

By: Representative Pierce

To: Education

HOUSE BILL NO. 635

1 AN ACT TO AMEND SECTION 37-151-5, MISSISSIPPI CODE OF 1972,
2 TO INCREASE THE NUMBER OF DAYS A LICENSED TEACHER MAY NOT BE UNDER
3 CONTRACT BUT BE CONSIDERED EMPLOYED FOR PURPOSES OF SALARY
4 EXPERIENCE INCREMENTS; AND FOR RELATED PURPOSES.

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

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

8 37-151-5. As used in Sections 37-151-3, 37-151-5 and
9 37-151-7:

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

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

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

27 (ii) "Pilot programs" shall mean programs of a
28 pilot or experimental nature usually designed for special purposes

29 and for a specified period of time other than those included in
30 the adequate education program.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

88 (j) "Minimum school term" shall mean a term of at least
89 one hundred eighty (180) days of school in which both teachers and
90 pupils are in regular attendance for scheduled classroom
91 instruction for not less than sixty percent (60%) of the normal
92 school day. It is the intent of the Legislature that any tax
93 levies generated to produce additional local funds required by any

94 school district to operate school terms in excess of one hundred
95 seventy-five (175) days shall not be construed to constitute a new
96 program for the purposes of exemption from the limitation on tax
97 revenues as allowed under Sections 27-39-321 and 37-57-107 for new
98 programs mandated by the Legislature.

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

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

108 (m) The term "year of teaching experience" shall mean
109 nine (9) months of actual teaching in the public or private
110 schools. In no case shall more than one (1) year of teaching
111 experience be given for all services in one (1) calendar or school
112 year. In determining a teacher's experience, no deduction shall
113 be made because of the temporary absence of the teacher because of
114 illness or other good cause, and the teacher shall be given credit
115 therefor. Beginning with the 2003-2004 school year, the State
116 Board of Education shall fix a number of days, not to exceed
117 forty-five (45) consecutive school days, during which a teacher
118 may not be under contract of employment during any school year and
119 still be considered to have been in full-time employment for a
120 regular scholastic term. If a teacher exceeds the number of days
121 established by the State Board of Education that a teacher may not
122 be under contract but may still be employed, that teacher shall
123 not be credited with a year of teaching experience. In
124 determining the experience of school librarians, each complete
125 year of continuous, full-time employment as a professional
126 librarian in a public library in this or some other state shall be

127 considered a year of teaching experience. If a full-time school
128 administrator returns to actual teaching in the public schools,
129 the term "year of teaching experience" shall include the period of
130 time he or she served as a school administrator. In determining
131 the salaries of teachers who have experience in any branch of the
132 military, the term "year of teaching experience" shall include
133 each complete year of actual classroom instruction while serving
134 in the military. In determining the experience of speech-language
135 pathologists and audiologists, each complete year of continuous
136 full-time post master's degree employment in an educational
137 setting in this or some other state shall be considered a year of
138 teaching experience.

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

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

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

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

159 (r) "Department" shall mean the State Department of
160 Education.

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

163 **SECTION 2.** This act shall take effect and be in force from
164 and after its passage.