

By: Representative Harness

To: Education;  
Appropriations A

HOUSE BILL NO. 737

1 AN ACT TO CREATE NEW SECTION 25-11-126, MISSISSIPPI CODE OF  
2 1972, TO PROVIDE THAT PERSONS WHO ARE RECEIVING A RETIREMENT  
3 ALLOWANCE FROM THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND WHO  
4 WERE EMPLOYED AS PUBLIC SCHOOLTEACHERS AT THE TIME OF THEIR  
5 RETIREMENT MAY BE EMPLOYED AS FULL-TIME TEACHERS IN PUBLIC SCHOOL  
6 DISTRICTS AND CHOOSE TO CONTINUE RECEIVING THE RETIREMENT  
7 ALLOWANCE DURING THEIR EMPLOYMENT AS TEACHERS AFTER RETIREMENT; TO  
8 PROVIDE THAT THOSE PERSONS SHALL NOT BE CONTRIBUTING MEMBERS OF  
9 THE RETIREMENT SYSTEM AND SHALL NOT RECEIVE ANY CREDITABLE SERVICE  
10 FOR THE PERIOD DURING WHICH THEY RECEIVE A RETIREMENT ALLOWANCE  
11 DURING THEIR EMPLOYMENT AS TEACHERS; TO PROVIDE THAT THOSE PERSONS  
12 SHALL RECEIVE THE SALARY AUTHORIZED FOR TEACHERS WITH ZERO TO  
13 THREE YEARS OF TEACHING EXPERIENCE WITH A CLASS A CERTIFICATION  
14 FOR THE DURATION OF THEIR EMPLOYMENT AS TEACHERS AFTER RETIREMENT;  
15 TO PROVIDE THAT THOSE PERSONS SHALL NOT RECEIVE AUTOMATIC CREDIT  
16 FOR YEARS OF EXPERIENCE IN DETERMINING COMPENSATION AND SHALL NOT  
17 BE ENTITLED TO ANY SUPPLEMENTS, SALARY INCREASES OR ANNUAL  
18 EXPERIENCE INCREMENTS; TO AMEND SECTIONS 25-11-105, 25-11-127, AND  
19 37-19-7, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING  
20 PROVISIONS; AND FOR RELATED PURPOSES.

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

22 **SECTION 1.** The following shall be codified as Section  
23 25-11-126, Mississippi Code of 1972:

24 25-11-126. (1) Any person who is receiving a retirement  
25 allowance under this article and who was employed as a public  
26 schoolteacher at the time of his or her retirement may be employed  
27 as a full-time teacher in a public school district and choose to



28 continue receiving the retirement allowance under this article  
29 during his or her employment as a teacher after retirement,  
30 subject to the following conditions:

31 (a) The person holds any teacher's professional license  
32 or certificate as may be required in Section 37-3-2;

33 (b) The superintendent of schools of the employing  
34 school district certifies in writing to the State Department of  
35 Education that the retired member has the requisite experience,  
36 training and expertise for the position to be filled and that no  
37 other qualified persons are available to fill the position;

38 (c) The superintendent of schools of the employing  
39 school district certifies or the principal of the school certifies  
40 that there was no preexisting arrangement for the person to be  
41 hired; and

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

44 (2) A person who continues to receive a retirement allowance  
45 under this article during his or her employment as a teacher under  
46 the provisions of this section shall not be a contributing member  
47 of the retirement system, shall not receive any creditable service  
48 for the period during which he or she receives a retirement  
49 allowance during his or her employment as a teacher, and shall not  
50 accrue personal leave or receive medical coverage as a result of  
51 that employment.



52 (3) A person who continues to receive a retirement allowance  
53 under this article during his or her employment as a teacher under  
54 the provisions of this section shall receive the salary authorized  
55 under Section 37-19-7 for teachers with zero to three (3) years of  
56 teaching experience with a Class A certification for the duration  
57 of his or her employment as a teacher under the provisions of this  
58 section, and shall not receive automatic credit for years of  
59 experience in determining compensation and shall not be entitled  
60 to any supplements, salary increases or annual experience  
61 increments.

62 **SECTION 2.** Section 25-11-105, Mississippi Code of 1972, is  
63 amended as follows:

64 25-11-105. **I. THOSE WHO ARE ELIGIBLE FOR MEMBERSHIP**

65 The membership of this retirement system shall be composed as  
66 follows:

67 (a) (i) All persons who become employees in the state  
68 service after January 31, 1953, and whose wages are subject to  
69 payroll taxes and are lawfully reported on IRS Form W-2, except  
70 those persons who are specifically excluded, \* \* \* those persons  
71 as to whom election is provided in Articles 1 and 3, or those  
72 persons who choose to continue receiving a retirement allowance  
73 during their employment as teachers as authorized by Section  
74 25-11-126, shall become members of the retirement system as a  
75 condition of their employment.



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

86 (b) All persons who become employees in the state  
87 service after January 31, 1953, except those specifically excluded  
88 or as to whom election is provided in Articles 1 and 3, unless  
89 they file with the board before the lapse of sixty (60) days of  
90 employment or sixty (60) days after the effective date of the  
91 cited articles, whichever is later, on a form prescribed by the  
92 board, a notice of election not to be covered by the membership of  
93 the retirement system and a duly executed waiver of all present  
94 and prospective benefits that would otherwise inure to them on  
95 account of their participation in the system, shall become members  
96 of the retirement system; however, no credit for prior service  
97 will be granted to members who became members of the system before  
98 July 1, 2007, until they have contributed to Article 3 of the  
99 retirement system for a minimum period of at least four (4) years,  
100 or to members who became members of the system on or after July 1,



101 2007, until they have contributed to Article 3 of the retirement  
102 system for a minimum period of at least eight (8) years. Those  
103 members shall receive credit for services performed before January  
104 1, 1953, in employment now covered by Article 3, but no credit  
105 shall be granted for retroactive services between January 1, 1953,  
106 and the date of their entry into the retirement system, unless the  
107 employee pays into the retirement system both the employer's and  
108 the employee's contributions on wages paid him during the period  
109 from January 31, 1953, to the date of his becoming a contributing  
110 member, together with interest at the rate determined by the board  
111 of trustees. Members reentering after withdrawal from service  
112 shall qualify for prior service under the provisions of Section  
113 25-11-117. From and after July 1, 1998, upon eligibility as noted  
114 above, the member may receive credit for such retroactive service  
115 provided:

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

119 (ii) The member shall pay to the retirement system  
120 on the date he or she is eligible for that credit or at any time  
121 thereafter before the date of retirement the actuarial cost for  
122 each year of that creditable service. The provisions of this  
123 subparagraph (ii) shall be subject to the limitations of Section  
124 415 of the Internal Revenue Code and regulations promulgated under  
125 Section 415.



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

130           (c) All persons who become employees in the state  
131 service after January 31, 1953, and who are eligible for  
132 membership in any other retirement system shall become members of  
133 this retirement system as a condition of their employment, unless  
134 they elect at the time of their employment to become a member of  
135 that other system.

136           (d) All persons who are employees in the state service  
137 on January 31, 1953, and who are members of any nonfunded  
138 retirement system operated by the State of Mississippi, or any of  
139 its departments or agencies, shall become members of this system  
140 with prior service credit unless, before February 1, 1953, they  
141 file a written notice with the board of trustees that they do not  
142 elect to become members.

143           (e) All persons who are employees in the state service  
144 on January 31, 1953, and who under existing laws are members of  
145 any fund operated for the retirement of employees by the State of  
146 Mississippi, or any of its departments or agencies, shall not be  
147 entitled to membership in this retirement system unless, before  
148 February 1, 1953, any such person indicates by a notice filed with  
149 the board, on a form prescribed by the board, his individual  
150 election and choice to participate in this system, but no such



151 person shall receive prior service credit unless he becomes a  
152 member on or before February 1, 1953.

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

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

173 (ii) It specifies the source or sources from which  
174 the funds necessary to make the payments required by paragraph (d)  
175 of Section 25-11-123 and of paragraph (f)(v)2 and 3 of this



176 section are expected to be derived and contains reasonable  
177 assurance that those sources will be adequate for that purpose;

178 (iii) It provides for such methods of  
179 administration of the plan by the political subdivision or  
180 instrumentality as are found by the board of trustees to be  
181 necessary for the proper and efficient administration thereof;

182 (iv) It provides that the political subdivision or  
183 instrumentality will make such reports, in such form and  
184 containing such information, as the board of trustees may from  
185 time to time require;

186 (v) It authorizes the board of trustees to  
187 terminate the plan in its entirety in the discretion of the board  
188 if it finds that there has been a failure to comply substantially  
189 with any provision contained in the plan, the termination to take  
190 effect at the expiration of such notice and on such conditions as  
191 may be provided by regulations of the board and as may be  
192 consistent with applicable federal law.

193 1. The board of trustees shall not finally  
194 refuse to approve a plan submitted under paragraph (f), and shall  
195 not terminate an approved plan without reasonable notice and  
196 opportunity for hearing to each political subdivision or  
197 instrumentality affected by the board's decision. The board's  
198 decision in any such case shall be final, conclusive and binding  
199 unless an appeal is taken by the political subdivision or  
200 instrumentality aggrieved by the decision to the Circuit Court of





201 the First Judicial District of Hinds County, Mississippi, in  
202 accordance with the provisions of law with respect to civil causes  
203 by certiorari.

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

211                   3. Every political subdivision or  
212 instrumentality required to make payments under paragraph (f)(v)2  
213 of this section is authorized, in consideration of the employees'  
214 retention in or entry upon employment after enactment of Articles  
215 1 and 3, to impose upon its employees, as to services that are  
216 covered by an approved plan, a contribution with respect to wages  
217 (as defined in Section 25-11-5) not exceeding the amount provided  
218 in Section 25-11-123(d) if those services constituted employment  
219 within the meaning of Articles 1 and 3, and to deduct the amount  
220 of the contribution from the wages as and when paid.

221 Contributions so collected shall be paid into the contribution  
222 fund as partial discharge of the liability of the political  
223 subdivisions or instrumentalities under paragraph (f)(v)2 of this  
224 section. Failure to deduct the contribution shall not relieve the  
225 employee or employer of liability for the contribution.



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

239                   5. Each political subdivision of the state  
240 and each instrumentality of the state or a political subdivision  
241 or subdivisions that submit a plan for approval of the board, as  
242 provided in this section, shall reimburse the board for coverage  
243 into the expense account, its pro rata share of the total expense  
244 of administering Articles 1 and 3 as provided by regulations of  
245 the board.

246                   (g) The board may, in its discretion, deny the right of  
247 membership in this system to any class of employees whose  
248 compensation is only partly paid by the state or who are occupying  
249 positions on a part-time or intermittent basis. The board may, in



250 its discretion, make optional with employees in any such classes  
251 their individual entrance into this system.

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

258 (i) If any member of this system changes his employment  
259 to any agency of the state having an actuarially funded retirement  
260 system, the board of trustees may authorize the transfer of the  
261 member's creditable service and of the present value of the  
262 member's employer's accumulation account and of the present value  
263 of the member's accumulated membership contributions to that other  
264 system, provided that the employee agrees to the transfer of his  
265 accumulated membership contributions and provided that the other  
266 system is authorized to receive and agrees to make the transfer.

267 If any member of any other actuarially funded system  
268 maintained by an agency of the state changes his employment to an  
269 agency covered by this system, the board of trustees may authorize  
270 the receipt of the transfer of the member's creditable service and  
271 of the present value of the member's employer's accumulation  
272 account and of the present value of the member's accumulated  
273 membership contributions from the other system, provided that the  
274 employee agrees to the transfer of his accumulated membership



275 contributions to this system and provided that the other system is  
276 authorized and agrees to make the transfer.

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

280 (k) Employees of a political subdivision or  
281 instrumentality who were employed by the political subdivision or  
282 instrumentality before an agreement between the entity and the  
283 Public Employees' Retirement System to extend the benefits of this  
284 article to its employees, and which agreement provides for the  
285 establishment of retroactive service credit, and who became  
286 members of the retirement system before July 1, 2007, and have  
287 remained contributors to the retirement system for four (4) years,  
288 or who became members of the retirement system on or after July 1,  
289 2007, and have remained contributors to the retirement system for  
290 eight (8) years, may receive credit for that retroactive service  
291 with the political subdivision or instrumentality, provided that  
292 the employee and/or employer, as provided under the terms of the  
293 modification of the joinder agreement in allowing that coverage,  
294 pay into the retirement system the employer's and employee's  
295 contributions on wages paid the member during the previous  
296 employment, together with interest or actuarial cost as determined  
297 by the board covering the period from the date the service was  
298 rendered until the payment for the credit for the service was  
299 made. Those wages shall be verified by the Social Security



300 Administration or employer payroll records. Effective July 1,  
301 1998, upon eligibility as noted above, a member may receive credit  
302 for that retroactive service with the political subdivision or  
303 instrumentality provided:

304 (i) The member shall furnish proof satisfactory to  
305 the board of trustees of certification of those services from the  
306 political subdivision or instrumentality where the services were  
307 rendered or verification by the Social Security Administration;  
308 and

309 (ii) The member shall pay to the retirement system  
310 on the date he or she is eligible for that credit or at any time  
311 thereafter before the date of retirement the actuarial cost for  
312 each year of that creditable service. The provisions of this  
313 subparagraph (ii) shall be subject to the limitations of Section  
314 415 of the Internal Revenue Code and regulations promulgated under  
315 Section 415.

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



325 (1) Through June 30, 1998, any state service eligible  
326 for retroactive service credit, no part of which has ever been  
327 reported, and requiring the payment of employee and employer  
328 contributions plus interest, or, from and after July 1, 1998, any  
329 state service eligible for retroactive service credit, no part of  
330 which has ever been reported to the retirement system, and  
331 requiring the payment of the actuarial cost for that creditable  
332 service, may, at the member's option, be purchased in quarterly  
333 increments as provided above at the time that its purchase is  
334 otherwise allowed.

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

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

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

342 (a) Patient or inmate help in state charitable, penal  
343 or correctional institutions;

344 (b) Students of any state educational institution  
345 employed by any agency of the state for temporary, part-time or  
346 intermittent work;

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



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

354 **III. TERMINATION OF MEMBERSHIP**

355 Membership in this system shall cease by a member withdrawing  
356 his accumulated contributions, or by a member withdrawing from  
357 active service with a retirement allowance, or by a member's  
358 death.

359 **SECTION 3.** Section 25-11-127, Mississippi Code of 1972, is  
360 amended as follows:

361 25-11-127. (1) (a) No person who is being paid a  
362 retirement allowance or a pension after retirement under this  
363 article shall be employed or paid for any service by the State of  
364 Mississippi, including services as an employee, contract worker,  
365 contractual employee or independent contractor, until the retired  
366 person has been retired for not less than ninety (90) consecutive  
367 days from his or her effective date of retirement. After the  
368 person has been retired for not less than ninety (90) consecutive  
369 days from his or her effective date of retirement or such later  
370 date as established by the board, he or she may be reemployed  
371 while being paid a retirement allowance under the terms and  
372 conditions provided in this section or Section 25-11-126.

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



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

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

380 (2) Except as otherwise provided in Section 25-11-126, any  
381 person who has been retired under the provisions of Article 3 and  
382 who is later reemployed in service covered by this article shall  
383 cease to receive benefits under this article and shall again  
384 become a contributing member of the retirement system. When the  
385 person retires again, if the person has been a contributing member  
386 of the retirement system during his or her reemployment and the  
387 reemployment exceeds six (6) months, the person shall have his or  
388 her benefit recomputed, including service after again becoming a  
389 member, provided that the total retirement allowance paid to the  
390 retired member in his or her previous retirement shall be deducted  
391 from the member's retirement reserve and taken into consideration  
392 in recalculating the retirement allowance under a new option  
393 selected.

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

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





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

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

407           To determine the normal working days for a position under  
408 paragraph (a) of this subsection, the employer shall determine the  
409 required number of working days for the position on a full-time  
410 basis and the equivalent number of hours representing the  
411 full-time position. The retiree then may work up to one-half  
412 (1/2) of the required number of working days or up to one-half  
413 (1/2) of the equivalent number of hours and receive up to one-half  
414 (1/2) of the salary for the position. In the case of employment  
415 with multiple employers, the limitation shall equal one-half (1/2)  
416 of the number of days or hours for a single full-time position.

417           Notice shall be given in writing to the executive director,  
418 setting forth the facts upon which the employment is being made,  
419 and the notice shall be given within five (5) days from the date  
420 of employment and also from the date of termination of the  
421 employment.

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



424 allowance and who is employed in service covered by subsection (4)  
425 of this section as an employee or a contractual employee, and the  
426 employer of any person who chooses to continue receiving a  
427 retirement allowance during his or her employment as a teacher as  
428 authorized by Section 25-11-126, shall pay to the board the full  
429 amount of the employer's contribution on the amount of  
430 compensation received by the retiree for his or her employment in  
431 accordance with regulations prescribed by the board. The retiree  
432 shall not receive any additional creditable service in the  
433 retirement system as a result of the payment of the employer's  
434 contribution. This subsection does not apply to persons who are  
435 receiving a retirement allowance and who contract with an employer  
436 to provide services as a true independent contractor, as defined  
437 by the board through regulation.

438       (6) (a) A member may retire and continue in municipal or  
439 county elective office provided that the member has reached the  
440 age and/or service requirement that will not result in a  
441 prohibited in-service distribution as defined by the Internal  
442 Revenue Service, or a retiree may be elected to a municipal or  
443 county office, provided that the person:

444               (i) Files annually, in writing, in the office of  
445 the employer and the office of the executive director of the  
446 system before the person takes office or as soon as possible after  
447 retirement, a waiver of all salary or compensation and elects to  
448 receive in lieu of that salary or compensation a retirement



449 allowance as provided in this section, in which event no salary or  
450 compensation shall thereafter be due or payable for those  
451 services; however, any such officer or employee may receive, in  
452 addition to the retirement allowance, office expense allowance,  
453 mileage or travel expense authorized by any statute of the State  
454 of Mississippi; or

455           (ii) Elects to receive compensation for that  
456 elective office in an amount not to exceed twenty-five percent  
457 (25%) of the retiree's average compensation. In order to receive  
458 compensation as allowed in this subparagraph, the retiree shall  
459 file annually, in writing, in the office of the employer and the  
460 office of the executive director of the system, an election to  
461 receive, in addition to a retirement allowance, compensation as  
462 allowed in this subparagraph.

463           (b) The municipality or county in which the retired  
464 person holds elective office shall pay to the board the amount of  
465 the employer's contributions on the full amount of the regular  
466 compensation for the elective office that the retired person  
467 holds.

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

471           **SECTION 4.** Section 37-19-7, Mississippi Code of 1972, is  
472 amended as follows:



473 37-19-7. (1) The allowance in the Mississippi Adequate  
 474 Education Program for teachers' salaries in each public school  
 475 district shall be determined and paid in accordance with the scale  
 476 for teachers' salaries as provided in this subsection. For  
 477 teachers holding the following types of licenses or the equivalent  
 478 as determined by the State Board of Education, and the following  
 479 number of years of teaching experience, the scale shall be as  
 480 follows:

481 **2022-2023 AND SUBSEQUENT SCHOOL YEARS MINIMUM SALARY SCHEDULE**

| 482 | Exp. | AAAA      | AAA       | AA        | A         |
|-----|------|-----------|-----------|-----------|-----------|
| 483 | 0    | 45,500.00 | 44,000.00 | 43,000.00 | 41,500.00 |
| 484 | 1    | 46,100.00 | 44,550.00 | 43,525.00 | 41,900.00 |
| 485 | 2    | 46,700.00 | 45,100.00 | 44,050.00 | 42,300.00 |
| 486 | 3    | 47,300.00 | 45,650.00 | 44,575.00 | 42,700.00 |
| 487 | 4    | 47,900.00 | 46,200.00 | 45,100.00 | 43,100.00 |
| 488 | 5    | 49,250.00 | 47,500.00 | 46,350.00 | 44,300.00 |
| 489 | 6    | 49,850.00 | 48,050.00 | 46,875.00 | 44,700.00 |
| 490 | 7    | 50,450.00 | 48,600.00 | 47,400.00 | 45,100.00 |
| 491 | 8    | 51,050.00 | 49,150.00 | 47,925.00 | 45,500.00 |
| 492 | 9    | 51,650.00 | 49,700.00 | 48,450.00 | 45,900.00 |
| 493 | 10   | 53,000.00 | 51,000.00 | 49,700.00 | 47,100.00 |
| 494 | 11   | 53,600.00 | 51,550.00 | 50,225.00 | 47,500.00 |
| 495 | 12   | 54,200.00 | 52,100.00 | 50,750.00 | 47,900.00 |
| 496 | 13   | 54,800.00 | 52,650.00 | 51,275.00 | 48,300.00 |
| 497 | 14   | 55,400.00 | 53,200.00 | 51,800.00 | 48,700.00 |



|     |         |           |           |           |           |
|-----|---------|-----------|-----------|-----------|-----------|
| 498 | 15      | 56,750.00 | 54,500.00 | 53,050.00 | 49,900.00 |
| 499 | 16      | 57,350.00 | 55,050.00 | 53,575.00 | 50,300.00 |
| 500 | 17      | 57,950.00 | 55,600.00 | 54,100.00 | 50,700.00 |
| 501 | 18      | 58,550.00 | 56,150.00 | 54,625.00 | 51,100.00 |
| 502 | 19      | 59,150.00 | 56,700.00 | 55,150.00 | 51,500.00 |
| 503 | 20      | 60,500.00 | 58,000.00 | 56,400.00 | 52,700.00 |
| 504 | 21      | 61,100.00 | 58,550.00 | 56,925.00 | 53,100.00 |
| 505 | 22      | 61,700.00 | 59,100.00 | 57,450.00 | 53,500.00 |
| 506 | 23      | 62,300.00 | 59,650.00 | 57,975.00 | 53,900.00 |
| 507 | 24      | 62,900.00 | 60,200.00 | 58,500.00 | 54,300.00 |
| 508 | 25      | 65,400.00 | 62,700.00 | 61,000.00 | 56,800.00 |
| 509 | 26      | 66,000.00 | 63,250.00 | 61,525.00 | 57,200.00 |
| 510 | 27      | 66,600.00 | 63,800.00 | 62,050.00 | 57,600.00 |
| 511 | 28      | 67,200.00 | 64,350.00 | 62,575.00 | 58,000.00 |
| 512 | 29      | 67,800.00 | 64,900.00 | 63,100.00 | 58,400.00 |
| 513 | 30      | 68,400.00 | 65,450.00 | 63,625.00 | 58,800.00 |
| 514 | 31      | 69,000.00 | 66,000.00 | 64,150.00 | 59,200.00 |
| 515 | 32      | 69,600.00 | 66,550.00 | 64,675.00 | 59,600.00 |
| 516 | 33      | 70,200.00 | 67,100.00 | 65,200.00 | 60,000.00 |
| 517 | 34      | 70,800.00 | 67,650.00 | 65,725.00 | 60,400.00 |
| 518 | 35      |           |           |           |           |
| 519 | & above | 71,400.00 | 68,200.00 | 66,250.00 | 60,800.00 |

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



523 be paid to licensed personnel pursuant to a personnel appraisal  
524 and compensation system implemented by the State Board of  
525 Education. The State Board of Education shall have the authority  
526 to adopt and amend rules and regulations as are necessary to  
527 establish, administer and maintain the system.

528 All teachers employed on a full-time basis shall be paid a  
529 minimum salary in accordance with the above scale. However, no  
530 school district shall receive any funds under this section for any  
531 school year during which the local supplement paid to any  
532 individual teacher shall have been reduced to a sum less than that  
533 paid to that individual teacher for performing the same duties  
534 from local supplement during the immediately preceding school  
535 year. The amount actually spent for the purposes of group health  
536 and/or life insurance shall be considered as a part of the  
537 aggregate amount of local supplement but shall not be considered a  
538 part of the amount of individual local supplement.

539 The level of professional training of each teacher to be used  
540 in establishing the salary allotment for the teachers for each  
541 year shall be determined by the type of valid teacher's license  
542 issued to those teachers on or before October 1 of the current  
543 school year. However, school districts are authorized, in their  
544 discretion, to negotiate the salary levels applicable to licensed  
545 employees who are receiving retirement benefits from the  
546 retirement system of another state, and the annual experience  
547 increment provided above in \* \* \* this section shall not be



548 applicable to any such retired certificated employee. In  
549 addition, the annual experience increment provided above in this  
550 section shall not be applicable for persons who choose to continue  
551 receiving a retirement allowance during their employment as  
552 teachers as authorized by Section 25-11-126.

553 (2) (a) The following employees shall receive an annual  
554 salary supplement in the amount of Six Thousand Dollars  
555 (\$6,000.00), plus fringe benefits, in addition to any other  
556 compensation to which the employee may be entitled:

557 (i) Any licensed teacher who has met the  
558 requirements and acquired a Master Teacher certificate from the  
559 National Board for Professional Teaching Standards and who is  
560 employed by a local school board or the State Board of Education  
561 as a teacher and not as an administrator. Such teacher shall  
562 submit documentation to the State Department of Education that the  
563 certificate was received prior to October 15 in order to be  
564 eligible for the full salary supplement in the current school  
565 year, or the teacher shall submit such documentation to the State  
566 Department of Education prior to February 15 in order to be  
567 eligible for a prorated salary supplement beginning with the  
568 second term of the school year.

569 (ii) A licensed nurse who has met the requirements  
570 and acquired a certificate from the National Board for  
571 Certification of School Nurses, Inc., and who is employed by a  
572 local school board or the State Board of Education as a school



573 nurse and not as an administrator. The licensed school nurse  
574 shall submit documentation to the State Department of Education  
575 that the certificate was received before October 15 in order to be  
576 eligible for the full salary supplement in the current school  
577 year, or the licensed school nurse shall submit the documentation  
578 to the State Department of Education before February 15 in order  
579 to be eligible for a prorated salary supplement beginning with the  
580 second term of the school year.

581 (iii) Any licensed school counselor who has met  
582 the requirements and acquired a National Certified School  
583 Counselor (NCSC) endorsement from the National Board of Certified  
584 Counselors and who is employed by a local school board or the  
585 State Board of Education as a counselor and not as an  
586 administrator. Such licensed school counselor shall submit  
587 documentation to the State Department of Education that the  
588 endorsement was received prior to October 15 in order to be  
589 eligible for the full salary supplement in the current school  
590 year, or the licensed school counselor shall submit such  
591 documentation to the State Department of Education prior to  
592 February 15 in order to be eligible for a prorated salary  
593 supplement beginning with the second term of the school year.  
594 However, any school counselor who started the National Board for  
595 Professional Teaching Standards process for school counselors  
596 between June 1, 2003, and June 30, 2004, and completes the  
597 requirements and acquires the Master Teacher certificate shall be





598 entitled to the master teacher supplement, and those counselors  
599 who complete the process shall be entitled to a one-time  
600 reimbursement for the actual cost of the process as outlined in  
601 paragraph (b) of this subsection.

602 (iv) Any licensed speech-language pathologist and  
603 audiologist who has met the requirements and acquired a  
604 Certificate of Clinical Competence from the American  
605 Speech-Language-Hearing Association and any certified academic  
606 language therapist (CALT) who has met the certification  
607 requirements of the Academic Language Therapy Association and who  
608 is employed by a local school board. The licensed speech-language  
609 pathologist and audiologist and certified academic language  
610 therapist shall submit documentation to the State Department of  
611 Education that the certificate or endorsement was received before  
612 October 15 in order to be eligible for the full salary supplement  
613 in the current school year, or the licensed speech-language  
614 pathologist and audiologist and certified academic language  
615 therapist shall submit the documentation to the State Department  
616 of Education before February 15 in order to be eligible for a  
617 prorated salary supplement beginning with the second term of the  
618 school year.

619 (v) Any licensed athletic trainer who has met the  
620 requirements and acquired Board Certification for the Athletic  
621 Trainer from the Board of Certification, Inc., and who is employed  
622 by a local school board or the State Board of Education as an



623 athletic trainer and not as an administrator. The licensed  
624 athletic trainer shall submit documentation to the State  
625 Department of Education that the certificate was received before  
626 October 15 in order to be eligible for the full salary supplement  
627 in the current school year, or the licensed athletic trainer shall  
628 submit the documentation to the State Department of Education  
629 before February 15 in order to be eligible for a prorated salary  
630 supplement beginning with the second term of the school year.

631 (b) An employee shall be reimbursed for the actual cost  
632 of completing each component of acquiring the certificate or  
633 endorsement, excluding any costs incurred for postgraduate  
634 courses, not to exceed Five Hundred Dollars (\$500.00) for each  
635 component, not to exceed four (4) components, for a teacher,  
636 school counselor or speech-language pathologist and audiologist,  
637 regardless of whether or not the process resulted in the award of  
638 the certificate or endorsement. A local school district or any  
639 private individual or entity may pay the cost of completing the  
640 process of acquiring the certificate or endorsement for any  
641 employee of the school district described under paragraph (a), and  
642 the State Department of Education shall reimburse the school  
643 district for such cost, regardless of whether or not the process  
644 resulted in the award of the certificate or endorsement. If a  
645 private individual or entity has paid the cost of completing the  
646 process of acquiring the certificate or endorsement for an  
647 employee, the local school district may agree to directly



648 reimburse the individual or entity for such cost on behalf of the  
649 employee.

650 (c) All salary supplements, fringe benefits and process  
651 reimbursement authorized under this subsection shall be paid  
652 directly by the State Department of Education to the local school  
653 district and shall be in addition to its adequate education  
654 program allotments and not a part thereof in accordance with  
655 regulations promulgated by the State Board of Education. Local  
656 school districts shall not reduce the local supplement paid to any  
657 employee receiving such salary supplement, and the employee shall  
658 receive any local supplement to which employees with similar  
659 training and experience otherwise are entitled. However, an  
660 educational employee shall receive the salary supplement in the  
661 amount of Six Thousand Dollars (\$6,000.00) for only one (1) of the  
662 qualifying certifications authorized under paragraph (a) of this  
663 subsection. No school district shall provide more than one (1)  
664 annual salary supplement under the provisions of this subsection  
665 to any one (1) individual employee holding multiple qualifying  
666 national certifications.

667 (d) If an employee for whom such cost has been paid, in  
668 full or in part, by a local school district or private individual  
669 or entity fails to complete the certification or endorsement  
670 process, the employee shall be liable to the school district or  
671 individual or entity for all amounts paid by the school district



672 or individual or entity on behalf of that employee toward his or  
673 her certificate or endorsement.

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

678 Effective July 1, 2016, if funds are available for that  
679 purpose, any licensed teacher who has met the requirements and  
680 acquired a Master Teacher Certificate from the National Board for  
681 Professional Teaching Standards and who is employed in a public  
682 school district located in one (1) of the following counties:  
683 Claiborne, Adams, Jefferson, Wilkinson, Amite, Bolivar, Coahoma,  
684 Leflore, Quitman, Sharkey, Issaquena, Sunflower, Washington,  
685 Holmes, Yazoo and Tallahatchie. The salary supplement awarded  
686 under the provisions of this subsection (3) shall be in addition  
687 to the salary supplement awarded under the provisions of  
688 subsection (2) of this section.

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

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



697 the minimum base pay described in this section, only after full  
698 funding of MAEP and if funds are available for that purpose, the  
699 State of Mississippi may provide monies from state funds to school  
700 districts for the purposes of rewarding licensed teachers,  
701 administrators and nonlicensed personnel at individual schools  
702 showing improvement in student test scores. The MPBP plan shall  
703 be developed by the State Department of Education based on the  
704 following criteria:

705 (i) It is the express intent of this legislation  
706 that the MPBP plan shall utilize only existing standards of  
707 accreditation and assessment as established by the State Board of  
708 Education.

709 (ii) To ensure that all of Mississippi's teachers,  
710 administrators and nonlicensed personnel at all schools have equal  
711 access to the monies set aside in this section, the MPBP program  
712 shall be designed to calculate each school's performance as  
713 determined by the school's increase in scores from the prior  
714 school year. The MPBP program shall be based on a standardized  
715 scores rating where all levels of schools can be judged in a  
716 statistically fair and reasonable way upon implementation. At the  
717 end of each year, after all student achievement scores have been  
718 standardized, the State Department of Education shall implement  
719 the MPBP plan.

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



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

727 (b) The State Board of Education shall develop the  
728 processes and procedures for designating schools eligible to  
729 participate in the MPBP. State assessment results, growth in  
730 student achievement at individual schools and other measures  
731 deemed appropriate in designating successful student achievement  
732 shall be used in establishing MPBP criteria.

733 (5) (a) If funds are available for that purpose, each  
734 school in Mississippi shall have mentor teachers, as defined by  
735 Sections 37-9-201 through 37-9-213, who shall receive additional  
736 base compensation provided for by the State Legislature in the  
737 amount of One Thousand Dollars (\$1,000.00) per each beginning  
738 teacher that is being mentored. The additional state compensation  
739 shall be limited to those mentor teachers that provide mentoring  
740 services to beginning teachers. For the purposes of such funding,  
741 a beginning teacher shall be defined as any teacher in any school  
742 in Mississippi that has less than one (1) year of classroom  
743 experience teaching in a public school. For the purposes of such  
744 funding, no full-time academic teacher shall mentor more than two  
745 (2) beginning teachers.



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

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

753                   **SECTION 5.** This act shall take effect and be in force from  
754 and after July 1, 2024.

