

By: Senator(s) Walls, Jackson

To: Education;
Appropriations

SENATE BILL NO. 2914

1 AN ACT TO CODIFY SECTION 37-19-20, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE AN ALLOTMENT OF FUNDS UNDER THE MINIMUM EDUCATION
3 PROGRAM FORMULA FOR THE SALARIES OF LONG-TERM SUBSTITUTE TEACHERS
4 EMPLOYED IN SCHOOL DISTRICTS WHERE THERE EXISTS A CRITICAL
5 SHORTAGE OF TEACHERS; TO AMEND SECTION 37-7-307, MISSISSIPPI CODE
6 OF 1972, IN CONFORMITY; AND FOR RELATED PURPOSES.

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

8 SECTION 1. The following provision shall be codified as
9 Section 37-19-20, Mississippi Code of 1972:

10 37-19-20. Each school district in a geographical area of the
11 state where there exists a critical shortage of teachers, as
12 determined by the State Board of Education, shall be allotted a
13 sufficient amount of funds for the salaries and fringe benefits of
14 substitute teachers employed by the district for more than a
15 one-month period of time, to be referred to as "long-term
16 substitute teachers." Funding for such long-term substitute
17 teachers shall be limited to minimum program funds that would
18 otherwise be available to a school district for allotted licensed
19 teacher unit positions which cannot be utilized by the district
20 due to the critical teacher shortage. Funding for such long-term
21 substitute teachers shall be based on the beginning salary scale
22 for a teacher with a type A certificate, and the documentation for
23 the necessity of employing such long-term substitute teachers
24 shall be prescribed and approved by the State Board of Education.

25 SECTION 2. Section 37-7-307, Mississippi Code of 1972, is
26 amended as follows:

27 37-7-307. (1) For purposes of this section, the term
28 "licensed employee" means any employee of a public school district
29 required to hold a valid license by the Commission on Teacher and

30 Administrator Education, Certification and Licensure and
31 Development.

32 (2) The school board of a school district shall establish by
33 rules and regulations a policy of sick leave with pay for licensed
34 employees employed in the school district, and such policy shall
35 include the following minimum provisions for sick and emergency
36 leave with pay:

37 (a) Each licensed employee, at the beginning of each
38 school year, shall be credited with a minimum sick leave
39 allowance, with pay, of seven (7) days for absences caused by
40 illness or physical disability of the employee during that school
41 year.

42 (b) Any unused portion of the total sick leave
43 allowance shall be carried over to the next school year and
44 credited to such licensed employee if the licensed employee
45 remains employed in the same school district. In the event any
46 public school licensed employee transfers from one public school
47 district in Mississippi to another, any unused portion of the
48 total sick leave allowance credited to such licensed employee
49 shall be credited to such licensed employee in the computation of
50 unused leave for retirement purposes under Section 25-11-109.
51 Accumulation of sick leave allowed under this section shall be
52 unlimited.

53 (c) No deduction from the pay of such licensed employee
54 may be made because of absence of such licensed employee caused by
55 illness or physical disability of the licensed employee until
56 after all sick leave allowance credited to such licensed employee
57 has been used.

58 (d) For the first ten (10) days of absence of a
59 licensed employee because of illness or physical disability, in
60 any school year, in excess of the sick leave allowance credited to
61 such licensed employee, there may be deducted from the pay of such
62 licensed employee the established substitute amount of licensed
63 employee compensation paid in that local school district,
64 necessitated because of the absence of the licensed employee as a
65 result of illness or physical disability. Thereafter, the regular
66 pay of such absent licensed employee may be suspended and withheld
67 in its entirety for any period of absence because of illness or

68 physical disability during that school year.

69 (3) Beginning with the school year 1983-1984, each licensed
70 employee at the beginning of each school year shall be credited
71 with a minimum personal leave allowance, with pay, of two (2) days
72 for absences caused by personal reasons during that school year.
73 Such personal leave shall not be taken on the first day of the
74 school term, the last day of the school term, on a day previous to
75 a holiday or a day after a holiday. Personal leave may be used
76 for professional purposes, including absences caused by attendance
77 of such licensed employee at a seminar, class, training program,
78 professional association or other functions designed for
79 educators. No deduction from the pay of such licensed employee
80 may be made because of absence of such licensed employee caused by
81 personal reasons until after all personal leave allowance credited
82 to such licensed employee has been used. However, the
83 superintendent of a school district, in his discretion, may allow
84 a licensed employee personal leave in addition to any minimum
85 personal leave allowance, under the condition that there shall be
86 deducted from the salary of such licensed employee the actual
87 amount of any compensation paid to any person as a substitute,
88 necessitated because of the absence of the licensed employee.

89 (4) Beginning with the school year 1992-1993, each licensed
90 employee shall be credited with a professional leave allowance,
91 with pay, for each day of absence caused by reason of such
92 employee's statutorily required membership and attendance at a
93 regular or special meeting held within the State of Mississippi of
94 the State Board of Education, the Commission on Teacher and
95 Administrator Education, Certification and Licensure and
96 Development, the Commission on School Accreditation, the
97 Mississippi Authority for Educational Television and the meetings
98 of the state textbook rating committees.

99 (5) Upon retirement from employment, each licensed and
100 nonlicensed employee shall be paid for not more than thirty (30)
101 days of unused accumulated leave earned while employed by the

102 school district in which the employee is last employed. Such
103 payment for licensed employees shall be made by the school
104 district at a rate equal to the amount paid to substitute teachers
105 and for nonlicensed employees, the payment shall be made by the
106 school district at a rate equal to the federal minimum wage. The
107 payment shall be treated in the same manner for retirement
108 purposes as a lump sum payment for personal leave as provided in
109 Section 25-11-103(e). Any remaining lawfully credited unused
110 leave, for which payment has not been made, shall be certified to
111 the Public Employees' Retirement System in the same manner and
112 subject to the same limitations as otherwise provided by law for
113 unused leave.

114 (6) The school board may adopt rules and regulations which
115 will reasonably aid to implement the policy of sick and personal
116 leave, including, but not limited to, rules and regulations having
117 the following general effect:

118 (a) Requiring the absent licensed employee to furnish
119 the certificate of a physician or dentist or other medical
120 practitioner as to the illness of the absent licensed employee,
121 where the absence is for four (4) or more consecutive school days,
122 or for two (2) consecutive school days immediately preceding or
123 following a nonschool day;

124 (b) Providing penalties, by way of full deduction from
125 salary, or entry on the work record of the licensed employee, or
126 other appropriate penalties, for any materially false statement by
127 the licensed employee as to the cause of absence;

128 (c) Forfeiture of accumulated or future sick leave, if
129 the absence of the licensed employee is caused by optional dental
130 or medical treatment or surgery which could, without medical risk,
131 have been provided, furnished or performed at a time when school
132 was not in session;

133 (d) Enlarging, increasing or providing greater sick or
134 personal leave allowances than the minimum standards established
135 by this section in the discretion of the school board of each

136 school district.

137 (7) School boards may include in their budgets provisions
138 for the payment of substitute teachers, necessitated because of
139 the absence of regular licensed employees. All such substitute
140 teachers shall be paid wholly from district funds other than
141 minimum education program funds, except as otherwise provided for
142 long-term substitute teachers in Section 37-19-20. Such school
143 boards, in their discretion, also may pay, from district funds
144 other than minimum education program funds, the whole or any part
145 of the salaries of licensed employees granted leaves for the
146 purpose of special studies or training.

147 (8) The school board may further adopt rules and regulations
148 which will reasonably implement such leave policies for all other
149 nonlicensed school employees as the board deems appropriate.

150 (9) (a) For the purposes of this subsection, the following
151 words and phrases shall have the meaning ascribed in this
152 paragraph unless the context requires otherwise:

153 (i) "Catastrophic injury or illness" means a
154 severe condition or combination of conditions affecting the mental
155 or physical health of an employee or a member of an employee's
156 immediate family, including pregnancy, that requires the services
157 of a licensed physician for an extended period of time and that
158 forces the employee to exhaust all leave time accumulated by that
159 employee, thereby resulting in the loss of compensation from the
160 school district for the employee.

161 (ii) "Immediate family" means spouse, parent,
162 stepparent, sibling, child or stepchild.

163 (b) Any school district employee may donate a portion
164 of his or her unused accumulated personal leave or sick leave to
165 another employee of the same or another school district who is
166 suffering from a catastrophic injury or illness or who has a
167 member of his or her immediate family suffering from a
168 catastrophic injury or illness, in accordance with the following:

169 (i) The employee donating the leave (the "donor

170 employee") shall designate the employee who is to receive the
171 leave (the "recipient employee") and the amount of unused
172 accumulated personal leave and sick leave that is to be donated,
173 and shall notify the school district superintendent or his
174 designee of his or her designation.

175 (ii) The maximum amount of unused accumulated
176 personal leave that an employee may donate to any other employee
177 may not exceed a number of days that would leave the donor
178 employee with fewer than seven (7) days of personal leave
179 remaining, and the maximum amount of unused accumulated sick leave
180 that an employee may donate to any other employee may not exceed
181 fifty percent (50%) of the unused accumulated sick leave of the
182 donor employee.

183 (iii) An employee must have exhausted all of his
184 or her accumulated personal leave and sick leave before he or she
185 will be eligible to receive any leave donated by another employee.
186 Eligibility for donated leave shall be based upon review and
187 approval by the donor employee's supervisor.

188 (iv) Before an employee may receive donated leave,
189 he or she must provide the school district superintendent or his
190 designee with a physician's statement that states the beginning
191 date of the catastrophic injury or illness, a description of the
192 injury or illness, and a prognosis for recovery and the
193 anticipated date that the recipient employee will be able to
194 return to work.

195 (v) If the total amount of leave that is donated
196 to any employee is not used by the recipient employee, the whole
197 days of donated leave shall be returned to the donor employees on
198 a pro rata basis, based on the ratio of the number of days of
199 leave donated by each donor employee to the total number of days
200 of leave donated by all donor employees.

201 (vi) Donated leave shall not be used in lieu of
202 disability retirement.

203 SECTION 3. This act shall take effect and be in force from

204 and after July 1, 1999.