

By: Dedeaux

To: Education;
Appropriations

HOUSE BILL NO. 451

1 AN ACT TO AMEND SECTIONS 37-19-1 AND 37-151-5, MISSISSIPPI
2 CODE OF 1972, TO INCLUDE THE PRIVATE PRACTICE EXPERIENCE OF
3 SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS IN THE DEFINITION OF
4 THE TERM "YEAR OF TEACHING EXPERIENCE" AS USED FOR DETERMINING
5 THEIR SALARIES IN THE PUBLIC SCHOOLS; AND FOR RELATED PURPOSES.

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

7 SECTION 1. Section 37-19-1, Mississippi Code of 1972, is
8 amended as follows:[HS1]

9 37-19-1. As used in this chapter:

10 (a) The term "minimum education program" shall mean the
11 program of education made possible by the financing plan provided
12 for in this chapter;

13 (b) The term "teacher" shall include any employee of a
14 school board of a school district who is required by law to obtain
15 a teacher's license from the State Board of Education and who is
16 assigned to an instructional area of work as defined by the State
17 Department of Education the equivalent of a minimum of three (3)
18 normal periods per school day;

19 (c) The term "principal" shall mean the head of an
20 attendance center or division thereof;

21 (d) The term "superintendent" shall mean the head of a
22 school district * * *;

23 (e) The term "teacher unit" means one (1) teacher unit
24 for each twenty-four (24) pupils in average daily attendance in
25 kindergarten and in Grades 1, 2, 3 and 4 and one (1) teacher unit
26 for each twenty-seven (27) pupils in average daily attendance in
27 all other grades;

28 (f) The term "cost of the minimum program" shall mean
29 the calculated allowance as fixed by law or by regulations of the
30 State Board of Education for teachers' salaries, administrative
31 expense, transportation, the employer's part of the public
32 employees' retirement and social security, and "supportive
33 services" as defined elsewhere in this chapter;

34 (g) The term "school district" shall, for purposes of
35 this chapter, be construed to include any type of school district
36 in the State of Mississippi;

37 (h) "Minimum school term" shall mean a term of at least
38 one hundred eighty (180) days of school in which both teachers and
39 pupils are in regular attendance for scheduled classroom
40 instruction for not less than sixty percent (60%) of the normal
41 school day. It is the intent of the Legislature that any tax
42 levies generated to produce additional local funds required by any
43 school district to operate school terms in excess of one hundred
44 seventy-five (175) days shall not be construed to constitute a new
45 program for the purposes of exemption from the limitation on tax
46 revenues as allowed under Sections 27-39-321 and 37-57-107 for new
47 programs mandated by the Legislature;

48 (i) The term "transportation density" shall mean the
49 number of transported children in average daily attendance per
50 square mile of area served in a county or a separate school
51 district, as determined by the State Department of Education;

52 (j) The term "transported children" shall mean children
53 being transported to school who live within legal limits for

54 transportation and who are otherwise qualified for being
55 transported to school at public expense as fixed by Mississippi
56 state law;

57 (k) The term "year of teaching experience" shall mean
58 nine (9) months of actual teaching in the public or private
59 schools of this or some other state. In no case shall more than
60 one (1) year of teaching experience be given for all services in
61 one (1) calendar or school year. In determining a teacher's
62 experience, no deduction shall be made because of the temporary
63 absence of the teacher because of illness or other good cause, and
64 the teacher shall be given credit therefor. The State Board of
65 Education shall fix a number of days, not to exceed twenty-five
66 (25) consecutive school days, during which a teacher may not be
67 under contract of employment during any school year and still be
68 considered to have been in full-time employment for a regular
69 scholastic term. In determining the experience of a
70 speech-language pathologist and audiologist employed by a school
71 district, each complete year of continuous, full-time practice in
72 the private sector as a speech-language pathologist and
73 audiologist shall be considered a year of teaching experience. If
74 a full-time school administrator returns to actual teaching in the
75 public schools, the term "year of teaching experience" shall
76 include the period of time he or she served as a school
77 administrator;

78 (l) The term "average daily attendance" shall be the
79 figure which results when the total aggregate attendance during
80 the period or months counted is divided by the number of days
81 during the period or months counted upon which both teachers and

82 pupils are in regular attendance for scheduled classroom
83 instruction;

84 (m) The term "local supplement" shall mean the amount
85 paid to an individual teacher over and above the minimum
86 foundation program salary schedule for regular teaching duties;

87 (n) The term "aggregate amount of support from ad
88 valorem taxation" shall mean the amounts produced by the
89 district's total tax levies for operations;

90 (o) The term "minimum program funds" shall mean all
91 funds, both state and local, constituting the requirements for
92 meeting the cost of the minimum program as provided for in this
93 chapter.

94 SECTION 2. Section 37-151-5, Mississippi Code of 1972, is
95 amended as follows:[HS2]

96 37-151-5. As used in Sections 37-151-3, 37-151-5 and
97 37-151-7:

98 (a) "Adequate program" or "adequate education program"
99 or "Mississippi Adequate Education Program (M.A.E.P.)" shall mean
100 the program proposed to establish adequate current operation
101 funding levels necessary for the programs of such school district
102 to meet at least Level III of the accreditation system as
103 established by the State Board of Education, acting through the
104 Mississippi Commission on School Accreditation, regardless of the
105 school district's geographic location.

106 (b) "Educational programs or elements of programs not
107 included in the adequate education program calculations, but which
108 may be included in appropriations and transfers to school
109 districts" shall mean:

110 (i) "Capital outlay" shall mean those funds used
111 for the constructing, improving, equipping, renovating or major
112 repairing of school buildings or other school facilities, or the
113 cost of acquisition of land whereon to construct or establish such
114 school facilities.

115 (ii) "Pilot programs" shall mean programs of a
116 pilot or experimental nature usually designed for special purposes
117 and for a specified period of time other than those included in
118 the adequate education program.

119 (iii) "Adult education" shall mean public
120 education dealing primarily with students above eighteen (18)
121 years of age not enrolled as full-time public school students and
122 not classified as students of technical schools, colleges or
123 universities of the state.

124 (iv) "Food service programs" shall mean those
125 programs dealing directly with the nutritional welfare of the
126 student, such as the school lunch and school breakfast programs.

127 (c) "Base student" shall mean that student
128 classification that represents the most economically educated
129 pupil in a school system meeting Level III accreditation, as
130 determined by the State Board of Education.

131 (d) "Base student cost" shall mean the funding level
132 necessary for providing an adequate education program for one (1)
133 base student, subject to any minimum amounts prescribed in Section
134 37-151-7(1).

135 (e) "Add-on program costs" shall mean those items which
136 are included in the adequate education program appropriations and
137 are outside of the program calculations:

138 (i) "Transportation" shall mean transportation to
139 and from public schools for the students of Mississippi's public
140 schools provided for under law and funded from state funds.

141 (ii) "Vocational or technical education program"
142 shall mean a secondary vocational or technical program approved by
143 the State Department of Education and provided for from state
144 funds.

145 (iii) "Special education program" shall mean a
146 program for exceptional children as defined and authorized by
147 Sections 37-23-1 through 37-23-9, and approved by the State
148 Department of Education and provided from state funds.

149 (iv) "Gifted education program" shall mean those
150 programs for the instruction of intellectually or academically
151 gifted children as defined and provided for in Section 37-23-175
152 et seq..

153 (v) "Alternative school program" shall mean those
154 programs for certain compulsory-school-age students as defined and
155 provided for in Sections 37-13-92 and 37-19-22.

156 (vi) "Extended school year programs" shall mean
157 those programs authorized by law which extend beyond the normal
158 school year.

159 (vii) "University-based programs" shall mean those
160 university-based programs for handicapped children as defined and
161 provided for in Section 37-23-131 et seq.

162 (viii) "Bus driver training" programs shall mean
163 those driver training programs as provided for in Section 37-41-1.

164 (f) "Teacher" shall include any employee of a local
165 school who is required by law to obtain a teacher's license from

166 the State Board of Education and who is assigned to an
167 instructional area of work as defined by the State Department of
168 Education.

169 (g) "Principal" shall mean the head of an attendance
170 center or division thereof.

171 (h) "Superintendent" shall mean the head of a school
172 district.

173 (i) "School district" shall mean any type of school
174 district in the State of Mississippi, and shall include
175 agricultural high schools.

176 (j) "Minimum school term" shall mean a term of at least
177 one hundred eighty (180) days of school in which both teachers and
178 pupils are in regular attendance for scheduled classroom
179 instruction for not less than sixty percent (60%) of the normal
180 school day. It is the intent of the Legislature that any tax
181 levies generated to produce additional local funds required by any
182 school district to operate school terms in excess of one hundred
183 seventy-five (175) days shall not be construed to constitute a new
184 program for the purposes of exemption from the limitation on tax
185 revenues as allowed under Sections 27-39-321 and 37-57-107 for new
186 programs mandated by the Legislature.

187 (k) The term "transportation density" shall mean the
188 number of transported children in average daily attendance per
189 square mile of area served in a school district, as determined by
190 the State Department of Education.

191 (l) The term "transported children" shall mean children
192 being transported to school who live within legal limits for
193 transportation and who are otherwise qualified for being

194 transported to school at public expense as fixed by Mississippi
195 state law.

196 (m) The term "year of teaching experience" shall mean
197 nine (9) months of actual teaching in the public or private
198 schools of this or some other state. In no case shall more than
199 one (1) year of teaching experience be given for all services in
200 one (1) calendar or school year. In determining a teacher's
201 experience, no deduction shall be made because of the temporary
202 absence of the teacher because of illness or other good cause, and
203 the teacher shall be given credit therefor. The State Board of
204 Education shall fix a number of days, not to exceed twenty-five
205 (25) consecutive school days, during which a teacher may not be
206 under contract of employment during any school year and still be
207 considered to have been in full-time employment for a regular
208 scholastic term. In determining the experience of a
209 speech-language pathologist and audiologist employed by a school
210 district, each complete year of continuous, full-time practice in
211 the private sector as a speech-language pathologist and
212 audiologist shall be considered a year of teaching experience. If
213 a full-time school administrator returns to actual teaching in the
214 public schools, the term "year of teaching experience" shall
215 include the period of time he or she served as a school
216 administrator.

217 (n) The term "average daily attendance" shall be the
218 figure which results when the total aggregate attendance during
219 the period or months counted is divided by the number of days
220 during the period or months counted upon which both teachers and
221 pupils are in regular attendance for scheduled classroom

222 instruction less the average daily attendance for self-contained
223 special education classes and, prior to full implementation of the
224 adequate education program the department shall deduct the average
225 daily attendance for the alternative school program provided for
226 in Section 37-19-22.

227 (o) The term "local supplement" shall mean the amount
228 paid to an individual teacher over and above the adequate
229 education program salary schedule for regular teaching duties.

230 (p) The term "aggregate amount of support from ad
231 valorem taxation" shall mean the amounts produced by the
232 district's total tax levies for operations.

233 (q) The term "adequate education program funds" shall
234 mean all funds, both state and local, constituting the
235 requirements for meeting the cost of the adequate program as
236 provided for in Section 37-151-7.

237 (r) "Department" shall mean the State Department of
238 Education.

239 (s) "Commission" shall mean the Mississippi Commission
240 on School Accreditation created under Section 37-17-3.

241 SECTION 3. This act shall take effect and be in force from
242 and after July 1, 2000.