

By: Representative Ladner

To: Education

HOUSE BILL NO. 108

1 AN ACT TO AMEND SECTION 37-13-63, MISSISSIPPI CODE OF 1972,
 2 TO REDUCE THE LENGTH OF THE PUBLIC SCHOOLS' SCHOLASTIC YEAR FROM
 3 180 TO 170 DAYS; TO AMEND SECTIONS 37-13-91, 37-151-5 AND
 4 37-151-7, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PRECEDING
 5 PROVISIONS OF THIS ACT; TO AMEND SECTION 37-9-24, MISSISSIPPI CODE
 6 OF 1972, TO REDUCE THE MINIMUM TERM ALLOWED IN SCHOOL DISTRICTS'
 7 CONTRACTS WITH LICENSED PERSONNEL FROM 187 TO 177 DAYS, AND TO
 8 REQUIRE SCHOOL DISTRICTS TO SHORTEN THE TERMS OF CONTRACTS
 9 PREVIOUSLY EXECUTED FOR THE 2019-2020 SCHOOL YEAR, WITHOUT ANY
 10 REDUCTION TO THE ANNUAL SALARY SET FORTH IN EACH CONTRACT,
 11 ACCORDINGLY; TO AMEND SECTION 37-19-7, MISSISSIPPI CODE OF 1972,
 12 TO CLARIFY THAT THE TEACHER SALARY SCALE IS APPLICABLE FOR ALL
 13 TEACHERS WHOSE CONTRACTS ARE FOR A TERM OF NO LESS THAN THE
 14 STATUTORILY PRESCRIBED NUMBER OF DAYS; AND FOR RELATED PURPOSES.

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

16 **SECTION 1.** Section 37-13-63, Mississippi Code of 1972, is
 17 amended as follows:

18 37-13-63. (1) Except as otherwise provided, all public
 19 schools in the state shall be kept in session for at least * * *
 20 one hundred seventy (170) days in each scholastic year.

21 (2) If the school board of any school district shall
 22 determine that it is not economically feasible or practicable to
 23 operate any school within the district for the full * * * one
 24 hundred seventy (170) days * * * due to an enemy attack, a



25 man-made, technological or natural disaster or extreme weather
26 emergency in which the Governor has declared a disaster or state
27 of emergency under the laws of this state or the President of the
28 United States has declared an emergency or major disaster to exist
29 in this state, the school board may notify the State Department of
30 Education of the disaster or weather emergency and submit a plan
31 for altering the school term. If the State Board of Education
32 finds the disaster or extreme weather emergency to be the cause of
33 the school not operating for the contemplated school term and that
34 such school was in a school district covered by the Governor's or
35 President's disaster or state of emergency declaration, it may
36 permit that school board to operate the schools in its district
37 for less than * * * one hundred seventy (170) days; however, in no
38 instance of a declared disaster or state of emergency under the
39 provisions of this subsection shall a school board receive payment
40 from the State Department of Education for per pupil expenditure
41 for pupils in average daily attendance in excess of ten (10) days.

42 **SECTION 2.** Section 37-13-91, Mississippi Code of 1972, is
43 amended as follows:

44 37-13-91. (1) This section shall be referred to as the
45 "Mississippi Compulsory School Attendance Law."

46 (2) The following terms as used in this section are defined
47 as follows:



48 (a) "Parent" means the father or mother to whom a child
49 has been born, or the father or mother by whom a child has been
50 legally adopted.

51 (b) "Guardian" means a guardian of the person of a
52 child, other than a parent, who is legally appointed by a court of
53 competent jurisdiction.

54 (c) "Custodian" means any person having the present
55 care or custody of a child, other than a parent or guardian of the
56 child.

57 (d) "School day" means not less than five and
58 one-half (5-1/2) and not more than eight (8) hours of actual
59 teaching in which both teachers and pupils are in regular
60 attendance for scheduled schoolwork.

61 (e) "School" means any public school, including a
62 charter school, in this state or any nonpublic school in this
63 state which is in session each school year for at least * * * one
64 hundred seventy (170) school days, except that the "nonpublic"
65 school term shall be the number of days that each school shall
66 require for promotion from grade to grade.

67 (f) "Compulsory-school-age child" means a child who has
68 attained or will attain the age of six (6) years on or before
69 September 1 of the calendar year and who has not attained the age
70 of seventeen (17) years on or before September 1 of the calendar
71 year; and shall include any child who has attained or will attain



72 the age of five (5) years on or before September 1 and has
73 enrolled in a full-day public school kindergarten program.

74 (g) "School attendance officer" means a person employed
75 by the State Department of Education pursuant to Section 37-13-89.

76 (h) "Appropriate school official" means the
77 superintendent of the school district, or his designee, or, in the
78 case of a nonpublic school, the principal or the headmaster.

79 (i) "Nonpublic school" means an institution for the
80 teaching of children, consisting of a physical plant, whether
81 owned or leased, including a home, instructional staff members and
82 students, and which is in session each school year. This
83 definition shall include, but not be limited to, private, church,
84 parochial and home instruction programs.

85 (3) A parent, guardian or custodian of a
86 compulsory-school-age child in this state shall cause the child to
87 enroll in and attend a public school or legitimate nonpublic
88 school for the period of time that the child is of compulsory
89 school age, except under the following circumstances:

90 (a) When a compulsory-school-age child is physically,
91 mentally or emotionally incapable of attending school as
92 determined by the appropriate school official based upon
93 sufficient medical documentation.

94 (b) When a compulsory-school-age child is enrolled in
95 and pursuing a course of special education, remedial education or



96 education for handicapped or physically or mentally disadvantaged
97 children.

98 (c) When a compulsory-school-age child is being
99 educated in a legitimate home instruction program.

100 The parent, guardian or custodian of a compulsory-school-age
101 child described in this subsection, or the parent, guardian or
102 custodian of a compulsory-school-age child attending any charter
103 school or nonpublic school, or the appropriate school official for
104 any or all children attending a charter school or nonpublic school
105 shall complete a "certificate of enrollment" in order to
106 facilitate the administration of this section.

107 The form of the certificate of enrollment shall be prepared
108 by the Office of Compulsory School Attendance Enforcement of the
109 State Department of Education and shall be designed to obtain the
110 following information only:

111 (i) The name, address, telephone number and date
112 of birth of the compulsory-school-age child;

113 (ii) The name, address and telephone number of the
114 parent, guardian or custodian of the compulsory-school-age child;

115 (iii) A simple description of the type of
116 education the compulsory-school-age child is receiving and, if the
117 child is enrolled in a nonpublic school, the name and address of
118 the school; and

119 (iv) The signature of the parent, guardian or
120 custodian of the compulsory-school-age child or, for any or all



121 compulsory-school-age child or children attending a charter school
122 or nonpublic school, the signature of the appropriate school
123 official and the date signed.

124 The certificate of enrollment shall be returned to the school
125 attendance officer where the child resides on or before September
126 15 of each year. Any parent, guardian or custodian found by the
127 school attendance officer to be in noncompliance with this section
128 shall comply, after written notice of the noncompliance by the
129 school attendance officer, with this subsection within ten (10)
130 days after the notice or be in violation of this section.

131 However, in the event the child has been enrolled in a public
132 school within fifteen (15) calendar days after the first day of
133 the school year as required in subsection (6), the parent or
134 custodian may, at a later date, enroll the child in a legitimate
135 nonpublic school or legitimate home instruction program and send
136 the certificate of enrollment to the school attendance officer and
137 be in compliance with this subsection.

138 For the purposes of this subsection, a legitimate nonpublic
139 school or legitimate home instruction program shall be * * * a
140 school or program not operated or instituted for the purpose of
141 avoiding or circumventing the compulsory attendance law.

142 (4) An "unlawful absence" is an absence for an entire school
143 day or during part of a school day by a compulsory-school-age
144 child, which absence is not due to a valid excuse for temporary
145 nonattendance. For purposes of reporting absenteeism under



146 subsection (6) of this section, if a compulsory-school-age child
147 has an absence that is more than thirty-seven percent (37%) of the
148 instructional day, as fixed by the school board for the school at
149 which the compulsory-school-age child is enrolled, the child must
150 be considered absent the entire school day. Days missed from
151 school due to disciplinary suspension shall not be considered an
152 "excused" absence under this section. This subsection shall not
153 apply to children enrolled in a nonpublic school.

154 Each of the following shall constitute a valid excuse for
155 temporary nonattendance of a compulsory-school-age child enrolled
156 in a noncharter public school, provided satisfactory evidence of
157 the excuse is provided to the superintendent of the school
158 district, or his designee:

159 (a) An absence is excused when the absence results from
160 the compulsory-school-age child's attendance at an authorized
161 school activity with the prior approval of the superintendent of
162 the school district, or his designee. These activities may
163 include field trips, athletic contests, student conventions,
164 musical festivals and any similar activity.

165 (b) An absence is excused when the absence results from
166 illness or injury which prevents the compulsory-school-age child
167 from being physically able to attend school.

168 (c) An absence is excused when isolation of a
169 compulsory-school-age child is ordered by the county health



170 officer, by the State Board of Health or appropriate school
171 official.

172 (d) An absence is excused when it results from the
173 death or serious illness of a member of the immediate family of a
174 compulsory-school-age child. The immediate family members of a
175 compulsory-school-age child shall include children, spouse,
176 grandparents, parents, brothers and sisters, including
177 stepbrothers and stepsisters.

178 (e) An absence is excused when it results from a
179 medical or dental appointment of a compulsory-school-age child.

180 (f) An absence is excused when it results from the
181 attendance of a compulsory-school-age child at the proceedings of
182 a court or an administrative tribunal if the child is a party to
183 the action or under subpoena as a witness.

184 (g) An absence may be excused if the religion to which
185 the compulsory-school-age child or the child's parents adheres,
186 requires or suggests the observance of a religious event. The
187 approval of the absence is within the discretion of the
188 superintendent of the school district, or his designee, but
189 approval should be granted unless the religion's observance is of
190 such duration as to interfere with the education of the child.

191 (h) An absence may be excused when it is demonstrated
192 to the satisfaction of the superintendent of the school district,
193 or his designee, that the purpose of the absence is to take
194 advantage of a valid educational opportunity such as travel,



195 including vacations or other family travel. Approval of the
196 absence must be gained from the superintendent of the school
197 district, or his designee, before the absence, but the approval
198 shall not be unreasonably withheld.

199 (i) An absence may be excused when it is demonstrated
200 to the satisfaction of the superintendent of the school district,
201 or his designee, that conditions are sufficient to warrant the
202 compulsory-school-age child's nonattendance. However, no absences
203 shall be excused by the school district superintendent, or his
204 designee, when any student suspensions or expulsions circumvent
205 the intent and spirit of the compulsory attendance law.

206 (j) An absence is excused when it results from the
207 attendance of a compulsory-school-age child participating in
208 official organized events sponsored by the 4-H or Future Farmers
209 of America (FFA). The excuse for the 4-H or FFA event must be
210 provided in writing to the appropriate school superintendent by
211 the Extension Agent or High School Agricultural Instructor/FFA
212 Advisor.

213 (k) An absence is excused when it results from the
214 compulsory-school-age child officially being employed to serve as
215 a page at the State Capitol for the Mississippi House of
216 Representatives or Senate.

217 (5) Any parent, guardian or custodian of a
218 compulsory-school-age child subject to this section who refuses or
219 willfully fails to perform any of the duties imposed upon him or



220 her under this section or who intentionally falsifies any
221 information required to be contained in a certificate of
222 enrollment, shall be guilty of contributing to the neglect of a
223 child and, upon conviction, shall be punished in accordance with
224 Section 97-5-39.

225 Upon prosecution of a parent, guardian or custodian of a
226 compulsory-school-age child for violation of this section, the
227 presentation of evidence by the prosecutor that shows that the
228 child has not been enrolled in school within eighteen (18)
229 calendar days after the first day of the school year of the public
230 school which the child is eligible to attend, or that the child
231 has accumulated twelve (12) unlawful absences during the school
232 year at the public school in which the child has been enrolled,
233 shall establish a prima facie case that the child's parent,
234 guardian or custodian is responsible for the absences and has
235 refused or willfully failed to perform the duties imposed upon him
236 or her under this section. However, no proceedings under this
237 section shall be brought against a parent, guardian or custodian
238 of a compulsory-school-age child unless the school attendance
239 officer has contacted promptly the home of the child and has
240 provided written notice to the parent, guardian or custodian of
241 the requirement for the child's enrollment or attendance.

242 (6) If a compulsory-school-age child has not been enrolled
243 in a school within fifteen (15) calendar days after the first day
244 of the school year of the school which the child is eligible to



245 attend or the child has accumulated five (5) unlawful absences
246 during the school year of the public school in which the child is
247 enrolled, the school district superintendent, or his designee,
248 shall report, within two (2) school days or within five (5)
249 calendar days, whichever is less, the absences to the school
250 attendance officer. The State Department of Education shall
251 prescribe a uniform method for schools to utilize in reporting the
252 unlawful absences to the school attendance officer. The
253 superintendent, or his designee, also shall report any student
254 suspensions or student expulsions to the school attendance officer
255 when they occur.

256 (7) When a school attendance officer has made all attempts
257 to secure enrollment and/or attendance of a compulsory-school-age
258 child and is unable to effect the enrollment and/or attendance,
259 the attendance officer shall file a petition with the youth court
260 under Section 43-21-451 or shall file a petition in a court of
261 competent jurisdiction as it pertains to parent or child.
262 Sheriffs, deputy sheriffs and municipal law enforcement officers
263 shall be fully authorized to investigate all cases of
264 nonattendance and unlawful absences by compulsory-school-age
265 children, and shall be authorized to file a petition with the
266 youth court under Section 43-21-451 or file a petition or
267 information in the court of competent jurisdiction as it pertains
268 to parent or child for violation of this section. The youth court
269 shall expedite a hearing to make an appropriate adjudication and a



270 disposition to ensure compliance with the Compulsory School
271 Attendance Law, and may order the child to enroll or re-enroll in
272 school. The superintendent of the school district to which the
273 child is ordered may assign, in his discretion, the child to the
274 alternative school program of the school established pursuant to
275 Section 37-13-92.

276 (8) The State Board of Education shall adopt rules and
277 regulations for the purpose of reprimanding any school
278 superintendents who fail to timely report unexcused absences under
279 the provisions of this section.

280 (9) Notwithstanding any provision or implication herein to
281 the contrary, it is not the intention of this section to impair
282 the primary right and the obligation of the parent or parents, or
283 person or persons in loco parentis to a child, to choose the
284 proper education and training for such child, and nothing in this
285 section shall ever be construed to grant, by implication or
286 otherwise, to the State of Mississippi, any of its officers,
287 agencies or subdivisions any right or authority to control,
288 manage, supervise or make any suggestion as to the control,
289 management or supervision of any private or parochial school or
290 institution for the education or training of children, of any kind
291 whatsoever that is not a public school according to the laws of
292 this state; and this section shall never be construed so as to
293 grant, by implication or otherwise, any right or authority to any
294 state agency or other entity to control, manage, supervise,



295 provide for or affect the operation, management, program,
296 curriculum, admissions policy or discipline of any such school or
297 home instruction program.

298 **SECTION 3.** Section 37-151-5, Mississippi Code of 1972, is
299 amended as follows:

300 37-151-5. As used in Sections 37-151-5 and 37-151-7:

301 (a) "Adequate program" or "adequate education program"
302 or "Mississippi Adequate Education Program (MAEP)" shall mean the
303 program to establish adequate current operation funding levels
304 necessary for the programs of such school district to meet at
305 least a successful Level III rating of the accreditation system as
306 established by the State Board of Education using current
307 statistically relevant state assessment data.

308 (b) "Educational programs or elements of programs not
309 included in the adequate education program calculations, but which
310 may be included in appropriations and transfers to school
311 districts" shall mean:

312 (i) "Capital outlay" shall mean those funds used
313 for the constructing, improving, equipping, renovating or major
314 repairing of school buildings or other school facilities, or the
315 cost of acquisition of land whereon to construct or establish such
316 school facilities.

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



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

321 (iii) "Adult education" shall mean public
322 education dealing primarily with students above eighteen (18)
323 years of age not enrolled as full-time public school students and
324 not classified as students of technical schools, colleges or
325 universities of the state.

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

329 (c) "Base student" shall mean that student
330 classification that represents the most economically educated
331 pupil in a school system meeting the definition of successful, as
332 determined by the State Board of Education.

333 (d) "Base student cost" shall mean the funding level
334 necessary for providing an adequate education program for one (1)
335 base student, subject to any minimum amounts prescribed in Section
336 37-151-7(1).

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

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



343 (ii) "Vocational or technical education program"
344 shall mean a secondary vocational or technical program approved by
345 the State Department of Education and provided for from state
346 funds.

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

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

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

358 (vi) "Extended school year programs" shall mean
359 those programs authorized by law which extend beyond the normal
360 school year.

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

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

366 (f) "Teacher" shall include any employee of a local
367 school who is required by law to obtain a teacher's license from



368 the State Board of Education and who is assigned to an
369 instructional area of work as defined by the State Department of
370 Education.

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

373 (h) "Superintendent" shall mean the head of a school
374 district.

375 (i) "School district" shall mean any type of school
376 district in the State of Mississippi, and shall include
377 agricultural high schools.

378 (j) "Minimum school term" shall mean a term of at
379 least * * * not more than one hundred seventy (170) days of school
380 in which both teachers and pupils are in regular attendance for
381 scheduled classroom instruction for not less than sixty-three
382 percent (63%) of the instructional day, as fixed by the local
383 school board for each school in the school district. It is the
384 intent of the Legislature that any tax levies generated to produce
385 additional local funds required by any school district to operate
386 school terms in excess of * * * one hundred sixty-five (165) days
387 shall not be construed to constitute a new program for the
388 purposes of exemption from the limitation on tax revenues as
389 allowed under Sections 27-39-321 and 37-57-107 for new programs
390 mandated by the Legislature.

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



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

395 (1) The term "transported children" shall mean children
396 being transported to school who live within legal limits for
397 transportation and who are otherwise qualified for being
398 transported to school at public expense as fixed by Mississippi
399 state law.

400 (m) The term "year of teaching experience" shall mean
401 nine (9) months of actual teaching in the public or private
402 elementary and secondary schools and shall also include nine (9)
403 months of actual teaching at postsecondary institutions accredited
404 by the Southern Association of Colleges and Schools (SACS) or
405 equivalent regional accrediting body for degree-granting
406 postsecondary institutions. In no case shall more than one (1)
407 year of teaching experience be given for all services in one (1)
408 calendar or school year. In determining a teacher's experience,
409 no deduction shall be made because of the temporary absence of the
410 teacher because of illness or other good cause, and the teacher
411 shall be given credit therefor. Beginning with the 2003-2004
412 school year, the State Board of Education shall fix a number of
413 days, not to exceed forty-five (45) consecutive school days,
414 during which a teacher may not be under contract of employment
415 during any school year and still be considered to have been in
416 full-time employment for a regular scholastic term. If a teacher
417 exceeds the number of days established by the State Board of



418 Education that a teacher may not be under contract but may still
419 be employed, that teacher shall not be credited with a year of
420 teaching experience. In determining the experience of school
421 librarians, each complete year of continuous, full-time employment
422 as a professional librarian in a public library in this or some
423 other state shall be considered a year of teaching experience. If
424 a full-time school administrator returns to actual teaching in the
425 public schools, the term "year of teaching experience" shall
426 include the period of time he or she served as a school
427 administrator. In determining the salaries of teachers who have
428 experience in any branch of the military, the term "year of
429 teaching experience" shall include each complete year of actual
430 classroom instruction while serving in the military. In
431 determining the experience of speech-language pathologists and
432 audiologists, each complete year of continuous full-time post
433 master's degree employment in an educational setting in this or
434 some other state shall be considered a year of teaching
435 experience. * * * However, * * * school districts are authorized,
436 in their discretion, to negotiate the salary levels applicable
437 to * * * licensed employees employed after July 1, 2009, who are
438 receiving retirement benefits from the retirement system of
439 another state, and the annual experience increment provided in
440 Section 37-19-7 shall not be applicable to any such retired * * *
441 licensed employee.



442 (n) * * * The term "average daily attendance" shall be
443 the figure which results when the total aggregate full-day
444 attendance during the period or months counted is divided by the
445 number of days during the period or months counted upon which both
446 teachers and pupils are in regular attendance for scheduled
447 classroom instruction, * * * less the average daily attendance for
448 self-contained special education classes. For purposes of
449 determining and reporting attendance, a pupil must be present for
450 at least sixty-three percent (63%) of the instructional day, as
451 fixed by the local school board for each school in the school
452 district, in order to be considered in full-day attendance. * * *
453 Before full implementation of the adequate education program the
454 department shall deduct the average daily attendance for the
455 alternative school program provided for in Section 37-19-22.

456 * * *

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

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

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



467 (r) "Department" shall mean the State Department of
468 Education.

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

471 (t) The term "successful school district" shall mean a
472 Level III school district as designated by the State Board of
473 Education using current statistically relevant state assessment
474 data.

475 (u) "Dual enrollment-dual credit programs" shall mean
476 programs for potential or recent high school student dropouts to
477 dually enroll in their home high school and a local community
478 college in a dual credit program consisting of high school
479 completion coursework and a credential, certificate or degree
480 program at the community college, as provided in Section
481 37-15-38(19).

482 (v) "Charter school" means a public school that is
483 established and operating under the terms of a charter contract
484 between the school's governing board and the Mississippi Charter
485 School Authorizer Board.

486 **SECTION 4.** Section 37-151-7, Mississippi Code of 1972, is
487 amended as follows:

488 37-151-7. The annual allocation to each school district for
489 the operation of the adequate education program shall be
490 determined as follows:



491 (1) **Computation of the basic amount to be included for**
492 **current operation in the adequate education program.** The
493 following procedure shall be followed in determining the annual
494 allocation to each school district:

495 (a) **Determination of average daily attendance.**

496 Effective with fiscal year 2011, the State Department of Education
497 shall determine the percentage change from the prior year of each
498 year of each school district's average of months two (2) and three
499 (3) average daily attendance (ADA) for the three (3) immediately
500 preceding school years of the year for which funds are being
501 appropriated. For any school district that experiences a positive
502 growth in the average of months two (2) and three (3) ADA each
503 year of the three (3) years, the average percentage growth over
504 the three-year period shall be multiplied times the school
505 district's average of months two (2) and three (3) ADA for the
506 year immediately preceding the year for which MAEP funds are being
507 appropriated. The resulting amount shall be added to the school
508 district's average of months two (2) and three (3) ADA for the
509 year immediately preceding the year for which MAEP funds are being
510 appropriated to arrive at the ADA to be used in determining a
511 school district's MAEP allocation. Otherwise, months two (2) and
512 three (3) ADA for the year immediately preceding the year for
513 which MAEP funds are being appropriated will be used in
514 determining a school district's MAEP allocation. In any fiscal
515 year prior to 2010 in which the MAEP formula is not fully funded,



516 for those districts that do not demonstrate a three-year positive
517 growth in months two (2) and three (3) ADA, months one (1) through
518 nine (9) ADA of the second preceding year for which funds are
519 being appropriated or months two (2) and three (3) ADA of the
520 preceding year for which funds are being appropriated, whichever
521 is greater, shall be used to calculate the district's MAEP
522 allocation. The district's average daily attendance shall be
523 computed and currently maintained in accordance with regulations
524 promulgated by the State Board of Education. The district's
525 average daily attendance shall include any student enrolled in a
526 Dual Enrollment-Dual Credit Program as defined and provided in
527 Section 37-15-38(19). The State Department of Education shall
528 make payments for Dual Enrollment-Dual Credit Programs to the home
529 school in which the student is enrolled, in accordance with
530 regulations promulgated by the State Board of Education. The
531 community college providing services to students in a Dual
532 Enrollment-Dual Credit Program shall require payment from the home
533 school district for services provided to such students at a rate
534 of one hundred percent (100%) of ADA. All MAEP/state funding
535 shall cease upon completion of high school graduation
536 requirements.

537 (b) **Determination of base student cost.** Effective with
538 fiscal year 2011 and every fourth fiscal year thereafter, the
539 State Board of Education, on or before August 1, with adjusted
540 estimate no later than January 2, shall submit to the Legislative



541 Budget Office and the Governor a proposed base student cost
542 adequate to provide the following cost components of educating a
543 pupil in a successful school district: (i) instructional cost;
544 (ii) administrative cost; (iii) operation and maintenance of
545 plant; and (iv) ancillary support cost. For purposes of these
546 calculations, the Department of Education shall utilize financial
547 data from the second preceding year of the year for which funds
548 are being appropriated.

549 For the instructional cost component, the Department of
550 Education shall select districts that have been identified as
551 instructionally successful and have a ratio of a number of
552 teachers per one thousand (1,000) students that is between one (1)
553 standard deviation above the mean and two (2) standard deviations
554 below the mean of the statewide average of teachers per one
555 thousand (1,000) students. The instructional cost component shall
556 be calculated by dividing the latest available months one (1)
557 through nine (9) ADA into the instructional expenditures of these
558 selected districts. For the purpose of this calculation, the
559 Department of Education shall use the following funds, functions
560 and objects:

561 Fund 1120 Functions 1110-1199 Objects 100-999, Functions
562 1210, 1220, 2150-2159 Objects 210 and 215;
563 Fund 1130 All Functions, Object Code 210 and 215;
564 Fund 2001 Functions 1110-1199 Objects 100-999;
565 Fund 2070 Functions 1110-1199 Objects 100-999;



566 Fund 2420 Functions 1110-1199 Objects 100-999;

567 Fund 2711 All Functions, Object Code 210 and 215.

568 * * * Before the calculation of the instructional cost
569 component, there shall be subtracted from the above expenditures
570 any revenue received for Chickasaw Cession payments, Master
571 Teacher Certification payments and the district's portion of state
572 revenue received from the MAEP at-risk allocation.

573 For the administrative cost component, the Department of
574 Education shall select districts that have been identified as
575 instructionally successful and have a ratio of an administrative
576 staff to nonadministrative staff between one (1) standard
577 deviation above the mean and two (2) standard deviations below the
578 mean of the statewide average administrative staff to
579 nonadministrative staff. The administrative cost component shall
580 be calculated by dividing the latest available months one (1)
581 through nine (9) ADA of the selected districts into the
582 administrative expenditures of these selected districts. For the
583 purpose of this calculation, the Department of Education shall use
584 the following funds, functions and objects:

585 Fund 1120 Functions 2300-2599, Functions 2800-2899,
586 Objects 100-999;

587 Fund 2711 Functions 2300-2599, Functions 2800-2899,
588 Objects 100-999.

589 For the plant and maintenance cost component, the Department
590 of Education shall select districts that have been identified as



591 instructionally successful and have a ratio of plant and
592 maintenance expenditures per one hundred thousand (100,000) square
593 feet of building space and a ratio of maintenance workers per one
594 hundred thousand (100,000) square feet of building space that are
595 both between one (1) standard deviation above the mean and two (2)
596 standard deviations below the mean of the statewide average. The
597 plant and maintenance cost component shall be calculated by
598 dividing the latest available months one (1) through nine (9) ADA
599 of the selected districts into the plant and maintenance
600 expenditures of these selected districts. For the purpose of this
601 calculation, the Department of Education shall use the following
602 funds, functions and objects:

603 Fund 1120 Functions 2600-2699, Objects 100-699

604 and Objects 800-999;

605 Fund 2711 Functions 2600-2699, Objects 100-699

606 and Objects 800-999;

607 Fund 2430 Functions 2600-2699, Objects 100-699

608 and Objects 800-999.

609 For the ancillary support cost component, the Department of
610 Education shall select districts that have been identified as
611 instructionally successful and have a ratio of a number of
612 librarians, media specialists, guidance counselors and
613 psychologists per one thousand (1,000) students that is between
614 one (1) standard deviation above the mean and two (2) standard
615 deviations below the mean of the statewide average of librarians,



616 media specialists, guidance counselors and psychologists per one
617 thousand (1,000) students. The ancillary cost component shall be
618 calculated by dividing the latest available months one (1) through
619 nine (9) ADA into the ancillary expenditures instructional
620 expenditures of these selected districts. For the purpose of this
621 calculation, the Department of Education shall use the following
622 funds, functions and objects:

623 Fund 1120 Functions 2110-2129, Objects 100-999;
624 Fund 1120 Functions 2140-2149, Objects 100-999;
625 Fund 1120 Functions 2220-2229, Objects 100-999;
626 Fund 2001 Functions 2100-2129, Objects 100-999;
627 Fund 2001 Functions 2140-2149, Objects 100-999;
628 Fund 2001 Functions 2220-2229, Objects 100-999.

629 The total base cost for each year shall be the sum of the
630 instructional cost component, administrative cost component, plant
631 and maintenance cost component and ancillary support cost
632 component, and any estimated adjustments for additional state
633 requirements as determined by the State Board of Education.

634 Provided, however, that the base student cost in fiscal year 1998
635 shall be Two Thousand Six Hundred Sixty-four Dollars (\$2,664.00).

636 For each of the fiscal years between the recalculation of the
637 base student cost under the provisions of this paragraph (b), the
638 base student cost shall be increased by an amount equal to forty
639 percent (40%) of the base student cost for the previous fiscal
640 year, multiplied by the latest annual rate of inflation for the



641 State of Mississippi as determined by the State Economist, plus
642 any adjustments for additional state requirements such as, but not
643 limited to, teacher pay raises and health insurance premium
644 increases.

645 (c) **Determination of the basic adequate education**
646 **program cost.** The basic amount for current operation to be
647 included in the Mississippi Adequate Education Program for each
648 school district shall be computed as follows:

649 Multiply the average daily attendance of the district by the
650 base student cost as established by the Legislature, which yields
651 the total base program cost for each school district.

652 (d) **Adjustment to the base student cost for at-risk**
653 **pupils.** The amount to be included for at-risk pupil programs for
654 each school district shall be computed as follows: Multiply the
655 base student cost for the appropriate fiscal year as determined
656 under paragraph (b) by five percent (5%), and multiply that
657 product by the number of pupils participating in the federal free
658 school lunch program in such school district, which yields the
659 total adjustment for at-risk pupil programs for such school
660 district.

661 (e) **Add-on program cost.** The amount to be allocated to
662 school districts in addition to the adequate education program
663 cost for add-on programs for each school district shall be
664 computed as follows:



665 (i) Transportation cost shall be the amount
666 allocated to such school district for the operational support of
667 the district transportation system from state funds.

668 (ii) Vocational or technical education program
669 cost shall be the amount allocated to such school district from
670 state funds for the operational support of such programs.

671 (iii) Special education program cost shall be the
672 amount allocated to such school district from state funds for the
673 operational support of such programs.

674 (iv) Gifted education program cost shall be the
675 amount allocated to such school district from state funds for the
676 operational support of such programs.

677 (v) Alternative school program cost shall be the
678 amount allocated to such school district from state funds for the
679 operational support of such programs.

680 (vi) Extended school year programs shall be the
681 amount allocated to school districts for those programs authorized
682 by law which extend beyond the normal school year.

683 (vii) University-based programs shall be the
684 amount allocated to school districts for those university-based
685 programs for handicapped children as defined and provided for in
686 Section 37-23-131 et seq., Mississippi Code of 1972.

687 (viii) Bus driver training programs shall be the
688 amount provided for those driver training programs as provided for
689 in Section 37-41-1, Mississippi Code of 1972.



690 The sum of the items listed above (i) transportation, (ii)
691 vocational or technical education, (iii) special education, (iv)
692 gifted education, (v) alternative school, (vi) extended school
693 year, (vii) university-based, and (viii) bus driver training shall
694 yield the add-on cost for each school district.

695 (f) **Total projected adequate education program cost.**

696 The total Mississippi Adequate Education Program cost shall be the
697 sum of the total basic adequate education program cost (paragraph
698 (c)), and the adjustment to the base student cost for at-risk
699 pupils (paragraph (d)) for each school district. In any year in
700 which the MAEP is not fully funded, the Legislature shall direct
701 the Department of Education in the K-12 appropriation bill as to
702 how to allocate MAEP funds to school districts for that year.

703 (g) The State Auditor shall annually verify the State
704 Board of Education's estimated calculations for the Mississippi
705 Adequate Education Program that are submitted each year to the
706 Legislative Budget Office on August 1 and the final calculation
707 that is submitted on January 2.

708 (2) **Computation of the required local revenue in support of**
709 **the adequate education program.** The amount that each district
710 shall provide toward the cost of the adequate education program
711 shall be calculated as follows:

712 (a) The State Department of Education shall certify to
713 each school district that twenty-eight (28) mills, less the
714 estimated amount of the yield of the School Ad Valorem Tax



715 Reduction Fund grants as determined by the State Department of
716 Education, is the millage rate required to provide the district
717 required local effort for that year, or twenty-seven percent (27%)
718 of the basic adequate education program cost for such school
719 district as determined under paragraph (c), whichever is a lesser
720 amount. In the case of an agricultural high school, the millage
721 requirement shall be set at a level which generates an equitable
722 amount per pupil to be determined by the State Board of Education.
723 The local contribution amount for school districts in which there
724 is located one or more charter schools will be calculated using
725 the following methodology: using the adequate education program
726 twenty-eight (28) mill value, or the twenty-seven percent (27%)
727 cap amount (whichever is less) for each school district in which a
728 charter school is located, an average per pupil amount will be
729 calculated. This average per pupil amount will be multiplied
730 times the number of students attending the charter school in that
731 school district. The sum becomes the charter school's local
732 contribution to the adequate education program.

733 (b) The State Department of Education shall determine
734 the following from the annual assessment information submitted to
735 the department by the tax assessors of the various counties: (i)
736 the total assessed valuation of nonexempt property for school
737 purposes in each school district; (ii) assessed value of exempt
738 property owned by homeowners aged sixty-five (65) or older or
739 disabled as defined in Section 27-33-67(2), Mississippi Code of



740 1972; (iii) the school district's tax loss from exemptions
741 provided to applicants under the age of sixty-five (65) and not
742 disabled as defined in Section 27-33-67(1), Mississippi Code of
743 1972; and (iv) the school district's homestead reimbursement
744 revenues.

745 (c) The amount of the total adequate education program
746 funding which shall be contributed by each school district shall
747 be the sum of the ad valorem receipts generated by the millage
748 required under this subsection plus the following local revenue
749 sources for the appropriate fiscal year which are or may be
750 available for current expenditure by the school district:

751 One hundred percent (100%) of Grand Gulf income as prescribed
752 in Section 27-35-309.

753 One hundred percent (100%) of any fees in lieu of taxes as
754 prescribed in Section 27-31-104.

755 (3) **Computation of the required state effort in support of**
756 **the adequate education program.**

757 (a) The required state effort in support of the
758 adequate education program shall be determined by subtracting the
759 sum of the required local tax effort as set forth in subsection
760 (2) (a) of this section and the other local revenue sources as set
761 forth in subsection (2) (c) of this section in an amount not to
762 exceed twenty-seven percent (27%) of the total projected adequate
763 education program cost as set forth in subsection (1) (f) of this



764 section from the total projected adequate education program cost
765 as set forth in subsection (1)(f) of this section.

766 (b) * * * However, * * * in fiscal year 2015, any
767 increase in the * * * state contribution to any district
768 calculated under this section shall be not less than six percent
769 (6%) in excess of the amount received by * * * that district from
770 state funds for fiscal year 2002; in fiscal year 2016, any
771 increase in the said state contribution to any district calculated
772 under this section shall be not less than four percent (4%) in
773 excess of the amount received by said district from state funds
774 for fiscal year 2002; in fiscal year 2017, any increase in the
775 said state contribution to any district calculated under this
776 section shall be not less than two percent (2%) in excess of the
777 amount received by said district from state funds for fiscal year
778 2002; and in fiscal year 2018 and thereafter, any increase in the
779 said state contribution to any district calculated under this
780 section shall be zero percent (0%). For purposes of this
781 paragraph (b), state funds shall include minimum program funds
782 less the add-on programs, State Uniform Millage Assistance Grant
783 Funds, Education Enhancement Funds appropriated for Uniform
784 Millage Assistance Grants and state textbook allocations, and
785 State General Funds allocated for textbooks.

786 (c) If the school board of any school district shall
787 determine that it is not economically feasible or practicable to
788 operate any school within the district for the full * * * one



789 hundred seventy (170) days * * * established for a * * *
790 scholastic year * * * under Section 37-13-63, * * * due to an
791 enemy attack, a man-made, technological or natural disaster in
792 which the Governor has declared a disaster emergency under the
793 laws of this state or the President of the United States has
794 declared an emergency or major disaster to exist in this
795 state, * * * the school board may notify the State Department of
796 Education of such disaster and submit a plan for altering the
797 school term. If the State Board of Education finds such disaster
798 to be the cause of the school not operating for the contemplated
799 school term and that such school was in a school district covered
800 by the Governor's or President's disaster declaration, it may
801 permit * * * the school board to operate the schools in its
802 district for less than * * * one hundred seventy (170) days and,
803 in such case, the State Department of Education shall not reduce
804 the state contributions to the adequate education program
805 allotment for such district, because of the failure to
806 operate * * * the schools for * * * one hundred seventy (170)
807 days.

808 (4) The Interim School District Capital Expenditure Fund is
809 hereby established in the State Treasury which shall be used to
810 distribute any funds specifically appropriated by the Legislature
811 to such fund to school districts entitled to increased allocations
812 of state funds under the adequate education program funding
813 formula prescribed in Sections 37-151-3 through 37-151-7,



814 Mississippi Code of 1972, until such time as the * * * adequate
815 education program is fully funded by the Legislature. The
816 following percentages of the total state cost of increased
817 allocations of funds under the adequate education program funding
818 formula shall be appropriated by the Legislature into the Interim
819 School District Capital Expenditure Fund to be distributed to all
820 school districts under the formula: Nine and two-tenths percent
821 (9.2%) shall be appropriated in fiscal year 1998, twenty percent
822 (20%) shall be appropriated in fiscal year 1999, forty percent
823 (40%) shall be appropriated in fiscal year 2000, sixty percent
824 (60%) shall be appropriated in fiscal year 2001, eighty percent
825 (80%) shall be appropriated in fiscal year 2002, and one hundred
826 percent (100%) shall be appropriated in fiscal year 2003 into the
827 State Adequate Education Program Fund. Until July 1, 2002, such
828 money shall be used by school districts for the following
829 purposes:

830 (a) Purchasing, erecting, repairing, equipping,
831 remodeling and enlarging school buildings and related facilities,
832 including gymnasiums, auditoriums, lunchrooms, vocational training
833 buildings, libraries, school barns and garages for transportation
834 vehicles, school athletic fields and necessary facilities
835 connected therewith, and purchasing land therefor. Any such
836 capital improvement project by a school district shall be approved
837 by the State Board of Education, and based on an approved
838 long-range plan. The State Board of Education shall promulgate



839 minimum requirements for the approval of school district capital
840 expenditure plans.

841 (b) Providing necessary water, light, heating,
842 air-conditioning, and sewerage facilities for school buildings,
843 and purchasing land therefor.

844 (c) Paying debt service on existing capital improvement
845 debt of the district or refinancing outstanding debt of a district
846 if such refinancing will result in an interest cost savings to the
847 district.

848 (d) From and after October 1, 1997, through June 30,
849 1998, pursuant to a school district capital expenditure plan
850 approved by the State Department of Education, a school district
851 may pledge such funds until July 1, 2002, plus funds provided for
852 in paragraph (e) of this subsection (4) that are not otherwise
853 permanently pledged under such paragraph (e) to pay all or a
854 portion of the debt service on debt issued by the school district
855 under Sections 37-59-1 through 37-59-45,
856 37-59-101 through 37-59-115, 37-7-351 through 37-7-359, 37-41-89
857 through 37-41-99, 37-7-301, 37-7-302 and 37-41-81, Mississippi
858 Code of 1972, or debt issued by boards of supervisors for
859 agricultural high schools pursuant to Section 37-27-65,
860 Mississippi Code of 1972, or lease-purchase contracts entered into
861 pursuant to Section 31-7-13, Mississippi Code of 1972, or to
862 retire or refinance outstanding debt of a district, if such pledge
863 is accomplished pursuant to a written contract or resolution



864 approved and spread upon the minutes of an official meeting of the
865 district's school board or board of supervisors. It is the intent
866 of this provision to allow school districts to irrevocably pledge
867 their Interim School District Capital Expenditure Fund allotments
868 as a constant stream of revenue to secure a debt issued under the
869 foregoing code sections. To allow school districts to make such
870 an irrevocable pledge, the state shall take all action necessary
871 to ensure that the amount of a district's Interim School District
872 Capital Expenditure Fund allotments shall not be reduced below the
873 amount certified by the department or the district's total
874 allotment under the Interim Capital Expenditure Fund if fully
875 funded, so long as such debt remains outstanding.

876 (e) [Repealed]

877 (f) [Repealed]

878 (g) The State Board of Education may authorize the
879 school district to expend not more than twenty percent (20%) of
880 its annual allotment of such funds or Twenty Thousand Dollars
881 (\$20,000.00), whichever is greater, for technology needs of the
882 school district, including computers, software,
883 telecommunications, cable television, interactive video, film,
884 low-power television, satellite communications, microwave
885 communications, technology-based equipment installation and
886 maintenance, and the training of staff in the use of such
887 technology-based instruction. Any such technology expenditure



888 shall be reflected in the local district technology plan approved
889 by the State Board of Education under Section
890 37-151-17, Mississippi Code of 1972.

891 (h) To the extent a school district has not utilized
892 twenty percent (20%) of its annual allotment for technology
893 purposes under paragraph (g), a school district may expend not
894 more than twenty percent (20%) of its annual allotment or Twenty
895 Thousand Dollars (\$20,000.00), whichever is greater, for
896 instructional purposes. The State Board of Education may
897 authorize a school district to expend more than * * * twenty
898 percent (20%) of its annual allotment for instructional purposes
899 if it determines that such expenditures are needed for
900 accreditation purposes.

901 (i) The State Department of Education or the State
902 Board of Education may require that any project commenced under
903 this section with an estimated project cost of not less than Five
904 Million Dollars (\$5,000,000.00) shall be done only pursuant to
905 program management of the process with respect to design and
906 construction. Any individuals, partnerships, companies or other
907 entities acting as a program manager on behalf of a local school
908 district and performing program management services for projects
909 covered under this subsection shall be approved by the State
910 Department of Education.

911 Any interest accruing on any unexpended balance in the
912 Interim School District Capital Expenditure Fund shall be invested



913 by the State Treasurer and placed to the credit of each school
914 district participating in such fund in its proportionate share.

915 The provisions of this subsection (4) shall be cumulative and
916 supplemental to any existing funding programs or other authority
917 conferred upon school districts or school boards.

918 (5) The State Department of Education shall make payments to
919 charter schools for each student in average daily attendance at
920 the charter school equal to the state share of the adequate
921 education program payments for each student in average daily
922 attendance at the school district in which the public charter
923 school is located. In calculating the local contribution for
924 purposes of determining the state share of the adequate education
925 program payments, the department shall deduct the pro rata local
926 contribution of the school district in which the student resides
927 as determined in subsection (2)(a) of this section.

928 **SECTION 5.** Section 37-9-24, Mississippi Code of 1972, is
929 amended as follows:

930 37-9-24. (1) Except as otherwise provided in this section,
931 no school district shall contract with any licensed personnel for
932 a number of employment days which shall be less than * * * one
933 hundred seventy-seven (177).

934 * * *

935 (2) Licensed personnel may be employed for less than a full
936 school year if the contract states the exact period of time for
937 which the licensed person is to be employed.



963	4	39,696.00	38,398.00	37,100.00	34,380.00
964	5	40,490.00	39,125.00	37,760.00	34,875.00
965	6	41,284.00	39,852.00	38,420.00	35,370.00
966	7	42,078.00	40,579.00	39,080.00	35,865.00
967	8	42,872.00	41,306.00	39,740.00	36,360.00
968	9	43,666.00	42,033.00	40,400.00	36,855.00
969	10	44,460.00	42,760.00	41,060.00	37,350.00
970	11	45,254.00	43,487.00	41,720.00	37,845.00
971	12	46,048.00	44,214.00	42,380.00	38,340.00
972	13	46,842.00	44,941.00	43,040.00	38,835.00
973	14	47,636.00	45,668.00	43,700.00	39,330.00
974	15	48,430.00	46,395.00	44,360.00	39,825.00
975	16	49,224.00	47,122.00	45,020.00	40,320.00
976	17	50,018.00	47,849.00	45,680.00	40,815.00
977	18	50,812.00	48,576.00	46,340.00	41,310.00
978	19	51,606.00	49,303.00	47,000.00	41,805.00
979	20	52,400.00	50,030.00	47,660.00	42,300.00
980	21	53,194.00	50,757.00	48,320.00	42,795.00
981	22	53,988.00	51,484.00	48,980.00	43,290.00
982	23	54,782.00	52,211.00	49,640.00	43,785.00
983	24	55,576.00	52,938.00	50,300.00	44,280.00
984	25	58,430.00	55,725.00	53,020.00	46,835.00
985	26	59,224.00	56,452.00	53,680.00	47,330.00
986	27	60,018.00	57,179.00	54,340.00	47,825.00
987	28	60,812.00	57,906.00	55,000.00	48,320.00



988	29	61,606.00	58,633.00	55,660.00	48,815.00
989	30	62,400.00	59,360.00	56,320.00	49,310.00
990	31	63,194.00	60,087.00	56,980.00	49,805.00
991	32	63,988.00	60,814.00	57,640.00	50,300.00
992	33	64,782.00	61,541.00	58,300.00	50,795.00
993	34	65,576.00	62,268.00	58,960.00	51,290.00
994	35				
995	& above	66,370.00	62,995.00	59,620.00	51,785.00

2015-2016 MINIMUM SALARY SCHEDULE

AND SCHOOL YEARS THEREAFTER

998	Years				
999	Exp.	AAAA	AAA	AA	A
1000	0	39,108.00	37,944.00	36,780.00	34,390.00
1001	1	39,108.00	37,944.00	36,780.00	34,390.00
1002	2	39,108.00	37,944.00	36,780.00	34,390.00
1003	3	39,902.00	38,671.00	37,440.00	34,885.00
1004	4	40,696.00	39,398.00	38,100.00	35,380.00
1005	5	41,490.00	40,125.00	38,760.00	35,875.00
1006	6	42,284.00	40,852.00	39,420.00	36,370.00
1007	7	43,078.00	41,579.00	40,080.00	36,865.00
1008	8	43,872.00	42,306.00	40,740.00	37,360.00
1009	9	44,666.00	43,033.00	41,400.00	37,855.00
1010	10	45,460.00	43,760.00	42,060.00	38,350.00
1011	11	46,254.00	44,487.00	42,720.00	38,845.00
1012	12	47,048.00	45,214.00	43,380.00	39,340.00



1013	13	47,842.00	45,941.00	44,040.00	39,835.00
1014	14	48,636.00	46,668.00	44,700.00	40,330.00
1015	15	49,430.00	47,395.00	45,360.00	40,825.00
1016	16	50,224.00	48,122.00	46,020.00	41,320.00
1017	17	51,018.00	48,849.00	46,680.00	41,815.00
1018	18	51,812.00	49,576.00	47,340.00	42,310.00
1019	19	52,606.00	50,303.00	48,000.00	42,805.00
1020	20	53,400.00	51,030.00	48,660.00	43,300.00
1021	21	54,194.00	51,757.00	49,320.00	43,795.00
1022	22	54,988.00	52,484.00	49,980.00	44,290.00
1023	23	55,782.00	53,211.00	50,640.00	44,785.00
1024	24	56,576.00	53,938.00	51,300.00	45,280.00
1025	25	59,430.00	56,725.00	54,020.00	47,835.00
1026	26	60,224.00	57,452.00	54,680.00	48,330.00
1027	27	61,018.00	58,179.00	55,340.00	48,825.00
1028	28	61,812.00	58,906.00	56,000.00	49,320.00
1029	29	62,606.00	59,633.00	56,660.00	49,815.00
1030	30	63,400.00	60,360.00	57,320.00	50,310.00
1031	31	64,194.00	61,087.00	57,980.00	50,805.00
1032	32	64,988.00	61,814.00	58,640.00	51,300.00
1033	33	65,782.00	62,541.00	59,300.00	51,795.00
1034	34	66,576.00	63,268.00	59,960.00	52,290.00
1035	35				
1036	& above	67,370.00	63,995.00	60,620.00	52,785.00



1037 It is the intent of the Legislature that any state funds made
1038 available for salaries of licensed personnel in excess of the
1039 funds paid for such salaries for the 1986-1987 school year shall
1040 be paid to licensed personnel pursuant to a personnel appraisal
1041 and compensation system implemented by the State Board of
1042 Education. The State Board of Education shall have the authority
1043 to adopt and amend rules and regulations as are necessary to
1044 establish, administer and maintain the system.

1045 All teachers employed on a full-time basis under a contract
1046 having a term of no less than the number of employment days
1047 required under Section 37-9-24 shall be paid a minimum salary in
1048 accordance with the above scale. However, no school district
1049 shall receive any funds under this section for any school year
1050 during which the local supplement paid to any individual teacher
1051 shall have been reduced to a sum less than that paid to that
1052 individual teacher for performing the same duties from local
1053 supplement during the immediately preceding school year. The
1054 amount actually spent for the purposes of group health and/or life
1055 insurance shall be considered as a part of the aggregate amount of
1056 local supplement but shall not be considered a part of the amount
1057 of individual local supplement.

1058 The level of professional training of each teacher to be used
1059 in establishing the salary allotment for the teachers for each
1060 year shall be determined by the type of valid teacher's license
1061 issued to those teachers on or before October 1 of the current



1062 school year. * * * However, * * * school districts are
1063 authorized, in their discretion, to negotiate the salary levels
1064 applicable to * * * licensed employees who are receiving
1065 retirement benefits from the retirement system of another state,
1066 and the annual experience increment provided above * * * shall not
1067 be applicable to any such retired * * * licensed employee.

1068 (2) (a) The following employees shall receive an annual
1069 salary supplement in the amount of Six Thousand Dollars
1070 (\$6,000.00), plus fringe benefits, in addition to any other
1071 compensation to which the employee may be entitled:

1072 (i) Any licensed teacher who has met the
1073 requirements and acquired a Master Teacher certificate from the
1074 National Board for Professional Teaching Standards and who is
1075 employed by a local school board or the State Board of Education
1076 as a teacher and not as an administrator. Such teacher shall
1077 submit documentation to the State Department of Education that the
1078 certificate was received * * * before October 15 in order to be
1079 eligible for the full salary supplement in the current school
1080 year, or the teacher shall submit such documentation to the State
1081 Department of Education * * * before February 15 in order to be
1082 eligible for a prorated salary supplement beginning with the
1083 second term of the school year.

1084 (ii) A licensed nurse who has met the requirements
1085 and acquired a certificate from the National Board for
1086 Certification of School Nurses, Inc., and who is employed by a



1087 local school board or the State Board of Education as a school
1088 nurse and not as an administrator. The licensed school nurse
1089 shall submit documentation to the State Department of Education
1090 that the certificate was received before October 15 in order to be
1091 eligible for the full salary supplement in the current school
1092 year, or the licensed school nurse shall submit the documentation
1093 to the State Department of Education before February 15 in order
1094 to be eligible for a prorated salary supplement beginning with the
1095 second term of the school year. * * * However, * * * the total
1096 number of licensed school nurses eligible for a salary supplement
1097 under this subparagraph (ii) shall not exceed thirty-five (35).

1098 (iii) Any licensed school counselor who has met
1099 the requirements and acquired a National Certified School
1100 Counselor (NCSC) endorsement from the National Board of Certified
1101 Counselors and who is employed by a local school board or the
1102 State Board of Education as a counselor and not as an
1103 administrator. Such licensed school counselor shall submit
1104 documentation to the State Department of Education that the
1105 endorsement was received * * * before October 15 in order to be
1106 eligible for the full salary supplement in the current school
1107 year, or the licensed school counselor shall submit such
1108 documentation to the State Department of Education * * * before
1109 February 15 in order to be eligible for a prorated salary
1110 supplement beginning with the second term of the school year.
1111 However, any school counselor who started the National Board for



1112 Professional Teaching Standards process for school counselors
1113 between June 1, 2003, and June 30, 2004, and completes the
1114 requirements and acquires the Master Teacher certificate shall be
1115 entitled to the master teacher supplement, and those counselors
1116 who complete the process shall be entitled to a one-time
1117 reimbursement for the actual cost of the process as outlined in
1118 paragraph (b) of this subsection.

1119 (iv) Any licensed speech-language pathologist and
1120 audiologist who has met the requirements and acquired a
1121 Certificate of Clinical Competence from the American
1122 Speech-Language-Hearing Association and any certified academic
1123 language therapist (CALT) who has met the certification
1124 requirements of the Academic Language Therapy Association and who
1125 is employed by a local school board or is employed by a state
1126 agency under the State Personnel Board. The licensed
1127 speech-language pathologist and audiologist and certified academic
1128 language therapist shall submit documentation to the State
1129 Department of Education that the certificate or endorsement was
1130 received before October 15 in order to be eligible for the full
1131 salary supplement in the current school year, or the licensed
1132 speech-language pathologist and audiologist and certified academic
1133 language therapist shall submit the documentation to the State
1134 Department of Education before February 15 in order to be eligible
1135 for a prorated salary supplement beginning with the second term of
1136 the school year. However, the total number of certified academic



1137 language therapists eligible for a salary supplement under this
1138 paragraph (iv) shall not exceed twenty (20).

1139 (b) An employee shall be reimbursed for the actual cost
1140 of completing each component of acquiring the certificate or
1141 endorsement, excluding any costs incurred for postgraduate
1142 courses, not to exceed Five Hundred Dollars (\$500.00) for each
1143 component, not to exceed four (4) components, for a teacher,
1144 school counselor or speech-language pathologist and audiologist,
1145 regardless of whether or not the process resulted in the award of
1146 the certificate or endorsement. A local school district or any
1147 private individual or entity may pay the cost of completing the
1148 process of acquiring the certificate or endorsement for any
1149 employee of the school district described under paragraph (a), and
1150 the State Department of Education shall reimburse the school
1151 district for such cost, regardless of whether or not the process
1152 resulted in the award of the certificate or endorsement. If a
1153 private individual or entity has paid the cost of completing the
1154 process of acquiring the certificate or endorsement for an
1155 employee, the local school district may agree to directly
1156 reimburse the individual or entity for such cost on behalf of the
1157 employee.

1158 (c) All salary supplements, fringe benefits and process
1159 reimbursement authorized under this subsection shall be paid
1160 directly by the State Department of Education to the local school
1161 district and shall be in addition to its * * * adequate education



1162 program allotments and not a part thereof in accordance with
1163 regulations promulgated by the State Board of Education. Local
1164 school districts shall not reduce the local supplement paid to any
1165 employee receiving such salary supplement, and the employee shall
1166 receive any local supplement to which employees with similar
1167 training and experience otherwise are entitled. However, an
1168 educational employee shall receive the salary supplement in the
1169 amount of Six Thousand Dollars (\$6,000.00) for only one (1) of the
1170 qualifying certifications authorized under paragraph (a) of this
1171 subsection. No school district shall provide more than one (1)
1172 annual salary supplement under the provisions of this subsection
1173 to any one individual employee holding multiple qualifying
1174 national certifications.

1175 (d) If an employee for whom such cost has been paid, in
1176 full or in part, by a local school district or private individual
1177 or entity fails to complete the certification or endorsement
1178 process, the employee shall be liable to the school district or
1179 individual or entity for all amounts paid by the school district
1180 or individual or entity on behalf of that employee toward his or
1181 her certificate or endorsement.

1182 (3) The following employees shall receive an annual salary
1183 supplement in the amount of Four Thousand Dollars (\$4,000.00),
1184 plus fringe benefits, in addition to any other compensation to
1185 which the employee may be entitled:



1186 Effective July 1, 2016, if funds are available for that
1187 purpose, any licensed teacher who has met the requirements and
1188 acquired a Master Teacher Certificate from the National Board for
1189 Professional Teaching Standards and who is employed in a public
1190 school district located in one (1) of the following counties:
1191 Claiborne, Adams, Jefferson, Wilkinson, Amite, Bolivar, Coahoma,
1192 Leflore, Quitman, Sharkey, Issaquena, Sunflower and Washington.
1193 The salary supplement awarded under the provisions of this
1194 subsection (3) shall be in addition to the salary supplement
1195 awarded under the provisions of subsection (2) of this section.

1196 Teachers who meet the qualifications for a salary supplement
1197 under this subsection (3) who are assigned for less than one (1)
1198 full year or less than full time for the school year shall receive
1199 the salary supplement in a prorated manner, with the portion of
1200 the teacher's assignment to the critical geographic area to be
1201 determined as of June 15th of the school year.

1202 (4) (a) This section shall be known and may be cited as the
1203 "Mississippi Performance-Based Pay (MPBP)" plan. In addition to
1204 the minimum base pay described in this section, only after full
1205 funding of MAEP and if funds are available for that purpose, the
1206 State of Mississippi may provide monies from state funds to school
1207 districts for the purposes of rewarding * * * licensed teachers,
1208 administrators and nonlicensed personnel at individual schools
1209 showing improvement in student test scores. The MPBP plan shall



1210 be developed by the State Department of Education based on the
1211 following criteria:

1212 (i) It is the express intent of this * * *
1213 subsection that the MPBP plan shall utilize only existing
1214 standards of accreditation and assessment as established by the
1215 State Board of Education.

1216 (ii) To ensure that all of Mississippi's teachers,
1217 administrators and nonlicensed personnel at all schools have equal
1218 access to the monies set aside in this section, the MPBP program
1219 shall be designed to calculate each school's performance as
1220 determined by the school's increase in scores from the prior
1221 school year. The MPBP program shall be based on a standardized
1222 scores rating where all levels of schools can be judged in a
1223 statistically fair and reasonable way upon implementation. At the
1224 end of each year, after all student achievement scores have been
1225 standardized, the State Department of Education shall implement
1226 the MPBP plan.

1227 (iii) To ensure all teachers cooperate in the
1228 spirit of teamwork, individual schools shall submit a plan to the
1229 local school district to be approved before the beginning of each
1230 school year beginning July 1, 2008. The plan shall include, but
1231 not be limited to, how all teachers, regardless of subject area,
1232 and administrators will be responsible for improving student
1233 achievement for their individual school.



1234 (b) The State Board of Education shall develop the
1235 processes and procedures for designating schools eligible to
1236 participate in the MPBP. State assessment results, growth in
1237 student achievement at individual schools and other measures
1238 deemed appropriate in designating successful student achievement
1239 shall be used in establishing MPBP criteria. The State Board of
1240 Education shall develop the MPBP policies and procedures and
1241 report to the Legislature and Governor by December 1, 2006.

1242 (5) (a) Beginning in the 2008-2009 school year, if funds
1243 are available for that purpose, each school in Mississippi shall
1244 have mentor teachers, as defined by Sections 37-9-201 through
1245 37-9-213, who shall receive additional base compensation provided
1246 for by the State Legislature in the amount of One Thousand Dollars
1247 (\$1,000.00) per each beginning teacher that is being mentored.
1248 The additional state compensation shall be limited to those mentor
1249 teachers that provide mentoring services to beginning teachers.
1250 For the purposes of such funding, a beginning teacher shall be
1251 defined as any teacher in any school in Mississippi that has less
1252 than one (1) year of classroom experience teaching in a public
1253 school. For the purposes of such funding, no full-time academic
1254 teacher shall mentor more than two (2) beginning teachers.

1255 (b) To be eligible for this state funding, the
1256 individual school must have a classroom management program
1257 approved by the local school board.



1258 (6) Effective with the 2014-2015 school year, the school
1259 districts participating in the Pilot Performance-Based
1260 Compensation System pursuant to Section 37-19-9 may award
1261 additional teacher and administrator pay based thereon.

1262 **SECTION 7.** This act shall take effect and be in force from
1263 and after July 1, 2019.

