

By: Senator(s) Walls, Jackson

To: Education;
Appropriations

SENATE BILL NO. 2914
(As Sent to Governor)

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 FOR THE SALARIES OF LONG-TERM SUBSTITUTE TEACHERS EMPLOYED
4 BY SCHOOL DISTRICTS SITUATED IN A CRITICAL TEACHER SHORTAGE AREA;
5 TO AMEND SECTION 37-7-307, MISSISSIPPI CODE OF 1972, IN
6 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 in which there exists a critical shortage of teachers, as
12 designated by the State Board of Education, shall be allotted a
13 sufficient amount of funds for the salaries and fringe benefits of
14 each substitute teacher employed by the district for more than a
15 one-month period of time, to be referred to as a "long-term
16 substitute teacher." Funding for such long-term substitute
17 teachers shall be limited to minimum program funds that would
18 otherwise be available to the school district for licensed teacher
19 unit positions allotted under Section 37-19-5(1) which cannot be
20 utilized by the district. Funding for such long-term substitute
21 teachers shall be only for those individuals employed as long-term
22 substitute teachers who possess a bachelor's degree and shall be
23 based on the beginning salary scale for a teacher with a type A
24 license. The State Board of Education shall prescribe the
25 documentation required from a school district on the necessity of
26 employing such long-term substitute teachers, and the State
27 Superintendent of Public Education must approve each long-term
28 substitute teacher employed by the district.

29 SECTION 2. Section 37-7-307, Mississippi Code of 1972, is

30 amended as follows:

31 37-7-307. (1) For purposes of this section, the term
32 "licensed employee" means any employee of a public school district
33 required to hold a valid license by the Commission on Teacher and
34 Administrator Education, Certification and Licensure and
35 Development.

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

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

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

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

62 (d) For the first ten (10) days of absence of a
63 licensed employee because of illness or physical disability, in

64 any school year, in excess of the sick leave allowance credited to
65 such licensed employee, there may be deducted from the pay of such
66 licensed employee the established substitute amount of licensed
67 employee compensation paid in that local school district,
68 necessitated because of the absence of the licensed employee as a
69 result of illness or physical disability. Thereafter, the regular
70 pay of such absent licensed employee may be suspended and withheld
71 in its entirety for any period of absence because of illness or
72 physical disability during that school year.

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

93 (4) Beginning with the school year 1992-1993, each licensed
94 employee shall be credited with a professional leave allowance,
95 with pay, for each day of absence caused by reason of such
96 employee's statutorily required membership and attendance at a
97 regular or special meeting held within the State of Mississippi of

98 the State Board of Education, the Commission on Teacher and
99 Administrator Education, Certification and Licensure and
100 Development, the Commission on School Accreditation, the
101 Mississippi Authority for Educational Television and the meetings
102 of the state textbook rating committees.

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

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

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

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

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

137 (d) Enlarging, increasing or providing greater sick or
138 personal leave allowances than the minimum standards established
139 by this section in the discretion of the school board of each
140 school district.

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

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

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

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

165 (ii) "Immediate family" means spouse, parent,

166 stepparent, sibling, child or stepchild.

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

173 (i) The employee donating the leave (the "donor
174 employee") shall designate the employee who is to receive the
175 leave (the "recipient employee") and the amount of unused
176 accumulated personal leave and sick leave that is to be donated,
177 and shall notify the school district superintendent or his
178 designee of his or her designation.

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

187 (iii) An employee must have exhausted all of his
188 or her accumulated personal leave and sick leave before he or she
189 will be eligible to receive any leave donated by another employee.

190 Eligibility for donated leave shall be based upon review and
191 approval by the donor employee's supervisor.

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

199 (v) If the total amount of leave that is donated

200 to any employee is not used by the recipient employee, the whole
201 days of donated leave shall be returned to the donor employees on
202 a pro rata basis, based on the ratio of the number of days of
203 leave donated by each donor employee to the total number of days
204 of leave donated by all donor employees.

205 (vi) Donated leave shall not be used in lieu of
206 disability retirement.

207 SECTION 3. This act shall take effect and be in force from
208 and after July 1, 1999.