

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.