

By: Representatives Shanks, McLean

To: Education

HOUSE BILL NO. 765
(As Sent to Governor)

1 AN ACT TO REENACT SECTIONS 37-159-1, 37-159-5, 37-159-7,
2 37-159-9, 37-159-11, 37-159-13 AND 37-159-17, MISSISSIPPI CODE OF
3 1972, WHICH CONSTITUTE THE MISSISSIPPI CRITICAL TEACHER SHORTAGE
4 ACT OF 1998 AND INCLUDE THE UNIVERSITY ASSISTED TEACHER
5 RECRUITMENT AND RETENTION GRANT PROGRAM, THE MISSISSIPPI
6 EMPLOYER-ASSISTED HOUSING TEACHER PROGRAM, AND A PILOT PROGRAM TO
7 PROVIDE FOR THE CONSTRUCTION OF RENTAL HOUSING FOR TEACHERS IN THE
8 WEST TALLAHATCHIE SCHOOL DISTRICT; TO AMEND SECTION 37-159-19,
9 MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON
10 THE MISSISSIPPI CRITICAL TEACHER SHORTAGE ACT OF 1998; TO AMEND
11 SECTION 37-106-36, MISSISSIPPI CODE OF 1972, TO REVISE THE AWARD
12 CRITERIA OF THE WILLIAM F. WINTER AND JACK REED, SR., TEACHER LOAN
13 REPAYMENT PROGRAM; TO PROVIDE THAT THE STATE FINANCIAL AID BOARD
14 SHALL DEVELOP RULES FOR ENSURING THAT EXPENSES OF THE PROGRAM IN A
15 FISCAL YEAR DO NOT EXCEED FUNDING FOR THE PROGRAM IN THAT FISCAL
16 YEAR; TO PROVIDE THAT THE STATE FINANCIAL AID BOARD MAY LIMIT THE
17 ACCEPTANCE OF APPLICATIONS AND MAY LIMIT THE NUMBER OF AWARDS; TO
18 CREATE NEW SECTION 25-11-126, MISSISSIPPI CODE OF 1972, TO PROVIDE
19 THAT PERSONS WHO HAVE AT LEAST 30 YEARS OF CREDITABLE SERVICE IN
20 THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM, WHO WERE EMPLOYED AS
21 PUBLIC SCHOOL TEACHERS AT THE TIME OF THEIR RETIREMENT AND WHO
22 HAVE BEEN RETIRED AT LEAST 90 DAYS AND RECEIVING A RETIREMENT
23 ALLOWANCE, MAY BE EMPLOYED AS TEACHERS IN CERTAIN PUBLIC SCHOOL
24 DISTRICTS AFTER THEIR RETIREMENT AND RECEIVE A RETIREMENT
25 ALLOWANCE FROM THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM DURING
26 THEIR EMPLOYMENT AS TEACHERS IN ADDITION TO A SET SALARY; TO
27 PROVIDE THAT SUCH RETIRED TEACHERS SHALL BE ELIGIBLE TO RETURN TO
28 TEACHING AND CONTINUE TO RECEIVE A RETIREMENT BENEFIT FOR A TOTAL
29 OF FIVE YEARS; TO STIPULATE THE AMOUNT TO BE PAID BY SCHOOL
30 DISTRICTS, WHICH AVAIL THEMSELVES OF REEMPLOYING RETIRED TEACHERS
31 TO PERS; TO PROVIDE THAT ANY TIME WORKED BY A RETIRED TEACHER IN A
32 SCHOOL DISTRICT THAT IS LESS THAN A FULL CONTRACTUAL TERM OF
33 TRADITIONAL TEACHERS SHALL CONSTITUTE ONE OF THE FIVE YEARS OF
34 POST-RETIREMENT TEACHING ELIGIBILITY AND THE SALARY AUTHORIZED FOR



35 SUCH INDIVIDUAL SHALL BE PRORATED FOR ANY TIME WORKED LESS THAN A
36 FULL ACADEMIC YEAR; TO PROVIDE THAT A RETIRED TEACHER SHALL NOT BE
37 RESTRICTED TO TEACHING IN ONE SCHOOL DISTRICT FOR HIS OR HER
38 PERIOD OF POST-RETIREMENT TEACHING ELIGIBILITY; TO PROVIDE THAT
39 SCHOOL DISTRICTS MAY EMPLOY RETIRED TEACHERS BASED ON CERTAIN
40 CRITICAL TEACHER SHORTAGE CRITERIA DEVELOPED BY THE DEPARTMENT OF
41 EDUCATION; TO AMEND SECTION 37-19-7, MISSISSIPPI CODE OF 1972, TO
42 PROVIDE THAT THE MINIMUM SALARY FOR RETIRED TEACHERS RETURNING TO
43 THE CLASSROOM; TO ALLOW RETIRED TEACHERS WHO HAD RECEIVED NATIONAL
44 BOARD CERTIFICATION PRIOR TO RETIREMENT TO CONTINUE RECEIVING THE
45 ANNUAL SUPPLEMENT FOR SUCH CERTIFICATION; TO AMEND SECTIONS
46 25-11-123 AND 25-11-127, MISSISSIPPI CODE OF 1972, IN CONFORMITY
47 THERETO; TO AMEND SECTION 37-41-27, MISSISSIPPI CODE OF 1972, TO
48 AUTHORIZE SCHOOL BOARDS TO ALLOW MOTOR VEHICLES OTHER THAN SCHOOL
49 BUSES TO BE USED TO TRANSPORT SMALL GROUPS OF STUDENTS FOR
50 SCHOOL-RELATED ACTIVITIES; AND FOR RELATED PURPOSES.

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

52 **SECTION 1.** Section 37-159-1, Mississippi Code of 1972, is
53 reenacted as follows:

54 37-159-1. Sections 37-159-1 through 37-159-19 shall be known
55 and may be cited as the "Mississippi Critical Teacher Shortage Act
56 of 1998."

57 **SECTION 2.** Section 37-159-5, Mississippi Code of 1972, is
58 reenacted as follows:

59 37-159-5. The State Board of Education shall prescribe rules
60 and regulations which, subject to available appropriations, allow
61 for reimbursement to the state licensed teachers, from both in
62 state and out of state, who enter into a contract for employment
63 in a school district situated within a geographical area of the
64 state where there exists a critical shortage of teachers, as
65 designated by the State Board of Education, for the expense of
66 moving when the employment necessitates the relocation of the
67 teacher to a different geographical area than that in which the



68 teacher resides before entering into such contract. In order to
69 be eligible for the reimbursement, the teacher must apply to the
70 local district and the district must obtain the prior approval
71 from the department for reimbursement before the relocation
72 occurs. If the reimbursement is approved, the department shall
73 provide funds to the school district to reimburse the teacher an
74 amount not to exceed One Thousand Dollars (\$1,000.00) for the
75 documented actual expenses incurred in the course of relocating,
76 including the expense of any professional moving company or
77 persons employed to assist with the move, rented moving vehicles
78 or equipment, mileage in the amount authorized for state employees
79 under Section 25-3-41 if the teacher used his personal vehicle or
80 vehicles for the move, meals and such other expenses associated
81 with the relocation in accordance with the department's
82 established rules and regulations. No teacher may be reimbursed
83 for moving expenses under this section on more than one (1)
84 occasion.

85 Nothing in this section shall be construed to require the
86 actual residence to which the teacher relocates to be within the
87 boundaries of the school district which has executed a contract
88 for employment with the teacher or within the boundaries of the
89 area designated by the State Board of Education as the critical
90 teacher shortage area in order for the teacher to be eligible for
91 reimbursement for his moving expenses. However, teachers must
92 relocate within the boundaries of the State of Mississippi.



93 **SECTION 3.** Section 37-159-7, Mississippi Code of 1972, is
94 reenacted as follows:

95 37-159-7. The school board of any school district situated
96 within a geographical area of the state where there exists a
97 critical shortage of teachers, as designated by the State Board of
98 Education, in its discretion, may reimburse persons who interview
99 for employment as a licensed teacher with the district for the
100 mileage and other actual expenses incurred in the course of travel
101 to and from the interview by such persons at the rate authorized
102 for county and municipal employees under Section 25-3-41. Any
103 reimbursement by a school board under this section shall be paid
104 from funds other than adequate education program funds.

105 **SECTION 4.** Section 37-159-9, Mississippi Code of 1972, is
106 reenacted as follows:

107 37-159-9. (1) There is established the University Assisted
108 Teacher Recruitment and Retention Grant Program within the State
109 Department of Education. The purposes of the program shall be to
110 attract additional qualified teachers to those geographical areas
111 of the state where there exists a critical shortage of teachers
112 and to retain the qualified teachers already serving as licensed
113 teachers in geographical critical teacher shortage areas by making
114 available scholarships to persons working towards a Master of
115 Education degree or an Educational Specialist degree at an
116 institution of higher learning whose teacher education program is
117 approved by the State Board of Education.



118 (2) Any institution of higher learning in the State of
119 Mississippi which offers a Master of Education degree or an
120 Educational Specialist degree may apply to the department for
121 participation in the program. As part of the program,
122 participating institutions shall collaborate with the Mississippi
123 Teacher Center to identify, recruit and place teacher education
124 graduates, from both within the state and out of state, in school
125 districts situated within those areas of the state where there
126 exists a critical shortage of teachers, as designated by the State
127 Board of Education.

128 (3) The State Department of Education shall provide funds to
129 participating institutions of higher learning for the purpose of
130 awarding scholarships to qualified persons pursuing a Master of
131 Education degree or an Educational Specialist degree at such
132 institutions while rendering service to the state as a licensed
133 teacher in a school district in a geographical area of the state
134 where there exists a critical shortage of teachers, as approved by
135 the State Board of Education. The financial scholarship shall be
136 applied to the total cost for tuition, books, materials and fees
137 at the institution in which the student is enrolled, not to exceed
138 an amount equal to the highest total cost of tuition, books,
139 materials and fees assessed by a state institution of higher
140 learning during that school year. Teachers who relocate within
141 Mississippi from out of state in order to participate in the



142 program shall be classified as residents of the state for tuition
143 purposes.

144 (4) Students awarded financial scholarships under the
145 University Assisted Teacher Recruitment and Retention Grant
146 Program may receive such awards for a maximum of four (4) school
147 years; however, the maximum number of awards which may be made
148 shall not exceed the length of time required to complete the
149 number of academic hours necessary to obtain a Master of Education
150 degree or an Educational Specialist degree. Financial
151 scholarships under the program shall not be based upon an
152 applicant's eligibility for financial aid.

153 (5) Persons relocating to a geographical area of the state
154 where there exists a critical shortage of teachers, as approved by
155 the State Board of Education, to participate in the University
156 Assisted Teacher Recruitment and Retention Grant Program shall be
157 eligible for reimbursement for their moving expenses to the
158 critical teacher shortage area from the State Board of Education.
159 The State Board of Education shall promulgate rules and
160 regulations necessary for the administration of the relocation
161 expense reimbursement component of the University Assisted Teacher
162 Recruitment and Retention Grant Program.

163 (6) Subject to the availability of funds, the State Board of
164 Education may provide for professional development and support
165 services as may be necessary for the retention of teachers



166 participating in the program in those geographical areas of the
167 state where there exists a critical shortage of teachers.

168 (7) Any person participating in the program who fails to
169 complete a program of study that will enable that person to obtain
170 a Master of Education degree or Educational Specialist degree
171 shall become liable immediately to the State Board of Education
172 for the sum of all awards made to that person under the program,
173 plus interest accruing at the current Stafford Loan rate at the
174 time the person abrogates his participation in the program.

175 (8) As a condition for participation in the program, a
176 teacher shall agree to employment as a licensed teacher in a
177 school district located in a geographical area of the state where
178 there exists a critical shortage of teachers, as designated by the
179 State Board of Education, for a period of not less than three (3)
180 years, which shall include those years of service rendered while
181 obtaining the Master of Education degree or Educational Specialist
182 degree. However, for any person who obtained a Baccalaureate
183 degree in education with a financial scholarship under the
184 Critical Needs Teacher Scholarship Program and who entered the
185 University Assisted Teacher Recruitment and Retention Grant
186 Program before rendering service as a teacher, the period of
187 employment for the purposes of this subsection shall be two (2)
188 years, in addition to the employment commitment required under the
189 Critical Needs Teacher Scholarship Program. Service rendered by a
190 participant as a licensed teacher in a school district in a



191 geographical critical teacher shortage area before that teacher
192 becomes a participant in the program may not be considered to
193 fulfill the employment commitment required under this subsection.
194 Any person failing to comply with this employment commitment in
195 any required school year shall immediately be in breach of
196 contract and become liable immediately to the State Department of
197 Education for the sum of all scholarships awarded and relocation
198 expenses granted to that person, less one-third (1/3) of the
199 amount of that sum for each year that service was rendered, or for
200 those persons whose required period of employment is two (2)
201 years, less one-half (1/2) of the amount of that sum for each year
202 that service was rendered, plus interest accruing at the current
203 Stafford Loan rate at the time the breach occurs, except in the
204 case of a deferral for cause by the State Board of Education when
205 there is no employment position immediately available upon the
206 teacher's obtaining of the Master of Education degree or
207 Educational Specialist degree. After the period of such deferral,
208 the person shall begin or resume the required teaching duties or
209 shall become liable to the board under this subsection. If a
210 claim for repayment under this subsection is placed in the hands
211 of an attorney for collection after default, then the obligor
212 shall be liable for an additional amount equal to a reasonable
213 attorney's fee.

214 (9) All funds received by the State Department of Education
215 from the repayment of scholarship awards and relocation expenses



216 by program participants shall be deposited in the Mississippi
217 Critical Teacher Shortage Fund.

218 (10) The State Board of Education shall promulgate rules and
219 regulations necessary for the proper administration of the
220 University Assisted Teacher Recruitment and Retention Grant
221 Program.

222 **SECTION 5.** Section 37-159-11, Mississippi Code of 1972, is
223 reenacted as follows:

224 37-159-11. (1) There is established the Mississippi
225 Employer-Assisted Housing Teacher Program, which shall be a
226 special home loan program for eligible licensed teachers who
227 render service to the state in a geographical area of the state
228 where there exists a critical shortage of teachers, as designated
229 by the State Board of Education. The home loan program shall be
230 administered by the State Department of Education. The department
231 may contract with one or more public or private entities to
232 provide assistance in implementing and administering the program.
233 The State Board of Education shall adopt rules and regulations
234 regarding the implementation and administration of the program.

235 (2) Participation in the loan program shall be available to
236 any licensed teacher who renders service in a geographical area of
237 the state where there exists a critical shortage of teachers, as
238 designated by the State Board of Education. Any person who
239 receives a loan under the program shall be required to purchase a
240 house and reside in a county in which the school district for



241 which the teacher is rendering service, or any portion of the
242 school district, is located. The maximum amount of a loan that
243 may be made under the program to any person shall be Six Thousand
244 Dollars (\$6,000.00).

245 (3) Any loan made under the program to a person who actually
246 renders service as a teacher in a geographical area of the state
247 where there exists a critical shortage of teachers, as designated
248 by the State Board of Education, shall be converted to an
249 interest-free grant on the basis of one (1) year's service for
250 one-third (1/3) of the amount of the loan. Any person who does
251 not render three (3) years' service as a teacher in a geographical
252 area of the state where there exists a critical shortage of
253 teachers, as designated by the State Board of Education, shall be
254 liable to the State Department of Education for one-third (1/3) of
255 the amount of the loan for each year that he does not render such
256 service, plus interest accruing at the current Stafford Loan rate
257 at the time the person discontinues his service. If a claim for
258 repayment under this subsection is placed in the hands of an
259 attorney for collection, the obligor shall be liable for an
260 additional amount equal to a reasonable attorney's fee.

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

264 **SECTION 6.** Section 37-159-13, Mississippi Code of 1972, is
265 reenacted as follows:



266 37-159-13. (1) There is established a pilot program to
267 provide for the construction of rental housing units for teachers
268 in the West Tallahatchie School District, which pilot program
269 shall be administered by the State Department of Education. The
270 department may contract with one or more public or private
271 entities to provide assistance in implementing and administering
272 the program. The State Board of Education shall adopt rules and
273 regulations regarding the implementation and administration of the
274 program.

275 (2) The West Tallahatchie School District shall receive
276 proposals from developers for the construction of the rental
277 housing units, and submit its recommendation to the State
278 Department of Education about which developer should construct the
279 units. The department shall make the final determination about
280 the developer that will construct the units.

281 (3) After selection of the developer, the department shall
282 loan the developer not more than Two Hundred Thousand Dollars
283 (\$200,000.00) for construction of the units. The interest rate on
284 the loan shall be equal to one percent (1%) below the discount
285 rate at the Federal Reserve Bank in the Federal Reserve district
286 in which the school district is located, and the loan shall be
287 repaid in not more than fifteen (15) years, as determined by the
288 department. All funds received by the department as repayment of
289 the principal and interest of the loan shall be deposited in the
290 Mississippi Critical Teacher Shortage Fund. If a claim against



291 the developer for repayment is placed in the hands of an attorney
292 for collection, the obligor shall be liable for an additional
293 amount equal to a reasonable attorney's fee.

294 (4) The developer shall operate the rental housing units.
295 For a period of ten (10) years or until such time as the loan to
296 the developer is repaid, whichever is longer, the priority for
297 residence in the units shall be given first to teachers employed
298 by the school district, then to other licensed school district
299 employees, and then to any other school district employees.

300 **SECTION 7.** Section 37-159-17, Mississippi Code of 1972, is
301 reenacted as follows:

302 37-159-17. There is established in the State Treasury a
303 special fund to be designated the "Mississippi Critical Teacher
304 Shortage Fund," into which shall be deposited those funds
305 appropriated by the Legislature, and any other funds that may be
306 made available, for the purpose of implementing the programs
307 established under Sections 37-159-5, 37-9-77, 37-3-91 and 37-159-9
308 through 37-159-13. Money in the fund at the end of a fiscal year
309 shall not lapse into the General Fund, and interest earned on any
310 amounts deposited into the fund shall be credited to the special
311 fund.

312 **SECTION 8.** Section 37-159-19, Mississippi Code of 1972, is
313 amended as follows:

314 37-159-19. Sections 37-159-1 through 37-159-17 shall stand
315 repealed on July 1, * * * 2027.



316 **SECTION 9.** Section 37-106-36, Mississippi Code of 1972, is
317 amended as follows:

318 37-106-36. (1) There is established the "William F. Winter
319 and Jack Reed, Sr., Teacher Loan Repayment Program."

320 (2) Subject to the availability of funds, an eligible
321 applicant for an initial award must have:

322 (a) Graduated from a baccalaureate degree-granting
323 institution of higher learning which is regionally accredited by
324 the Southern Association of Colleges and Schools (SACS) or a
325 comparable accreditation body;

326 (b) Signed a contract as a full-time * * * teacher in a
327 public school district in Mississippi;

328 (c) Obtained a standard five-year license or a
329 nontraditional five-year alternate route license. Persons with
330 provisional emergency licenses shall not be eligible applicants;
331 and

332 (d) Outstanding qualifying undergraduate or graduate
333 educational loans, which may include the principal, interest and
334 related expenses such as the required interest premium on the
335 unpaid balances of government and commercial loans obtained by the
336 recipient for undergraduate educational expense.

337 (3) Persons who have received funds from other forgivable
338 loan programs established for teachers under Mississippi law, or
339 who are presently in default or delinquent on any federal, state,



340 local or commercial qualifying educational loan, shall not be
341 eligible for this program.

342 (4) Provided that initial recipients remain eligible under
343 the provisions of subsection (2) of this section, they may retain
344 eligibility for two (2) additional awards, subject to the
345 availability of funds.

346 (* * *5) Initial recipients shall be selected on a
347 first-come, first-served basis of all eligible applicants, * * *
348 subject to the availability of funds. In the second and * * *
349 third years of an applicant's continued eligibility, priority
350 consideration shall first be given to renewal applicants. * * *
351 The State Financial Aid Board shall develop rules for ensuring
352 that expenses of the program in a fiscal year do not exceed
353 funding for the program in that fiscal year. For that purpose,
354 and any other provision of this section to the contrary
355 notwithstanding, the State Financial Aid Board may limit the
356 acceptance of applications and may limit the number of awards.

357 (* * *6) Among * * * teacher recipients, priority
358 consideration shall be given to persons who are teaching in a
359 public school district designated as a geographical critical
360 teacher shortage area by the State Board of Education.

361 (* * *7) Awards for recipients who have signed a contract
362 to teach in a public school district that is not designated as a
363 geographical critical teacher shortage area shall be as follows:



364 (a) One Thousand Five Hundred Dollars (\$1,500.00) for
365 the * * * initial award;

366 (b) Two Thousand Five Hundred Dollars (\$2,500.00) for
367 the second * * * award; and

368 (c) Three Thousand Five Hundred Dollars (\$3,500.00) for
369 the third * * * award.

370 (* * * 8) Awards for recipients who have signed a contract
371 to teach in a public school district that is designated as a
372 geographical critical teacher shortage area shall be as follows:

373 (a) Four Thousand Dollars (\$4,000.00) for the * * *
374 initial award;

375 (b) Five Thousand Dollars (\$5,000.00) for the
376 second * * * award, provided the recipient continues to teach in
377 the same public school district or another public school district
378 designated a geographical shortage area by the State Board of
379 Education; and

380 (c) Six Thousand Dollars (\$6,000.00) for the
381 third * * * award, provided the recipient continues to teach in
382 the same public school district or another public school district
383 designated a geographical shortage area by the State Board of
384 Education.

385 (* * * 9) * * * An initial recipient who moves to another
386 public school district shall be eligible to receive an award based
387 on the amount allowed under the program in the new district where
388 the teacher is employed.



389 (* * *10) Awards shall be granted on a year-to-year basis,
390 and recipients shall have no obligation to seek a future award.

391 (* * *11) Awards shall be paid annually, after the
392 expiration of the one-year teaching contract for which the award
393 was granted, to the recipient's lender or loan service provider,
394 and shall be applied to the outstanding balance. Monies paid on
395 the recipient's behalf toward qualifying undergraduate or graduate
396 educational loans prior to receiving payment of the award shall
397 not be eligible for repayment through the program.

398 (* * *12) During the teaching year for which the award is
399 granted, a recipient must at all times keep the State Financial
400 Aid Board informed of any changes to the recipient's current
401 contact information and employment status.

402 (* * *13) Recipients who fail to maintain a standard or
403 nontraditional license or fail to fulfill the one-year teaching
404 contract on which the award was based shall forfeit any right to
405 the award.

406 (* * *14) The State Financial Aid Board, in collaboration
407 with the State Board of Education, shall track recipients of an
408 award under this program through * * * the fourth year after
409 receiving their initial award, unless the recipient shall leave
410 teaching in a public school district at an earlier date. Data
411 collected shall include recipients' undergraduate or graduate
412 institution, school district, subject area/grade level in teaching



413 and any other pertinent information necessary to determine the
414 efficacy of the program in retaining teachers * * *.

415 (* * *15) The State Financial Aid Board shall promulgate
416 regulations necessary for the proper administration of this
417 section, including rules for ensuring that expenses of the program
418 in a fiscal year do not exceed funding for the program in that
419 fiscal year.

420 (* * *16) There is established in the State Treasury a
421 special fund to be designated the "William F. Winter and Jack
422 Reed, Sr., Loan Repayment Program Fund," into which shall be
423 deposited those funds appropriated by the Legislature, and any
424 other funds that may be made available, for the purpose of
425 implementing the loan repayment program established herein. Money
426 in the fund at the end of the fiscal year shall not lapse into the
427 General Fund, and interest earned on any amounts deposited into
428 the fund shall be credited to the special fund.

429 (* * *17) This section shall stand repealed on July
430 1, * * * 2028.

431 **SECTION 10.** The following shall be codified as Section
432 25-11-126, Mississippi Code of 1972:

433 25-11-126. (1) Any person who has at least thirty (30)
434 years of creditable service, who was employed as a public school
435 teacher at the time of his or her retirement, has been retired at
436 least ninety (90) days and is receiving a retirement allowance,
437 and holds a standard teaching license in Mississippi, may be



438 employed as a teacher in a public school district after
439 retirement, and choose to continue receiving the retirement
440 allowance under this article during his or her employment as a
441 teacher after retirement in addition to receiving the salary
442 authorized under this section, along with the local contribution
443 of the school district in which the retiree is employed, at the
444 discretion of the school district. Any teacher who has retired
445 with at least twenty-five (25) years of creditable service as of
446 July 1, 2024, may also participate in this program if the teacher
447 otherwise qualifies under this act.

448 (2) A retired teacher may only be hired to teach in a school
449 district designated by the Department of Education as having
450 critical shortages and/or critical subject-area shortages, and
451 shall hold the related standard teaching license and/or
452 endorsements to teach in the subject area. The base compensation
453 authorized for returning retired teachers under Section 37-19-7
454 shall not be graduated annually in the same manner as teachers who
455 are employed by a school district under traditional employment
456 guidelines, but shall remain static for the entirety of his or her
457 eligible teaching period as a retired teacher.

458 (3) (a) A retired teacher may be employed as a teacher,
459 continue receiving his or her retirement allowance and be a
460 contributing member of the system without accruing additional
461 retirement benefits for a total of five (5) years, which may be
462 performed consecutively or intermittently. This method is



463 designed specifically to provide funding for the system to
464 actuarially offset any pension liability created by this act.
465 Each school district hiring retired teachers under the authority
466 of this section, shall make a direct payment to PERS, which shall
467 serve as pension liability participation assessment. The pension
468 liability participation assessment and the retired teacher's
469 salary for returning to work shall be determined as follows:

470 (i) A school district shall rely on the salary
471 schedule in Section 37-19-7 in considering the salary for a
472 retired teacher; provided, however, that the school district may
473 allocate up to one hundred and twenty-five percent (125%) of the
474 amount provided under the salary schedule comparable to the
475 teacher's years of service and license type as salary and
476 assessment under the program.

477 (ii) After determining the retired teacher's
478 compensation, the school district may pay no more than fifty
479 percent (50%) of the retired teacher's compensation as salary to
480 the retired teacher; and

481 (iii) The remaining fifty percent (50%) of the
482 retired teacher's compensation as salary shall be paid by the
483 school district to PERS as a pension liability participation
484 assessment.

485 (b) If a retired teacher, reemployed under the
486 authority of this section, works in a school district for any
487 portion of a scholastic year less than a full contractual term of



488 traditional teachers, the time worked by the retired teacher shall
489 constitute one (1) of the five (5) years of post retirement
490 teaching eligibility. A retired teacher, under the authority of
491 this section, shall be entitled to work in any applicable school
492 district and shall not be obligated to remain in any one (1)
493 school district for the entirety of his or her post retirement
494 teaching eligibility, but shall be cumulative in nature so as not
495 to exceed five (5) years. The salary authorized under Section
496 37-19-7 for retired teachers shall be prorated for any period
497 worked by the retired teacher that is less than one (1) full
498 academic year.

499 (c) The State Department of Education shall transfer to
500 the system the Mississippi Adequate Education Program funds of
501 local school districts that on or after July 1, 2024, hire retired
502 members as teachers under this section and other funds that
503 otherwise would have been payable to the districts if the
504 districts had not taken advantage of this section. The crediting
505 of assets and financing shall follow the provisions of Section
506 25-11-123.

507 (d) Local educational agencies shall transfer to the
508 system Mississippi Adequate Education Program funds of local
509 school districts that on or after July 1, 2024, hire retired
510 members as teachers under this section and other funds that
511 otherwise would have been payable to the districts if the



512 districts had not taken advantage of this section. The crediting
513 of assets and financing must follow the provisions of Section
514 25-11-123.

515 (4) Under the authority of this section, school districts
516 may employ retired teachers based on criteria established by the
517 department of education for critical teacher shortage areas and
518 critical subject-matter areas. A school district that is not
519 within a critical teacher shortage area may employ teachers for
520 critical subject-matter areas.

521 (5) A person may be hired under this section subject to the
522 following conditions:

523 (a) The retired member holds any teacher's professional
524 license or certificate as may be required in Section 37-3-2, and
525 holds the related standard teaching license and/or endorsements to
526 teach in the applicable subject area;

527 (b) The superintendent of the employing school district
528 certifies in writing to the State Department of Education that the
529 retired member has the requisite experience, training and
530 expertise for the position to be filled;

531 (c) The superintendent of the school district certifies
532 or the principal of the school certifies that there was no
533 preexisting arrangement for the person to be hired;

534 (d) The person had a satisfactory performance review
535 for the most recent period before retirement; and



536 (e) The person is hired to teach in a critical
537 subject-matter area or in a critical teacher shortage area.

538 (6) The State Superintendent of Public Education shall
539 report the persons who are employed under this section to the
540 Executive Director of the Public Employees' Retirement System.

541 (7) The department of education shall promulgate regulations
542 that prescribe a salary schedule that reflects the provisions of
543 this act. Each school district shall create a policy, approved by
544 the local school board, related to the hiring of retired teachers
545 and including, but not limited to, the hiring of full- and
546 part-time retired teacher employees under this section and Section
547 25-11-127.

548 (8) Any retired teacher who returns to work in accordance
549 with this section shall not be eligible to return to work under
550 the provisions of Section 25-11-127.

551 **SECTION 11.** Section 37-19-7, Mississippi Code of 1972, is
552 amended as follows:

553 37-19-7. (1) The allowance in the Mississippi Adequate
554 Education Program for teachers' salaries in each public school
555 district shall be determined and paid in accordance with the scale
556 for teachers' salaries as provided in this subsection. For
557 teachers holding the following types of licenses or the equivalent
558 as determined by the State Board of Education, and the following
559 number of years of teaching experience, the scale shall be as
560 follows:



561 **2022-2023 AND SUBSEQUENT SCHOOL YEARS MINIMUM SALARY SCHEDULE**

562	Exp.	AAAA	AAA	AA	A
563	0	45,500.00	44,000.00	43,000.00	41,500.00
564	1	46,100.00	44,550.00	43,525.00	41,900.00
565	2	46,700.00	45,100.00	44,050.00	42,300.00
566	3	47,300.00	45,650.00	44,575.00	42,700.00
567	4	47,900.00	46,200.00	45,100.00	43,100.00
568	5	49,250.00	47,500.00	46,350.00	44,300.00
569	6	49,850.00	48,050.00	46,875.00	44,700.00
570	7	50,450.00	48,600.00	47,400.00	45,100.00
571	8	51,050.00	49,150.00	47,925.00	45,500.00
572	9	51,650.00	49,700.00	48,450.00	45,900.00
573	10	53,000.00	51,000.00	49,700.00	47,100.00
574	11	53,600.00	51,550.00	50,225.00	47,500.00
575	12	54,200.00	52,100.00	50,750.00	47,900.00
576	13	54,800.00	52,650.00	51,275.00	48,300.00
577	14	55,400.00	53,200.00	51,800.00	48,700.00
578	15	56,750.00	54,500.00	53,050.00	49,900.00
579	16	57,350.00	55,050.00	53,575.00	50,300.00
580	17	57,950.00	55,600.00	54,100.00	50,700.00
581	18	58,550.00	56,150.00	54,625.00	51,100.00
582	19	59,150.00	56,700.00	55,150.00	51,500.00
583	20	60,500.00	58,000.00	56,400.00	52,700.00
584	21	61,100.00	58,550.00	56,925.00	53,100.00
585	22	61,700.00	59,100.00	57,450.00	53,500.00



586	23	62,300.00	59,650.00	57,975.00	53,900.00
587	24	62,900.00	60,200.00	58,500.00	54,300.00
588	25	65,400.00	62,700.00	61,000.00	56,800.00
589	26	66,000.00	63,250.00	61,525.00	57,200.00
590	27	66,600.00	63,800.00	62,050.00	57,600.00
591	28	67,200.00	64,350.00	62,575.00	58,000.00
592	29	67,800.00	64,900.00	63,100.00	58,400.00
593	30	68,400.00	65,450.00	63,625.00	58,800.00
594	31	69,000.00	66,000.00	64,150.00	59,200.00
595	32	69,600.00	66,550.00	64,675.00	59,600.00
596	33	70,200.00	67,100.00	65,200.00	60,000.00
597	34	70,800.00	67,650.00	65,725.00	60,400.00
598	35				
599	& above	71,400.00	68,200.00	66,250.00	60,800.00

2024-2025 AND SUBSEQUENT SCHOOL YEARS MINIMUM SALARY SCHEDULE

601 The school district, with assistance from the Department of
602 Education, shall consider the teacher's years of service and
603 license type and determine the corresponding salary for the
604 retired teacher. After determining the retired teacher's
605 corresponding salary, the school district may allocate up to one
606 hundred twenty-five percent (125%) of the amount provided under
607 the salary schedule for such teacher, as applicable, as salary and
608 assessment under the program.

609 After determining the retired teacher's salary, the school
610 district may pay no more than fifty percent (50%) of the retired



611 teacher's compensation as salary to the retired teacher. The
612 remaining fifty percent (50%) of the retired teacher's
613 compensation as salary shall be paid by the school district to
614 PERS as a pension liability participation assessment.

615 It is the intent of the Legislature that any state funds made
616 available for salaries of licensed personnel in excess of the
617 funds paid for such salaries for the 1986-1987 school year shall
618 be paid to licensed personnel pursuant to a personnel appraisal
619 and compensation system implemented by the State Board of
620 Education. The State Board of Education shall have the authority
621 to adopt and amend rules and regulations as are necessary to
622 establish, administer and maintain the system.

623 All teachers employed on a full-time basis shall be paid a
624 minimum salary in accordance with the above scale. However, no
625 school district shall receive any funds under this section for any
626 school year during which the local supplement paid to any
627 individual teacher shall have been reduced to a sum less than that
628 paid to that individual teacher for performing the same duties
629 from local supplement during the immediately preceding school
630 year. The amount actually spent for the purposes of group health
631 and/or life insurance shall be considered as a part of the
632 aggregate amount of local supplement but shall not be considered a
633 part of the amount of individual local supplement.

634 The level of professional training of each teacher to be used
635 in establishing the salary allotment for the teachers for each



636 year shall be determined by the type of valid teacher's license
637 issued to those teachers on or before October 1 of the current
638 school year. However, school districts are authorized, in their
639 discretion, to negotiate the salary levels applicable to licensed
640 employees who are receiving retirement benefits from the
641 retirement system of another state, and the annual experience
642 increment provided above in Section 37-19-7 shall not be
643 applicable to any such retired certificated employee.

644 (2) (a) The following employees shall receive an annual
645 salary supplement in the amount of Six Thousand Dollars
646 (\$6,000.00), plus fringe benefits, in addition to any other
647 compensation to which the employee may be entitled:

648 (i) Any licensed teacher or retired teacher
649 employed by a school district under the authority of Section
650 25-11-126 who has met the requirements and acquired a Master
651 Teacher certificate from the National Board for Professional
652 Teaching Standards and who is employed by a local school board or
653 the State Board of Education as a teacher and not as an
654 administrator. Such teacher shall submit documentation to the
655 State Department of Education that the certificate was received
656 prior to October 15 in order to be eligible for the full salary
657 supplement in the current school year, or the teacher shall submit
658 such documentation to the State Department of Education prior to
659 February 15 in order to be eligible for a prorated salary
660 supplement beginning with the second term of the school year.



661 (ii) A licensed nurse who has met the requirements
662 and acquired a certificate from the National Board for
663 Certification of School Nurses, Inc., and who is employed by a
664 local school board or the State Board of Education as a school
665 nurse and not as an administrator. The licensed school nurse
666 shall submit documentation to the State Department of Education
667 that the certificate was received before October 15 in order to be
668 eligible for the full salary supplement in the current school
669 year, or the licensed school nurse shall submit the documentation
670 to the State Department of Education before February 15 in order
671 to be eligible for a prorated salary supplement beginning with the
672 second term of the school year.

673 (iii) Any licensed school counselor who has met
674 the requirements and acquired a National Certified School
675 Counselor (NCSC) endorsement from the National Board of Certified
676 Counselors and who is employed by a local school board or the
677 State Board of Education as a counselor and not as an
678 administrator. Such licensed school counselor shall submit
679 documentation to the State Department of Education that the
680 endorsement was received prior to October 15 in order to be
681 eligible for the full salary supplement in the current school
682 year, or the licensed school counselor shall submit such
683 documentation to the State Department of Education prior to
684 February 15 in order to be eligible for a prorated salary
685 supplement beginning with the second term of the school year.



686 However, any school counselor who started the National Board for
687 Professional Teaching Standards process for school counselors
688 between June 1, 2003, and June 30, 2004, and completes the
689 requirements and acquires the Master Teacher certificate shall be
690 entitled to the master teacher supplement, and those counselors
691 who complete the process shall be entitled to a one-time
692 reimbursement for the actual cost of the process as outlined in
693 paragraph (b) of this subsection.

694 (iv) Any licensed speech-language pathologist and
695 audiologist who has met the requirements and acquired a
696 Certificate of Clinical Competence from the American
697 Speech-Language-Hearing Association and any certified academic
698 language therapist (CALT) who has met the certification
699 requirements of the Academic Language Therapy Association and who
700 is employed by a local school board. The licensed speech-language
701 pathologist and audiologist and certified academic language
702 therapist shall submit documentation to the State Department of
703 Education that the certificate or endorsement was received before
704 October 15 in order to be eligible for the full salary supplement
705 in the current school year, or the licensed speech-language
706 pathologist and audiologist and certified academic language
707 therapist shall submit the documentation to the State Department
708 of Education before February 15 in order to be eligible for a
709 prorated salary supplement beginning with the second term of the
710 school year.



711 (v) Any licensed athletic trainer who has met the
712 requirements and acquired Board Certification for the Athletic
713 Trainer from the Board of Certification, Inc., and who is employed
714 by a local school board or the State Board of Education as an
715 athletic trainer and not as an administrator. The licensed
716 athletic trainer shall submit documentation to the State
717 Department of Education that the certificate was received before
718 October 15 in order to be eligible for the full salary supplement
719 in the current school year, or the licensed athletic trainer shall
720 submit the documentation to the State Department of Education
721 before February 15 in order to be eligible for a prorated salary
722 supplement beginning with the second term of the school year.

723 (b) An employee shall be reimbursed for the actual cost
724 of completing each component of acquiring the certificate or
725 endorsement, excluding any costs incurred for postgraduate
726 courses, not to exceed Five Hundred Dollars (\$500.00) for each
727 component, not to exceed four (4) components, for a teacher,
728 school counselor or speech-language pathologist and audiologist,
729 regardless of whether or not the process resulted in the award of
730 the certificate or endorsement. A local school district or any
731 private individual or entity may pay the cost of completing the
732 process of acquiring the certificate or endorsement for any
733 employee of the school district described under paragraph (a), and
734 the State Department of Education shall reimburse the school
735 district for such cost, regardless of whether or not the process



736 resulted in the award of the certificate or endorsement. If a
737 private individual or entity has paid the cost of completing the
738 process of acquiring the certificate or endorsement for an
739 employee, the local school district may agree to directly
740 reimburse the individual or entity for such cost on behalf of the
741 employee.

742 (c) All salary supplements, fringe benefits and process
743 reimbursement authorized under this subsection shall be paid
744 directly by the State Department of Education to the local school
745 district and shall be in addition to its adequate education
746 program allotments and not a part thereof in accordance with
747 regulations promulgated by the State Board of Education. Local
748 school districts shall not reduce the local supplement paid to any
749 employee receiving such salary supplement, and the employee shall
750 receive any local supplement to which employees with similar
751 training and experience otherwise are entitled. However, an
752 educational employee shall receive the salary supplement in the
753 amount of Six Thousand Dollars (\$6,000.00) for only one (1) of the
754 qualifying certifications authorized under paragraph (a) of this
755 subsection. No school district shall provide more than one (1)
756 annual salary supplement under the provisions of this subsection
757 to any one (1) individual employee holding multiple qualifying
758 national certifications.

759 (d) If an employee for whom such cost has been paid, in
760 full or in part, by a local school district or private individual



761 or entity fails to complete the certification or endorsement
762 process, the employee shall be liable to the school district or
763 individual or entity for all amounts paid by the school district
764 or individual or entity on behalf of that employee toward his or
765 her certificate or endorsement.

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

770 Effective July 1, 2016, if funds are available for that
771 purpose, any licensed teacher or retired teacher employed by a
772 local school district under the authority of Section 25-11-126 who
773 has met the requirements and acquired a Master Teacher Certificate
774 from the National Board for Professional Teaching Standards and
775 who is employed in a public school district located in one (1) of
776 the following counties: Claiborne, Adams, Jefferson, Wilkinson,
777 Amite, Bolivar, Coahoma, Leflore, Quitman, Sharkey, Issaquena,
778 Sunflower, Washington, Holmes, Yazoo and Tallahatchie. The salary
779 supplement awarded under the provisions of this subsection (3)
780 shall be in addition to the salary supplement awarded under the
781 provisions of subsection (2) of this section.

782 Teachers who meet the qualifications for a salary supplement
783 under this subsection (3) who are assigned for less than one (1)
784 full year or less than full time for the school year shall receive
785 the salary supplement in a prorated manner, with the portion of



786 the teacher's assignment to the critical geographic area to be
787 determined as of June 15th of the school year.

788 (4) (a) This section shall be known and may be cited as the
789 "Mississippi Performance-Based Pay (MPBP)" plan. In addition to
790 the minimum base pay described in this section, only after full
791 funding of MAEP and if funds are available for that purpose, the
792 State of Mississippi may provide monies from state funds to school
793 districts for the purposes of rewarding licensed teachers,
794 administrators and nonlicensed personnel at individual schools
795 showing improvement in student test scores. The MPBP plan shall
796 be developed by the State Department of Education based on the
797 following criteria:

798 (i) It is the express intent of this legislation
799 that the MPBP plan shall utilize only existing standards of
800 accreditation and assessment as established by the State Board of
801 Education.

802 (ii) To ensure that all of Mississippi's teachers,
803 administrators and nonlicensed personnel at all schools have equal
804 access to the monies set aside in this section, the MPBP program
805 shall be designed to calculate each school's performance as
806 determined by the school's increase in scores from the prior
807 school year. The MPBP program shall be based on a standardized
808 scores rating where all levels of schools can be judged in a
809 statistically fair and reasonable way upon implementation. At the
810 end of each year, after all student achievement scores have been



811 standardized, the State Department of Education shall implement
812 the MPBP plan.

813 (iii) To ensure all teachers cooperate in the
814 spirit of teamwork, individual schools shall submit a plan to the
815 local school district to be approved before the beginning of each
816 school year beginning July 1, 2008. The plan shall include, but
817 not be limited to, how all teachers, regardless of subject area,
818 and administrators will be responsible for improving student
819 achievement for their individual school.

820 (b) The State Board of Education shall develop the
821 processes and procedures for designating schools eligible to
822 participate in the MPBP. State assessment results, growth in
823 student achievement at individual schools and other measures
824 deemed appropriate in designating successful student achievement
825 shall be used in establishing MPBP criteria.

826 (5) (a) If funds are available for that purpose, each
827 school in Mississippi shall have mentor teachers, as defined by
828 Sections 37-9-201 through 37-9-213, who shall receive additional
829 base compensation provided for by the State Legislature in the
830 amount of One Thousand Dollars (\$1,000.00) per each beginning
831 teacher that is being mentored. The additional state compensation
832 shall be limited to those mentor teachers that provide mentoring
833 services to beginning teachers. For the purposes of such funding,
834 a beginning teacher shall be defined as any teacher in any school
835 in Mississippi that has less than one (1) year of classroom



836 experience teaching in a public school. For the purposes of such
837 funding, no full-time academic teacher shall mentor more than two
838 (2) beginning teachers.

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

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

846 **SECTION 12.** Section 25-11-123, Mississippi Code of 1972, is
847 amended as follows:

848 25-11-123. All of the assets of the system shall be credited
849 according to the purpose for which they are held to one (1) of
850 four (4) reserves; namely, the annuity savings account, the
851 annuity reserve, the employer's accumulation account, and the
852 expense account.

853 (a) **Annuity savings account.** In the annuity savings
854 account shall be accumulated the contributions made by members to
855 provide for their annuities, including interest thereon which
856 shall be posted monthly. Credits to and charges against the
857 annuity savings account shall be made as follows:

858 (1) Beginning July 1, 2010, except as otherwise
859 provided in Section 25-11-126, the employer shall cause to be
860 deducted from the salary of each member on each and every payroll



861 of the employer for each and every payroll period nine percent
862 (9%) of earned compensation as defined in Section 25-11-103.
863 Future contributions shall be fixed biennially by the board on the
864 basis of the liabilities of the retirement system for the various
865 allowances and benefits as shown by actuarial valuation; however,
866 any member earning at a rate less than Sixteen Dollars and
867 Sixty-seven Cents (\$16.67) per month, or Two Hundred Dollars
868 (\$200.00) per year, shall contribute not less than One Dollar
869 (\$1.00) per month, or Twelve Dollars (\$12.00) per year.

870 (2) The deductions provided in paragraph (1) of
871 this subsection shall be made notwithstanding that the minimum
872 compensation provided by law for any member is reduced by the
873 deduction. Every member shall be deemed to consent and agree to
874 the deductions made and provided for in paragraph (1) of this
875 subsection and shall receipt for his full salary or compensation,
876 and payment of salary or compensation less the deduction shall be
877 a full and complete discharge and acquittance of all claims and
878 demands whatsoever for the services rendered by the person during
879 the period covered by the payment, except as to the benefits
880 provided under Articles 1 and 3. The board shall provide by rules
881 for the methods of collection of contributions from members and
882 the employer. The board shall have full authority to require the
883 production of evidence necessary to verify the correctness of
884 amounts contributed.



885 (b) **Annuity reserve.** The annuity reserve shall be the
886 account representing the actuarial value of all annuities in
887 force, and to it shall be charged all annuities and all benefits
888 in lieu of annuities, payable as provided in this article. If a
889 beneficiary retired on account of disability is restored to active
890 service with a compensation not less than his average final
891 compensation at the time of his last retirement, the remainder of
892 his contributions shall be transferred from the annuity reserve to
893 the annuity savings account and credited to his individual account
894 therein, and the balance of his annuity reserve shall be
895 transferred to the employer's accumulation account.

896 (c) **Employer's accumulation account.** The employer's
897 accumulation account shall represent the accumulation of all
898 reserves for the payment of all retirement allowances and other
899 benefits payable from contributions made by the employer, and
900 against this account shall be charged all retirement allowances
901 and other benefits on account of members. Credits to and charges
902 against the employer's accumulation account shall be made as
903 follows:

904 (1) On account of each member there shall be paid
905 monthly into the employer's accumulation account by the employers
906 for the preceding fiscal year an amount equal to a certain
907 percentage of the total earned compensation, as defined in Section
908 25-11-103, of each member. The percentage rate of those
909 contributions shall be fixed biennially by the board on the basis



910 of the liabilities of the retirement system for the various
911 allowances and benefits as shown by actuarial valuation.
912 Beginning January 1, 1990, the rate shall be fixed at nine and
913 three-fourths percent (9-3/4%). The board shall reduce the
914 employer's contribution rate by one percent (1%) from and after
915 July 1 of the year following the year in which the board
916 determines and the board's actuary certifies that the employer's
917 contribution rate can be reduced by that amount without causing
918 the unfunded accrued actuarial liability amortization period for
919 the retirement system to exceed twenty (20) years. Political
920 subdivisions joining Article 3 of the Public Employees' Retirement
921 System after July 1, 1968, may adjust the employer's contributions
922 by agreement with the Board of Trustees of the Public Employees'
923 Retirement System to provide service credits for any period before
924 execution of the agreement based upon an actuarial determination
925 of employer's contribution rates.

926 (2) On the basis of regular interest and of such
927 mortality and other tables as are adopted by the board of
928 trustees, the actuary engaged by the board to make each valuation
929 required by this article during the period over which the accrued
930 liability contribution is payable, immediately after making that
931 valuation, shall determine the uniform and constant percentage of
932 the earnable compensation of each member which, if contributed by
933 the employer on the basis of compensation of the member throughout
934 his entire period of membership service, would be sufficient to



935 provide for the payment of any retirement allowance payable on his
936 account for that service. The percentage rate so determined shall
937 be known as the "normal contribution rate." After the accrued
938 liability contribution has ceased to be payable, the normal
939 contribution rate shall be the percentage rate of the salary of
940 all members obtained by deducting from the total liabilities on
941 account of membership service the amount in the employer's
942 accumulation account, and dividing the remainder by one percent
943 (1%) of the present value of the prospective future salaries of
944 all members as computed on the basis of the mortality and service
945 tables adopted by the board of trustees and regular interest. The
946 normal rate of contributions shall be determined by the actuary
947 after each valuation.

948 (3) The total amount payable in each year to the
949 employer's accumulation account shall not be less than the sum of
950 the percentage rate known as the "normal contribution rate" and
951 the "accrued liability contribution rate" of the total
952 compensation earnable by all members during the preceding year,
953 provided that the payment by the employer shall be sufficient,
954 when combined with the amounts in the account, to provide the
955 allowances and other benefits chargeable to this account during
956 the year then current.

957 (4) The accrued liability contribution shall be
958 discontinued as soon as the accumulated balance in the employer's
959 accumulation account shall equal the present value, computed on



960 the basis of the normal contribution rate then in force, or the
961 prospective normal contributions to be received on account of all
962 persons who are at that time members.

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

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

970 (7) The employer's accumulation account shall be
971 credited with any assets authorized by law to be credited to the
972 account.

973 (d) **Expense account.** The expense account shall be the
974 account to which the expenses of the administration of the system
975 shall be charged, exclusive of amounts payable as retirement
976 allowances and as other benefits provided herein. The Legislature
977 shall make annual appropriations in amounts sufficient to
978 administer the system, which shall be credited to this account.
979 There shall be transferred to the State Treasury from this
980 account, not less than once per month, an amount sufficient for
981 payment of the estimated expenses of the system for the succeeding
982 thirty (30) days. Any interest earned on the expense account
983 shall accrue to the benefit of the system. However,
984 notwithstanding the provisions of Sections 25-11-15(10) and



985 25-11-105(f) (v)5, all expenses of the administration of the system
986 shall be paid from the interest earnings, provided the interest
987 earnings are in excess of the actuarial interest assumption as
988 determined by the board, and provided the present cost of the
989 administrative expense fee of two percent (2%) of the
990 contributions reported by the political subdivisions and
991 instrumentalities shall be reduced to one percent (1%) from and
992 after July 1, 1983, through June 30, 1984, and shall be eliminated
993 thereafter.

994 (e) **Collection of contributions.** The employer shall
995 cause to be deducted on each and every payroll of a member for
996 each and every payroll period, beginning subsequent to January 31,
997 1953, the contributions payable by the member as provided in
998 Articles 1 and 3.

999 The employer shall make deductions from salaries of employees
1000 as provided in Articles 1 and 3 and shall transmit monthly, or at
1001 such time as the board of trustees designates, the amount
1002 specified to be deducted to the Executive Director of the Public
1003 Employees' Retirement System. The executive director, after
1004 making a record of all those receipts, shall deposit such amounts
1005 as provided by law.

1006 (f) (1) Upon the basis of each actuarial valuation
1007 provided herein, the board of trustees shall biennially determine
1008 the normal contribution rate and the accrued liability
1009 contribution rate as provided in this section. The sum of these



1010 two (2) rates shall be known as the "employer's contribution
1011 rate." Beginning on earned compensation effective January 1,
1012 1990, the rate computed as provided in this section shall be nine
1013 and three-fourths percent (9-3/4%). The board shall reduce the
1014 employer's contribution rate by one percent (1%) from and after
1015 July 1 of the year following the year in which the board
1016 determines and the board's actuary certifies that the employer's
1017 contribution rate can be reduced by that amount without causing
1018 the unfunded accrued actuarial liability amortization period for
1019 the retirement system to exceed twenty (20) years. The percentage
1020 rate of those contributions shall be fixed biennially by the board
1021 on the basis of the liabilities of the retirement system for the
1022 various allowances and benefits as shown by actuarial valuation.

1023 (2) The amount payable by the employer on account
1024 of normal and accrued liability contributions shall be determined
1025 by applying the employer's contribution rate to the amount of
1026 compensation earned by employees who are members of the system.
1027 Monthly, or at such time as the board of trustees designates, each
1028 department or agency shall compute the amount of the employer's
1029 contribution payable, with respect to the salaries of its
1030 employees who are members of the system, and shall cause that
1031 amount to be paid to the board of trustees from the personal
1032 service allotment of the amount appropriated for the operation of
1033 the department or agency, or from funds otherwise available to the
1034 agency, for the payment of salaries to its employees.



1035 (3) Except as otherwise provided in Section
1036 25-11-106:

1037 (i) Constables shall pay employer and
1038 employee contributions on their net fee income as well as the
1039 employee contributions on all direct treasury or county payroll
1040 income.

1041 (ii) The county shall be responsible for the
1042 employer contribution on all direct treasury or county payroll
1043 income of constables.

1044 (4) Except as otherwise provided in Section
1045 25-11-106.1, chancery and circuit clerks shall be responsible for
1046 both the employer and employee share of contributions on the
1047 proportionate share of net income attributable to fees, as well as
1048 the employee share of net income attributable to direct treasury
1049 or county payroll income, and the employing county shall be
1050 responsible for the employer contributions on the net income
1051 attributable to direct treasury or county payroll income.

1052 (5) Once each year, under procedures established
1053 by the system, each employer shall submit to the Public Employees'
1054 Retirement System a copy of their report to Social Security of all
1055 employees' earnings.

1056 (6) The board shall provide by rules for the
1057 methods of collection of contributions of employers and members.
1058 The amounts determined due by an agency to the various funds as
1059 specified in Articles 1 and 3 are made obligations of the agency



1060 to the board and shall be paid as provided herein. Failure to
1061 deduct those contributions shall not relieve the employee and
1062 employer from liability thereof. Delinquent employee
1063 contributions and any accrued interest shall be the obligation of
1064 the employee and delinquent employer contributions and any accrued
1065 interest shall be the obligation of the employer. The employer
1066 may, in its discretion, elect to pay any or all of the interest on
1067 delinquent employee contributions. From and after July 1, 1996,
1068 under rules and regulations established by the board, all
1069 employers are authorized and shall transfer all funds due to the
1070 Public Employees' Retirement System electronically and shall
1071 transmit any wage or other reports by computerized reporting
1072 systems.

1073 **SECTION 13.** Section 25-11-127, Mississippi Code of 1972, is
1074 amended as follows:

1075 25-11-127. (1) (a) No person who is being paid a
1076 retirement allowance or a pension after retirement under this
1077 article shall be employed or paid for any service by the State of
1078 Mississippi, including services as an employee, contract worker,
1079 contractual employee or independent contractor, until the retired
1080 person has been retired for not less than ninety (90) consecutive
1081 days from his or her effective date of retirement. After the
1082 person has been retired for not less than ninety (90) consecutive
1083 days from his or her effective date of retirement or such later
1084 date as established by the board, he or she may be reemployed



1085 while being paid a retirement allowance under the terms and
1086 conditions provided in this section or in Section 25-11-126.

1087 (b) No retiree of this retirement system who is
1088 reemployed or is reelected to office after retirement shall
1089 continue to draw retirement benefits while so reemployed, except
1090 as provided in this section or in Section 25-11-126.

1091 (c) No person employed or elected under the exceptions
1092 provided for in this section shall become a member under Article 3
1093 of the retirement system.

1094 (2) Except as otherwise provided in Section 25-11-126, any
1095 person who has been retired under the provisions of Article 3 and
1096 who is later reemployed in service covered by this article shall
1097 cease to receive benefits under this article and shall again
1098 become a contributing member of the retirement system. When the
1099 person retires again, if the reemployment exceeds six (6) months,
1100 the person shall have his or her benefit recomputed, including
1101 service after again becoming a member, provided that the total
1102 retirement allowance paid to the retired member in his or her
1103 previous retirement shall be deducted from the member's retirement
1104 reserve and taken into consideration in recalculating the
1105 retirement allowance under a new option selected.

1106 (3) The board shall have the right to prescribe rules and
1107 regulations for carrying out the provisions of this section.



1108 (4) The provisions of this section shall not be construed to
1109 prohibit any retiree, regardless of age, from being employed and
1110 drawing a retirement allowance either:

1111 (a) For a period of time not to exceed one-half (1/2)
1112 of the normal working days for the position in any fiscal year
1113 during which the retiree will receive no more than one-half (1/2)
1114 of the salary in effect for the position at the time of
1115 employment, or

1116 (b) For a period of time in any fiscal year sufficient
1117 in length to permit a retiree to earn not in excess of twenty-five
1118 percent (25%) of retiree's average compensation.

1119 To determine the normal working days for a position under
1120 paragraph (a) of this subsection, the employer shall determine the
1121 required number of working days for the position on a full-time
1122 basis and the equivalent number of hours representing the
1123 full-time position. The retiree then may work up to one-half
1124 (1/2) of the required number of working days or up to one-half
1125 (1/2) of the equivalent number of hours and receive up to one-half
1126 (1/2) of the salary for the position. In the case of employment
1127 with multiple employers, the limitation shall equal one-half (1/2)
1128 of the number of days or hours for a single full-time position.

1129 Notice shall be given in writing to the executive director,
1130 setting forth the facts upon which the employment is being made,
1131 and the notice shall be given within five (5) days from the date



1132 of employment and also from the date of termination of the
1133 employment.

1134 (5) Except as otherwise provided in subsection (6) of this
1135 section, the employer of any person who is receiving a retirement
1136 allowance and who is employed in service covered by subsection (4)
1137 of this section as an employee or a contractual employee shall pay
1138 to the board the full amount of the employer's contribution on the
1139 amount of compensation received by the retiree for his or her
1140 employment in accordance with regulations prescribed by the board.
1141 The retiree shall not receive any additional creditable service in
1142 the retirement system as a result of the payment of the employer's
1143 contribution. This subsection does not apply to persons who are
1144 receiving a retirement allowance and who contract with an employer
1145 to provide services as a true independent contractor, as defined
1146 by the board through regulation.

1147 (6) (a) A member may retire and continue in municipal or
1148 county elective office provided that the member has reached the
1149 age and/or service requirement that will not result in a
1150 prohibited in-service distribution as defined by the Internal
1151 Revenue Service, or a retiree may be elected to a municipal or
1152 county office, provided that the person:

1153 (i) Files annually, in writing, in the office of
1154 the employer and the office of the executive director of the
1155 system before the person takes office or as soon as possible after
1156 retirement, a waiver of all salary or compensation and elects to



1157 receive in lieu of that salary or compensation a retirement
1158 allowance as provided in this section, in which event no salary or
1159 compensation shall thereafter be due or payable for those
1160 services; however, any such officer or employee may receive, in
1161 addition to the retirement allowance, office expense allowance,
1162 mileage or travel expense authorized by any statute of the State
1163 of Mississippi; or

1164 (ii) Elects to receive compensation for that
1165 elective office in an amount not to exceed twenty-five percent
1166 (25%) of the retiree's average compensation. In order to receive
1167 compensation as allowed in this subparagraph, the retiree shall
1168 file annually, in writing, in the office of the employer and the
1169 office of the executive director of the system, an election to
1170 receive, in addition to a retirement allowance, compensation as
1171 allowed in this subparagraph.

1172 (b) The municipality or county in which the retired
1173 person holds elective office shall pay to the board the amount of
1174 the employer's contributions on the full amount of the regular
1175 compensation for the elective office that the retired person
1176 holds.

1177 (c) As used in this subsection, the term "compensation"
1178 does not include office expense allowance, mileage or travel
1179 expense authorized by a statute of the State of Mississippi.



1180 (7) Any retired teacher who returns to work in accordance
1181 with this section shall not be eligible to return to work under
1182 the provisions of Section 25-11-126.

1183 **SECTION 14.** Section 37-41-27, Mississippi Code of 1972, is
1184 amended as follows:

1185 37-41-27. (1) The local school boards, subject to rules and
1186 regulations promulgated by the State Board of Education, may
1187 permit the use of publicly owned school buses for the
1188 transportation of participating students, teachers, coaches and
1189 sponsors in connection with athletic events, events of boys' and
1190 girls' clubs, events of Future Farmers of America or 4-H Clubs and
1191 special events in connection with the schools which the boards may
1192 consider a part of the educational program. The local school
1193 boards, subject to rules and regulations promulgated by the State
1194 Board of Education, may permit the use of publicly owned school
1195 buses for the transportation of citizens for grand jury and other
1196 jury functions upon order of the court or as considered necessary
1197 by the school board during natural or man-made emergencies,
1198 hurricanes, tornadoes, floods and other acts of God. The local
1199 school boards, subject to rules and regulations promulgated by the
1200 State Board of Education, may permit the use of publicly owned
1201 school buses for the transportation of citizens attending an air
1202 show or historic commemorative event held on a military base or
1203 military park located in the school district; provided that such
1204 determination shall be made upon the minutes of the school board



1205 and shall include an agreement with the military base or military
1206 park that it will indemnify and hold the school district harmless
1207 in any action regarding such transportation.

1208 (2) (a) Local school boards may regularly permit the use of
1209 motor vehicles other than school buses when the transportation is
1210 for trips to and from school sites or * * * for school-related
1211 functions and activities; however, motor vehicles other than
1212 school buses may not be used for customary transportation between
1213 a student's residence and such sites.

1214 (b) When the transportation of students is provided, as
1215 authorized in this subsection, in a vehicle other than a school
1216 bus that is owned, operated, rented, contracted, or leased by a
1217 school district or charter school, the following provisions shall
1218 apply:

1219 (i) The vehicle must be a passenger car or
1220 multipurpose passenger vehicle or truck, as defined in 49 CFR Part
1221 571, designed to transport fewer than * * * sixteen (16) students
1222 and which does not require a commercial driver's license with
1223 passenger endorsement. Students must be transported in designated
1224 seating positions and must use the occupant crash protection
1225 system provided by the manufacturer unless the student's physical
1226 condition prohibits such use.

1227 (ii) An authorized vehicle may not be driven by a
1228 student on a public right-of-way. An authorized vehicle may be
1229 driven by a student on school or private property as part of the



1230 student's educational curriculum if no other student is in the
1231 vehicle.

1232 (iii) The driver of an authorized vehicle
1233 transporting students must maintain a valid driver's license and
1234 must comply with the requirements of the school district's locally
1235 adopted safe driver plan, which includes review of driving records
1236 for disqualifying violations.

1237 (iv) The local school board must adopt a policy
1238 that addresses procedures and liability for trips under this
1239 paragraph, including a provision that school buses are to be used
1240 whenever practical and specifying consequences for violation of
1241 the policy.

1242 **SECTION 15.** This act shall take effect and be in force from
1243 and after July 1, 2024.

