

By: Representative Davis

To: Education;
Appropriations

HOUSE BILL NO. 357

1 AN ACT TO CREATE NEW SECTION 25-11-126, MISSISSIPPI CODE OF
 2 1972, TO PROVIDE THAT CERTAIN PERSONS RECEIVING A RETIREMENT
 3 ALLOWANCE FROM THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM MAY BE
 4 EMPLOYED AS TEACHERS IN THE PUBLIC SCHOOL SYSTEM AFTER THEIR
 5 RETIREMENT WHILE CONTINUING TO RECEIVE THE RETIREMENT ALLOWANCE
 6 DURING THEIR EMPLOYMENT AS TEACHERS IN ADDITION TO RECEIVING THE
 7 REGULAR COMPENSATION FOR TEACHERS; TO PROVIDE THAT THOSE PERSONS
 8 SHALL NOT BE CONTRIBUTING MEMBERS OF THE RETIREMENT SYSTEM OR
 9 RECEIVE ANY CREDITABLE SERVICE FOR THE PERIOD DURING WHICH THEY
 10 RECEIVE A RETIREMENT ALLOWANCE DURING THEIR EMPLOYMENT AS
 11 TEACHERS; TO AMEND SECTIONS 25-11-105 AND 25-11-127, MISSISSIPPI
 12 CODE OF 1972, IN CONFORMITY WITH THE PROVISIONS OF THIS ACT; TO
 13 AMEND SECTION 37-19-7, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT
 14 THE TEACHERS' SALARIES OF THOSE PERSONS SHALL BE EQUAL TO THE
 15 AMOUNT OF THE SALARY THAT THEY RECEIVED DURING THE SCHOOL YEAR
 16 IMMEDIATELY PRECEDING THE DATE OF THEIR RETIREMENT AND TO PROVIDE
 17 THAT THE SALARIES OF THOSE PERSONS SHALL NOT BE INCREASED FOR
 18 YEARS OF TEACHING EXPERIENCE OBTAINED BEFORE THEIR EMPLOYMENT AS
 19 TEACHERS FOLLOWING THEIR RETIREMENT; AND FOR RELATED PURPOSES.

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

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

23 25-11-126. (1) A person who is receiving a retirement
 24 allowance under this article, who was employed as a teacher in a
 25 public school district at the time of the person's retirement and
 26 who has not been employed as a teacher in a public school district
 27 for at least one (1) year after retirement, may choose to continue
 28 to receive the retirement allowance under this article during that
 29 person's employment as a teacher after retirement, in addition to
 30 receiving the salary authorized under Section 37-19-7(3), in the
 31 manner provided in this subsection. Before being employed as a
 32 teacher in the public school system after retirement, the person
 33 shall notify the executive director of the retirement system about
 34 the person's choice on continuing to receive the retirement
 35 allowance during the person's employment as a teacher. If the



36 person chooses not to continue receiving the retirement allowance
37 during employment as a teacher, the retirement allowance must
38 cease on the day that the person begins employment as a teacher
39 after retirement. After the person leaves the employment as a
40 teacher which began after the person's retirement, in order to
41 begin receiving a retirement allowance under this article again,
42 the person shall make application to the executive director of the
43 retirement system, and the retirement allowance shall begin on the
44 first of the month following the date that the application is
45 received by the executive director.

46 (2) A person employed as a teacher after retirement under
47 the authority of this section may not be a contributing member of
48 the retirement system or receive any creditable service for the
49 period during which the person receives a retirement allowance
50 during employment as a teacher. A person to whom this section
51 applies who chooses not to receive a retirement allowance during
52 employment as a teacher shall be a contributing member of the
53 retirement system and shall receive creditable service for the
54 period during which the person is employed as a teacher without
55 receiving a retirement allowance. If the person previously has
56 received a retirement allowance under this article and he is
57 employed as a teacher for more than six (6) months without
58 receiving a retirement allowance, the allowance of the person must
59 be recomputed when the person retires again, which computation
60 must include the service after the person again became a
61 contributing member of the retirement system.

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) All persons who shall 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 (i) those persons who are specifically excluded, (ii) those
71 persons to whom election is provided in Articles 1 and 3, or (iii)
72 those persons who continue to receive a retirement allowance
73 during their employment as teachers under the authority of Section
74 25-11-126, shall become members of the retirement system as a
75 condition of their employment.

76 (b) All persons who shall become employees in the state
77 service after January 31, 1953, except those specifically excluded
78 or as to whom election is provided in Articles 1 and 3, unless
79 they shall file with the board prior to the lapse of sixty (60)
80 days of employment or sixty (60) days after the effective date of
81 the cited articles, whichever is later, on a form prescribed by
82 the board, a notice of election not to be covered by the
83 membership of the retirement system and a duly executed waiver of
84 all present and prospective benefits which would otherwise inure
85 to them on account of their participation in the system, shall
86 become members of the retirement system; provided, however, that
87 no credit for prior service will be granted to members until they
88 have contributed to Article 3 of the retirement system for a
89 minimum period of at least four (4) years. Such members shall
90 receive credit for services performed prior to January 1, 1953, in
91 employment now covered by Article 3, but no credit shall be
92 granted for retroactive services between January 1, 1953, and the
93 date of their entry into the retirement system unless the employee
94 pays into the retirement system both the employer's and the
95 employee's contributions on wages paid him during the period from
96 January 31, 1953, to the date of his becoming a contributing
97 member, together with interest at the rate determined by the board
98 of trustees. Members reentering after withdrawal from service
99 shall qualify for prior service under the provisions of Section
100 25-11-117. From and after July 1, 1998, upon eligibility as noted



101 above, the member may receive credit for such retroactive service
102 provided:

103 (1) The member shall furnish proof satisfactory to
104 the board of trustees of certification of such service from the
105 covered employer where the services were performed; and

106 (2) The member shall pay to the retirement system
107 on the date he or she is eligible for such credit or at any time
108 thereafter prior to the date of retirement the actuarial cost for
109 each year of such creditable service. The provisions of this
110 subparagraph (2) shall be subject to the limitations of Section
111 415 of the Internal Revenue Code and regulations promulgated
112 thereunder.

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

117 (c) All persons who shall become employees in the state
118 service after January 31, 1953, and who are eligible for
119 membership in any other retirement system shall become members of
120 this retirement system as a condition of their employment unless
121 they elect at the time of their employment to become a member of
122 such other system.

123 (d) All persons who are employees in the state service
124 on January 31, 1953, and who are members of any nonfunded
125 retirement system operated by the State of Mississippi, or any of
126 its departments or agencies, shall become members of this system
127 with prior service credit unless, before February 1, 1953, they
128 shall file a written notice with the board of trustees that they
129 do not elect to become members.

130 (e) All persons who are employees in the state service
131 on January 31, 1953, and who under existing laws are members of
132 any fund operated for the retirement of employees by the State of
133 Mississippi, or any of its departments or agencies, shall not be



134 entitled to membership in this retirement system unless, before
135 February 1, 1953, any such person shall indicate by a notice filed
136 with the board, on a form prescribed by the board, his individual
137 election and choice to participate in this system, but no such
138 person shall receive prior service credit unless he becomes a
139 member on or before February 1, 1953.

140 (f) Each political subdivision of the state and each
141 instrumentality of the state or a political subdivision, or both,
142 is hereby authorized to submit, for approval by the board of
143 trustees, a plan for extending the benefits of this article to
144 employees of any such political subdivision or instrumentality.
145 Each such plan or any amendment to the plan for extending benefits
146 thereof shall be approved by the board of trustees if it finds
147 that such plan, or such plan as amended, is in conformity with
148 such requirements as are provided in Articles 1 and 3; however,
149 upon approval of such plan or any such plan heretofore approved by
150 the board of trustees, the approved plan shall not be subject to
151 cancellation or termination by the political subdivision or
152 instrumentality, except that any community hospital serving a
153 municipality that joined the Public Employees' Retirement System
154 as of November 1, 1956, to offer social security coverage for its
155 employees and subsequently extended retirement annuity coverage to
156 its employees as of December 1, 1965, may, upon documentation of
157 extreme financial hardship, have future retirement annuity
158 coverage cancelled or terminated at the discretion of the board of
159 trustees. No such plan shall be approved unless:

160 (1) It provides that all services which constitute
161 employment as defined in Section 25-11-5 and are performed in the
162 employ of the political subdivision or instrumentality, by any
163 employees thereof, shall be covered by the plan; with the
164 exception of municipal employees who are already covered by
165 existing retirement plans; provided, however, those employees in
166 this class may elect to come under the provisions of this article;



167 (2) It specifies the source or sources from which
168 the funds necessary to make the payments required by paragraph (d)
169 of Section 25-11-123 and of paragraph (f) (5)B and C of this
170 section are expected to be derived and contains reasonable
171 assurance that such sources will be adequate for such purpose;

172 (3) It provides for such methods of administration
173 of the plan by the political subdivision or instrumentality as are
174 found by the board of trustees to be necessary for the proper and
175 efficient administration thereof;

176 (4) It provides that the political subdivision or
177 instrumentality will make such reports, in such form and
178 containing such information, as the board of trustees may from
179 time to time require;

180 (5) It authorizes the board of trustees to
181 terminate the plan in its entirety in the discretion of the board
182 if it finds that there has been a failure to comply substantially
183 with any provision contained in such plan, such termination to
184 take effect at the expiration of such notice and on such
185 conditions as may be provided by regulations of the board and as
186 may be consistent with applicable federal law.

187 A. The board of trustees shall not finally
188 refuse to approve a plan submitted under paragraph (f), and shall
189 not terminate an approved plan without reasonable notice and
190 opportunity for hearing to each political subdivision or
191 instrumentality affected thereby. The board's decision in any
192 such case shall be final, conclusive and binding unless an appeal
193 be taken by the political subdivision or instrumentality aggrieved
194 thereby to the Circuit Court of Hinds County, Mississippi, in
195 accordance with the provisions of law with respect to civil causes
196 by certiorari.

197 B. Each political subdivision or
198 instrumentality as to which a plan has been approved under this
199 section shall pay into the contribution fund, with respect to



200 wages (as defined in Section 25-11-5), at such time or times as
201 the board of trustees may by regulation prescribe, contributions
202 in the amounts and at the rates specified in the applicable
203 agreement entered into by the board.

204 C. Every political subdivision or
205 instrumentality required to make payments under paragraph (f)(5)B
206 hereof is authorized, in consideration of the employees' retention
207 in or entry upon employment after enactment of Articles 1 and 3,
208 to impose upon its employees, as to services which are covered by
209 an approved plan, a contribution with respect to wages (as defined
210 in Section 25-11-5) not exceeding the amount provided in Section
211 25-11-123(d) if such services constituted employment within the
212 meaning of Articles 1 and 3, and to deduct the amount of such
213 contribution from the wages as and when paid. Contributions so
214 collected shall be paid into the contribution fund as partial
215 discharge of the liability of such political subdivisions or
216 instrumentalities under paragraph (f)(5)B hereof. Failure to
217 deduct such contribution shall not relieve the employee or
218 employer of liability thereof.

219 D. Any state agency, school, political
220 subdivision, instrumentality or any employer that is required to
221 submit contribution payments or wage reports under any section of
222 this chapter shall be assessed interest on delinquent payments or
223 wage reports as determined by the board of trustees in accordance
224 with rules and regulations adopted by the board and such assessed
225 interest may be recovered by action in a court of competent
226 jurisdiction against such reporting agency liable therefor or may,
227 upon due certification of delinquency and at the request of the
228 board of trustees, be deducted from any other monies payable to
229 such reporting agency by any department or agency of the state.

230 E. Each political subdivision of the state
231 and each instrumentality of the state or a political subdivision
232 or subdivisions which submits a plan for approval of the board, as



233 provided in this section, shall reimburse the board for coverage
234 into the expense account, its pro rata share of the total expense
235 of administering Articles 1 and 3 as provided by regulations of
236 said board.

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

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

249 (i) In the event any member of this system should
250 change his employment to any agency of the state having an
251 actuarially funded retirement system, the board of trustees may
252 authorize the transfer of the member's creditable service and of
253 the present value of the member's employer's accumulation account
254 and of the present value of the member's accumulated membership
255 contributions to such other system, provided the employee agrees
256 to the transfer of his accumulated membership contributions and
257 provided such other system is authorized to receive and agrees to
258 make such transfer.

259 In the event any member of any other actuarially funded
260 system maintained by an agency of the state changes his employment
261 to an agency covered by this system, the board of trustees may
262 authorize the receipt of the transfer of the member's creditable
263 service and of the present value of the member's employer's
264 accumulation account and of the present value of the member's
265 accumulated membership contributions from such other system,



266 provided the employee agrees to the transfer of his accumulated
267 membership contributions to this system and provided the other
268 system is authorized and agrees to make such transfer.

269 (j) Wherever herein state employment is referred to, it
270 shall include joint employment by state and federal agencies of
271 all kinds.

272 (k) Employees of a political subdivision or
273 instrumentality who were employed by such political subdivision or
274 instrumentality prior to an agreement between such entity and the
275 Public Employees' Retirement System to extend the benefits of this
276 article to its employees, and which agreement provides for the
277 establishment of retroactive service credit, and who have been
278 members of the retirement system and have remained contributors to
279 the retirement system for four (4) years, may receive credit for
280 such retroactive service with such political subdivision or
281 instrumentality, provided the employee and/or employer, as
282 provided under the terms of the modification of the joinder
283 agreement in allowing such coverage, pay into the retirement
284 system the employer's and employee's contributions on wages paid
285 the member during such previous employment, together with interest
286 or actuarial cost as determined by the board covering the period
287 from the date the service was rendered until the payment for the
288 credit for such service was made. Such wages shall be verified by
289 the Social Security Administration or employer payroll records.
290 Effective July 1, 1998, upon eligibility as noted above, a member
291 may receive credit for such retroactive service with such
292 political subdivision or instrumentality provided:

293 (1) The member shall furnish proof satisfactory to
294 the board of trustees of certification of such services from the
295 political subdivision or instrumentality where the services were
296 rendered or verification by the Social Security Administration;
297 and



298 (2) The member shall pay to the retirement system
299 on the date he or she is eligible for such credit or at any time
300 thereafter prior to the date of retirement the actuarial cost for
301 each year of such creditable service. The provisions of this
302 subparagraph (2) shall be subject to the limitations of Section
303 415 of the Internal Revenue Code and regulations promulgated
304 thereunder.

305 Nothing contained in this paragraph (k) shall be construed to
306 limit the authority of the board to allow the correction of
307 reporting errors or omissions based on the payment of employee and
308 employer contributions plus applicable interest. Payment for such
309 time shall be made in increments of not less than one-quarter
310 (1/4) year of creditable service beginning with the most recent
311 service. Upon the payment of all or part of such required
312 contributions, plus interest or the actuarial cost as provided
313 above, the member shall receive credit for the period of
314 creditable service for which full payment has been made to the
315 retirement system.

316 (1) Through June 30, 1998, any state service eligible
317 for retroactive service credit, no part of which has ever been
318 reported, and requiring the payment of employee and employer
319 contributions plus interest, or, from and after July 1, 1998, any
320 state service eligible for retroactive service credit, no part of
321 which has ever been reported to the retirement system, and
322 requiring the payment of the actuarial cost for such creditable
323 service, may, at the member's option, be purchased in quarterly
324 increments as provided above at such time as its purchase is
325 otherwise allowed.

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

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



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

333 (a) Patient or inmate help in state charitable, penal
334 or correctional institutions;

335 (b) Students of any state educational institution
336 employed by any agency of the state for temporary, part-time or
337 intermittent work;

338 (c) Participants of Comprehensive Employment and
339 Training Act of 1973 (CETA) being Public Law 93-203, who enroll on
340 or after July 1, 1979.

341 **III. TERMINATION OF MEMBERSHIP**

342 Membership in this system shall cease by a member withdrawing
343 his accumulated contributions, or by a member withdrawing from
344 active service with a retirement allowance, or by a member's
345 death.

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

348 25-11-127. (1) No person who is being paid a retirement
349 allowance or a pension after retirement under this article shall
350 be employed or paid for any service by the State of Mississippi,
351 except as provided in this section or in Section 25-11-126. This
352 section shall not apply to any pensioner who has been elected to
353 public office after retirement, nor to any person employed because
354 of special knowledge or experience. This section shall not be
355 construed to mean that any person employed or elected under the
356 above exceptions shall become a member under Article 3 of the
357 retirement system, nor shall any retiree of this retirement system
358 who is reemployed or is reelected to office after retirement
359 continue to draw retirement benefits while so reemployed or
360 reelected except those persons who continue to receive a
361 retirement allowance during their employment as teachers under the
362 authority of Section 25-11-126.



363 (2) Any person who has been retired under the provisions of
364 Articles 1 and 3 and who is later reemployed in service covered by
365 this article shall cease to receive benefits under this article
366 unless the person continues to receive a retirement allowance
367 during employment as a teacher under the authority of Section
368 25-11-126, and the person shall again become a contributing member
369 of the retirement system. When the person retires again, if that
370 person has been a contributing member of the retirement system
371 during reemployment and the reemployment exceeds six (6) months,
372 the person shall have his or her benefit recomputed, including
373 service after again becoming a member, provided that the total
374 retirement allowance paid to the retired member in his or her
375 previous retirement shall be deducted from the member's retirement
376 reserve and taken into consideration in recalculating the
377 retirement allowance under a new option selected.

378 (3) Nothing contained in this section shall be construed as
379 prohibiting any county or city not a member of the Public
380 Employees' Retirement System from employing persons up to the age
381 of seventy-three (73). In addition, through June 30, 1988,
382 nothing contained in this section shall be construed as
383 prohibiting any governmental unit that is a member from employing
384 persons up to the age of seventy-three (73) who are not eligible
385 for membership at the time of employment under Article 3.

386 (4) The board of trustees of the retirement system shall
387 have the right to prescribe rules and regulations for carrying out
388 the provisions of this section.

389 (5) The provisions of this section shall not be construed to
390 prohibit any retiree, regardless of age, from being employed and
391 drawing a retirement allowance either:

392 (a) For a period of time not to exceed one-half (1/2)
393 of the normal working days for the position in any fiscal year
394 during which the retiree will receive no more than one-half (1/2)



395 of the salary in effect for the position at the time of
396 employment, or

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

400 To determine the normal working days for a position under
401 paragraph (a) of this subsection, the employer shall determine the
402 required number of working days for the position on a full-time
403 basis and the equivalent number of hours representing the
404 full-time position. The retiree then may work up to one-half
405 (1/2) of the required number of working days or up to one-half
406 (1/2) of the equivalent number of hours and receive up to one-half
407 (1/2) of the salary for the position. In the case of employment
408 with multiple employers, the limitation shall equal one-half (1/2)
409 of the number of days or hours for a single full-time position.

410 Notice shall be given in writing to the executive director of
411 the system, setting forth the facts upon which the employment is
412 being made, and the notice shall be given within five (5) days
413 from the date of employment and also from the date of termination
414 of the employment.

415 (6) Any member who has attained seventy (70) years of age
416 and who has forty (40) or more years of creditable service may
417 continue in office or employment or be reemployed or elected,
418 provided that the person files annually, in writing, in the office
419 of the employer and the office of the executive director of the
420 system before those services, a waiver of all salary or
421 compensation and elects to receive in lieu of that salary or
422 compensation a retirement allowance as provided in this section,
423 in which event no salary or compensation shall thereafter be due
424 or payable for those services. However, any such officer or
425 employee may receive, in addition to the retirement allowance, any
426 per diem, office expense allowance, mileage or travel expense
427 authorized by any statute of the State of Mississippi.



428 (7) Any member may continue in municipal or county office or
 429 employment or be reemployed or elected in a municipality or
 430 county, provided that the person files annually, in writing, in
 431 the office of the employer and the office of the executive
 432 director of the system before those services, a waiver of all
 433 salary or compensation and elects to receive in lieu of that
 434 salary or compensation a retirement allowance as provided in this
 435 section, in which event no salary or compensation shall thereafter
 436 be due or payable for those services. However, any such officer
 437 or employee may receive, in addition to the retirement allowance,
 438 any per diem, office expense allowance, mileage or travel expense
 439 authorized by any statute of the State of Mississippi.

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

442 37-19-7. (1) This section shall be known and may be cited
 443 as the Mississippi "Teacher Opportunity Program (TOP)." The
 444 allowance in the * * * Mississippi Adequate Education Program for
 445 teachers' salaries in each county and separate school district
 446 shall be determined and paid in accordance with the scale for
 447 teachers' salaries as provided in this subsection. For teachers
 448 holding the following types of licenses or the equivalent as
 449 determined by the State Board of Education, and the following
 450 number of years of teaching experience, the scale shall be as
 451 follows:

452 * * *

453 **2002-2003 School Year**

454 **Less Than 25 Years of Teaching Experience**

455	AAAA.....	\$ 27,850.00
456	AAA.....	27,000.00
457	AA.....	26,150.00
458	A.....	24,700.00

459 **25 or More Years of Teaching Experience**

460	AAAA.....	\$ 29,850.00
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461	AAA.....	29,000.00
462	AA.....	28,150.00
463	A.....	26,700.00

464 For each one percent (1%) that the Sine Die General Fund
465 Revenue Estimate Growth exceeds five percent (5%) for fiscal year
466 2003, as certified by the Legislative Budget Office to the State
467 Board of Education and subject to specific appropriation therefor
468 by the Legislature, the State Board of Education shall revise the
469 salary scale to provide an additional one percent (1%) across the
470 board increase in the base salaries for each type of license.

471 **2003-2004 School Year**

472 **Less Than 25 Years of Teaching Experience**

473	AAAA.....	\$ 29,550.00
474	AAA.....	28,700.00
475	AA.....	27,850.00
476	A.....	26,000.00

477 **25 or More Years of Teaching Experience**

478	AAAA.....	\$ 31,550.00
479	AAA.....	30,700.00
480	AA.....	29,850.00
481	A.....	28,000.00

482 The State Board of Education shall revise the salary scale
483 prescribed above for the 2003-2004 school year to conform to any
484 adjustments made to the salary scale in the prior fiscal year due
485 to revenue growth over and above five percent (5%). For each one
486 percent (1%) that the Sine Die General Fund Revenue Estimate
487 Growth exceeds five percent (5%) for fiscal year 2004, as
488 certified by the Legislative Budget Office to the State Board of
489 Education and subject to specific appropriation therefor by the
490 Legislature, the State Board of Education shall revise the salary
491 scale to provide an additional one percent (1%) across the board
492 increase in the base salaries for each type of license.

493 **2004-2005 School Year**



494	Less Than 25 Years of Teaching Experience	
495	AAAA.....	\$ 31,775.00
496	AAA.....	30,850.00
497	AA.....	29,925.00
498	A.....	28,000.00

499	25 or More Years of Teaching Experience	
500	AAAA.....	\$ 33,775.00
501	AAA.....	32,850.00
502	AA.....	31,925.00
503	A.....	30,000.00

504 The State Board of Education shall revise the salary scale
505 prescribed above for the 2004-2005 school year to conform to any
506 adjustments made to the salary scale in prior fiscal years due to
507 revenue growth over and above five percent (5%). For each one
508 percent (1%) that the Sine Die General Fund Revenue Estimate
509 Growth exceeds five percent (5%) for fiscal year 2005, as
510 certified by the Legislative Budget Office to the State Board of
511 Education and subject to specific appropriation therefor by the
512 Legislature, the State Board of Education shall revise the salary
513 scale to provide an additional one percent (1%) across the board
514 increase in the base salaries for each type of license.

515	2005-2006 School Year and School Years Thereafter	
516	Less Than 25 Years of Teaching Experience	
517	AAAA.....	\$ 34,000.00
518	AAA.....	33,000.00
519	AA.....	32,000.00
520	A.....	30,000.00

521	25 or More Years of Teaching Experience	
522	AAAA.....	\$ 36,000.00
523	AAA.....	35,000.00
524	AA.....	34,000.00
525	A.....	32,000.00

526 The State Board of Education shall revise the salary scale
527 prescribed above for the 2005-2006 school year to conform to any
528 adjustments made to the salary scale in prior fiscal years due to
529 revenue growth over and above five percent (5%). For each one
530 percent (1%) that the Sine Die General Fund Revenue Estimate
531 Growth exceeds five percent (5%) for fiscal year 2006, as
532 certified by the Legislative Budget Office to the State Board of
533 Education and subject to specific appropriation therefor by the
534 Legislature, the State Board of Education shall revise the salary
535 scale to provide an additional one percent (1%) across the board
536 increase in the base salaries for each type of license.

537 It is the intent of the Legislature that any state funds made
538 available for salaries of licensed personnel in excess of the
539 funds paid for such salaries for the 1986-1987 school year shall
540 be paid to licensed personnel pursuant to a personnel appraisal
541 and compensation system implemented by the State Board of
542 Education. The State Board of Education shall have the authority
543 to adopt and amend rules and regulations as are necessary to
544 establish, administer and maintain the system.

545 All teachers employed on a full-time basis shall be paid a
546 minimum salary in accordance with the above scale. However, no
547 school district shall receive any funds under this section for any
548 school year during which the local supplement paid to any
549 individual teacher shall have been reduced to a sum less than that
550 paid to that individual teacher for performing the same duties
551 from local supplement during the immediately preceding school
552 year. The amount actually spent for the purposes of group health
553 and/or life insurance shall be considered as a part of the
554 aggregate amount of local supplement but shall not be considered
555 a part of the amount of individual local supplement.

556 * * *

557 **2002-2003 School Year Annual Increment**



558 For teachers holding a Class AAAA license, the minimum base
559 pay specified in this subsection shall be increased by the sum of
560 Six Hundred Eighty-five Dollars (\$685.00) for each year of
561 teaching experience possessed by the person holding such license
562 until such person shall have twenty-five (25) years of teaching
563 experience.

564 For teachers holding a Class AAA license, the minimum base
565 pay specified in this subsection shall be increased by the sum of
566 Six Hundred Twenty Dollars (\$620.00) for each year of teaching
567 experience possessed by the person holding such license until such
568 person shall have twenty-five (25) years of teaching experience.

569 For teachers holding a Class AA license, the minimum base pay
570 specified in this subsection shall be increased by the sum of Five
571 Hundred Fifty-five Dollars (\$555.00) for each year of teaching
572 experience possessed by the person holding such license until such
573 person shall have twenty-five (25) years of teaching experience.

574 For teachers holding a Class A license, the minimum base pay
575 specified in this subsection shall be increased by the sum of Four
576 Hundred Forty-five Dollars (\$445.00) for each year of teaching
577 experience possessed by the person holding such license until such
578 person shall have twenty-two (22) years of teaching experience.

579 **2003-2004 School Year Annual Increment**

580 For teachers holding a Class AAAA license, the minimum base
581 pay specified in this subsection shall be increased by the sum of
582 Seven Hundred Ten Dollars (\$710.00) for each year of teaching
583 experience possessed by the person holding such license until such
584 person shall have twenty-five (25) years of teaching experience.

585 For teachers holding a Class AAA license, the minimum base
586 pay specified in this subsection shall be increased by the sum of
587 Six Hundred Forty-five Dollars (\$645.00) for each year of teaching
588 experience possessed by the person holding such license until such
589 person shall have twenty-five (25) years of teaching experience.



590 For teachers holding a Class AA license, the minimum base pay
591 specified in this subsection shall be increased by the sum of Five
592 Hundred Eighty Dollars (\$580.00) for each year of teaching
593 experience possessed by the person holding such license until such
594 person shall have twenty-five (25) years of teaching experience.

595 For teachers holding a Class A license, the minimum base pay
596 specified in this subsection shall be increased by the sum of Four
597 Hundred Fifty-five Dollars (\$455.00) for each year of teaching
598 experience possessed by the person holding such license until such
599 person shall have twenty-three (23) years of teaching experience.

600 **2004-2005 School Year Annual Increment**

601 For teachers holding a Class AAAA license, the minimum base
602 pay specified in this subsection shall be increased by the sum of
603 Seven Hundred Forty Dollars (\$740.00) for each year of teaching
604 experience possessed by the person holding such license until such
605 person shall have twenty-five (25) years of teaching experience.

606 For teachers holding a Class AAA license, the minimum base
607 pay specified in this subsection shall be increased by the sum of
608 Six Hundred Seventy-five Dollars (\$675.00) for each year of
609 teaching experience possessed by the person holding such license
610 until such person shall have twenty-five (25) years of teaching
611 experience.

612 For teachers holding a Class AA license, the minimum base pay
613 specified in this subsection shall be increased by the sum of Six
614 Hundred Ten Dollars (\$610.00) for each year of teaching experience
615 possessed by the person holding such license until such person
616 shall have twenty-five (25) years of teaching experience.

617 For teachers holding a Class A license, the minimum base pay
618 specified in this subsection shall be increased by the sum of Four
619 Hundred Sixty-five Dollars (\$465.00) for each year of teaching
620 experience possessed by the person holding such license until such
621 person shall have twenty-four (24) years of teaching experience.

622 **2005-2006 School Year**



623 **and School Years Thereafter Annual Increments**

624 For teachers holding a Class AAAA license, the minimum base
625 pay specified in this subsection shall be increased by the sum of
626 Seven Hundred Seventy Dollars (\$770.00) for each year of teaching
627 experience possessed by the person holding such license until such
628 person shall have twenty-five (25) years of teaching experience.

629 For teachers holding a Class AAA license, the minimum base
630 pay specified in this subsection shall be increased by the sum of
631 Seven Hundred Five Dollars (\$705.00) for each year of teaching
632 experience possessed by the person holding such license until such
633 person shall have twenty-five (25) years of teaching experience.

634 For teachers holding a Class AA license, the minimum base pay
635 specified in this subsection shall be increased by the sum of Six
636 Hundred Forty Dollars (\$640.00) for each year of teaching
637 experience possessed by the person holding such license until such
638 person shall have twenty-five (25) years of teaching experience.

639 For teachers holding a Class A license, the minimum base pay
640 specified in this subsection shall be increased by the sum of Four
641 Hundred Eighty Dollars (\$480.00) for each year of teaching
642 experience possessed by the person holding such license until such
643 person shall have twenty-four (24) years of teaching experience.

644 The level of professional training of each teacher to be used
645 in establishing the salary allotment for the teachers for each
646 year shall be determined by the type of valid teacher's license
647 issued to those teachers on or before October 1 of the current
648 school year.

649 (2) (a) The following employees shall receive an annual
650 salary supplement in the amount of Six Thousand Dollars
651 (\$6,000.00), plus fringe benefits, in addition to any other
652 compensation to which the employee may be entitled:

653 (i) Any licensed teacher who has met the
654 requirements and acquired a Master Teacher certificate from the
655 National Board for Professional Teaching Standards and who is



656 employed by a local school board or the State Board of Education
657 as a teacher and not as an administrator. Such teacher shall
658 submit documentation to the State Department of Education that the
659 certificate was received prior to October 15 in order to be
660 eligible for the full salary supplement in the current school
661 year, or the teacher shall submit such documentation to the State
662 Department of Education prior to February 15 in order to be
663 eligible for a prorated salary supplement beginning with the
664 second term of the school year.

665 (ii) Any licensed school counselor who has met the
666 requirements and acquired a National Certified School Counselor
667 (NCSC) endorsement from the National Board of Certified Counselors
668 and who is employed by a local school board or the State Board of
669 Education as a counselor and not as an administrator. Such
670 licensed school counselor shall submit documentation to the State
671 Department of Education that the endorsement was received prior to
672 October 15 in order to be eligible for the full salary supplement
673 in the current school year, or the licensed school counselor shall
674 submit such documentation to the State Department of Education
675 prior to February 15 in order to be eligible for a prorated salary
676 supplement beginning with the second term of the school year.
677 However, the salary supplement authorized under this item shall be
678 discontinued two (2) years after the date on which the National
679 Board for Professional Teaching Standards offers a certification
680 process for a Master Teacher certificate for school counselors,
681 and any school counselor receiving the salary supplement will be
682 required to complete the Master Teacher certificate process under
683 item (i) of this paragraph in order to continue receiving such
684 salary supplement.

685 (iii) Any licensed speech-language pathologist and
686 audiologist who has met the requirements and acquired a
687 Certificate of Clinical Competence from the American
688 Speech-Language-Hearing Association and who is employed by a local



689 school board. Such licensed speech-language pathologist and
690 audiologist shall submit documentation to the State Department of
691 Education that the certificate or endorsement was received prior
692 to October 15 in order to be eligible for the full salary
693 supplement in the current school year, or the licensed
694 speech-language pathologist and audiologist shall submit such
695 documentation to the State Department of Education prior to
696 February 15 in order to be eligible for a prorated salary
697 supplement beginning with the second term of the school year.
698 However, the salary supplement authorized under this item shall be
699 discontinued two (2) years after the date on which the National
700 Board for Professional Teaching Standards offers a certification
701 process for a Master Teacher certificate for school
702 speech-language pathologists and audiologists, and any school
703 speech-language pathologist and audiologist receiving the salary
704 supplement will be required to complete the Master Teacher
705 certificate process under item (i) of this paragraph in order to
706 continue receiving such salary supplement.

707 (b) An employee shall be reimbursed one (1) time for
708 the actual cost of completing the process of acquiring the
709 certificate or endorsement, excluding any costs incurred for
710 postgraduate courses, not to exceed Five Hundred Dollars (\$500.00)
711 for a school counselor or speech-language pathologist and
712 audiologist, regardless of whether or not the process resulted in
713 the award of the certificate or endorsement. A local school
714 district or any private individual or entity may pay the cost of
715 completing the process of acquiring the certificate or endorsement
716 for any employee of the school district described under paragraph
717 (a), and the State Department of Education shall reimburse the
718 school district for such cost, regardless of whether or not the
719 process resulted in the award of the certificate or endorsement.
720 If a private individual or entity has paid the cost of completing
721 the process of acquiring the certificate or endorsement for an



722 employee, the local school district may agree to directly
723 reimburse the individual or entity for such cost on behalf of the
724 employee.

725 (c) All salary supplements, fringe benefits and process
726 reimbursement authorized under this subsection shall be paid
727 directly by the State Department of Education to the local school
728 district and shall be in addition to its minimum education program
729 allotments and not a part thereof in accordance with regulations
730 promulgated by the State Board of Education, and subject to
731 appropriation by the Legislature. Local school districts shall
732 not reduce the local supplement paid to any employee receiving
733 such salary supplement, and the employee shall receive any local
734 supplement to which employees with similar training and experience
735 otherwise are entitled.

736 (d) The State Department of Education may not pay any
737 process reimbursement to a school district for an employee who
738 does not complete the certification or endorsement process
739 required to be eligible for the certificate or endorsement. If an
740 employee for whom such cost has been paid in full or in part by a
741 local school district or private individual or entity fails to
742 complete the certification or endorsement process, the employee
743 shall be liable to the school district or individual or entity for
744 all amounts paid by the school district or individual or entity on
745 behalf of that employee toward his or her certificate or
746 endorsement.

747 (3) Any person who is receiving a retirement allowance from
748 the Public Employees' Retirement System who is employed as a
749 teacher after the person's retirement under the authority of
750 Section 25-11-126 shall be paid a salary, on an hourly basis,
751 equal to the amount of the salary that the person received during
752 the school year immediately preceding retirement. For such
753 persons, an increase in the salary may not be provided for
754 teaching experience that was obtained by the person before the



755 date of the employment as a teacher following retirement, but the
756 salary shall be increased for each year of teaching experience
757 that is obtained by the person after the date of employment as a
758 teacher following the person's retirement.

759 **SECTION 5.** This act shall take effect and be in force from
760 and after July 1, 2002.

