

By: Representatives Eads, Whittington

To: Appropriations

HOUSE BILL NO. 1033

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 A TEACHER IN A PUBLIC SCHOOL DISTRICT AFTER
5 RETIREMENT, AND MAY CONTINUE RECEIVING THE RETIREMENT ALLOWANCE
6 WHILE EMPLOYED AS A TEACHER, IN ADDITION TO RECEIVING THE REGULAR
7 COMPENSATION FOR TEACHERS; TO PROVIDE THAT THOSE PERSONS WILL NOT
8 BE CONTRIBUTING MEMBERS OF THE RETIREMENT SYSTEM OR RECEIVE ANY
9 CREDITABLE SERVICE FOR THE PERIOD DURING WHICH THEY RECEIVE A
10 RETIREMENT ALLOWANCE WHILE EMPLOYED AS A TEACHER AFTER RETIREMENT;
11 TO AMEND SECTIONS 25-11-105 AND 25-11-127, MISSISSIPPI CODE OF
12 1972, IN CONFORMITY WITH THE PROVISIONS OF THIS ACT; TO AMEND
13 SECTION 37-19-7, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE
14 TEACHERS' SALARIES OF THOSE PERSONS SHALL BE EQUAL TO THE AMOUNT
15 OF THE SALARY THAT THEY RECEIVED DURING THE SCHOOL YEAR
16 IMMEDIATELY PRECEDING THE DATE OF RETIREMENT; TO PROVIDE THAT THE
17 SALARIES OF THOSE PERSONS SHALL NOT BE INCREASED FOR YEARS OF
18 TEACHING EXPERIENCE OBTAINED BEFORE THE DATE OF THEIR EMPLOYMENT
19 AS A TEACHER AFTER 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 has retired under Section
24 25-11-111 and is receiving a retirement allowance under this
25 article, who was employed as a teacher in a public school district
26 at the time of retirement, and who has not been employed as a
27 teacher in a public school district for at least thirty (30) days
28 after retirement, may be employed after retirement as a teacher in
29 a public school district in this state and may continue receiving
30 the retirement allowance under this article while employed as a
31 teacher after retirement, in addition to receiving the salary
32 authorized under Section 37-19-7(3), as provided in this section.

33 (2) Before being employed as a teacher in a public school
34 district after retirement, the person must notify the executive



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

48 (3) A person employed as a teacher after retirement who
49 chooses to continue receiving a retirement allowance while
50 employed as a teacher after retirement will not be a contributing
51 member of the retirement system or receive any creditable service
52 for the period during which he or she receives a retirement
53 allowance while employed as a teacher after retirement.

54 (4) A person employed as a teacher after retirement who
55 chooses not to continue receiving a retirement allowance while
56 employed as a teacher will be a contributing member of the
57 retirement system and will receive creditable service for the
58 period during which he or she is employed as a teacher without
59 receiving a retirement allowance. If the person is employed as a
60 teacher for more than six (6) months without receiving a
61 retirement allowance, the person's retirement allowance will be
62 recomputed when he or she retires again, and will include the
63 creditable service that was earned after the person again became a
64 contributing member of the retirement system.

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

67 25-11-105. **I. THOSE WHO ARE ELIGIBLE FOR MEMBERSHIP**



68 The membership of this retirement system shall be composed as
69 follows:

70 (a) All persons who shall become employees in the state
71 service after January 31, 1953, and whose wages are subject to
72 payroll taxes and are lawfully reported on IRS Form W-2, except
73 (i) those persons who are specifically excluded, (ii) those
74 persons to whom election is provided in Articles 1 and 3, and
75 (iii) those persons who continue receiving a retirement allowance
76 while employed as a teacher under the authority of Section
77 25-11-126, shall become members of the retirement system as a
78 condition of their employment.

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



101 of trustees. Members reentering after withdrawal from service
102 shall qualify for prior service under the provisions of Section
103 25-11-117. From and after July 1, 1998, upon eligibility as noted
104 above, the member may receive credit for such retroactive service
105 provided:

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

109 (2) The member shall pay to the retirement system
110 on the date he or she is eligible for such credit or at any time
111 thereafter prior to the date of retirement the actuarial cost for
112 each year of such creditable service. The provisions of this
113 subparagraph (2) shall be subject to the limitations of Section
114 415 of the Internal Revenue Code and regulations promulgated
115 thereunder.

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

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

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



133 (e) All persons who are employees in the state service
134 on January 31, 1953, and who under existing laws are members of
135 any fund operated for the retirement of employees by the State of
136 Mississippi, or any of its departments or agencies, shall not be
137 entitled to membership in this retirement system unless, before
138 February 1, 1953, any such person shall indicate by a notice filed
139 with the board, on a form prescribed by the board, his individual
140 election and choice to participate in this system, but no such
141 person shall receive prior service credit unless he becomes a
142 member on or before February 1, 1953.

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

163 (1) It provides that all services which constitute
164 employment as defined in Section 25-11-5 and are performed in the
165 employ of the political subdivision or instrumentality, by any



166 employees thereof, shall be covered by the plan; with the
167 exception of municipal employees who are already covered by
168 existing retirement plans; provided, however, those employees in
169 this class may elect to come under the provisions of this article;

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

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

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

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

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



198 accordance with the provisions of law with respect to civil causes
199 by certiorari.

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

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

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



231 board of trustees, be deducted from any other monies payable to
232 such reporting agency by any department or agency of the state.

233 E. Each political subdivision of the state
234 and each instrumentality of the state or a political subdivision
235 or subdivisions which submits a plan for approval of the board, as
236 provided in this section, shall reimburse the board for coverage
237 into the expense account, its pro rata share of the total expense
238 of administering Articles 1 and 3 as provided by regulations of
239 said board.

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

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

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

262 In the event any member of any other actuarially funded
263 system maintained by an agency of the state changes his employment



264 to an agency covered by this system, the board of trustees may
265 authorize the receipt of the transfer of the member's creditable
266 service and of the present value of the member's employer's
267 accumulation account and of the present value of the member's
268 accumulated membership contributions from such other system,
269 provided the employee agrees to the transfer of his accumulated
270 membership contributions to this system and provided the other
271 system is authorized and agrees to make such transfer.

272 (j) Wherever herein state employment is referred to, it
273 shall include joint employment by state and federal agencies of
274 all kinds.

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



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

301 (2) The member shall pay to the retirement system
302 on the date he or she is eligible for such credit or at any time
303 thereafter prior to the date of retirement the actuarial cost for
304 each year of such creditable service. The provisions of this
305 subparagraph (2) shall be subject to the limitations of Section
306 415 of the Internal Revenue Code and regulations promulgated
307 thereunder.

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

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



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

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

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

336 (a) Patient or inmate help in state charitable, penal
337 or correctional institutions;

338 (b) Students of any state educational institution
339 employed by any agency of the state for temporary, part-time or
340 intermittent work;

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

344 **III. TERMINATION OF MEMBERSHIP**

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

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

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



362 continue to draw retirement benefits while so reemployed or
363 reelected, except those persons who continue receiving a
364 retirement allowance while employed as a teacher under the
365 authority of Section 25-11-126.

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

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

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

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



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

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

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

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

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



428 employee may receive, in addition to the retirement allowance, any
429 per diem, office expense allowance, mileage or travel expense
430 authorized by any statute of the State of Mississippi.

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

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

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

455 * * *

456 **2002-2003 School Year**

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

458	AAAA.....	\$ 27,850.00
459	AAA.....	27,000.00
460	AA.....	26,150.00



461 A..... 24,700.00

462 **25 or More Years of Teaching Experience**

463 AAAA..... \$ 29,850.00

464 AAA..... 29,000.00

465 AA..... 28,150.00

466 A..... 26,700.00

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

474 **2003-2004 School Year**

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

476 AAAA..... \$ 29,550.00

477 AAA..... 28,700.00

478 AA..... 27,850.00

479 A..... 26,000.00

480 **25 or More Years of Teaching Experience**

481 AAAA..... \$ 31,550.00

482 AAA..... 30,700.00

483 AA..... 29,850.00

484 A..... 28,000.00

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



494 scale to provide an additional one percent (1%) across the board
495 increase in the base salaries for each type of license.

496 **2004-2005 School Year**

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

498	AAAA.....	\$ 31,775.00
499	AAA.....	30,850.00
500	AA.....	29,925.00
501	A.....	28,000.00

502 **25 or More Years of Teaching Experience**

503	AAAA.....	\$ 33,775.00
504	AAA.....	32,850.00
505	AA.....	31,925.00
506	A.....	30,000.00

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

518 **2005-2006 School Year and School Years Thereafter**

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

520	AAAA.....	\$ 34,000.00
521	AAA.....	33,000.00
522	AA.....	32,000.00
523	A.....	30,000.00

524 **25 or More Years of Teaching Experience**

525	AAAA.....	\$ 36,000.00
526	AAA.....	35,000.00



527 AA..... 34,000.00

528 A..... 32,000.00

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

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

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

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2002-2003 School Year Annual Increment

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

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

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

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

2003-2004 School Year Annual Increment

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

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



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

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

603 **2004-2005 School Year Annual Increment**

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

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

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

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

625 **2005-2006 School Year**



626 **and School Years Thereafter Annual Increments**

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

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

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

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

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

652 (2) (a) The following employees shall receive an annual
653 salary supplement in the amount of Six Thousand Dollars
654 (\$6,000.00), plus fringe benefits, in addition to any other
655 compensation to which the employee may be entitled:

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



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

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

680 However, the salary supplement authorized under this item shall be
681 discontinued two (2) years after the date on which the National
682 Board for Professional Teaching Standards offers a certification
683 process for a Master Teacher certificate for school counselors,
684 and any school counselor receiving the salary supplement will be
685 required to complete the Master Teacher certificate process under
686 item (i) of this paragraph in order to continue receiving such
687 salary supplement.

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



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

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



725 employee, the local school district may agree to directly
726 reimburse the individual or entity for such cost on behalf of the
727 employee.

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

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

750 (3) Any person who is receiving a retirement allowance from
751 the Public Employees' Retirement System who is employed as a
752 teacher after retirement, and who continues receiving his or
753 her retirement allowance while employed as a teacher after
754 retirement under the authority of Section 25-11-126, shall be paid
755 a salary, on an hourly basis, equal to the amount of the salary
756 that the person received during the school year immediately
757 preceding retirement. For those persons, an increase in the



758 salary shall not be provided for any teaching experience that the
759 person obtained before the date of employment as a teacher after
760 retirement, but the salary shall be increased for each year of
761 teaching experience that the person obtains after the date of
762 employment as a teacher after retirement.

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

