

By: Representative Warren

To: Education;
Appropriations

HOUSE BILL NO. 742
(As Passed the House)

1 AN ACT TO AMEND CERTAIN STATUTES RELATING TO THE
2 ADMINISTRATION OF SCHOOL DISTRICTS; TO AMEND SECTION 37-7-307,
3 MISSISSIPPI CODE OF 1972, TO AUTHORIZE LOCAL SCHOOL DISTRICTS TO
4 PRESCRIBE MEETINGS QUALIFYING FOR PROFESSIONAL LEAVE, TO PROVIDE
5 THAT SCHOOL DISTRICT SUBSTITUTE EMPLOYEES MAY BE PAID FROM ANY
6 SCHOOL DISTRICT FUNDS, TO CLARIFY CERTAIN PROVISIONS IN THE SCHOOL
7 DISTRICT EMPLOYEE CATASTROPHIC INJURY OR ILLNESS LEAVE LAW, TO
8 CLARIFY THE DEDUCTION FROM A SCHOOL DISTRICT EMPLOYEE'S
9 COMPENSATION DUE TO THE EMPLOYMENT OF A SUBSTITUTE AND TO
10 AUTHORIZE SCHOOL DISTRICTS TO EMPLOY SUBSTITUTE EMPLOYEES FOR
11 PERSONNEL IN ADDITION TO TEACHERS; TO AMEND SECTION 37-151-103,
12 MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE STATE DEPARTMENT OF
13 EDUCATION TO TRANSFER STATE FUNDS ON DATES OTHER THAN DECEMBER 15
14 IF IT IS IN THE BEST INTEREST OF THE SCHOOL DISTRICT; TO AMEND
15 SECTION 37-9-39, MISSISSIPPI CODE OF 1972, TO AUTHORIZE LOCAL
16 SCHOOL DISTRICTS TO ADOPT A POLICY ON THE TIME BASIS FOR PAYING
17 SALARIES AND WAGES TO ITS EMPLOYEES; TO AMEND SECTION 37-21-7,
18 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT TEACHER ASSISTANT
19 SALARIES SHALL BE COMPENSATED ON AN HOURLY RATE BASED ON A TOTAL
20 ANNUAL SALARY; TO AMEND SECTIONS 37-61-19 AND 37-61-21,
21 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT SCHOOL DISTRICT
22 EXPENDITURES SHALL BE LIMITED TO REVENUE RESOURCES AVAILABLE AND
23 NOT LIMITED TO BUDGET FUNDS AND TO PROVIDE A DATE FOR FINAL BUDGET
24 REVISIONS; TO AMEND SECTION 37-151-5, MISSISSIPPI CODE OF 1972, TO
25 CLARIFY THE TERM "YEAR OF TEACHING EXPERIENCE" UNDER THE ADEQUATE
26 EDUCATION PROGRAM FOR SALARY EXPERIENCE INCREMENT PURPOSES; AND
27 FOR RELATED PURPOSES.

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

29 **SECTION 1.** 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, the meetings of
102 the state textbook rating committees or other meetings authorized
103 by local school board policy.



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

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

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

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

133 (c) Forfeiture of accumulated or future sick leave, if
134 the absence of the * * * employee is caused by optional dental or
135 medical treatment or surgery which could, without medical risk,



136 have been provided, furnished or performed at a time when school
137 was not in session;

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

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

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

158 (i) "Catastrophic injury or illness" means a
159 severe condition or combination of conditions affecting the mental
160 or physical health of an employee or a member of an employee's
161 immediate family, including pregnancy, that requires the services
162 of a licensed physician for an extended period of time and that
163 forces the employee to exhaust all leave time available to that
164 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 available leave before he or she will be eligible to
189 receive any leave donated by another employee. Eligibility for
190 donated leave shall be based upon review and approval by the donor
191 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 2.** Section 37-151-103, Mississippi Code of 1972, is
208 amended as follows:

209 37-151-103. (1) Funds due each school district under the
210 terms of this chapter from the Adequate Education Program Fund
211 shall be paid in the following manner: On the twenty-fifth day of
212 each month, or the next business date after that date, there shall
213 be paid to each school district by electronic funds transfer
214 one-twelfth (1/12) of the funds to which the district is entitled
215 from funds appropriated for the Adequate Education Program Fund.

216 * * * However, * * * in December those payments shall be made on
217 December 15th or the next business day after that date. In
218 addition, the State Department of Education may pay school
219 districts from the common school fund and the Adequate Education
220 Program Fund on a date earlier than provided for by this section
221 if it is determined that it is in the best interest of school
222 districts to do so.

223 Provided, however, that if the cash balance in the State
224 General Fund is not adequate on the due date to pay the amounts
225 due to all school districts in the state as determined by the
226 State Superintendent of Education, the State Fiscal Officer shall
227 not transfer said funds payable to any school district or
228 districts until money is available to pay the amount due to all
229 districts.

230 (2) Notwithstanding any provision of this chapter or any
231 other law requiring the number of children in average daily
232 attendance or the average daily attendance of transported children
233 to be determined on the basis of the preceding year, the State
234 Board of Education is hereby authorized and empowered to make



235 proper adjustments in allotments in cases where major changes in
236 the number of children in average daily attendance or the average
237 daily attendance of transported children occurs from one (1) year
238 to another as a result of changes or alterations in the boundaries
239 of school districts, the sending of children from one (1) county
240 or district to another upon a contract basis, the termination or
241 discontinuance of a contract for the sending of children from one
242 (1) county or district to another, a change in or relocation of
243 attendance centers, or for any other reason which would result in
244 a major decrease or increase in the number of children in average
245 daily attendance or the average daily attendance of transported
246 children during the current school year as compared with the
247 preceding year.

248 (3) In the event of an inordinately large number of
249 absentees in any school district as a result of epidemic, natural
250 disaster, or any concerted activity discouraging school
251 attendance, then in such event school attendance for the purposes
252 of determining average daily attendance under the adequate
253 education program shall be based upon the average daily attendance
254 for the preceding school year for such school district.

255 **SECTION 3.** Section 37-9-39, Mississippi Code of 1972, is
256 amended as follows:

257 37-9-39. Salary or wages paid to any employee of any school
258 shall be paid on a basis as determined by the local school board
259 of each school district, except for December, when salaries or
260 wages shall be paid by the last working day. Salaries or wages
261 shall be paid at a minimum on a monthly basis. Any school
262 employee whose employment ends during a school term, regardless of
263 the reason(s) the employment ended, shall be paid salary or wages
264 only for that portion of the school term that employee actually
265 worked. Nothing in this section shall be construed to entitle any
266 employee to payment of salary or wages when no work has been
267 performed.



268 **SECTION 4.** Section 37-21-7, Mississippi Code of 1972, is
269 amended as follows:

270 37-21-7. (1) This section shall be referred to as the
271 "Mississippi Elementary Schools Assistant Teacher Program," the
272 purpose of which shall be to provide an early childhood education
273 program that assists in the instruction of basic skills. The
274 State Board of Education is authorized, empowered and directed to
275 implement a statewide system of assistant teachers in kindergarten
276 classes and in the first, second and third grades. The assistant
277 teacher shall assist pupils in actual instruction under the strict
278 supervision of a licensed teacher.

279 (2) (a) Except as otherwise authorized under subsection
280 (7), each school district shall employ the total number of
281 assistant teachers funded under subsection (6) of this section.
282 The superintendent of each district shall assign the assistant
283 teachers to the kindergarten, first-, second- and third-grade
284 classes in the district in a manner that will promote the maximum
285 efficiency, as determined by the superintendent, in the
286 instruction of skills such as verbal and linguistic skills,
287 logical and mathematical skills, and social skills.

288 (b) If a licensed teacher to whom an assistant teacher
289 has been assigned is required to be absent from the classroom, the
290 assistant teacher may assume responsibility for the classroom in
291 lieu of a substitute teacher. However, no assistant teacher shall
292 assume sole responsibility of the classroom for more than three
293 (3) consecutive school days. Further, in no event shall any
294 assistant teacher be assigned to serve as a substitute teacher for
295 any teacher other than the licensed teacher to whom that assistant
296 teacher has been assigned.

297 (3) Assistant teachers shall have, at a minimum, a high
298 school diploma or a GED equivalent, and shall show demonstratable
299 proficiency in reading and writing skills. The State Department
300 of Education shall develop a testing procedure for assistant



301 teacher applicants to be used in all school districts in the
302 state.

303 (4) (a) In order to receive funding, each school district
304 shall:

305 (i) Submit a plan on the implementation of a
306 reading improvement program to the State Department of Education;
307 and

308 (ii) Develop a plan of educational accountability
309 and assessment of performance, including pretests and posttests,
310 for reading in Grades 1 through 6.

311 (b) Additionally, each school district shall:

312 (i) Provide annually a mandatory preservice
313 orientation session, using an existing in-school service day, for
314 administrators and teachers on the effective use of assistant
315 teachers as part of a team in the classroom setting and on the
316 role of assistant teachers, with emphasis on program goals;

317 (ii) Hold periodic workshops for administrators
318 and teachers on the effective use and supervision of assistant
319 teachers;

320 (iii) Provide training annually on specific
321 instructional skills for assistant teachers;

322 (iv) Annually evaluate their program in accordance
323 with their educational accountability and assessment of
324 performance plan; and

325 (v) Designate the necessary personnel to supervise
326 and report on their program.

327 (5) The State Department of Education shall:

328 (a) Develop and assist in the implementation of a
329 statewide uniform training module, subject to the availability of
330 funds specifically appropriated therefor by the Legislature, which
331 shall be used in all school districts for training administrators,
332 teachers and assistant teachers. The module shall provide for the
333 consolidated training of each assistant teacher and teacher to



334 whom the assistant teacher is assigned, working together as a
335 team, and shall require further periodical training for
336 administrators, teachers and assistant teachers regarding the role
337 of assistant teachers;

338 (b) Annually evaluate the program on the district and
339 state level. Subject to the availability of funds specifically
340 appropriated therefor by the Legislature, the department shall
341 develop: (i) uniform evaluation reports, to be performed by the
342 principal or assistant principal, to collect data for the annual
343 overall program evaluation conducted by the department; or (ii) a
344 program evaluation model that, at a minimum, addresses process
345 evaluation; and

346 (c) Promulgate rules, regulations and such other
347 standards deemed necessary to effectuate the purposes of this
348 section. Noncompliance with the provisions of this section and
349 any rules, regulations or standards adopted by the department may
350 result in a violation of compulsory accreditation standards as
351 established by the State Board of Education and Commission on
352 School Accreditation.

353 (6) In addition to other funds allotted under the Minimum
354 Education or Adequate Education Program, each school district
355 shall be allotted sufficient funding for the purpose of employing
356 assistant teachers. Nothing contained in this subsection shall be
357 interpreted to entitle any assistant teacher to any wage or
358 benefit when no work has been performed.

359 For the 2003-2004 school year, the minimum hourly rate of pay
360 for assistant teachers shall be based on an annual wage of Ten
361 Thousand Five Hundred Dollars (\$10,500.00).

362 For the 2004-2005 school year, the minimum hourly rate of pay
363 for assistant teachers shall be based on an annual wage of Eleven
364 Thousand Two Hundred Dollars (\$11,200.00).



365 For the 2005-2006 school year and school years thereafter,
366 the minimum hourly rate of pay for assistant teachers shall be
367 based on an annual wage of Twelve Thousand Dollars (\$12,000.00).

368 In addition, for each one percent (1%) that the Sine Die
369 General Fund Revenue Estimate Growth exceeds five percent (5%) in
370 fiscal year 2003, 2004, 2005 or 2006, as certified by the
371 Legislative Budget Office to the State Board of Education and
372 subject to the specific appropriation therefor by the Legislature,
373 the State Board of Education shall revise the salary scale in the
374 appropriate year to provide an additional one percent (1%) across
375 the board increase in the base salaries for assistant teachers.
376 The State Board of Education shall revise the salaries prescribed
377 above for assistant teachers to conform to any adjustments made in
378 prior fiscal years due to revenue growth over and above five
379 percent (5%). The assistant teachers shall not be restricted to
380 working only in the grades for which the funds were allotted, but
381 may be assigned to other classes as provided in subsection (2)(a)
382 of this section.

383 (7) (a) As an alternative to employing assistant teachers,
384 any school district may use the allotment provided under
385 subsection (6) of this section for the purpose of employing
386 licensed teachers for kindergarten, first-, second- and
387 third-grade classes; however, no school district shall be
388 authorized to use the allotment for assistant teachers for the
389 purpose of employing licensed teachers unless the district has
390 established that the employment of licensed teachers using such
391 funds will reduce the teacher:student ratio in the kindergarten,
392 first-, second- and third-grade classes. All state funds for
393 assistant teachers shall be applied to reducing teacher:student
394 ratio in Kindergarten through Grade 3.

395 It is the intent of the Legislature that no school district
396 shall dismiss any assistant teacher for the purpose of using the
397 assistant teacher allotment to employ licensed teachers. School



398 districts may rely only upon normal attrition to reduce the number
399 of assistant teachers employed in that district.

400 (b) In the event any school district meets Level 4 or 5
401 accreditation requirements, the State Board of Education, in its
402 discretion, may exempt such school district from any accreditation
403 requirements for the district's early childhood education program
404 or reading improvement program.

405 **SECTION 5.** Section 37-61-19, Mississippi Code of 1972, is
406 amended as follows:

407 37-61-19. It shall be the duty of the superintendents of
408 schools or administrative superintendents, and the school boards
409 of all school districts, to limit the expenditure of school funds
410 during the fiscal year to the resources available. It shall be
411 unlawful for any school district to budget expenditures from a
412 fund in excess of the resources available within that fund

413 * * *. Furthermore, it shall be unlawful for any contract to be
414 entered into or any obligation incurred or expenditure made in
415 excess of the resources available * * * for such fiscal year. Any
416 member of the school board, superintendent of schools, or other
417 school official, who shall knowingly enter into any contract,
418 incur any obligation, or make any expenditure in excess of the
419 amount available * * * for the fiscal year shall be personally
420 liable for the amount of such excess. However, no school board
421 member, superintendent or other school official shall be
422 personally liable (a) in the event of any reduction in adequate
423 education program payments by action of the Governor acting
424 through the Department of Finance and Administration, or (b) for
425 claims, damages, awards or judgments, on account of any wrongful
426 or tortious act or omission or breach of implied term or condition
427 of any warranty or contract; provided, however, that the foregoing
428 immunity provisions shall not be a defense in cases of fraud,
429 criminal action or an intentional breach of fiduciary obligations
430 imposed by statute.



431 **SECTION 6.** Section 37-61-21, Mississippi Code of 1972, is
432 amended as follows:

433 37-61-21. If it should appear to the superintendent of
434 schools or administrative superintendent or the school board of
435 any school district that the amounts to be received from state
436 appropriations, taxation or any other source will be more than the
437 amount estimated in the budget filed and approved, or if it should
438 appear that such amounts shall be less than the amount estimated,
439 the school board of the school district, with assistance from the
440 superintendent, may revise the budget at any time during the
441 fiscal year by increasing or decreasing the fund budget, in
442 proportion to the increase or decrease in the estimated amounts.
443 If it should appear to the superintendent of schools, or
444 administrative superintendent or the school board of a school
445 district that some function of the budget as filed is in excess of
446 the requirement of that function and that the entire amount
447 budgeted for such function will not be needed for expenditures
448 therefor during the fiscal year, the school board of the school
449 district, with assistance from the superintendent, may transfer
450 resources to and from functions and funds within the budget when
451 and where needed; however, no such transfer shall be made from
452 fund to fund or from function to function which will result in the
453 expenditure of any money for any purpose different from that for
454 which the money was appropriated, allotted, collected or otherwise
455 made available or for a purpose which is not authorized by law.
456 No revision of any budget under the provisions hereof shall be
457 made which will permit a fund expenditure in excess of the
458 resources available for such purpose. The revised portions of the
459 budgets shall be incorporated in the minutes of the school board
460 by spreading them on the minutes or by attaching them as an
461 addendum. Final budget revisions, pertinent to a fiscal year,
462 shall be approved on or before the date set by the State Board of



463 Education for the school district to submit its financial
464 information for that fiscal year.

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

467 37-151-5. As used in Sections 37-151-3, 37-151-5 and
468 37-151-7:

469 (a) "Adequate program" or "adequate education program"
470 or "Mississippi Adequate Education Program (M.A.E.P.)" shall mean
471 the program to establish adequate current operation funding levels
472 necessary for the programs of such school district to meet at
473 least Level III of the accreditation system as established by the
474 State Board of Education, acting through the Mississippi
475 Commission on School Accreditation, regardless of the school
476 district's geographic location.

477 (b) "Educational programs or elements of programs not
478 included in the adequate education program calculations, but which
479 may be included in appropriations and transfers to school
480 districts" shall mean:

481 (i) "Capital outlay" shall mean those funds used
482 for the constructing, improving, equipping, renovating or major
483 repairing of school buildings or other school facilities, or the
484 cost of acquisition of land whereon to construct or establish such
485 school facilities.

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

490 (iii) "Adult education" shall mean public
491 education dealing primarily with students above eighteen (18)
492 years of age not enrolled as full-time public school students and
493 not classified as students of technical schools, colleges or
494 universities of the state.



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

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

502 (d) "Base student cost" shall mean the funding level
503 necessary for providing an adequate education program for one (1)
504 base student, subject to any minimum amounts prescribed in Section
505 37-151-7(1).

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

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

512 (ii) "Vocational or technical education program"
513 shall mean a secondary vocational or technical program approved by
514 the State Department of Education and provided for from state
515 funds.

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

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

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



527 (vi) "Extended school year programs" shall mean
528 those programs authorized by law which extend beyond the normal
529 school year.

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

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

535 (f) "Teacher" shall include any employee of a local
536 school who is required by law to obtain a teacher's license from
537 the State Board of Education and who is assigned to an
538 instructional area of work as defined by the State Department of
539 Education.

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

542 (h) "Superintendent" shall mean the head of a school
543 district.

544 (i) "School district" shall mean any type of school
545 district in the State of Mississippi, and shall include
546 agricultural high schools.

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

558 (k) The term "transportation density" shall mean the
559 number of transported children in average daily attendance per



560 square mile of area served in a school district, as determined by
561 the State Department of Education.

562 (l) The term "transported children" shall mean children
563 being transported to school who live within legal limits for
564 transportation and who are otherwise qualified for being
565 transported to school at public expense as fixed by Mississippi
566 state law.

567 (m) The term "year of teaching experience" shall mean
568 nine (9) months of actual teaching in the public or private
569 schools * * *. In no case shall more than one (1) year of
570 teaching experience be given for all services in one (1) calendar
571 or school year. In determining a teacher's experience, no
572 deduction shall be made because of the temporary absence of the
573 teacher because of illness or other good cause, and the teacher
574 shall be given credit therefor. The State Board of Education
575 shall fix a number of days, not to exceed twenty-five (25)
576 consecutive school days, during which a teacher may not be under
577 contract of employment during any school year and still be
578 considered to have been in full-time employment for a regular
579 scholastic term. If a teacher exceeds the number of days
580 established by the State Board of Education that a teacher may not
581 be under contract but may still be employed, that teacher shall
582 not be credited with a year of teaching experience. In
583 determining the experience of school librarians, each complete
584 year of continuous, full-time employment as a professional
585 librarian in a public library in this or some other state shall be
586 considered a year of teaching experience. If a full-time school
587 administrator returns to actual teaching in the public schools,
588 the term "year of teaching experience" shall include the period of
589 time he or she served as a school administrator. In determining
590 the salaries of teachers who have experience in any branch of the
591 military, the term "year of teaching experience" shall include



592 each complete year of actual classroom instruction while serving
593 in the military.

594 (n) The term "average daily attendance" shall be the
595 figure which results when the total aggregate attendance during
596 the period or months counted is divided by the number of days
597 during the period or months counted upon which both teachers and
598 pupils are in regular attendance for scheduled classroom
599 instruction less the average daily attendance for self-contained
600 special education classes and, prior to full implementation of the
601 adequate education program the department shall deduct the average
602 daily attendance for the alternative school program provided for
603 in Section 37-19-22.

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

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

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

614 (r) "Department" shall mean the State Department of
615 Education.

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

618 **SECTION 8.** This act shall take effect and be in force from
619 and after July 1, 2003.

