning with the second term of the school year.

329 (b) An employee shall be reimbursed for the actual cost
330 of completing each component of acquiring the certificate or
331 endorsement, excluding any costs incurred for postgraduate
332 courses, not to exceed Five Hundred Dollars (\$500.00) for each



333 component, not to exceed four (4) components, for a teacher,
334 school counselor or speech-language pathologist and audiologist,
335 regardless of whether or not the process resulted in the award of
336 the certificate or endorsement. A local school district or any
337 private individual or entity may pay the cost of completing the
338 process of acquiring the certificate or endorsement for any
339 employee of the school district described under paragraph (a), and
340 the State Department of Education shall reimburse the school
341 district for such cost, regardless of whether or not the process
342 resulted in the award of the certificate or endorsement. If a
343 private individual or entity has paid the cost of completing the
344 process of acquiring the certificate or endorsement for an
345 employee, the local school district may agree to directly
346 reimburse the individual or entity for such cost on behalf of the
347 employee.

348 (c) All salary supplements, fringe benefits and process
349 reimbursement authorized under this subsection shall be paid
350 directly by the State Department of Education to the local school
351 district and shall be in addition to its adequate education
352 program allotments and not a part thereof in accordance with
353 regulations promulgated by the State Board of Education. Local
354 school districts shall not reduce the local supplement paid to any
355 employee receiving such salary supplement, and the employee shall
356 receive any local supplement to which employees with similar
357 training and experience otherwise are entitled. However, an



358 educational employee shall receive the salary supplement in the
359 amount of Six Thousand Dollars (\$6,000.00) for only one (1) of the
360 qualifying certifications authorized under paragraph (a) of this
361 subsection. No school district shall provide more than one (1)
362 annual salary supplement under the provisions of this subsection
363 to any one (1) individual employee holding multiple qualifying
364 national certifications.

365 (d) If an employee for whom such cost has been paid, in
366 full or in part, by a local school district or private individual
367 or entity fails to complete the certification or endorsement
368 process, the employee shall be liable to the school district or
369 individual or entity for all amounts paid by the school district
370 or individual or entity on behalf of that employee toward his or
371 her certificate or endorsement.

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

376 Effective July 1, 2016, if funds are available for that
377 purpose, any licensed teacher or retired teacher employed by a
378 local school district under the authority of Section 1 of this act
379 who has met the requirements and acquired a Master Teacher
380 Certificate from the National Board for Professional Teaching
381 Standards and who is employed in a public school district located
382 in one (1) of the following counties: Claiborne, Adams,



383 Jefferson, Wilkinson, Amite, Bolivar, Coahoma, Leflore, Quitman,
384 Sharkey, Issaquena, Sunflower, Washington, Holmes, Yazoo and
385 Tallahatchie. The salary supplement awarded under the provisions
386 of this subsection (3) shall be in addition to the salary
387 supplement awarded under the provisions of subsection (2) of this
388 section.

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

395 (4) (a) This section shall be known and may be cited as the
396 "Mississippi Performance-Based Pay (MPBP)" plan. In addition to
397 the minimum base pay described in this section, only after full
398 funding of MAEP and if funds are available for that purpose, the
399 State of Mississippi may provide monies from state funds to school
400 districts for the purposes of rewarding licensed teachers,
401 administrators and nonlicensed personnel at individual schools
402 showing improvement in student test scores. The MPBP plan shall
403 be developed by the State Department of Education based on the
404 following criteria:

405 (i) It is the express intent of this legislation
406 that the MPBP plan shall utilize only existing standards of



407 accreditation and assessment as established by the State Board of
408 Education.

409 (ii) To ensure that all of Mississippi's teachers,
410 administrators and nonlicensed personnel at all schools have equal
411 access to the monies set aside in this section, the MPBP program
412 shall be designed to calculate each school's performance as
413 determined by the school's increase in scores from the prior
414 school year. The MPBP program shall be based on a standardized
415 scores rating where all levels of schools can be judged in a
416 statistically fair and reasonable way upon implementation. At the
417 end of each year, after all student achievement scores have been
418 standardized, the State Department of Education shall implement
419 the MPBP plan.

420 (iii) To ensure all teachers cooperate in the
421 spirit of teamwork, individual schools shall submit a plan to the
422 local school district to be approved before the beginning of each
423 school year beginning July 1, 2008. The plan shall include, but
424 not be limited to, how all teachers, regardless of subject area,
425 and administrators will be responsible for improving student
426 achievement for their individual school.

427 (b) The State Board of Education shall develop the
428 processes and procedures for designating schools eligible to
429 participate in the MPBP. State assessment results, growth in
430 student achievement at individual schools and other measures



431 deemed appropriate in designating successful student achievement
432 shall be used in establishing MPBP criteria.

433 (5) (a) If funds are available for that purpose, each
434 school in Mississippi shall have mentor teachers, as defined by
435 Sections 37-9-201 through 37-9-213, who shall receive additional
436 base compensation provided for by the State Legislature in the
437 amount of One Thousand Dollars (\$1,000.00) per each beginning
438 teacher that is being mentored. The additional state compensation
439 shall be limited to those mentor teachers that provide mentoring
440 services to beginning teachers. For the purposes of such funding,
441 a beginning teacher shall be defined as any teacher in any school
442 in Mississippi that has less than one (1) year of classroom
443 experience teaching in a public school. For the purposes of such
444 funding, no full-time academic teacher shall mentor more than two
445 (2) beginning teachers.

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

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

453 **SECTION 3.** Section 25-11-105, Mississippi Code of 1972, is
454 brought forward as follows:

455 25-11-105. **I. THOSE WHO ARE ELIGIBLE FOR MEMBERSHIP**



456 The membership of this retirement system shall be composed as
457 follows:

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

464 (ii) From and after July 1, 2002, any individual
465 who is employed by a governmental entity to perform professional
466 services shall become a member of the system if the individual is
467 paid regular periodic compensation for those services that is
468 subject to payroll taxes, is provided all other employee benefits
469 and meets the membership criteria established by the regulations
470 adopted by the board of trustees that apply to all other members
471 of the system; however, any active member employed in such a
472 position on July 1, 2002, will continue to be an active member for
473 as long as they are employed in any such position.

474 (b) All persons who become employees in the state
475 service after January 31, 1953, except those specifically excluded
476 or as to whom election is provided in Articles 1 and 3, unless
477 they file with the board before the lapse of sixty (60) days of
478 employment or sixty (60) days after the effective date of the
479 cited articles, whichever is later, on a form prescribed by the
480 board, a notice of election not to be covered by the membership of



481 the retirement system and a duly executed waiver of all present
482 and prospective benefits that would otherwise inure to them on
483 account of their participation in the system, shall become members
484 of the retirement system; however, no credit for prior service
485 will be granted to members who became members of the system before
486 July 1, 2007, until they have contributed to Article 3 of the
487 retirement system for a minimum period of at least four (4) years,
488 or to members who became members of the system on or after July 1,
489 2007, until they have contributed to Article 3 of the retirement
490 system for a minimum period of at least eight (8) years. Those
491 members shall receive credit for services performed before January
492 1, 1953, in employment now covered by Article 3, but no credit
493 shall be granted for retroactive services between January 1, 1953,
494 and the date of their entry into the retirement system, unless the
495 employee pays into the retirement system both the employer's and
496 the employee's contributions on wages paid him during the period
497 from January 31, 1953, to the date of his becoming a contributing
498 member, together with interest at the rate determined by the board
499 of trustees. Members reentering after withdrawal from service
500 shall qualify for prior service under the provisions of Section
501 25-11-117. From and after July 1, 1998, upon eligibility as noted
502 above, the member may receive credit for such retroactive service
503 provided:



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

507 (ii) The member shall pay to the retirement system
508 on the date he or she is eligible for that credit or at any time
509 thereafter before the date of retirement the actuarial cost for
510 each year of that creditable service. The provisions of this
511 subparagraph (ii) shall be subject to the limitations of Section
512 415 of the Internal Revenue Code and regulations promulgated under
513 Section 415.

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

518 (c) All persons who become employees in the state
519 service after January 31, 1953, and who are eligible for
520 membership in any other retirement system shall become members of
521 this retirement system as a condition of their employment, unless
522 they elect at the time of their employment to become a member of
523 that other system.

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



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

531 (e) All persons who are employees in the state service
532 on January 31, 1953, and who under existing laws are members of
533 any fund operated for the retirement of employees by the State of
534 Mississippi, or any of its departments or agencies, shall not be
535 entitled to membership in this retirement system unless, before
536 February 1, 1953, any such person indicates by a notice filed with
537 the board, on a form prescribed by the board, his individual
538 election and choice to participate in this system, but no such
539 person shall receive prior service credit unless he becomes a
540 member on or before February 1, 1953.

541 (f) Each political subdivision of the state and each
542 instrumentality of the state or a political subdivision, or both,
543 is authorized to submit, for approval by the board of trustees, a
544 plan for extending the benefits of this article to employees of
545 any such political subdivision or instrumentality. Each such plan
546 or any amendment to the plan for extending benefits thereof shall
547 be approved by the board of trustees if it finds that the plan, or
548 the plan as amended, is in conformity with such requirements as
549 are provided in Articles 1 and 3; however, upon approval of the
550 plan or any such plan previously approved by the board of
551 trustees, the approved plan shall not be subject to cancellation
552 or termination by the political subdivision or instrumentality.
553 No such plan shall be approved unless:



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

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

566 (iii) It provides for such methods of
567 administration of the plan by the political subdivision or
568 instrumentality as are found by the board of trustees to be
569 necessary for the proper and efficient administration thereof;

570 (iv) It provides that the political subdivision or
571 instrumentality will make such reports, in such form and
572 containing such information, as the board of trustees may from
573 time to time require;

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



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

581 1. The board of trustees shall not finally
582 refuse to approve a plan submitted under paragraph (f), and shall
583 not terminate an approved plan without reasonable notice and
584 opportunity for hearing to each political subdivision or
585 instrumentality affected by the board's decision. The board's
586 decision in any such case shall be final, conclusive and binding
587 unless an appeal is taken by the political subdivision or
588 instrumentality aggrieved by the decision to the Circuit Court of
589 the First Judicial District of Hinds County, Mississippi, in
590 accordance with the provisions of law with respect to civil causes
591 by certiorari.

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

599 3. Every political subdivision or
600 instrumentality required to make payments under paragraph (f)(v)2
601 of this section is authorized, in consideration of the employees'
602 retention in or entry upon employment after enactment of Articles
603 1 and 3, to impose upon its employees, as to services that are



604 covered by an approved plan, a contribution with respect to wages
605 (as defined in Section 25-11-5) not exceeding the amount provided
606 in Section 25-11-123(d) if those services constituted employment
607 within the meaning of Articles 1 and 3, and to deduct the amount
608 of the contribution from the wages as and when paid.
609 Contributions so collected shall be paid into the contribution
610 fund as partial discharge of the liability of the political
611 subdivisions or instrumentalities under paragraph (f)(v)2 of this
612 section. Failure to deduct the contribution shall not relieve the
613 employee or employer of liability for the contribution.

614 4. Any state agency, school, political
615 subdivision, instrumentality or any employer that is required to
616 submit contribution payments or wage reports under any section of
617 this chapter shall be assessed interest on delinquent payments or
618 wage reports as determined by the board of trustees in accordance
619 with rules and regulations adopted by the board and delinquent
620 payments, assessed interest and any other amount certified by the
621 board as owed by an employer, may be recovered by action in a
622 court of competent jurisdiction against the reporting agency
623 liable therefor or may, upon due certification of delinquency and
624 at the request of the board of trustees, be deducted from any
625 other monies payable to the reporting agency by any department or
626 agency of the state.

627 5. Each political subdivision of the state
628 and each instrumentality of the state or a political subdivision



629 or subdivisions that submit a plan for approval of the board, as
630 provided in this section, shall reimburse the board for coverage
631 into the expense account, its pro rata share of the total expense
632 of administering Articles 1 and 3 as provided by regulations of
633 the board.

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

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

646 (i) If any member of this system changes his employment
647 to any agency of the state having an actuarially funded retirement
648 system, the board of trustees may authorize the transfer of the
649 member's creditable service and of the present value of the
650 member's employer's accumulation account and of the present value
651 of the member's accumulated membership contributions to that other
652 system, provided that the employee agrees to the transfer of his



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

655 If any member of any other actuarially funded system
656 maintained by an agency of the state changes his employment to an
657 agency covered by this system, the board of trustees may authorize
658 the receipt of the transfer of the member's creditable service and
659 of the present value of the member's employer's accumulation
660 account and of the present value of the member's accumulated
661 membership contributions from the other system, provided that the
662 employee agrees to the transfer of his accumulated membership
663 contributions to this system and provided that the other system is
664 authorized and agrees to make the transfer.

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

668 (k) Employees of a political subdivision or
669 instrumentality who were employed by the political subdivision or
670 instrumentality before an agreement between the entity and the
671 Public Employees' Retirement System to extend the benefits of this
672 article to its employees, and which agreement provides for the
673 establishment of retroactive service credit, and who became
674 members of the retirement system before July 1, 2007, and have
675 remained contributors to the retirement system for four (4) years,
676 or who became members of the retirement system on or after July 1,
677 2007, and have remained contributors to the retirement system for



678 eight (8) years, may receive credit for that retroactive service
679 with the political subdivision or instrumentality, provided that
680 the employee and/or employer, as provided under the terms of the
681 modification of the joinder agreement in allowing that coverage,
682 pay into the retirement system the employer's and employee's
683 contributions on wages paid the member during the previous
684 employment, together with interest or actuarial cost as determined
685 by the board covering the period from the date the service was
686 rendered until the payment for the credit for the service was
687 made. Those wages shall be verified by the Social Security
688 Administration or employer payroll records. Effective July 1,
689 1998, upon eligibility as noted above, a member may receive credit
690 for that retroactive service with the political subdivision or
691 instrumentality provided:

692 (i) The member shall furnish proof satisfactory to
693 the board of trustees of certification of those services from the
694 political subdivision or instrumentality where the services were
695 rendered or verification by the Social Security Administration;
696 and

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



702 415 of the Internal Revenue Code and regulations promulgated under
703 Section 415.

704 Nothing contained in this paragraph (k) shall be construed to
705 limit the authority of the board to allow the correction of
706 reporting errors or omissions based on the payment of employee and
707 employer contributions plus applicable interest. Payment for that
708 time shall be made beginning with the most recent service. Upon
709 the payment of all or part of the required contributions, plus
710 interest or the actuarial cost as provided above, the member shall
711 receive credit for the period of creditable service for which full
712 payment has been made to the retirement system.

713 (l) Through June 30, 1998, any state service eligible
714 for retroactive service credit, no part of which has ever been
715 reported, and requiring the payment of employee and employer
716 contributions plus interest, or, from and after July 1, 1998, any
717 state service eligible for retroactive service credit, no part of
718 which has ever been reported to the retirement system, and
719 requiring the payment of the actuarial cost for that creditable
720 service, may, at the member's option, be purchased in quarterly
721 increments as provided above at the time that its purchase is
722 otherwise allowed.

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

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



752 annuity reserve, the employer's accumulation account, and the
753 expense account.

754 (a) **Annuity savings account.** In the annuity savings account
755 shall be accumulated the contributions made by members to provide
756 for their annuities, including interest thereon which shall be
757 posted monthly. Credits to and charges against the annuity
758 savings account shall be made as follows:

759 (1) Beginning July 1, 2010, except as otherwise
760 provided in Section 25-11-126, the employer shall cause to be
761 deducted from the salary of each member on each and every payroll
762 of the employer for each and every payroll period nine percent
763 (9%) of earned compensation as defined in Section 25-11-103.
764 Future contributions shall be fixed biennially by the board on the
765 basis of the liabilities of the retirement system for the various
766 allowances and benefits as shown by actuarial valuation; however,
767 any member earning at a rate less than Sixteen Dollars and
768 Sixty-seven Cents (\$16.67) per month, or Two Hundred Dollars
769 (\$200.00) per year, shall contribute not less than One Dollar
770 (\$1.00) per month, or Twelve Dollars (\$12.00) per year.

771 (2) The deductions provided in paragraph (1) of this
772 subsection shall be made notwithstanding that the minimum
773 compensation provided by law for any member is reduced by the
774 deduction. Every member shall be deemed to consent and agree to
775 the deductions made and provided for in paragraph (1) of this
776 subsection and shall receipt for his full salary or compensation,



777 and payment of salary or compensation less the deduction shall be
778 a full and complete discharge and acquittance of all claims and
779 demands whatsoever for the services rendered by the person during
780 the period covered by the payment, except as to the benefits
781 provided under Articles 1 and 3. The board shall provide by rules
782 for the methods of collection of contributions from members and
783 the employer. The board shall have full authority to require the
784 production of evidence necessary to verify the correctness of
785 amounts contributed.

786 (b) **Annuity reserve.** The annuity reserve shall be the
787 account representing the actuarial value of all annuities in
788 force, and to it shall be charged all annuities and all benefits
789 in lieu of annuities, payable as provided in this article. If a
790 beneficiary retired on account of disability is restored to active
791 service with a compensation not less than his average final
792 compensation at the time of his last retirement, the remainder of
793 his contributions shall be transferred from the annuity reserve to
794 the annuity savings account and credited to his individual account
795 therein, and the balance of his annuity reserve shall be
796 transferred to the employer's accumulation account.

797 (c) **Employer's accumulation account.** The employer's
798 accumulation account shall represent the accumulation of all
799 reserves for the payment of all retirement allowances and other
800 benefits payable from contributions made by the employer, and
801 against this account shall be charged all retirement allowances



802 and other benefits on account of members. Credits to and charges
803 against the employer's accumulation account shall be made as
804 follows:

805 (1) On account of each member there shall be paid
806 monthly into the employer's accumulation account by the employers
807 for the preceding fiscal year an amount equal to a certain
808 percentage of the total earned compensation, as defined in Section
809 25-11-103, of each member. The percentage rate of those
810 contributions shall be fixed biennially by the board on the basis
811 of the liabilities of the retirement system for the various
812 allowances and benefits as shown by actuarial valuation.
813 Beginning January 1, 1990, the rate shall be fixed at nine and
814 three-fourths percent (9-3/4%). The board shall reduce the
815 employer's contribution rate by one percent (1%) from and after
816 July 1 of the year following the year in which the board
817 determines and the board's actuary certifies that the employer's
818 contribution rate can be reduced by that amount without causing
819 the unfunded accrued actuarial liability amortization period for
820 the retirement system to exceed twenty (20) years. Political
821 subdivisions joining Article 3 of the Public Employees' Retirement
822 System after July 1, 1968, may adjust the employer's contributions
823 by agreement with the Board of Trustees of the Public Employees'
824 Retirement System to provide service credits for any period before
825 execution of the agreement based upon an actuarial determination
826 of employer's contribution rates.



827 (2) On the basis of regular interest and of such
828 mortality and other tables as are adopted by the board of
829 trustees, the actuary engaged by the board to make each valuation
830 required by this article during the period over which the accrued
831 liability contribution is payable, immediately after making that
832 valuation, shall determine the uniform and constant percentage of
833 the earnable compensation of each member which, if contributed by
834 the employer on the basis of compensation of the member throughout
835 his entire period of membership service, would be sufficient to
836 provide for the payment of any retirement allowance payable on his
837 account for that service. The percentage rate so determined shall
838 be known as the "normal contribution rate." After the accrued
839 liability contribution has ceased to be payable, the normal
840 contribution rate shall be the percentage rate of the salary of
841 all members obtained by deducting from the total liabilities on
842 account of membership service the amount in the employer's
843 accumulation account, and dividing the remainder by one percent
844 (1%) of the present value of the prospective future salaries of
845 all members as computed on the basis of the mortality and service
846 tables adopted by the board of trustees and regular interest. The
847 normal rate of contributions shall be determined by the actuary
848 after each valuation.

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



852 the "accrued liability contribution rate" of the total
853 compensation earnable by all members during the preceding year,
854 provided that the payment by the employer shall be sufficient,
855 when combined with the amounts in the account, to provide the
856 allowances and other benefits chargeable to this account during
857 the year then current.

858 (4) The accrued liability contribution shall be
859 discontinued as soon as the accumulated balance in the employer's
860 accumulation account shall equal the present value, computed on
861 the basis of the normal contribution rate then in force, or the
862 prospective normal contributions to be received on account of all
863 persons who are at that time members.

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

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

871 (7) The employer's accumulation account shall be
872 credited with any assets authorized by law to be credited to the
873 account.

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



877 allowances and as other benefits provided herein. The Legislature
878 shall make annual appropriations in amounts sufficient to
879 administer the system, which shall be credited to this account.
880 There shall be transferred to the State Treasury from this
881 account, not less than once per month, an amount sufficient for
882 payment of the estimated expenses of the system for the succeeding
883 thirty (30) days. Any interest earned on the expense account
884 shall accrue to the benefit of the system. However,
885 notwithstanding the provisions of Sections 25-11-15(10) and
886 25-11-105(f) (v)5, all expenses of the administration of the system
887 shall be paid from the interest earnings, provided the interest
888 earnings are in excess of the actuarial interest assumption as
889 determined by the board, and provided the present cost of the
890 administrative expense fee of two percent (2%) of the
891 contributions reported by the political subdivisions and
892 instrumentalities shall be reduced to one percent (1%) from and
893 after July 1, 1983, through June 30, 1984, and shall be eliminated
894 thereafter.

895 (e) **Collection of contributions.** The employer shall cause
896 to be deducted on each and every payroll of a member for each and
897 every payroll period, beginning subsequent to January 31, 1953,
898 the contributions payable by the member as provided in Articles 1
899 and 3.

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



902 such time as the board of trustees designates, the amount
903 specified to be deducted to the Executive Director of the Public
904 Employees' Retirement System. The executive director, after
905 making a record of all those receipts, shall deposit such amounts
906 as provided by law.

907 (f) (1) Upon the basis of each actuarial valuation provided
908 herein, the board of trustees shall biennially determine the
909 normal contribution rate and the accrued liability contribution
910 rate as provided in this section. The sum of these two (2) rates
911 shall be known as the "employer's contribution rate." Beginning
912 on earned compensation effective January 1, 1990, the rate
913 computed as provided in this section shall be nine and
914 three-fourths percent (9-3/4%). The board shall reduce the
915 employer's contribution rate by one percent (1%) from and after
916 July 1 of the year following the year in which the board
917 determines and the board's actuary certifies that the employer's
918 contribution rate can be reduced by that amount without causing
919 the unfunded accrued actuarial liability amortization period for
920 the retirement system to exceed twenty (20) years. The percentage
921 rate of those contributions shall be fixed biennially by the board
922 on the basis of the liabilities of the retirement system for the
923 various allowances and benefits as shown by actuarial valuation.

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



927 compensation earned by employees who are members of the system.
928 Monthly, or at such time as the board of trustees designates, each
929 department or agency shall compute the amount of the employer's
930 contribution payable, with respect to the salaries of its
931 employees who are members of the system, and shall cause that
932 amount to be paid to the board of trustees from the personal
933 service allotment of the amount appropriated for the operation of
934 the department or agency, or from funds otherwise available to the
935 agency, for the payment of salaries to its employees.

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

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

940 (ii) The county shall be responsible for the
941 employer contribution on all direct treasury or county payroll
942 income of constables.

943 (4) Except as otherwise provided in Section
944 25-11-106.1, chancery and circuit clerks shall be responsible for
945 both the employer and employee share of contributions on the
946 proportionate share of net income attributable to fees, as well as
947 the employee share of net income attributable to direct treasury
948 or county payroll income, and the employing county shall be
949 responsible for the employer contributions on the net income
950 attributable to direct treasury or county payroll income.



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

955 (6) The board shall provide by rules for the methods of
956 collection of contributions of employers and members. The amounts
957 determined due by an agency to the various funds as specified in
958 Articles 1 and 3 are made obligations of the agency to the board
959 and shall be paid as provided herein. Failure to deduct those
960 contributions shall not relieve the employee and employer from
961 liability thereof. Delinquent employee contributions and any
962 accrued interest shall be the obligation of the employee and
963 delinquent employer contributions and any accrued interest shall
964 be the obligation of the employer. The employer may, in its
965 discretion, elect to pay any or all of the interest on delinquent
966 employee contributions. From and after July 1, 1996, under rules
967 and regulations established by the board, all employers are
968 authorized and shall transfer all funds due to the Public
969 Employees' Retirement System electronically and shall transmit any
970 wage or other reports by computerized reporting systems.

971 **SECTION 5.** Section 25-11-127, Mississippi Code of 1972, is
972 amended as follows:

973 25-11-127. (1) (a) No person who is being paid a
974 retirement allowance or a pension after retirement under this
975 article shall be employed or paid for any service by the State of



976 Mississippi, including services as an employee, contract worker,
977 contractual employee or independent contractor, until the retired
978 person has been retired for not less than ninety (90) consecutive
979 days from his or her effective date of retirement. After the
980 person has been retired for not less than ninety (90) consecutive
981 days from his or her effective date of retirement or such later
982 date as established by the board, he or she may be reemployed
983 while being paid a retirement allowance under the terms and
984 conditions provided in this section or in Section 25-11-126.

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

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

992 (2) Except as otherwise provided in Section 25-11-126, any
993 person who has been retired under the provisions of Article 3 and
994 who is later reemployed in service covered by this article shall
995 cease to receive benefits under this article and shall again
996 become a contributing member of the retirement system. When the
997 person retires again, if the person has been a contributing member
998 of the retirement system during the reemployment and the
999 reemployment exceeds six (6) months, the person shall have his or
1000 her benefit recomputed, including service after again becoming a



1001 member, provided that the total retirement allowance paid to the
1002 retired member in his or her previous retirement shall be deducted
1003 from the member's retirement reserve and taken into consideration
1004 in recalculating the retirement allowance under a new option
1005 selected.

1006 (3) The board shall have the right to prescribe rules and
1007 regulations for carrying out the provisions of this section.

1008 (4) The provisions of this section shall not be construed to
1009 prohibit any retiree, regardless of age, from being employed and
1010 drawing a retirement allowance either:

1011 (a) For a period of time not to exceed one-half (1/2)
1012 of the normal working days for the position in any fiscal year
1013 during which the retiree will receive no more than one-half (1/2)
1014 of the salary in effect for the position at the time of
1015 employment, or

1016 (b) For a period of time in any fiscal year sufficient
1017 in length to permit a retiree to earn not in excess of twenty-five
1018 percent (25%) of retiree's average compensation.

1019 To determine the normal working days for a position under
1020 paragraph (a) of this subsection, the employer shall determine the
1021 required number of working days for the position on a full-time
1022 basis and the equivalent number of hours representing the
1023 full-time position. The retiree then may work up to one-half
1024 (1/2) of the required number of working days or up to one-half
1025 (1/2) of the equivalent number of hours and receive up to one-half



1026 (1/2) of the salary for the position. In the case of employment
1027 with multiple employers, the limitation shall equal one-half (1/2)
1028 of the number of days or hours for a single full-time position.

1029 Notice shall be given in writing to the executive director,
1030 setting forth the facts upon which the employment is being made,
1031 and the notice shall be given within five (5) days from the date
1032 of employment and also from the date of termination of the
1033 employment.

1034 (5) Except as otherwise provided in subsection (6) of this
1035 section, the employer of any person who is receiving a retirement
1036 allowance and who is employed in service covered by subsection (4)
1037 of this section as an employee or a contractual employee shall pay
1038 to the board the full amount of the employer's contribution on the
1039 amount of compensation received by the retiree for his or her
1040 employment in accordance with regulations prescribed by the board.
1041 The retiree shall not receive any additional creditable service in
1042 the retirement system as a result of the payment of the employer's
1043 contribution. This subsection does not apply to persons who are
1044 receiving a retirement allowance and who contract with an employer
1045 to provide services as a true independent contractor, as defined
1046 by the board through regulation.

1047 (6) (a) A member may retire and continue in municipal or
1048 county elective office provided that the member has reached the
1049 age and/or service requirement that will not result in a
1050 prohibited in-service distribution as defined by the Internal



1051 Revenue Service, or a retiree may be elected to a municipal or
1052 county office, provided that the person:

1053 (i) Files annually, in writing, in the office of
1054 the employer and the office of the executive director of the
1055 system before the person takes office or as soon as possible after
1056 retirement, a waiver of all salary or compensation and elects to
1057 receive in lieu of that salary or compensation a retirement
1058 allowance as provided in this section, in which event no salary or
1059 compensation shall thereafter be due or payable for those
1060 services; however, any such officer or employee may receive, in
1061 addition to the retirement allowance, office expense allowance,
1062 mileage or travel expense authorized by any statute of the State
1063 of Mississippi; or

1064 (ii) Elects to receive compensation for that
1065 elective office in an amount not to exceed twenty-five percent
1066 (25%) of the retiree's average compensation. In order to receive
1067 compensation as allowed in this subparagraph, the retiree shall
1068 file annually, in writing, in the office of the employer and the
1069 office of the executive director of the system, an election to
1070 receive, in addition to a retirement allowance, compensation as
1071 allowed in this subparagraph.

1072 (b) The municipality or county in which the retired
1073 person holds elective office shall pay to the board the amount of
1074 the employer's contributions on the full amount of the regular



1075 compensation for the elective office that the retired person
1076 holds.

1077 (c) As used in this subsection, the term "compensation"
1078 does not include office expense allowance, mileage or travel
1079 expense authorized by a statute of the State of Mississippi.

1080 **SECTION 6.** Section 37-3-2, Mississippi Code of 1972, is
1081 brought forward as follows:

1082 37-3-2. (1) There is established within the State
1083 Department of Education the Commission on Teacher and
1084 Administrator Education, Certification and Licensure and
1085 Development. It shall be the purpose and duty of the commission
1086 to make recommendations to the State Board of Education regarding
1087 standards for the certification and licensure and continuing
1088 professional development of those who teach or perform tasks of an
1089 educational nature in the public schools of Mississippi.

1090 (2) (a) The commission shall be composed of fifteen (15)
1091 qualified members. The membership of the commission shall be
1092 composed of the following members to be appointed, three (3) from
1093 each of the four (4) congressional districts, as such districts
1094 existed on January 1, 2011, in accordance with the population
1095 calculations determined by the 2010 federal decennial census,
1096 including: four (4) classroom teachers; three (3) school
1097 administrators; one (1) representative of schools of education of
1098 public institutions of higher learning located within the state to
1099 be recommended by the Board of Trustees of State Institutions of



1100 Higher Learning; one (1) representative from the schools of
1101 education of independent institutions of higher learning to be
1102 recommended by the Board of the Mississippi Association of
1103 Independent Colleges; one (1) representative from public community
1104 and junior colleges located within the state to be recommended by
1105 the Mississippi Community College Board; one (1) local school
1106 board member; and four (4) laypersons. Three (3) members of the
1107 commission, at the sole discretion of the State Board of
1108 Education, shall be appointed from the state at large.

1109 (b) All appointments shall be made by the State Board
1110 of Education after consultation with the State Superintendent of
1111 Public Education. The first appointments by the State Board of
1112 Education shall be made as follows: five (5) members shall be
1113 appointed for a term of one (1) year; five (5) members shall be
1114 appointed for a term of two (2) years; and five (5) members shall
1115 be appointed for a term of three (3) years. Thereafter, all
1116 members shall be appointed for a term of four (4) years.

1117 (3) The State Board of Education when making appointments
1118 shall designate a chairman. The commission shall meet at least
1119 once every two (2) months or more often if needed. Members of the
1120 commission shall be compensated at a rate of per diem as
1121 authorized by Section 25-3-69 and be reimbursed for actual and
1122 necessary expenses as authorized by Section 25-3-41.

1123 (4) (a) An appropriate staff member of the State Department
1124 of Education shall be designated and assigned by the State



1125 Superintendent of Public Education to serve as executive secretary
1126 and coordinator for the commission. No less than two (2) other
1127 appropriate staff members of the State Department of Education
1128 shall be designated and assigned by the State Superintendent of
1129 Public Education to serve on the staff of the commission.

1130 (b) An Office of Educator Misconduct Evaluations shall
1131 be established within the State Department of Education to assist
1132 the commission in responding to infractions and violations, and in
1133 conducting hearings and enforcing the provisions of subsections
1134 (11), (12), (13), (14) and (15) of this section, and violations of
1135 the Mississippi Educator Code of Ethics.

1136 (5) It shall be the duty of the commission to:

1137 (a) Set standards and criteria, subject to the approval
1138 of the State Board of Education, for all educator preparation
1139 programs in the state;

1140 (b) Recommend to the State Board of Education each year
1141 approval or disapproval of each educator preparation program in
1142 the state, subject to a process and schedule determined by the
1143 State Board of Education;

1144 (c) Establish, subject to the approval of the State
1145 Board of Education, standards for initial teacher certification
1146 and licensure in all fields;

1147 (d) Establish, subject to the approval of the State
1148 Board of Education, standards for the renewal of teacher licenses
1149 in all fields;



1150 (e) Review and evaluate objective measures of teacher
1151 performance, such as test scores, which may form part of the
1152 licensure process, and to make recommendations for their use;

1153 (f) Review all existing requirements for certification
1154 and licensure;

1155 (g) Consult with groups whose work may be affected by
1156 the commission's decisions;

1157 (h) Prepare reports from time to time on current
1158 practices and issues in the general area of teacher education and
1159 certification and licensure;

1160 (i) Hold hearings concerning standards for teachers'
1161 and administrators' education and certification and licensure with
1162 approval of the State Board of Education;

1163 (j) Hire expert consultants with approval of the State
1164 Board of Education;

1165 (k) Set up ad hoc committees to advise on specific
1166 areas;

1167 (l) Perform such other functions as may fall within
1168 their general charge and which may be delegated to them by the
1169 State Board of Education; and

1170 (m) Establish standards, subject to the approval of the
1171 State Board of Education, for supplemental endorsements, provided
1172 that the standards allow teachers as many options as possible to
1173 receive a supplemental endorsement, including, but not limited to,
1174 the option of taking additional coursework or earning at least the



1175 minimum qualifying score or higher on the required licensure
1176 subject assessment relevant to the endorsement area for which the
1177 licensure is sought. The subject assessment option shall not
1178 apply to certain subject areas, including, but not limited to,
1179 Early/Primary Education PreK-3, Elementary Education, or Special
1180 Education, except by special approval by the State Board of
1181 Education.

1182 (6) (a) **Standard License - Approved Program Route.** An
1183 educator entering the school system of Mississippi for the first
1184 time and meeting all requirements as established by the State
1185 Board of Education shall be granted a standard five-year license.
1186 Persons who possess two (2) years of classroom experience as an
1187 assistant teacher or who have taught for one (1) year in an
1188 accredited public or private school shall be allowed to fulfill
1189 student teaching requirements under the supervision of a qualified
1190 participating teacher approved by an accredited college of
1191 education. The local school district in which the assistant
1192 teacher is employed shall compensate such assistant teachers at
1193 the required salary level during the period of time such
1194 individual is completing student teaching requirements.

1195 Applicants for a standard license shall submit to the department:

- 1196 (i) An application on a department form;
1197 (ii) An official transcript of completion of a
1198 teacher education program approved by the department or a
1199 nationally accredited program, subject to the following:



1200 Licensure to teach in Mississippi prekindergarten through
1201 kindergarten classrooms shall require completion of a teacher
1202 education program or a Bachelor of Science degree with child
1203 development emphasis from a program accredited by the American
1204 Association of Family and Consumer Sciences (AAFCS) or by the
1205 National Association for Education of Young Children (NAEYC) or by
1206 the National Council for Accreditation of Teacher Education
1207 (NCATE). Licensure to teach in Mississippi kindergarten, for
1208 those applicants who have completed a teacher education program,
1209 and in Grade 1 through Grade 4 shall require the completion of an
1210 interdisciplinary program of studies. Licenses for Grades 4
1211 through 8 shall require the completion of an interdisciplinary
1212 program of studies with two (2) or more areas of concentration.
1213 Licensure to teach in Mississippi Grades 7 through 12 shall
1214 require a major in an academic field other than education, or a
1215 combination of disciplines other than education. Students
1216 preparing to teach a subject shall complete a major in the
1217 respective subject discipline. All applicants for standard
1218 licensure shall demonstrate that such person's college preparation
1219 in those fields was in accordance with the standards set forth by
1220 the National Council for Accreditation of Teacher Education
1221 (NCATE) or the National Association of State Directors of Teacher
1222 Education and Certification (NASDTEC) or, for those applicants who
1223 have a Bachelor of Science degree with child development emphasis,
1224 the American Association of Family and Consumer Sciences (AAFCS).



1225 Effective July 1, 2016, for initial elementary education
1226 licensure, a teacher candidate must earn a passing score on a
1227 rigorous test of scientifically research-based reading instruction
1228 and intervention and data-based decision-making principles as
1229 approved by the State Board of Education;

1230 (iii) A copy of test scores evidencing
1231 satisfactory completion of nationally administered examinations of
1232 achievement, such as the Educational Testing Service's teacher
1233 testing examinations;

1234 (iv) Any other document required by the State
1235 Board of Education; and

1236 (v) From and after July 1, 2020, no teacher
1237 candidate shall be licensed to teach in Mississippi who did not
1238 meet the following criteria for entrance into an approved teacher
1239 education program:

1240 1. An ACT Score of twenty-one (21) (or SAT
1241 equivalent); or

1242 2. Achieve a qualifying passing score on the
1243 Praxis Core Academic Skills for Educators examination as
1244 established by the State Board of Education; or

1245 3. A minimum GPA of 3.0 on coursework prior
1246 to admission to an approved teacher education program.

1247 (b) (i) **Standard License - Nontraditional Teaching**

1248 **Route.** From and after July 1, 2020, no teacher candidate shall be



1249 licensed to teach in Mississippi under the alternate route who did
1250 not meet the following criteria:

1251 1. An ACT Score of twenty-one (21) (or SAT
1252 equivalent); or

1253 2. Achieve a qualifying passing score on the
1254 Praxis Core Academic Skills for Educators examination as
1255 established by the State Board of Education; or

1256 3. A minimum GPA of 3.0 on coursework prior
1257 to admission to an approved teacher education program.

1258 (ii) Beginning July 1, 2020, an individual who has
1259 attained a passing score on the Praxis Core Academic Skills for
1260 Educators or an ACT Score of twenty-one (21) (or SAT equivalent)
1261 or a minimum GPA of 3.0 on coursework prior to admission to an
1262 approved teacher education program and a passing score on the
1263 Praxis Subject Assessment in the requested area of endorsement may
1264 apply for admission to the Teach Mississippi Institute (TMI)
1265 program to teach students in Grades 7 through 12 if the individual
1266 meets the requirements of this paragraph (b). The State Board of
1267 Education shall adopt rules requiring that teacher preparation
1268 institutions which provide the Teach Mississippi Institute (TMI)
1269 program for the preparation of nontraditional teachers shall meet
1270 the standards and comply with the provisions of this paragraph.

1271 1. The Teach Mississippi Institute (TMI)
1272 shall include an intensive eight-week, nine-semester-hour summer
1273 program or a curriculum of study in which the student matriculates



1274 in the fall or spring semester, which shall include, but not be
1275 limited to, instruction in education, effective teaching
1276 strategies, classroom management, state curriculum requirements,
1277 planning and instruction, instructional methods and pedagogy,
1278 using test results to improve instruction, and a one (1) semester
1279 three-hour supervised internship to be completed while the teacher
1280 is employed as a full-time teacher intern in a local school
1281 district. The TMI shall be implemented on a pilot program basis,
1282 with courses to be offered at up to four (4) locations in the
1283 state, with one (1) TMI site to be located in each of the three
1284 (3) Mississippi Supreme Court districts.

1285 2. The school sponsoring the teacher intern
1286 shall enter into a written agreement with the institution
1287 providing the Teach Mississippi Institute (TMI) program, under
1288 terms and conditions as agreed upon by the contracting parties,
1289 providing that the school district shall provide teacher interns
1290 seeking a nontraditional provisional teaching license with a
1291 one-year classroom teaching experience. The teacher intern shall
1292 successfully complete the one (1) semester three-hour intensive
1293 internship in the school district during the semester immediately
1294 following successful completion of the TMI and prior to the end of
1295 the one-year classroom teaching experience.

1296 3. Upon completion of the nine-semester-hour
1297 TMI or the fall or spring semester option, the individual shall
1298 submit his transcript to the commission for provisional licensure



1299 of the intern teacher, and the intern teacher shall be issued a
1300 provisional teaching license by the commission, which will allow
1301 the individual to legally serve as a teacher while the person
1302 completes a nontraditional teacher preparation internship program.

1303 4. During the semester of internship in the
1304 school district, the teacher preparation institution shall monitor
1305 the performance of the intern teacher. The school district that
1306 employs the provisional teacher shall supervise the provisional
1307 teacher during the teacher's intern year of employment under a
1308 nontraditional provisional license, and shall, in consultation
1309 with the teacher intern's mentor at the school district of
1310 employment, submit to the commission a comprehensive evaluation of
1311 the teacher's performance sixty (60) days prior to the expiration
1312 of the nontraditional provisional license. If the comprehensive
1313 evaluation establishes that the provisional teacher intern's
1314 performance fails to meet the standards of the approved
1315 nontraditional teacher preparation internship program, the
1316 individual shall not be approved for a standard license.

1317 5. An individual issued a provisional
1318 teaching license under this nontraditional route shall
1319 successfully complete, at a minimum, a one-year beginning teacher
1320 mentoring and induction program administered by the employing
1321 school district with the assistance of the State Department of
1322 Education.



1323 6. Upon successful completion of the TMI and
1324 the internship provisional license period, applicants for a
1325 Standard License - Nontraditional Route shall submit to the
1326 commission a transcript of successful completion of the twelve
1327 (12) semester hours required in the internship program, and the
1328 employing school district shall submit to the commission a
1329 recommendation for standard licensure of the intern. If the
1330 school district recommends licensure, the applicant shall be
1331 issued a Standard License - Nontraditional Route which shall be
1332 valid for a five-year period and be renewable.

1333 7. At the discretion of the teacher
1334 preparation institution, the individual shall be allowed to credit
1335 the twelve (12) semester hours earned in the nontraditional
1336 teacher internship program toward the graduate hours required for
1337 a Master of Arts in Teacher (MAT) Degree.

1338 8. The local school district in which the
1339 nontraditional teacher intern or provisional licensee is employed
1340 shall compensate such teacher interns at Step 1 of the required
1341 salary level during the period of time such individual is
1342 completing teacher internship requirements and shall compensate
1343 such Standard License - Nontraditional Route teachers at Step 3 of
1344 the required salary level when they complete license requirements.

1345 (iii) Implementation of the TMI program provided
1346 for under this paragraph (b) shall be contingent upon the
1347 availability of funds appropriated specifically for such purpose



1348 by the Legislature. Such implementation of the TMI program may
1349 not be deemed to prohibit the State Board of Education from
1350 developing and implementing additional alternative route teacher
1351 licensure programs, as deemed appropriate by the board. The
1352 emergency certification program in effect prior to July 1, 2002,
1353 shall remain in effect.

1354 (iv) A Standard License - Approved Program Route
1355 shall be issued for a five-year period, and may be renewed.
1356 Recognizing teaching as a profession, a hiring preference shall be
1357 granted to persons holding a Standard License - Approved Program
1358 Route or Standard License - Nontraditional Teaching Route over
1359 persons holding any other license.

1360 (c) **Special License - Expert Citizen.** In order to
1361 allow a school district to offer specialized or technical courses,
1362 the State Department of Education, in accordance with rules and
1363 regulations established by the State Board of Education, may grant
1364 a five-year expert citizen-teacher license to local business or
1365 other professional personnel to teach in a public school or
1366 nonpublic school accredited or approved by the state. Such person
1367 shall be required to have a high school diploma, an
1368 industry-recognized certification related to the subject area in
1369 which they are teaching and a minimum of five (5) years of
1370 relevant experience but shall not be required to hold an associate
1371 or bachelor's degree, provided that he or she possesses the
1372 minimum qualifications required for his or her profession, and may



1373 begin teaching upon his employment by the local school board and
1374 licensure by the Mississippi Department of Education. If a school
1375 board hires a career technical education pathway instructor who
1376 does not have an industry certification in his or her area of
1377 expertise but does have the required experience, the school board
1378 shall spread their decision on the minutes at their next meeting
1379 and provide a detailed explanation for why they hired the
1380 instructor. Such instructor shall present the minutes of the
1381 school board to the State Department of Education when he or she
1382 applies for an expert citizen license. The board shall adopt
1383 rules and regulations to administer the expert citizen-teacher
1384 license. A Special License - Expert Citizen may be renewed in
1385 accordance with the established rules and regulations of the State
1386 Department of Education.

1387 (d) **Special License - Nonrenewable.** The State Board of
1388 Education is authorized to establish rules and regulations to
1389 allow those educators not meeting requirements in paragraph (a),
1390 (b) or (c) of this subsection (6) to be licensed for a period of
1391 not more than three (3) years, except by special approval of the
1392 State Board of Education.

1393 (e) **Nonlicensed Teaching Personnel.** A nonlicensed
1394 person may teach for a maximum of three (3) periods per teaching
1395 day in a public school district or a nonpublic school
1396 accredited/approved by the state. Such person shall submit to the
1397 department a transcript or record of his education and experience



1398 which substantiates his preparation for the subject to be taught
1399 and shall meet other qualifications specified by the commission
1400 and approved by the State Board of Education. In no case shall
1401 any local school board hire nonlicensed personnel as authorized
1402 under this paragraph in excess of five percent (5%) of the total
1403 number of licensed personnel in any single school.

1404 (f) **Special License - Transitional Bilingual Education.**

1405 Beginning July 1, 2003, the commission shall grant special
1406 licenses to teachers of transitional bilingual education who
1407 possess such qualifications as are prescribed in this section.
1408 Teachers of transitional bilingual education shall be compensated
1409 by local school boards at not less than one (1) step on the
1410 regular salary schedule applicable to permanent teachers licensed
1411 under this section. The commission shall grant special licenses
1412 to teachers of transitional bilingual education who present the
1413 commission with satisfactory evidence that they (i) possess a
1414 speaking and reading ability in a language, other than English, in
1415 which bilingual education is offered and communicative skills in
1416 English; (ii) are in good health and sound moral character; (iii)
1417 possess a bachelor's degree or an associate's degree in teacher
1418 education from an accredited institution of higher education; (iv)
1419 meet such requirements as to courses of study, semester hours
1420 therein, experience and training as may be required by the
1421 commission; and (v) are legally present in the United States and
1422 possess legal authorization for employment. A teacher of



1423 transitional bilingual education serving under a special license
1424 shall be under an exemption from standard licensure if he achieves
1425 the requisite qualifications therefor. Two (2) years of service
1426 by a teacher of transitional bilingual education under such an
1427 exemption shall be credited to the teacher in acquiring a Standard
1428 Educator License. Nothing in this paragraph shall be deemed to
1429 prohibit a local school board from employing a teacher licensed in
1430 an appropriate field as approved by the State Department of
1431 Education to teach in a program in transitional bilingual
1432 education.

1433 (g) In the event any school district meets the highest
1434 accreditation standards as defined by the State Board of Education
1435 in the accountability system, the State Board of Education, in its
1436 discretion, may exempt such school district from any restrictions
1437 in paragraph (e) relating to the employment of nonlicensed
1438 teaching personnel.

1439 (h) **Highly Qualified Teachers.** Beginning July 1, 2006,
1440 any teacher from any state meeting the federal definition of
1441 highly qualified, as described in the No Child Left Behind Act,
1442 must be granted a standard five-year license by the State
1443 Department of Education.

1444 (7) **Administrator License.** The State Board of Education is
1445 authorized to establish rules and regulations and to administer
1446 the licensure process of the school administrators in the State of
1447 Mississippi. There will be four (4) categories of administrator



1448 licensure with exceptions only through special approval of the
1449 State Board of Education.

1450 (a) **Administrator License - Nonpracticing.** Those
1451 educators holding administrative endorsement but having no
1452 administrative experience or not serving in an administrative
1453 position on January 15, 1997.

1454 (b) **Administrator License - Entry Level.** Those
1455 educators holding administrative endorsement and having met the
1456 department's qualifications to be eligible for employment in a
1457 Mississippi school district. Administrator License - Entry Level
1458 shall be issued for a five-year period and shall be nonrenewable.

1459 (c) **Standard Administrator License - Career Level.** An
1460 administrator who has met all the requirements of the department
1461 for standard administrator licensure.

1462 (d) **Administrator License - Nontraditional Route.** The
1463 board may establish a nontraditional route for licensing
1464 administrative personnel. Such nontraditional route for
1465 administrative licensure shall be available for persons holding,
1466 but not limited to, a master of business administration degree, a
1467 master of public administration degree, a master of public
1468 planning and policy degree or a doctor of jurisprudence degree
1469 from an accredited college or university, with five (5) years of
1470 administrative or supervisory experience. Successful completion
1471 of the requirements of alternate route licensure for



1472 administrators shall qualify the person for a standard
1473 administrator license.

1474 Individuals seeking school administrator licensure under
1475 paragraph (b), (c) or (d) shall successfully complete a training
1476 program and an assessment process prescribed by the State Board of
1477 Education. All applicants for school administrator licensure
1478 shall meet all requirements prescribed by the department under
1479 paragraph (b), (c) or (d), and the cost of the assessment process
1480 required shall be paid by the applicant.

1481 (8) **Reciprocity.** The department shall grant a standard
1482 five-year license to any individual who possesses a valid standard
1483 license from another state, or another country or political
1484 subdivision thereof, within a period of twenty-one (21) days from
1485 the date of a completed application. The issuance of a license by
1486 reciprocity to a military-trained applicant, military spouse or
1487 person who establishes residence in this state shall be subject to
1488 the provisions of Section 73-50-1 or 73-50-2, as applicable.

1489 (9) **Renewal and Reinstatement of Licenses.** The State Board
1490 of Education is authorized to establish rules and regulations for
1491 the renewal and reinstatement of educator and administrator
1492 licenses. Effective May 15, 1997, the valid standard license held
1493 by an educator shall be extended five (5) years beyond the
1494 expiration date of the license in order to afford the educator
1495 adequate time to fulfill new renewal requirements established
1496 pursuant to this subsection. An educator completing a master of



1497 education, educational specialist or doctor of education degree in
1498 May 1997 for the purpose of upgrading the educator's license to a
1499 higher class shall be given this extension of five (5) years plus
1500 five (5) additional years for completion of a higher degree. For
1501 all license types with a current valid expiration date of June 30,
1502 2021, the State Department of Education shall grant a one-year
1503 extension to June 30, 2022. Beginning July 1, 2022, and
1504 thereafter, applicants for licensure renewal shall meet all
1505 requirements in effect on the date that the complete application
1506 is received by the State Department of Education.

1507 (10) All controversies involving the issuance, revocation,
1508 suspension or any change whatsoever in the licensure of an
1509 educator required to hold a license shall be initially heard in a
1510 hearing de novo, by the commission or by a subcommittee
1511 established by the commission and composed of commission members,
1512 or by a hearing officer retained and appointed by the commission,
1513 for the purpose of holding hearings. Any complaint seeking the
1514 denial of issuance, revocation or suspension of a license shall be
1515 by sworn affidavit filed with the Commission on Teacher and
1516 Administrator Education, Certification and Licensure and
1517 Development. The decision thereon by the commission, its
1518 subcommittee or hearing officer, shall be final, unless the
1519 aggrieved party shall appeal to the State Board of Education,
1520 within ten (10) days, of the decision of the commission, its
1521 subcommittee or hearing officer. An appeal to the State Board of



1522 Education shall be perfected upon filing a notice of the appeal
1523 and by the prepayment of the costs of the preparation of the
1524 record of proceedings by the commission, its subcommittee or
1525 hearing officer. An appeal shall be on the record previously made
1526 before the commission, its subcommittee or hearing officer, unless
1527 otherwise provided by rules and regulations adopted by the board.
1528 The decision of the commission, its subcommittee or hearing
1529 officer shall not be disturbed on appeal if supported by
1530 substantial evidence, was not arbitrary or capricious, within the
1531 authority of the commission, and did not violate some statutory or
1532 constitutional right. The State Board of Education in its
1533 authority may reverse, or remand with instructions, the decision
1534 of the commission, its subcommittee or hearing officer. The
1535 decision of the State Board of Education shall be final.

1536 (11) (a) The State Board of Education, acting through the
1537 commission, may deny an application for any teacher or
1538 administrator license for one or more of the following:

1539 (i) Lack of qualifications which are prescribed by
1540 law or regulations adopted by the State Board of Education;

1541 (ii) The applicant has a physical, emotional or
1542 mental disability that renders the applicant unfit to perform the
1543 duties authorized by the license, as certified by a licensed
1544 psychologist or psychiatrist;

1545 (iii) The applicant is actively addicted to or
1546 actively dependent on alcohol or other habit-forming drugs or is a



1547 habitual user of narcotics, barbiturates, amphetamines,
1548 hallucinogens or other drugs having similar effect, at the time of
1549 application for a license;

1550 (iv) Fraud or deceit committed by the applicant in
1551 securing or attempting to secure such certification and license;

1552 (v) Failing or refusing to furnish reasonable
1553 evidence of identification;

1554 (vi) The applicant has been convicted, has pled
1555 guilty or entered a plea of nolo contendere to a felony, as
1556 defined by federal or state law. For purposes of this
1557 subparagraph (vi) of this paragraph (a), a "guilty plea" includes
1558 a plea of guilty, entry of a plea of nolo contendere, or entry of
1559 an order granting pretrial or judicial diversion;

1560 (vii) The applicant or licensee is on probation or
1561 post-release supervision for a felony or conviction, as defined by
1562 federal or state law. However, this disqualification expires upon
1563 the end of the probationary or post-release supervision period.

1564 (b) The State Board of Education, acting through the
1565 commission, shall deny an application for any teacher or
1566 administrator license, or immediately revoke the current teacher
1567 or administrator license, for one or more of the following:

1568 (i) If the applicant or licensee has been
1569 convicted, has pled guilty or entered a plea of nolo contendere to
1570 a sex offense as defined by federal or state law. For purposes of
1571 this subparagraph (i) of this paragraph (b), a "guilty plea"



1572 includes a plea of guilty, entry of a plea of nolo contendere, or
1573 entry of an order granting pretrial or judicial diversion;

1574 (ii) The applicant or licensee is on probation or
1575 post-release supervision for a sex offense conviction, as defined
1576 by federal or state law;

1577 (iii) The license holder has fondled a student as
1578 described in Section 97-5-23, or had any type of sexual
1579 involvement with a student as described in Section 97-3-95; or

1580 (iv) The license holder has failed to report
1581 sexual involvement of a school employee with a student as required
1582 by Section 97-5-24.

1583 (12) The State Board of Education, acting through the
1584 commission, may revoke, suspend or refuse to renew any teacher or
1585 administrator license for specified periods of time or may place
1586 on probation, reprimand a licensee, or take other disciplinary
1587 action with regard to any license issued under this chapter for
1588 one or more of the following:

1589 (a) Breach of contract or abandonment of employment may
1590 result in the suspension of the license for one (1) school year as
1591 provided in Section 37-9-57;

1592 (b) Obtaining a license by fraudulent means shall
1593 result in immediate suspension and continued suspension for one
1594 (1) year after correction is made;

1595 (c) Suspension or revocation of a certificate or
1596 license by another state shall result in immediate suspension or



1597 revocation and shall continue until records in the prior state
1598 have been cleared;

1599 (d) The license holder has been convicted, has pled
1600 guilty or entered a plea of nolo contendere to a felony, as
1601 defined by federal or state law. For purposes of this paragraph,
1602 a "guilty plea" includes a plea of guilty, entry of a plea of nolo
1603 contendere, or entry of an order granting pretrial or judicial
1604 diversion;

1605 (e) The license holder knowingly and willfully
1606 committing any of the acts affecting validity of mandatory uniform
1607 test results as provided in Section 37-16-4(1);

1608 (f) The license holder has engaged in unethical conduct
1609 relating to an educator/student relationship as identified by the
1610 State Board of Education in its rules;

1611 (g) The license holder served as superintendent or
1612 principal in a school district during the time preceding and/or
1613 that resulted in the Governor declaring a state of emergency and
1614 the State Board of Education appointing a conservator;

1615 (h) The license holder submitted a false certification
1616 to the State Department of Education that a statewide test was
1617 administered in strict accordance with the Requirements of the
1618 Mississippi Statewide Assessment System; or

1619 (i) The license holder has failed to comply with the
1620 Procedures for Reporting Infractions as promulgated by the



1621 commission and approved by the State Board of Education pursuant
1622 to subsection (15) of this section.

1623 For purposes of this subsection, probation shall be defined
1624 as a length of time determined by the commission, its subcommittee
1625 or hearing officer, and based on the severity of the offense in
1626 which the license holder shall meet certain requirements as
1627 prescribed by the commission, its subcommittee or hearing officer.
1628 Failure to complete the requirements in the time specified shall
1629 result in immediate suspension of the license for one (1) year.

1630 (13) (a) Dismissal or suspension of a licensed employee by
1631 a local school board pursuant to Section 37-9-59 may result in the
1632 suspension or revocation of a license for a length of time which
1633 shall be determined by the commission and based upon the severity
1634 of the offense.

1635 (b) Any offense committed or attempted in any other
1636 state shall result in the same penalty as if committed or
1637 attempted in this state.

1638 (c) A person may voluntarily surrender a license. The
1639 surrender of such license may result in the commission
1640 recommending any of the above penalties without the necessity of a
1641 hearing. However, any such license which has voluntarily been
1642 surrendered by a licensed employee may only be reinstated by a
1643 majority vote of all members of the commission present at the
1644 meeting called for such purpose.



1645 (14) (a) A person whose license has been suspended or
1646 surrendered on any grounds except criminal grounds may petition
1647 for reinstatement of the license after one (1) year from the date
1648 of suspension or surrender, or after one-half (1/2) of the
1649 suspended or surrendered time has lapsed, whichever is greater. A
1650 person whose license has been suspended or revoked on any grounds
1651 or violations under subsection (12) of this section may be
1652 reinstated automatically or approved for a reinstatement hearing,
1653 upon submission of a written request to the commission. A license
1654 suspended, revoked or surrendered on criminal grounds may be
1655 reinstated upon petition to the commission filed after expiration
1656 of the sentence and parole or probationary period imposed upon
1657 conviction. A revoked, suspended or surrendered license may be
1658 reinstated upon satisfactory showing of evidence of
1659 rehabilitation. The commission shall require all who petition for
1660 reinstatement to furnish evidence satisfactory to the commission
1661 of good character, good mental, emotional and physical health and
1662 such other evidence as the commission may deem necessary to
1663 establish the petitioner's rehabilitation and fitness to perform
1664 the duties authorized by the license.

1665 (b) A person whose license expires while under
1666 investigation by the Office of Educator Misconduct for an alleged
1667 violation may not be reinstated without a hearing before the
1668 commission if required based on the results of the investigation.



1669 (15) Reporting procedures and hearing procedures for dealing
1670 with infractions under this section shall be promulgated by the
1671 commission, subject to the approval of the State Board of
1672 Education. The revocation or suspension of a license shall be
1673 effected at the time indicated on the notice of suspension or
1674 revocation. The commission shall immediately notify the
1675 superintendent of the school district or school board where the
1676 teacher or administrator is employed of any disciplinary action
1677 and also notify the teacher or administrator of such revocation or
1678 suspension and shall maintain records of action taken. The State
1679 Board of Education may reverse or remand with instructions any
1680 decision of the commission, its subcommittee or hearing officer
1681 regarding a petition for reinstatement of a license, and any such
1682 decision of the State Board of Education shall be final.

1683 (16) An appeal from the action of the State Board of
1684 Education in denying an application, revoking or suspending a
1685 license or otherwise disciplining any person under the provisions
1686 of this section shall be filed in the Chancery Court of the First
1687 Judicial District of Hinds County, Mississippi, on the record
1688 made, including a verbatim transcript of the testimony at the
1689 hearing. The appeal shall be filed within thirty (30) days after
1690 notification of the action of the board is mailed or served and
1691 the proceedings in chancery court shall be conducted as other
1692 matters coming before the court. The appeal shall be perfected
1693 upon filing notice of the appeal and by the prepayment of all



1694 costs, including the cost of preparation of the record of the
1695 proceedings by the State Board of Education, and the filing of a
1696 bond in the sum of Two Hundred Dollars (\$200.00) conditioned that
1697 if the action of the board be affirmed by the chancery court, the
1698 applicant or license holder shall pay the costs of the appeal and
1699 the action of the chancery court.

1700 (17) All such programs, rules, regulations, standards and
1701 criteria recommended or authorized by the commission shall become
1702 effective upon approval by the State Board of Education as
1703 designated by appropriate orders entered upon the minutes thereof.

1704 (18) The granting of a license shall not be deemed a
1705 property right nor a guarantee of employment in any public school
1706 district. A license is a privilege indicating minimal eligibility
1707 for teaching in the public school districts of Mississippi. This
1708 section shall in no way alter or abridge the authority of local
1709 school districts to require greater qualifications or standards of
1710 performance as a prerequisite of initial or continued employment
1711 in such districts.

1712 (19) In addition to the reasons specified in subsections
1713 (12) and (13) of this section, the board shall be authorized to
1714 suspend the license of any licensee for being out of compliance
1715 with an order for support, as defined in Section 93-11-153. The
1716 procedure for suspension of a license for being out of compliance
1717 with an order for support, and the procedure for the reissuance or
1718 reinstatement of a license suspended for that purpose, and the



1719 payment of any fees for the reissuance or reinstatement of a
1720 license suspended for that purpose, shall be governed by Section
1721 93-11-157 or 93-11-163, as the case may be. Actions taken by the
1722 board in suspending a license when required by Section 93-11-157
1723 or 93-11-163 are not actions from which an appeal may be taken
1724 under this section. Any appeal of a license suspension that is
1725 required by Section 93-11-157 or 93-11-163 shall be taken in
1726 accordance with the appeal procedure specified in Section
1727 93-11-157 or 93-11-163, as the case may be, rather than the
1728 procedure specified in this section. If there is any conflict
1729 between any provision of Section 93-11-157 or 93-11-163 and any
1730 provision of this chapter, the provisions of Section 93-11-157 or
1731 93-11-163, as the case may be, shall control.

1732 (20) The Department of Education shall grant and renew all
1733 licenses and certifications of teachers and administrators within
1734 twenty-one (21) days from the date of a completed application if
1735 the applicant has otherwise met all established requirements for
1736 the license or certification.

1737 **SECTION 7.** This act shall take effect and be in force from
1738 and after July 1, 2023.

