

REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER AND MR. PRESIDENT:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

H. B. No. 1170: School District Maintenance Fund; require district to file budget cuts plan if falls below 7% ending balance of.

We, therefore, respectfully submit the following report and recommendation:

1. That the Senate recede from its Amendment No. 1.
2. That the House and Senate adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

18 **SECTION 1.** (1) During the 2010, 2011 and 2012 fiscal years,
19 whenever a school district has an ending fund balance in the
20 maintenance fund of the school district which is an amount equal
21 to less than seven percent (7%) of the total revenue deposited
22 into the district maintenance fund during that fiscal year, the
23 school board of the school district shall prepare and file with
24 the State Department of Education a plan under which the district
25 intends to reduce costs in the district. The plan must be
26 submitted by the school board to the department contemporaneously
27 with the budgetary information required under Section 37-61-9(2).

28 (2) The State Board of Education may adopt rules and
29 regulations prescribing the specific contents required to be
30 included in a plan submitted by a local school board to the
31 department under subsection (1) of this section. The rules and
32 regulations may include provisions addressing the following
33 matters:

34 (a) A description of the financial data or documents
35 and budgetary information that a district must submit to the
36 department;



37 (b) A description of the manner by which the school
38 district intends to achieve costs savings, demonstrated by actual
39 reductions in budgeted expenditures;

40 (c) A requirement that before a school board makes
41 expenditure cuts by reductions in the number of instructional
42 employees or by reducing any discretionary supplemental amounts
43 paid to instructional personnel, significant cost savings must be
44 demonstrated by reducing the number of noninstructional personnel
45 or the amounts paid to those employees, or both; and

46 (d) Any other information deemed necessary by the State
47 Board of Education.

48 (3) After analyzing a plan that has been filed with the
49 department under subsection (1), the department shall either
50 approve the plan as submitted by the school board or
51 alternatively, withhold approval and return the plan to the
52 district with guidance or instructions, which may require
53 resubmission of the plan by the school board for further review
54 after changes have been made to the plan.

55 (4) This section shall stand repealed on July 1, 2012.

56 **SECTION 2.** (1) For purposes of this section, "furlough" is
57 defined as the placement of an employee temporarily and
58 involuntarily in a nonpay and nonduty status for a limited number
59 of workdays during the school year.

60 (2) In the event a local school board determines that a
61 serious financial condition exists and that resources are
62 insufficient to meet district obligations, the local school board
63 may adopt a resolution on the recommendation of the local
64 superintendent to furlough all instructional, noninstructional and
65 administrative employees of the school district, including the
66 superintendent, for not more than three (3) days during the
67 2010-2011 school year and for not more than three (3) days during
68 the 2011-2012 school year. For every day an instructional,



69 noninstructional or administrative employee with a contract not
70 less than one hundred eighty-seven (187) days is furloughed
71 without pay, the employee shall be authorized to take one-half
72 (1/2) day of personal leave under the conditions of Section
73 37-7-307(3). The three (3) discretionary furlough days for all
74 licensed employees in the 2010-2011 school year and the 2011-2012
75 school year shall not be taken during days that are devoted to
76 classroom instruction.

77 (3) This section shall stand repealed from and after July 1,
78 2012.

79 **SECTION 3.** Section 37-7-307, Mississippi Code of 1972, is
80 amended as follows:

81 37-7-307. (1) For purposes of this section, the term
82 "licensed employee" means any employee of a public school district
83 required to hold a valid license by the Commission on Teacher and
84 Administrator Education, Certification and Licensure and
85 Development.

86 (2) The school board of a school district shall establish by
87 rules and regulations a policy of sick leave with pay for licensed
88 employees and teacher assistants employed in the school district,
89 and such policy shall include the following minimum provisions for
90 sick and emergency leave with pay:

91 (a) Each licensed employee and teacher assistant, at
92 the beginning of each school year, shall be credited with a
93 minimum sick leave allowance, with pay, of seven (7) days for
94 absences caused by illness or physical disability of the employee
95 during that school year.

96 (b) Any unused portion of the total sick leave
97 allowance shall be carried over to the next school year and
98 credited to such licensed employee and teacher assistant if the
99 licensed employee or teacher assistant remains employed in the
100 same school district. In the event any public school licensed



101 employee or teacher assistant transfers from one public school
102 district in Mississippi to another, any unused portion of the
103 total sick leave allowance credited to such licensed employee or
104 teacher assistant shall be credited to such licensed employee or
105 teacher assistant in the computation of unused leave for
106 retirement purposes under Section 25-11-109. Accumulation of sick
107 leave allowed under this section shall be unlimited.

108 (c) No deduction from the pay of such licensed employee
109 or teacher assistant may be made because of absence of such
110 licensed employee or teacher assistant caused by illness or
111 physical disability of the licensed employee or teacher assistant
112 until after all sick leave allowance credited to such licensed
113 employee or teacher assistant has been used.

114 (d) For the first ten (10) days of absence of a
115 licensed employee because of illness or physical disability, in
116 any school year, in excess of the sick leave allowance credited to
117 such licensed employee, there may be deducted from the pay of such
118 licensed employee the established substitute amount of licensed
119 employee compensation paid in that local school district,
120 necessitated because of the absence of the licensed employee as a
121 result of illness or physical disability. Thereafter, the regular
122 pay of such absent licensed employee may be suspended and withheld
123 in its entirety for any period of absence because of illness or
124 physical disability during that school year.

125 (3) Beginning with the school year 1983-1984, each licensed
126 employee at the beginning of each school year shall be credited
127 with a minimum personal leave allowance, with pay, of two (2) days
128 for absences caused by personal reasons during that school year.
129 Effective for the 2010-2011 and 2011-2012 school years, licensed
130 employees shall be credited with an additional one-half (1/2) day
131 of personal leave for every day the licensed employee is
132 furloughed without pay as provided in Section 2 of this act. Such



133 personal leave shall not be taken on the first day of the school
134 term, the last day of the school term, on a day previous to a
135 holiday or a day after a holiday, unless on such days an immediate
136 family member of the employee is being deployed for military
137 service. Personal leave may be used for professional purposes,
138 including absences caused by attendance of such licensed employee
139 at a seminar, class, training program, professional association or
140 other functions designed for educators. No deduction from the pay
141 of such licensed employee may be made because of absence of such
142 licensed employee caused by personal reasons until after all
143 personal leave allowance credited to such licensed employee has
144 been used. However, the superintendent of a school district, in
145 his discretion, may allow a licensed employee personal leave in
146 addition to any minimum personal leave allowance, under the
147 condition that there shall be deducted from the salary of such
148 licensed employee the actual amount of any compensation paid to
149 any person as a substitute, necessitated because of the absence of
150 the licensed employee. Any unused portion of the total personal
151 leave allowance up to five (5) days shall be carried over to the
152 next school year and credited to such licensed employee if the
153 licensed employee remains employed in the same school district.
154 Any personal leave allowed for a furlough day shall not be carried
155 over to the next school year.

156 (4) Beginning with the school year 1992-1993, each licensed
157 employee shall be credited with a professional leave allowance,
158 with pay, for each day of absence caused by reason of such
159 employee's statutorily required membership and attendance at a
160 regular or special meeting held within the State of Mississippi of
161 the State Board of Education, the Commission on Teacher and
162 Administrator Education, Certification and Licensure and
163 Development, the Commission on School Accreditation, the
164 Mississippi Authority for Educational Television, the meetings of



165 the state textbook rating committees or other meetings authorized
166 by local school board policy.

167 (5) Upon retirement from employment, each licensed and
168 nonlicensed employee shall be paid for not more than thirty (30)
169 days of unused accumulated leave earned while employed by the
170 school district in which the employee is last employed. Such
171 payment for licensed employees shall be made by the school
172 district at a rate equal to the amount paid to substitute teachers
173 and for nonlicensed employees, the payment shall be made by the
174 school district at a rate equal to the federal minimum wage. The
175 payment shall be treated in the same manner for retirement
176 purposes as a lump-sum payment for personal leave as provided in
177 Section 25-11-103(e). Any remaining lawfully credited unused
178 leave, for which payment has not been made, shall be certified to
179 the Public Employees' Retirement System in the same manner and
180 subject to the same limitations as otherwise provided by law for
181 unused leave. No payment for unused accumulated leave may be made
182 to either a licensed or nonlicensed employee at termination or
183 separation from service for any purpose other than for the purpose
184 of retirement.

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

189 (a) Requiring the absent employee to furnish the
190 certificate of a physician or dentist or other medical
191 practitioner as to the illness of the absent licensed employee,
192 where the absence is for four (4) or more consecutive school days,
193 or for two (2) consecutive school days immediately preceding or
194 following a nonschool day;

195 (b) Providing penalties, by way of full deduction from
196 salary, or entry on the work record of the employee, or other



197 appropriate penalties, for any materially false statement by the
198 employee as to the cause of absence;

199 (c) Forfeiture of accumulated or future sick leave, if
200 the absence of the employee is caused by optional dental or
201 medical treatment or surgery which could, without medical risk,
202 have been provided, furnished or performed at a time when school
203 was not in session;

204 (d) Enlarging, increasing or providing greater sick or
205 personal leave allowances than the minimum standards established
206 by this section in the discretion of the school board of each
207 school district.

208 (7) School boards may include in their budgets provisions
209 for the payment of substitute employees, necessitated because of
210 the absence of regular licensed employees. All such substitute
211 employees shall be paid wholly from district funds, except as
212 otherwise provided for long-term substitute teachers in Section
213 37-19-20. Such school boards, in their discretion, also may pay,
214 from district funds other than adequate education program funds,
215 the whole or any part of the salaries of all employees granted
216 leaves for the purpose of special studies or training.

217 (8) The school board may further adopt rules and regulations
218 which will reasonably implement such leave policies for all other
219 nonlicensed and hourly paid school employees as the board deems
220 appropriate. Effective for the 2010-2011 and 2011-2012 school
221 years, nonlicensed employees shall be credited with an additional
222 one-half (1/2) day of personal leave for every day the nonlicensed
223 employee is furloughed without pay as provided in Section 2 of
224 this act.

225 (9) Vacation leave granted to either licensed or nonlicensed
226 employees shall be synonymous with personal leave. Unused
227 vacation or personal leave accumulated by licensed employees in
228 excess of the maximum five (5) days which may be carried over from



229 one year to the next may be converted to sick leave. The annual
230 conversion of unused vacation or personal leave to sick days for
231 licensed or unlicensed employees shall not exceed the allowable
232 number of personal leave days as provided in Section 25-3-93. The
233 annual total number of converted unused vacation and/or personal
234 days added to the annual unused sick days for any employee shall
235 not exceed the combined allowable number of days per year provided
236 in Sections 25-3-93 and 25-3-95. Local school board policies that
237 provide for vacation, personal and sick leave for employees shall
238 not exceed the provisions for leave as provided in Sections
239 25-3-93 and 25-3-95. Any personal or vacation leave previously
240 converted to sick leave under a lawfully adopted policy before May
241 1, 2004, or such personal or vacation leave accumulated and
242 available for use prior to May 1, 2004, under a lawfully adopted
243 policy but converted to sick leave after May 1, 2004, shall be
244 recognized as accrued leave by the local school district and
245 available for use by the employee. The leave converted under a
246 lawfully adopted policy prior to May 1, 2004, or such personal and
247 vacation leave accumulated and available for use as of May 1,
248 2004, which was subsequently converted to sick leave may be
249 certified to the Public Employees' Retirement System upon
250 termination of employment and any such leave previously converted
251 and certified to the Public Employees' Retirement System shall be
252 recognized.

253 (10) (a) For the purposes of this subsection, the following
254 words and phrases shall have the meaning ascribed in this
255 paragraph unless the context requires otherwise:

256 (i) "Catastrophic injury or illness" means a
257 life-threatening injury or illness of an employee or a member of
258 an employee's immediate family that totally incapacitates the
259 employee from work, as verified by a licensed physician, and
260 forces the employee to exhaust all leave time earned by that



261 employee, resulting in the loss of compensation from the local
262 school district for the employee. Conditions that are short-term
263 in nature, including, but not limited to, common illnesses such as
264 influenza and the measles, and common injuries, are not
265 catastrophic. Chronic illnesses or injuries, such as cancer or
266 major surgery, that result in intermittent absences from work and
267 that are long-term in nature and require long recuperation periods
268 may be considered catastrophic.

269 (ii) "Immediate family" means spouse, parent,
270 stepparent, sibling, child or stepchild.

271 (b) Any school district employee may donate a portion
272 of his or her unused accumulated personal leave or sick leave to
273 another employee of the same or another school district who is
274 suffering from a catastrophic injury or illness or who has a
275 member of his or her immediate family suffering from a
276 catastrophic injury or illness, in accordance with the following:

277 (i) The employee donating the leave (the "donor
278 employee") shall designate the employee who is to receive the
279 leave (the "recipient employee") and the amount of unused
280 accumulated personal leave and sick leave that is to be donated,
281 and shall notify the school district superintendent or his
282 designee of his or her designation.

283 (ii) The maximum amount of unused accumulated
284 personal leave that an employee may donate to any other employee
285 may not exceed a number of days that would leave the donor
286 employee with fewer than seven (7) days of personal leave
287 remaining, and the maximum amount of unused accumulated sick leave
288 that an employee may donate to any other employee may not exceed
289 fifty percent (50%) of the unused accumulated sick leave of the
290 donor employee.

291 (iii) An employee must have exhausted all of his
292 or her available leave before he or she will be eligible to



293 receive any leave donated by another employee. Eligibility for
294 donated leave shall be based upon review and approval by the donor
295 employee's supervisor.

296 (iv) Before an employee may receive donated leave,
297 he or she must provide the school district superintendent or his
298 designee with a physician's statement that states the beginning
299 date of the catastrophic injury or illness, a description of the
300 injury or illness, and a prognosis for recovery and the
301 anticipated date that the recipient employee will be able to
302 return to work.

303 (v) If the total amount of leave that is donated
304 to any employee is not used by the recipient employee, the whole
305 days of donated leave shall be returned to the donor employees on
306 a pro rata basis, based on the ratio of the number of days of
307 leave donated by each donor employee to the total number of days
308 of leave donated by all donor employees.

309 (vi) Donated leave shall not be used in lieu of
310 disability retirement.

311 **SECTION 4.** Section 37-151-87, Mississippi Code of 1972, is
312 amended as follows:

313 37-151-87. No school district shall pay any teacher less
314 than the state minimum salary. Provided, however, that school
315 districts are authorized to reduce the state minimum salary by a
316 pro rata daily amount in order to comply with the school district
317 employee furlough provisions of Section 2 of this act. From and
318 after July 1, 2012, no school district shall receive any funds
319 under the provisions of this chapter for any school year during
320 which the aggregate amount of local supplement as defined in
321 Section 37-151-5 shall have been reduced below such amount for the
322 previous year. However, (a) where there has been a reduction in
323 adequate education program allocations for such district in such
324 year, (b) where there has been a reduction in the amount of



325 federal funds to such district below the previous year, or (c)
326 where there has been a reduction in ad valorem taxes to such
327 school district for the 1986-1987 school year below the amount for
328 the previous year due to the exemption of nuclear generating
329 plants from ad valorem taxation pursuant to Section 27-35-309,
330 Mississippi Code of 1972, the aggregate amount of local supplement
331 in such district may be reduced in the discretion of the local
332 school board without loss of funds under this chapter. No school
333 district may receive any funds under the provisions of this
334 chapter for any school year if the aggregate amount of support
335 from ad valorem taxation shall be reduced during such school year
336 below such amount for the previous year; however, where there is a
337 loss in adequate education program allocations, or where there is
338 or heretofore has been a decrease in the total assessed value of
339 taxable property within a school district, the aggregate amount of
340 such support may be reduced proportionately. Nothing herein
341 contained shall prohibit any school district from adopting or
342 continuing a program or plan whereby teachers are paid varying
343 salaries according to the teaching ability, classroom performance
344 and other similar standards.

345 **SECTION 5.** Section 37-19-7, Mississippi Code of 1972, is
346 amended as follows:

347 37-19-7. (1) This section shall be known and may be cited
348 as the Mississippi "Teacher Opportunity Program (TOP)." The
349 allowance in the Mississippi Adequate Education Program for
350 teachers' salaries in each county and separate school district
351 shall be determined and paid in accordance with the scale for
352 teachers' salaries as provided in this subsection. For teachers
353 holding the following types of licenses or the equivalent as
354 determined by the State Board of Education, and the following
355 number of years of teaching experience, the scale shall be as
356 follows:



357 **2007-2008 School Year and School Years Thereafter**

358 **Less Than 25 Years of Teaching Experience**

359 AAAA..... \$ 35,020.00
360 AAA..... 33,990.00
361 AA..... 32,960.00
362 A..... 30,900.00

363 **25 or More Years of Teaching Experience**

364 AAAA..... \$ 37,080.00
365 AAA..... 36,050.00
366 AA..... 35,020.00
367 A..... 32,960.00

368 The State Board of Education shall revise the salary scale
369 prescribed above for the 2007-2008 school year to conform to any
370 adjustments made to the salary scale in prior fiscal years due to
371 revenue growth over and above five percent (5%). For each one
372 percent (1%) that the Sine Die General Fund Revenue Estimate
373 Growth exceeds five percent (5%) for fiscal year 2006, as
374 certified by the Legislative Budget Office to the State Board of
375 Education and subject to specific appropriation therefor by the
376 Legislature, the State Board of Education shall revise the salary
377 scale to provide an additional one percent (1%) across-the-board
378 increase in the base salaries for each type of license.

379 It is the intent of the Legislature that any state funds made
380 available for salaries of licensed personnel in excess of the
381 funds paid for such salaries for the 1986-1987 school year shall
382 be paid to licensed personnel pursuant to a personnel appraisal
383 and compensation system implemented by the State Board of
384 Education. The State Board of Education shall have the authority
385 to adopt and amend rules and regulations as are necessary to
386 establish, administer and maintain the system.

387 **[Until July 1, 2012, this paragraph shall read as follows:]**



388 All teachers employed on a full-time basis shall be paid a
389 minimum salary in accordance with the above scale. Provided,
390 however, that school districts are authorized to reduce the state
391 minimum salary by a pro rata daily amount in order to comply with
392 the school district employee furlough provisions of Section 2 of
393 this act. * * *

394 **[From and after July 1, 2012, this paragraph shall read as**
395 **follows:]**

396 All teachers employed on a full-time basis shall be paid a
397 minimum salary in accordance with the above scale. However, no
398 school district shall receive any funds under this section for any
399 school year during which the local supplement paid to any
400 individual teacher shall have been reduced to a sum less than that
401 paid to that individual teacher for performing the same duties
402 from local supplement during the immediately preceding school
403 year. The amount actually spent for the purposes of group health
404 and/or life insurance shall be considered as a part of the
405 aggregate amount of local supplement but shall not be considered a
406 part of the amount of individual local supplement.

407 **2008-2009 School Year**

408 **Annual Increments**

409 For teachers holding a Class AAAA license, the minimum base
410 pay specified in this subsection shall be increased by the sum of
411 Seven Hundred Ninety-four Dollars (\$794.00) for each year of
412 teaching experience possessed by the person holding such license
413 until such person shall have twenty-five (25) years of teaching
414 experience, and shall be increased by Three Hundred Ninety-seven
415 Dollars (\$397.00) for each year of teaching experience over
416 twenty-five (25) years up to thirty-five (35) years.

417 For teachers holding a Class AAA license, the minimum base
418 pay specified in this subsection shall be increased by the sum of
419 Seven Hundred Twenty-seven Dollars (\$727.00) for each year of



420 teaching experience possessed by the person holding such license
421 until such person shall have twenty-five (25) years of teaching
422 experience, and shall be increased by Three Hundred Sixty-four
423 Dollars (\$364.00) for each year of teaching experience over
424 twenty-five (25) years up to thirty-five (35) years.

425 For teachers holding a Class AA license, the minimum base pay
426 specified in this subsection shall be increased by the sum of Six
427 Hundred Sixty Dollars (\$660.00) for each year of teaching
428 experience possessed by the person holding such license until such
429 person shall have twenty-five (25) years of teaching experience,
430 and shall be increased by Three Hundred Thirty Dollars (\$330.00)
431 for each year of teaching experience over twenty-five (25) years
432 up to thirty-five (35) years.

433 For teachers holding a Class A license, the minimum base pay
434 specified in this subsection shall be increased by the sum of Four
435 Hundred Ninety-five Dollars (\$495.00) for each year of teaching
436 experience possessed by the person holding such license until such
437 person shall have twenty-four (24) years of teaching experience,
438 and shall be increased by Two Hundred Forty-eight Dollars
439 (\$248.00) for each year of teaching experience over twenty-four
440 (24) years up to thirty-five (35) years.

441 **2009-2010 School Year**

442 **Annual Increments**

443 For teachers holding a Class AAAA license, the minimum base
444 pay specified in this subsection shall be increased by the sum of
445 Seven Hundred Ninety-four Dollars (\$794.00) for each year of
446 teaching experience possessed by the person holding such license
447 until such person shall have thirty-five (35) years of teaching
448 experience.

449 For teachers holding a Class AAA license, the minimum base
450 pay specified in this subsection shall be increased by the sum of
451 Seven Hundred Twenty-seven Dollars (\$727.00) for each year of



452 teaching experience possessed by the person holding such license
453 until such person shall have thirty-five (35) years of teaching
454 experience.

455 For teachers holding a Class AA license, the minimum base pay
456 specified in this subsection shall be increased by the sum of Six
457 Hundred Sixty Dollars (\$660.00) for each year of teaching
458 experience possessed by the person holding such license until such
459 person shall have thirty-five (35) years of teaching experience.

460 For teachers holding a Class A license, the minimum base pay
461 specified in this subsection shall be increased by the sum of Four
462 Hundred Ninety-five Dollars (\$495.00) for each year of teaching
463 experience possessed by the person holding such license until such
464 person shall have thirty-five (35) years of teaching experience.

465 The level of professional training of each teacher to be used
466 in establishing the salary allotment for the teachers for each
467 year shall be determined by the type of valid teacher's license
468 issued to those teachers on or before October 1 of the current
469 school year. Provided, however, that school districts are
470 authorized, in their discretion, to negotiate the salary levels
471 applicable to certificated employees who are receiving retirement
472 benefits from the retirement system of another state, and the
473 annual experience increment provided above in Section 37-19-7
474 shall not be applicable to any such retired certificated employee.

475 Each school district shall provide an annual report to the
476 State Department of Education on the number of certificated and
477 noncertificated employees receiving a salary from the school
478 district who are also receiving retirement benefits from the
479 Public Employees' Retirement System. This report shall include
480 the name of the employee(s), the hours per week for which the
481 employee is under contract and the services for which the employee
482 is under contract. Said required annual report shall be in a form
483 and deadline promulgated by the State Board of Education. The



484 State Department shall include this information in its annual
485 budget request to the Legislative Budget Office.

486 (2) (a) The following employees shall receive an annual
487 salary supplement in the amount of Six Thousand Dollars
488 (\$6,000.00), plus fringe benefits, in addition to any other
489 compensation to which the employee may be entitled:

490 (i) Any licensed teacher who has met the
491 requirements and acquired a Master Teacher certificate from the
492 National Board for Professional Teaching Standards and who is
493 employed by a local school board or the State Board of Education
494 as a teacher and not as an administrator. Such teacher shall
495 submit documentation to the State Department of Education that the
496 certificate was received prior to October 15 in order to be
497 eligible for the full salary supplement in the current school
498 year, or the teacher shall submit such documentation to the State
499 Department of Education prior to February 15 in order to be
500 eligible for a prorated salary supplement beginning with the
501 second term of the school year.

502 (ii) A licensed nurse who has met the requirements
503 and acquired a certificate from the National Board for
504 Certification of School Nurses, Inc., and who is employed by a
505 local school board or the State Board of Education as a school
506 nurse and not as an administrator. The licensed school nurse
507 shall submit documentation to the State Department of Education
508 that the certificate was received before October 15 in order to be
509 eligible for the full salary supplement in the current school
510 year, or the licensed school nurse shall submit the documentation
511 to the State Department of Education before February 15 in order
512 to be eligible for a prorated salary supplement beginning with the
513 second term of the school year. Provided, however, that the total
514 number of licensed school nurses eligible for a salary supplement
515 under this paragraph (ii) shall not exceed thirty (30).



516 (iii) Any licensed school counselor who has met
517 the requirements and acquired a National Certified School
518 Counselor (NCSC) endorsement from the National Board of Certified
519 Counselors and who is employed by a local school board or the
520 State Board of Education as a counselor and not as an
521 administrator. Such licensed school counselor shall submit
522 documentation to the State Department of Education that the
523 endorsement was received prior to October 15 in order to be
524 eligible for the full salary supplement in the current school
525 year, or the licensed school counselor shall submit such
526 documentation to the State Department of Education prior to
527 February 15 in order to be eligible for a prorated salary
528 supplement beginning with the second term of the school year.
529 However, any school counselor who started the National Board for
530 Professional Teaching Standards process for school counselors
531 between June 1, 2003, and June 30, 2004, and completes the
532 requirements and acquires the Master Teacher certificate shall be
533 entitled to the master teacher supplement, and those counselors
534 who complete the process shall be entitled to a one-time
535 reimbursement for the actual cost of the process as outlined in
536 paragraph (b) of this subsection.

537 (iv) Any licensed speech-language pathologist and
538 audiologist who has met the requirements and acquired a
539 Certificate of Clinical Competence from the American
540 Speech-Language-Hearing Association and who is employed by a local
541 school board or is employed by a state agency under the State
542 Personnel Board. Such licensed speech-language pathologist and
543 audiologist shall submit documentation to the State Department of
544 Education that the certificate or endorsement was received prior
545 to October 15 in order to be eligible for the full salary
546 supplement in the current school year, or the licensed
547 speech-language pathologist and audiologist shall submit such



548 documentation to the State Department of Education prior to
549 February 15 in order to be eligible for a prorated salary
550 supplement beginning with the second term of the school year.

551 (b) An employee shall be reimbursed one (1) time for
552 the actual cost of completing the process of acquiring the
553 certificate or endorsement, excluding any costs incurred for
554 postgraduate courses, not to exceed Five Hundred Dollars (\$500.00)
555 for a school counselor or speech-language pathologist and
556 audiologist, regardless of whether or not the process resulted in
557 the award of the certificate or endorsement. A local school
558 district or any private individual or entity may pay the cost of
559 completing the process of acquiring the certificate or endorsement
560 for any employee of the school district described under paragraph
561 (a), and the State Department of Education shall reimburse the
562 school district for such cost, regardless of whether or not the
563 process resulted in the award of the certificate or endorsement.
564 If a private individual or entity has paid the cost of completing
565 the process of acquiring the certificate or endorsement for an
566 employee, the local school district may agree to directly
567 reimburse the individual or entity for such cost on behalf of the
568 employee.

569 (c) All salary supplements, fringe benefits and process
570 reimbursement authorized under this subsection shall be paid
571 directly by the State Department of Education to the local school
572 district and shall be in addition to its minimum education program
573 allotments and not a part thereof in accordance with regulations
574 promulgated by the State Board of Education, and subject to
575 appropriation by the Legislature. Local school districts shall
576 not reduce the local supplement paid to any employee receiving
577 such salary supplement, and the employee shall receive any local
578 supplement to which employees with similar training and experience
579 otherwise are entitled.



580 (d) The State Department of Education may not pay any
581 process reimbursement to a school district for an employee who
582 does not complete the certification or endorsement process
583 required to be eligible for the certificate or endorsement. If an
584 employee for whom such cost has been paid in full or in part by a
585 local school district or private individual or entity fails to
586 complete the certification or endorsement process, the employee
587 shall be liable to the school district or individual or entity for
588 all amounts paid by the school district or individual or entity on
589 behalf of that employee toward his or her certificate or
590 endorsement.

591 (3) (a) Effective July 1, 2007, if funds are available for
592 that purpose, the Legislature may authorize state funds for
593 additional base compensation for teachers holding licenses in
594 critical subject areas or the equivalent and who teach at least a
595 majority of their courses in a critical subject area, as
596 determined by the State Board of Education.

597 (b) Effective July 1, 2007, if funds are available for
598 that purpose, the Legislature may authorize state funds for
599 additional base compensation for teachers employed in a public
600 school district located in a geographic area of the state
601 designated as a critical teacher shortage area by the State Board
602 of Education.

603 (4) (a) This section shall be known and may be cited as the
604 "Mississippi Performance Based Pay (MPBP)" plan. In addition to
605 the minimum base pay described in this section, only after full
606 funding of MAEP and if funds are available for that purpose, the
607 State of Mississippi may provide monies from state funds to school
608 districts for the purposes of rewarding certified teachers,
609 administrators and nonlicensed personnel at individual schools
610 showing improvement in student test scores. The MPBP plan shall



611 be developed by the State Department of Education based on the
612 following criteria:

613 (i) It is the express intent of this legislation
614 that the MPBP plan shall utilize only existing standards of
615 accreditation and assessment as established by the State Board of
616 Education.

617 (ii) To ensure that all of Mississippi's teachers,
618 administrators and nonlicensed personnel at all schools have equal
619 access to the monies set aside in this section, the MPBP program
620 shall be designed to calculate each school's performance as
621 determined by the school's increase in scores from the prior
622 school year. The MPBP program shall be based on a standardized
623 scores rating where all levels of schools can be judged in a
624 statistically fair and reasonable way upon implementation. At the
625 end of each year, after all student achievement scores have been
626 standardized, the State Department of Education shall implement
627 the MPBP plan.

628 (iii) To ensure all teachers cooperate in the
629 spirit of teamwork, individual schools shall submit a plan to the
630 local school district to be approved before the beginning of each
631 school year beginning July 1, 2008. The plan shall include, but
632 not be limited to, how all teachers, regardless of subject area,
633 and administrators will be responsible for improving student
634 achievement for their individual school.

635 (b) The State Board of Education shall develop the
636 processes and procedures for designating schools eligible to
637 participate in the MPBP. State assessment results, growth in
638 student achievement at individual schools and other measures
639 deemed appropriate in designating successful student achievement
640 shall be used in establishing MPBP criteria. The State Board of
641 Education shall develop the MPBP policies and procedures and
642 report to the Legislature and Governor by December 1, 2006.



643 (5) (a) Beginning in the 2008-2009 school year, if funds
644 are available for that purpose, each school in Mississippi shall
645 have mentor teachers, as defined by Sections 37-9-201 through
646 37-9-213, who shall receive additional base compensation provided
647 for by the State Legislature in the amount of One Thousand Dollars
648 (\$1,000.00) per each beginning teacher that is being mentored.
649 The additional state compensation shall be limited to those mentor
650 teachers that provide mentoring services to beginning teachers.
651 For the purposes of such funding, a beginning teacher shall be
652 defined as any teacher in any school in Mississippi that has less
653 than one (1) year of classroom experience teaching in a public
654 school. For the purposes of such funding, no full-time academic
655 teacher shall mentor more than two (2) beginning teachers. The
656 State Department of Education shall annually provide to the
657 Legislature, no later than January 2, the number of beginning
658 teachers in each school in Mississippi as defined in this
659 subsection.

660 (b) To be eligible for this state funding, the
661 individual school must have a classroom management program
662 approved by the local school board.

663 **SECTION 6.** Section 37-9-23, Mississippi Code of 1972, is
664 amended as follows:

665 37-9-23. The superintendent shall enter into a contract with
666 each assistant superintendent, principal, licensed employee and
667 person anticipating graduation from an approved teacher education
668 program or the issuance of a proper license before October 15 or
669 February 15, as the case may be, who is elected and approved for
670 employment by the school board. Such contracts shall be in such
671 form as shall be prescribed by the State Board of Education and
672 shall be executed in duplicate with one (1) copy to be retained by
673 the appropriate superintendent and one (1) copy to be retained by
674 the principal, licensed employee or person recommended for a



675 licensed position contracted with. The contract shall show the
676 name of the district, the length of the school term, the position
677 held (whether an assistant superintendent, principal or licensed
678 employee), the scholastic years which it covers, the total amount
679 of the annual salary and how same is payable. The amount of
680 salary to be shown in such contract shall be the amount which
681 shall have been fixed and determined by the school board, but, as
682 to the licensed employees paid in whole or in part with adequate
683 education program funds, such salary shall not be less than that
684 required under the provisions of Chapter 19 of this title.
685 Beginning with the 2010-2011 school year, the contract shall
686 include a provision allowing the school district to reduce the
687 state minimum salary by a pro rata daily amount in order to comply
688 with the school district employee furlough provisions of Section 2
689 of this act, and shall include a provision which conditions the
690 payment of such salary upon the availability of adequate education
691 funds provided for salaries. The contract entered into with any
692 person recommended for a licensed position who is anticipating
693 either graduation from an approved teacher education program
694 before September 1 or December 31, as the case may be, or the
695 issuance of a proper license before October 15 or February 15, as
696 the case may be, shall be a conditional contract and shall include
697 a provision stating that the contract will be null and void if, as
698 specified in the contract, the contingency upon which the contract
699 is conditioned has not occurred. If any superintendent, other
700 than those elected, principal, licensed employee or person
701 recommended for a licensed position who has been elected and
702 approved shall not execute and return the contract within ten (10)
703 days after same has been tendered to him for execution, then, at
704 the option of the school board, the election of the licensed
705 employee and the contract tendered to him shall be void and of no
706 effect.



707 **SECTION 7.** Section 37-9-33, Mississippi Code of 1972, is
708 amended as follows:

709 37-9-33. (1) In employing and contracting with appointed
710 superintendents, principals and certificated employees, the school
711 board shall in all cases determine whether the amount of salary to
712 be paid such superintendent, principals and certificated employees
713 is in compliance with the provisions of the adequate education
714 program. No contract shall be entered into where the salary of a
715 superintendent, principal or certificated employee is to be paid
716 in whole or in part from adequate education program funds except
717 where the requirements of said chapter as to the amount of such
718 salary are fully met. Nothing herein shall be construed, however,
719 to prohibit any school district from increasing the salaries of
720 appointed superintendents, principals and certificated employees
721 above the amounts fixed by said chapter, provided that the amount
722 of such increase is paid from funds available to such district
723 other than adequate program funds. Provided further, that school
724 districts are authorized, in their discretion, to negotiate the
725 salary levels applicable to certificated employees employed after
726 July 1, 2009, who are receiving retirement benefits from the
727 retirement system of another state, and the annual experience
728 increment provided in Section 37-19-7 shall not be applicable to
729 any such retired certificated employee. Nothing herein shall be
730 construed to prohibit any school district from complying with the
731 school district employee furlough provisions of Section 2 of this
732 act.

733 (2) Each school district shall provide an annual report to
734 the State Department of Education on the number of certificated
735 and noncertificated employees receiving a salary from the school
736 district who are also receiving retirement benefits from the
737 Public Employees' Retirement System. This report shall include
738 the name of the employee(s), the hours per week for which the



739 employee is under contract and the services for which the employee
740 is under contract. Said required annual report shall be in a form
741 and deadline promulgated by the State Board of Education.

742 **SECTION 8.** This act shall take effect and be in force from
743 and after its passage.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO REQUIRE THE SCHOOL BOARD OF A SCHOOL DISTRICT
2 HAVING A CERTAIN ENDING FUND BALANCE IN THE 2010, 2011 AND 2012
3 FISCAL YEARS TO SUBMIT A PLAN FOR BUDGET CUTS TO THE STATE
4 DEPARTMENT OF EDUCATION; TO AUTHORIZE THE STATE BOARD OF EDUCATION
5 TO ADOPT RULES AND REGULATIONS SPECIFYING THE REQUIRED CONTENTS OF
6 THE PLAN; TO REQUIRE THE DEPARTMENT TO APPROVE OR RETURN THE PLAN
7 TO THE SCHOOL DISTRICT WITH INSTRUCTIONS; TO AUTHORIZE PUBLIC
8 SCHOOL DISTRICTS TO FURLOUGH ALL INSTRUCTIONAL AND
9 NONINSTRUCTIONAL EMPLOYEES ON A LIMITED BASIS FOR THE 2010-2011
10 AND 2011-2012 SCHOOL YEARS; TO AMEND SECTION 37-7-307, MISSISSIPPI
11 CODE OF 1972, TO AUTHORIZE AN ADDITIONAL 1/2 DAY OF PERSONAL LEAVE
12 FOR EVERY FURLOUGH DAY REQUIRED FOR SCHOOL DISTRICT EMPLOYEES; TO
13 AMEND SECTIONS 37-151-87, 38-19-7, 37-9-23 AND 37-9-33,
14 MISSISSIPPI CODE OF 1972, TO AUTHORIZE REDUCTIONS IN LOCAL
15 SUPPLEMENTS ON A LIMITED BASIS AND IN CONFORMITY THERETO; AND FOR
16 RELATED PURPOSES.

CONFEREES FOR THE HOUSE

X (SIGNED)
Brown

X (SIGNED)
Warren

X (SIGNED)
Buck (5th)

CONFEREES FOR THE SENATE

X (SIGNED)
Carmichael

X (SIGNED)
Harden

X (SIGNED)
King

