

By: Senator(s) Harden

To: Education;  
Appropriations

SENATE BILL NO. 2168

1 AN ACT TO AMEND SECTION 37-151-5, MISSISSIPPI CODE OF 1972,  
2 TO INCLUDE FORMER MILITARY PERSONNEL'S YEARS OF CLASSROOM  
3 INSTRUCTION IN THE DEFINITION OF THE TERM "YEAR OF TEACHING  
4 EXPERIENCE" AS USED FOR DETERMINING TEACHERS' SALARIES IN THE  
5 PUBLIC SCHOOLS; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 37-151-5, Mississippi Code of 1972, is  
8 amended as follows:

9 37-151-5. As used in Sections 37-151-3, 37-151-5 and  
10 37-151-7:

11 (a) "Adequate program" or "adequate education program"  
12 or "Mississippi Adequate Education Program (M.A.E.P.)" shall mean  
13 the program \* \* \* to establish adequate current operation funding  
14 levels necessary for the programs of such school district to meet  
15 at least Level III of the accreditation system as established by  
16 the State Board of Education, acting through the Mississippi  
17 Commission on School Accreditation, regardless of the school  
18 district's geographic location.

19 (b) "Educational programs or elements of programs not  
20 included in the adequate education program calculations, but which  
21 may be included in appropriations and transfers to school  
22 districts" shall mean:

23 (i) "Capital outlay" shall mean those funds used  
24 for the constructing, improving, equipping, renovating or major  
25 repairing of school buildings or other school facilities, or the  
26 cost of acquisition of land whereon to construct or establish such  
27 school facilities.



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

32                   (iii) "Adult education" shall mean public  
33 education dealing primarily with students above eighteen (18)  
34 years of age not enrolled as full-time public school students and  
35 not classified as students of technical schools, colleges or  
36 universities of the state.

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

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

44                   (d) "Base student cost" shall mean the funding level  
45 necessary for providing an adequate education program for one (1)  
46 base student, subject to any minimum amounts prescribed in Section  
47 37-151-7(1).

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

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

54                   (ii) "Vocational or technical education program"  
55 shall mean a secondary vocational or technical program approved by  
56 the State Department of Education and provided for from state  
57 funds.

58                   (iii) "Special education program" shall mean a  
59 program for exceptional children as defined and authorized by



60 Sections 37-23-1 through 37-23-9, and approved by the State  
61 Department of Education and provided from state funds.

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

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

69 (vi) "Extended school year programs" shall mean  
70 those programs authorized by law which extend beyond the normal  
71 school year.

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

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

77 (f) "Teacher" shall include any employee of a local  
78 school who is required by law to obtain a teacher's license from  
79 the State Board of Education and who is assigned to an  
80 instructional area of work as defined by the State Department of  
81 Education.

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

84 (h) "Superintendent" shall mean the head of a school  
85 district.

86 (i) "School district" shall mean any type of school  
87 district in the State of Mississippi, and shall include  
88 agricultural high schools.

89 (j) "Minimum school term" shall mean a term of at least  
90 one hundred eighty (180) days of school in which both teachers and  
91 pupils are in regular attendance for scheduled classroom  
92 instruction for not less than sixty percent (60%) of the normal



93 school day. It is the intent of the Legislature that any tax  
94 levies generated to produce additional local funds required by any  
95 school district to operate school terms in excess of one hundred  
96 seventy-five (175) days shall not be construed to constitute a new  
97 program for the purposes of exemption from the limitation on tax  
98 revenues as allowed under Sections 27-39-321 and 37-57-107 for new  
99 programs mandated by the Legislature.

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

104 (l) The term "transported children" shall mean children  
105 being transported to school who live within legal limits for  
106 transportation and who are otherwise qualified for being  
107 transported to school at public expense as fixed by Mississippi  
108 state law.

109 (m) The term "year of teaching experience" shall mean  
110 nine (9) months of actual teaching in the public or private  
111 schools of this or some other state. In no case shall more than  
112 one (1) year of teaching experience be given for all services in  
113 one (1) calendar or school year. In determining a teacher's  
114 experience, no deduction shall be made because of the temporary  
115 absence of the teacher because of illness or other good cause, and  
116 the teacher shall be given credit therefor. The State Board of  
117 Education shall fix a number of days, not to exceed twenty-five  
118 (25) consecutive school days, during which a teacher may not be  
119 under contract of employment during any school year and still be  
120 considered to have been in full-time employment for a regular  
121 scholastic term. In determining the experience of school  
122 librarians, each complete year of continuous, full-time employment  
123 as a professional librarian in a public library in this or some  
124 other state shall be considered a year of teaching experience. If  
125 a full-time school administrator returns to actual teaching in the



126 public schools, the term "year of teaching experience" shall  
127 include the period of time he or she served as a school  
128 administrator. In determining the salaries of teachers who have  
129 experience in any branch of the military, the term "year of  
130 teaching experience" shall include each complete year of actual  
131 classroom instruction while serving in the military.

132 (n) The term "average daily attendance" shall be the  
133 figure which results when the total aggregate attendance during  
134 the period or months counted is divided by the number of days  
135 during the period or months counted upon which both teachers and  
136 pupils are in regular attendance for scheduled classroom  
137 instruction less the average daily attendance for self-contained  
138 special education classes and, prior to full implementation of the  
139 adequate education program the department shall deduct the average  
140 daily attendance for the alternative school program provided for  
141 in Section 37-19-22.

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

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

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

152 (r) "Department" shall mean the State Department of  
153 Education.

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

156 **SECTION 2.** This act shall take effect and be in force from  
157 and after July 1, 2002.

