

By: Senator(s) Walls, Jackson

To: Education;
Appropriations

SENATE BILL NO. 2914
(As Passed the Senate)

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; TO AMEND SECTION 37-7-307,
5 MISSISSIPPI CODE OF 1972, IN CONFORMITY; AND FOR RELATED PURPOSES.

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

7 SECTION 1. The following provision shall be codified as

8 Section 37-19-20, Mississippi Code of 1972:

9 37-19-20. Each school district shall be allotted a
10 sufficient amount of funds for the salaries and fringe benefits of
11 substitute teachers employed by the district for more than a
12 one-month period of time, to be referred to as "long-term
13 substitute teachers." Funding for such long-term substitute
14 teachers shall be limited to minimum program funds that would
15 otherwise be available to a school district for allotted licensed
16 teacher unit positions which cannot be utilized by the district.
17 Funding for such long-term substitute teachers shall be based on
18 the beginning salary scale for a teacher with a type A
19 certificate, and the documentation for the necessity of employing
20 such long-term substitute teachers shall be prescribed and
21 approved by the State Board of Education.

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

24 37-7-307. (1) For purposes of this section, the term
25 "licensed employee" means any employee of a public school district
26 required to hold a valid license by the Commission on Teacher and
27 Administrator Education, Certification and Licensure and
28 Development.

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

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

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

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

55 (d) For the first ten (10) days of absence of a

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

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

85 necessitated because of the absence of the licensed employee.

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

96 (5) Upon retirement from employment, each licensed and
97 nonlicensed employee shall be paid for not more than thirty (30)
98 days of unused accumulated leave earned while employed by the
99 school district in which the employee is last employed. Such
100 payment for licensed employees shall be made by the school
101 district at a rate equal to the amount paid to substitute teachers
102 and for nonlicensed employees, the payment shall be made by the
103 school district at a rate equal to the federal minimum wage. The
104 payment shall be treated in the same manner for retirement
105 purposes as a lump sum payment for personal leave as provided in
106 Section 25-11-103(e). Any remaining lawfully credited unused
107 leave, for which payment has not been made, shall be certified to
108 the Public Employees' Retirement System in the same manner and
109 subject to the same limitations as otherwise provided by law for
110 unused leave.

111 (6) The school board may adopt rules and regulations which
112 will reasonably aid to implement the policy of sick and personal
113 leave, including, but not limited to, rules and regulations having

114 the following general effect:

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

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

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

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

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

143 purpose of special studies or training.

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

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

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

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

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

166 (i) The employee donating the leave (the "donor
167 employee") shall designate the employee who is to receive the
168 leave (the "recipient employee") and the amount of unused
169 accumulated personal leave and sick leave that is to be donated,
170 and shall notify the school district superintendent or his
171 designee of his or her designation.

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

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

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

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

198 (vi) Donated leave shall not be used in lieu of
199 disability retirement.

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

201 and after July 1, 1999.