

By: Representative Criswell

To: Education

HOUSE BILL NO. 578

1 AN ACT TO AMEND SECTION 37-13-61, MISSISSIPPI CODE OF 1972,  
 2 TO PROHIBIT LOCAL SCHOOL BOARDS FROM ESTABLISHING AS THE OPENING  
 3 DATE OF THE SCHOOL TERM ANY DATE THAT IS BEFORE THE LAST MONDAY IN  
 4 AUGUST; TO AMEND SECTION 37-13-63, MISSISSIPPI CODE OF 1972, TO  
 5 REDUCE THE LENGTH OF THE PUBLIC SCHOOLS' SCHOLASTIC YEAR FROM 180  
 6 TO 170 DAYS; TO AMEND SECTIONS 37-13-91, 37-151-5 AND 37-151-7,  
 7 MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PRECEDING  
 8 PROVISIONS OF THIS ACT; TO AMEND SECTION 37-9-24, MISSISSIPPI CODE  
 9 OF 1972, TO REDUCE THE MINIMUM TERM ALLOWED IN SCHOOL DISTRICTS'  
 10 CONTRACTS WITH LICENSED PERSONNEL FROM 187 TO 177 DAYS, AND TO  
 11 REQUIRE SCHOOL DISTRICTS TO SHORTEN THE TERMS OF CONTRACTS  
 12 PREVIOUSLY EXECUTED FOR THE 2020-2021 SCHOOL YEAR, WITHOUT ANY  
 13 REDUCTION TO THE ANNUAL SALARY SET FORTH IN EACH CONTRACT,  
 14 ACCORDINGLY; TO AMEND SECTION 37-19-7, MISSISSIPPI CODE OF 1972,  
 15 TO CLARIFY THAT THE TEACHER SALARY SCALE IS APPLICABLE FOR ALL  
 16 TEACHERS WHOSE CONTRACTS ARE FOR A TERM OF NO LESS THAN THE  
 17 STATUTORILY PRESCRIBED NUMBER OF DAYS; AND FOR RELATED PURPOSES.

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

19 **SECTION 1.** Section 37-13-61, Mississippi Code of 1972, is  
 20 amended as follows:

21 37-13-61. The local school board shall have the power and  
 22 authority to fix the date for the opening of the school term,  
 23 which may not be before the last Monday in August, and the date  
 24 for the closing of the school term \* \* \*. In establishing the  
 25 opening and closing dates of the school term, the school board



26 must satisfy the required minimum number of days which schools  
27 must be in session during a scholastic year, as prescribed under  
28 Section 37-13-63. However, local school boards are authorized to  
29 keep school in session in excess of the minimum number of days  
30 prescribed in Section 37-13-63.

31 **SECTION 2.** Section 37-13-63, Mississippi Code of 1972, is  
32 amended as follows:

33 37-13-63. (1) Except as otherwise provided, all public  
34 schools in the state shall be kept in session for at least \* \* \*  
35 one hundred seventy (170) days in each scholastic year.

36 (2) If the school board of any school district shall  
37 determine that it is not economically feasible or practicable to  
38 operate any school within the district for the full \* \* \* one  
39 hundred seventy (170) days \* \* \* due to an enemy attack, a  
40 man-made, technological or natural disaster or extreme weather  
41 emergency in which the Governor has declared a disaster or state  
42 of emergency under the laws of this state or the President of the  
43 United States has declared an emergency or major disaster to exist  
44 in this state, the school board may notify the State Department of  
45 Education of the disaster or weather emergency and submit a plan  
46 for altering the school term. If the State Board of Education  
47 finds the disaster or extreme weather emergency to be the cause of  
48 the school not operating for the contemplated school term and that  
49 such school was in a school district covered by the Governor's or  
50 President's disaster or state of emergency declaration, it may



51 permit that school board to operate the schools in its district  
52 for less than \* \* \* one hundred seventy (170) days; however, in no  
53 instance of a declared disaster or state of emergency under the  
54 provisions of this subsection shall a school board receive payment  
55 from the State Department of Education for per pupil expenditure  
56 for pupils in average daily attendance in excess of ten (10) days.

57 **SECTION 3.** Section 37-13-91, Mississippi Code of 1972, is  
58 amended as follows:

59 37-13-91. (1) This section shall be referred to as the  
60 "Mississippi Compulsory School Attendance Law."

61 (2) The following terms as used in this section are defined  
62 as follows:

63 (a) "Parent" means the father or mother to whom a child  
64 has been born, or the father or mother by whom a child has been  
65 legally adopted.

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

69 (c) "Custodian" means any person having the present  
70 care or custody of a child, other than a parent or guardian of the  
71 child.

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



76 (e) "School" means any public school, including a  
77 charter school, in this state or any nonpublic school in this  
78 state which is in session each school year for at least \* \* \* one  
79 hundred seventy (170) school days, except that the "nonpublic"  
80 school term shall be the number of days that each school shall  
81 require for promotion from grade to grade.

82 (f) "Compulsory-school-age child" means a child who has  
83 attained or will attain the age of six (6) years on or before  
84 September 1 of the calendar year and who has not attained the age  
85 of seventeen (17) years on or before September 1 of the calendar  
86 year; and shall include any child who has attained or will attain  
87 the age of five (5) years on or before September 1 and has  
88 enrolled in a full-day public school kindergarten program.

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

91 (h) "Appropriate school official" means the  
92 superintendent of the school district, or his designee, or, in the  
93 case of a nonpublic school, the principal or the headmaster.

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



100           (3) A parent, guardian or custodian of a  
101 compulsory-school-age child in this state shall cause the child to  
102 enroll in and attend a public school or legitimate nonpublic  
103 school for the period of time that the child is of compulsory  
104 school age, except under the following circumstances:

105           (a) When a compulsory-school-age child is physically,  
106 mentally or emotionally incapable of attending school as  
107 determined by the appropriate school official based upon  
108 sufficient medical documentation.

109           (b) When a compulsory-school-age child is enrolled in  
110 and pursuing a course of special education, remedial education or  
111 education for handicapped or physically or mentally disadvantaged  
112 children.

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

115           The parent, guardian or custodian of a compulsory-school-age  
116 child described in this subsection, or the parent, guardian or  
117 custodian of a compulsory-school-age child attending any charter  
118 school or nonpublic school, or the appropriate school official for  
119 any or all children attending a charter school or nonpublic school  
120 shall complete a "certificate of enrollment" in order to  
121 facilitate the administration of this section.

122           The form of the certificate of enrollment shall be prepared  
123 by the Office of Compulsory School Attendance Enforcement of the



124 State Department of Education and shall be designed to obtain the  
125 following information only:

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

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

130 (iii) A simple description of the type of  
131 education the compulsory-school-age child is receiving and, if the  
132 child is enrolled in a nonpublic school, the name and address of  
133 the school; and

134 (iv) The signature of the parent, guardian or  
135 custodian of the compulsory-school-age child or, for any or all  
136 compulsory-school-age child or children attending a charter school  
137 or nonpublic school, the signature of the appropriate school  
138 official and the date signed.

139 The certificate of enrollment shall be returned to the school  
140 attendance officer where the child resides on or before September  
141 15 of each year. Any parent, guardian or custodian found by the  
142 school attendance officer to be in noncompliance with this section  
143 shall comply, after written notice of the noncompliance by the  
144 school attendance officer, with this subsection within ten (10)  
145 days after the notice or be in violation of this section.

146 However, in the event the child has been enrolled in a public  
147 school within fifteen (15) calendar days after the first day of  
148 the school year as required in subsection (6), the parent or



149 custodian may, at a later date, enroll the child in a legitimate  
150 nonpublic school or legitimate home instruction program and send  
151 the certificate of enrollment to the school attendance officer and  
152 be in compliance with this subsection.

153 For the purposes of this subsection, a legitimate nonpublic  
154 school or legitimate home instruction program shall be \* \* \* a  
155 school or program not operated or instituted for the purpose of  
156 avoiding or circumventing the compulsory attendance law.

157 (4) An "unlawful absence" is an absence for an entire school  
158 day or during part of a school day by a compulsory-school-age  
159 child, which absence is not due to a valid excuse for temporary  
160 nonattendance. For purposes of reporting absenteeism under  
161 subsection (6) of this section, if a compulsory-school-age child  
162 has an absence that is more than thirty-seven percent (37%) of the  
163 instructional day, as fixed by the school board for the school at  
164 which the compulsory-school-age child is enrolled, the child must  
165 be considered absent the entire school day. Days missed from  
166 school due to disciplinary suspension shall not be considered an  
167 "excused" absence under this section. This subsection shall not  
168 apply to children enrolled in a nonpublic school.

169 Each of the following shall constitute a valid excuse for  
170 temporary nonattendance of a compulsory-school-age child enrolled  
171 in a noncharter public school, provided satisfactory evidence of  
172 the excuse is provided to the superintendent of the school  
173 district, or his designee:



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

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

183 (c) An absence is excused when isolation of a  
184 compulsory-school-age child is ordered by the county health  
185 officer, by the State Board of Health or appropriate school  
186 official.

187 (d) An absence is excused when it results from the  
188 death or serious illness of a member of the immediate family of a  
189 compulsory-school-age child. The immediate family members of a  
190 compulsory-school-age child shall include children, spouse,  
191 grandparents, parents, brothers and sisters, including  
192 stepbrothers and stepsisters.

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

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





199 (g) An absence may be excused if the religion to which  
200 the compulsory-school-age child or the child's parents adheres,  
201 requires or suggests the observance of a religious event. The  
202 approval of the absence is within the discretion of the  
203 superintendent of the school district, or his designee, but  
204 approval should be granted unless the religion's observance is of  
205 such duration as to interfere with the education of the child.

206 (h) An absence may be excused when it is demonstrated  
207 to the satisfaction of the superintendent of the school district,  
208 or his designee, that the purpose of the absence is to take  
209 advantage of a valid educational opportunity such as travel,  
210 including vacations or other family travel. Approval of the  
211 absence must be gained from the superintendent of the school  
212 district, or his designee, before the absence, but the approval  
213 shall not be unreasonably withheld.

214 (i) An absence may be excused when it is demonstrated  
215 to the satisfaction of the superintendent of the school district,  
216 or his designee, that conditions are sufficient to warrant the  
217 compulsory-school-age child's nonattendance. However, no absences  
218 shall be excused by the school district superintendent, or his  
219 designee, when any student suspensions or expulsions circumvent  
220 the intent and spirit of the compulsory attendance law.

221 (j) An absence is excused when it results from the  
222 attendance of a compulsory-school-age child participating in  
223 official organized events sponsored by the 4-H or Future Farmers



224 of America (FFA). The excuse for the 4-H or FFA event must be  
225 provided in writing to the appropriate school superintendent by  
226 the Extension Agent or High School Agricultural Instructor/FFA  
227 Advisor.

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

232 (5) Any parent, guardian or custodian of a  
233 compulsory-school-age child subject to this section who refuses or  
234 willfully fails to perform any of the duties imposed upon him or  
235 her under this section or who intentionally falsifies any  
236 information required to be contained in a certificate of  
237 enrollment, shall be guilty of contributing to the neglect of a  
238 child and, upon conviction, shall be punished in accordance with  
239 Section 97-5-39.

240 Upon prosecution of a parent, guardian or custodian of a  
241 compulsory-school-age child for violation of this section, the  
242 presentation of evidence by the prosecutor that shows that the  
243 child has not been enrolled in school within eighteen (18)  
244 calendar days after the first day of the school year of the public  
245 school which the child is eligible to attend, or that the child  
246 has accumulated twelve (12) unlawful absences during the school  
247 year at the public school in which the child has been enrolled,  
248 shall establish a prima facie case that the child's parent,



249 guardian or custodian is responsible for the absences and has  
250 refused or willfully failed to perform the duties imposed upon him  
251 or her under this section. However, no proceedings under this  
252 section shall be brought against a parent, guardian or custodian  
253 of a compulsory-school-age child unless the school attendance  
254 officer has contacted promptly the home of the child and has  
255 provided written notice to the parent, guardian or custodian of  
256 the requirement for the child's enrollment or attendance.

257 (6) If a compulsory-school-age child has not been enrolled  
258 in a school within fifteen (15) calendar days after the first day  
259 of the school year of the school which the child is eligible to  
260 attend or the child has accumulated five (5) unlawful absences  
261 during the school year of the public school in which the child is  
262 enrolled, the school district superintendent, or his designee,  
263 shall report, within two (2) school days or within five (5)  
264 calendar days, whichever is less, the absences to the school  
265 attendance officer. The State Department of Education shall  
266 prescribe a uniform method for schools to utilize in reporting the  
267 unlawful absences to the school attendance officer. The  
268 superintendent, or his designee, also shall report any student  
269 suspensions or student expulsions to the school attendance officer  
270 when they occur.

271 (7) When a school attendance officer has made all attempts  
272 to secure enrollment and/or attendance of a compulsory-school-age  
273 child and is unable to effect the enrollment and/or attendance,



274 the attendance officer shall file a petition with the youth court  
275 under Section 43-21-451 or shall file a petition in a court of  
276 competent jurisdiction as it pertains to parent or child.  
277 Sheriffs, deputy sheriffs and municipal law enforcement officers  
278 shall be fully authorized to investigate all cases of  
279 nonattendance and unlawful absences by compulsory-school-age  
280 children, and shall be authorized to file a petition with the  
281 youth court under Section 43-21-451 or file a petition or  
282 information in the court of competent jurisdiction as it pertains  
283 to parent or child for violation of this section. The youth court  
284 shall expedite a hearing to make an appropriate adjudication and a  
285 disposition to ensure compliance with the Compulsory School  
286 Attendance Law, and may order the child to enroll or re-enroll in  
287 school. The superintendent of the school district to which the  
288 child is ordered may assign, in his discretion, the child to the  
289 alternative school program of the school established pursuant to  
290 Section 37-13-92.

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

295 (9) Notwithstanding any provision or implication herein to  
296 the contrary, it is not the intention of this section to impair  
297 the primary right and the obligation of the parent or parents, or  
298 person or persons in loco parentis to a child, to choose the



299 proper education and training for such child, and nothing in this  
300 section shall ever be construed to grant, by implication or  
301 otherwise, to the State of Mississippi, any of its officers,  
302 agencies or subdivisions any right or authority to control,  
303 manage, supervise or make any suggestion as to the control,  
304 management or supervision of any private or parochial school or  
305 institution for the education or training of children, of any kind  
306 whatsoever that is not a public school according to the laws of  
307 this state; and this section shall never be construed so as to  
308 grant, by implication or otherwise, any right or authority to any  
309 state agency or other entity to control, manage, supervise,  
310 provide for or affect the operation, management, program,  
311 curriculum, admissions policy or discipline of any such school or  
312 home instruction program.

313       **SECTION 4.** Section 37-151-5, Mississippi Code of 1972, is  
314 amended as follows:

315       37-151-5. As used in Sections 37-151-5 and 37-151-7:

316           (a) "Adequate program" or "adequate education program"  
317 or "Mississippi Adequate Education Program (MAEP)" shall mean the  
318 program to establish adequate current operation funding levels  
319 necessary for the programs of such school district to meet at  
320 least a successful Level III rating of the accreditation system as  
321 established by the State Board of Education using current  
322 statistically relevant state assessment data.



323 (b) "Educational programs or elements of programs not  
324 included in the adequate education program calculations, but which  
325 may be included in appropriations and transfers to school  
326 districts" shall mean:

327 (i) "Capital outlay" shall mean those funds used  
328 for the constructing, improving, equipping, renovating or major  
329 repairing of school buildings or other school facilities, or the  
330 cost of acquisition of land whereon to construct or establish such  
331 school facilities.

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

336 (iii) "Adult education" shall mean public  
337 education dealing primarily with students above eighteen (18)  
338 years of age not enrolled as full-time public school students and  
339 not classified as students of technical schools, colleges or  
340 universities of the state.

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

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



348 (d) "Base student cost" shall mean the funding level  
349 necessary for providing an adequate education program for one (1)  
350 base student, subject to any minimum amounts prescribed in Section  
351 37-151-7(1).

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

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

358 (ii) "Vocational or technical education program"  
359 shall mean a secondary vocational or technical program approved by  
360 the State Department of Education and provided for from state  
361 funds.

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

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

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



373 (vi) "Extended school year programs" shall mean  
374 those programs authorized by law which extend beyond the normal  
375 school year.

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

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

381 (f) "Teacher" shall include any employee of a local  
382 school who is required by law to obtain a teacher's license from  
383 the State Board of Education and who is assigned to an  
384 instructional area of work as defined by the State Department of  
385 Education.

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

388 (h) "Superintendent" shall mean the head of a school  
389 district.

390 (i) "School district" shall mean any type of school  
391 district in the State of Mississippi, and shall include  
392 agricultural high schools.

393 (j) "Minimum school term" shall mean a term of \* \* \*  
394 not more than one hundred seventy (170) days of school in which  
395 both teachers and pupils are in regular attendance for scheduled  
396 classroom instruction for not less than sixty-three percent (63%)  
397 of the instructional day, as fixed by the local school board for





398 each school in the school district. It is the intent of the  
399 Legislature that any tax levies generated to produce additional  
400 local funds required by any school district to operate school  
401 terms in excess of one hundred seventy-five (175) days shall not  
402 be construed to constitute a new program for the purposes of  
403 exemption from the limitation on tax revenues as allowed under  
404 Sections 27-39-321 and 37-57-107 for new programs mandated by the  
405 Legislature.

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

410 (l) The term "transported children" shall mean children  
411 being transported to school who live within legal limits for  
412 transportation and who are otherwise qualified for being  
413 transported to school at public expense as fixed by Mississippi  
414 state law.

415 (m) The term "year of teaching experience" shall mean  
416 nine (9) months of actual teaching in the public or private  
417 elementary and secondary schools and shall also include nine (9)  
418 months of actual teaching at postsecondary institutions accredited  
419 by the Southern Association of Colleges and Schools (SACS) or  
420 equivalent regional accrediting body for degree-granting  
421 postsecondary institutions. In no case shall more than one (1)  
422 year of teaching experience be given for all services in one (1)



423 calendar or school year. In determining a teacher's experience,  
424 no deduction shall be made because of the temporary absence of the  
425 teacher because of illness or other good cause, and the teacher  
426 shall be given credit therefor. Beginning with the 2003-2004  
427 school year, the State Board of Education shall fix a number of  
428 days, not to exceed forty-five (45) consecutive school days,  
429 during which a teacher may not be under contract of employment  
430 during any school year and still be considered to have been in  
431 full-time employment for a regular scholastic term. If a teacher  
432 exceeds the number of days established by the State Board of  
433 Education that a teacher may not be under contract but may still  
434 be employed, that teacher shall not be credited with a year of  
435 teaching experience. In determining the experience of school  
436 librarians, each complete year of continuous, full-time employment  
437 as a professional librarian in a public library in this or some  
438 other state shall be considered a year of teaching experience. If  
439 a full-time school administrator returns to actual teaching in the  
440 public schools, the term "year of teaching experience" shall  
441 include the period of time he or she served as a school  
442 administrator. In determining the salaries of teachers who have  
443 experience in any branch of the military, the term "year of  
444 teaching experience" shall include each complete year of actual  
445 classroom instruction while serving in the military. In  
446 determining the experience of speech-language pathologists and  
447 audiologists, each complete year of continuous full-time post



448 master's degree employment in an educational setting in this or  
449 some other state shall be considered a year of teaching  
450 experience. \* \* \* However, \* \* \* school districts are authorized,  
451 in their discretion, to negotiate the salary levels applicable  
452 to \* \* \* licensed employees employed after July 1, 2009, who are  
453 receiving retirement benefits from the retirement system of  
454 another state, and the annual experience increment provided in  
455 Section 37-19-7 shall not be applicable to any such retired \* \* \*  
456 licensed employee.

457 (n) \* \* \* The term "average daily attendance" shall be  
458 the figure which results when the total aggregate full-day  
459 attendance during the period or months counted is divided by the  
460 number of days during the period or months counted upon which both  
461 teachers and pupils are in regular attendance for scheduled  
462 classroom instruction, \* \* \* less the average daily attendance for  
463 self-contained special education classes. For purposes of  
464 determining and reporting attendance, a pupil must be present for  
465 at least sixty-three percent (63%) of the instructional day, as  
466 fixed by the local school board for each school in the school  
467 district, in order to be considered in full-day attendance. \* \* \*  
468 Before full implementation of the adequate education program the  
469 department shall deduct the average daily attendance for the  
470 alternative school program provided for in Section 37-19-22.  
471 \* \* \*



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

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

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

482 (r) "Department" shall mean the State Department of  
483 Education.

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

486 (t) The term "successful school district" shall mean a  
487 Level III school district as designated by the State Board of  
488 Education using current statistically relevant state assessment  
489 data.

490 (u) "Dual enrollment-dual credit programs" shall mean  
491 programs for potential or recent high school student dropouts to  
492 dually enroll in their home high school and a local community  
493 college in a dual credit program consisting of high school  
494 completion coursework and a credential, certificate or degree  
495 program at the community college, as provided in Section  
496 37-15-38(19).



497 (v) "Charter school" means a public school that is  
498 established and operating under the terms of a charter contract  
499 between the school's governing board and the Mississippi Charter  
500 School Authorizer Board.

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

503 37-151-7. The annual allocation to each school district for  
504 the operation of the adequate education program shall be  
505 determined as follows:

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

510 (a) **Determination of average daily attendance.**  
511 Effective with fiscal year 2011, the State Department of Education  
512 shall determine the percentage change from the prior year of each  
513 year of each school district's average of months two (2) and three  
514 (3) average daily attendance (ADA) for the three (3) immediately  
515 preceding school years of the year for which funds are being  
516 appropriated. For any school district that experiences a positive  
517 growth in the average of months two (2) and three (3) ADA each  
518 year of the three (3) years, the average percentage growth over  
519 the three-year period shall be multiplied times the school  
520 district's average of months two (2) and three (3) ADA for the  
521 year immediately preceding the year for which MAEP funds are being



522 appropriated. The resulting amount shall be added to the school  
523 district's average of months two (2) and three (3) ADA for the  
524 year immediately preceding the year for which MAEP funds are being  
525 appropriated to arrive at the ADA to be used in determining a  
526 school district's MAEP allocation. Otherwise, months two (2) and  
527 three (3) ADA for the year immediately preceding the year for  
528 which MAEP funds are being appropriated will be used in  
529 determining a school district's MAEP allocation. In any fiscal  
530 year prior to 2010 in which the MAEP formula is not fully funded,  
531 for those districts that do not demonstrate a three-year positive  
532 growth in months two (2) and three (3) ADA, months one (1) through  
533 nine (9) ADA of the second preceding year for which funds are  
534 being appropriated or months two (2) and three (3) ADA of the  
535 preceding year for which funds are being appropriated, whichever  
536 is greater, shall be used to calculate the district's MAEP  
537 allocation. The district's average daily attendance shall be  
538 computed and currently maintained in accordance with regulations  
539 promulgated by the State Board of Education. The district's  
540 average daily attendance shall include any student enrolled in a  
541 Dual Enrollment-Dual Credit Program as defined and provided in  
542 Section 37-15-38(19). The State Department of Education shall  
543 make payments for Dual Enrollment-Dual Credit Programs to the home  
544 school in which the student is enrolled, in accordance with  
545 regulations promulgated by the State Board of Education. The  
546 community college providing services to students in a Dual



547 Enrollment-Dual Credit Program shall require payment from the home  
548 school district for services provided to such students at a rate  
549 of one hundred percent (100%) of ADA. All MAEP/state funding  
550 shall cease upon completion of high school graduation  
551 requirements.

552 (b) **Determination of base student cost.** Effective with  
553 fiscal year 2011 and every fourth fiscal year thereafter, the  
554 State Board of Education, on or before August 1, with adjusted  
555 estimate no later than January 2, shall submit to the Legislative  
556 Budget Office and the Governor a proposed base student cost  
557 adequate to provide the following cost components of educating a  
558 pupil in a successful school district: (i) instructional cost;  
559 (ii) administrative cost; (iii) operation and maintenance of  
560 plant; and (iv) ancillary support cost. For purposes of these  
561 calculations, the Department of Education shall utilize financial  
562 data from the second preceding year of the year for which funds  
563 are being appropriated.

564 For the instructional cost component, the Department of  
565 Education shall select districts that have been identified as  
566 instructionally successful and have a ratio of a number of  
567 teachers per one thousand (1,000) students that is between one (1)  
568 standard deviation above the mean and two (2) standard deviations  
569 below the mean of the statewide average of teachers per one  
570 thousand (1,000) students. The instructional cost component shall  
571 be calculated by dividing the latest available months one (1)



572 through nine (9) ADA into the instructional expenditures of these  
573 selected districts. For the purpose of this calculation, the  
574 Department of Education shall use the following funds, functions  
575 and objects:

576 Fund 1120 Functions 1110-1199 Objects 100-999, Functions  
577 1210, 1220, 2150-2159 Objects 210 and 215;

578 Fund 1130 All Functions, Object Code 210 and 215;

579 Fund 2001 Functions 1110-1199 Objects 100-999;

580 Fund 2070 Functions 1110-1199 Objects 100-999;

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

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

583 \* \* \* Before the calculation of the instructional cost  
584 component, there shall be subtracted from the above expenditures  
585 any revenue received for Chickasaw Cession payments, Master  
586 Teacher Certification payments and the district's portion of state  
587 revenue received from the MAEP at-risk allocation.

588 For the administrative cost component, the Department of  
589 Education shall select districts that have been identified as  
590 instructionally successful and have a ratio of an administrative  
591 staff to nonadministrative staff between one (1) standard  
592 deviation above the mean and two (2) standard deviations below the  
593 mean of the statewide average administrative staff to  
594 nonadministrative staff. The administrative cost component shall  
595 be calculated by dividing the latest available months one (1)  
596 through nine (9) ADA of the selected districts into the





597 administrative expenditures of these selected districts. For the  
598 purpose of this calculation, the Department of Education shall use  
599 the following funds, functions and objects:

600 Fund 1120 Functions 2300-2599, Functions 2800-2899,  
601 Objects 100-999;

602 Fund 2711 Functions 2300-2599, Functions 2800-2899,  
603 Objects 100-999.

604 For the plant and maintenance cost component, the Department  
605 of Education shall select districts that have been identified as  
606 instructionally successful and have a ratio of plant and  
607 maintenance expenditures per one hundred thousand (100,000) square  
608 feet of building space and a ratio of maintenance workers per one  
609 hundred thousand (100,000) square feet of building space that are  
610 both between one (1) standard deviation above the mean and two (2)  
611 standard deviations below the mean of the statewide average. The  
612 plant and maintenance cost component shall be calculated by  
613 dividing the latest available months one (1) through nine (9) ADA  
614 of the selected districts into the plant and maintenance  
615 expenditures of these selected districts. For the purpose of this  
616 calculation, the Department of Education shall use the following  
617 funds, functions and objects:

618 Fund 1120 Functions 2600-2699, Objects 100-699  
619 and Objects 800-999;

620 Fund 2711 Functions 2600-2699, Objects 100-699  
621 and Objects 800-999;



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

623 and Objects 800-999.

624 For the ancillary support cost component, the Department of  
625 Education shall select districts that have been identified as  
626 instructionally successful and have a ratio of a number of  
627 librarians, media specialists, guidance counselors and  
628 psychologists per one thousand (1,000) students that is between  
629 one (1) standard deviation above the mean and two (2) standard  
630 deviations below the mean of the statewide average of librarians,  
631 media specialists, guidance counselors and psychologists per one  
632 thousand (1,000) students. The ancillary cost component shall be  
633 calculated by dividing the latest available months one (1) through  
634 nine (9) ADA into the ancillary expenditures instructional  
635 expenditures of these selected districts. For the purpose of this  
636 calculation, the Department of Education shall use the following  
637 funds, functions and objects:

638 Fund 1120 Functions 2110-2129, Objects 100-999;

639 Fund 1120 Functions 2140-2149, Objects 100-999;

640 Fund 1120 Functions 2220-2229, Objects 100-999;

641 Fund 2001 Functions 2100-2129, Objects 100-999;

642 Fund 2001 Functions 2140-2149, Objects 100-999;

643 Fund 2001 Functions 2220-2229, Objects 100-999.

644 The total base cost for each year shall be the sum of the  
645 instructional cost component, administrative cost component, plant  
646 and maintenance cost component and ancillary support cost



647 component, and any estimated adjustments for additional state  
648 requirements as determined by the State Board of Education.  
649 Provided, however, that the base student cost in fiscal year 1998  
650 shall be Two Thousand Six Hundred Sixty-four Dollars (\$2,664.00).

651 For each of the fiscal years between the recalculation of the  
652 base student cost under the provisions of this paragraph (b), the  
653 base student cost shall be increased by an amount equal to forty  
654 percent (40%) of the base student cost for the previous fiscal  
655 year, multiplied by the latest annual rate of inflation for the  
656 State of Mississippi as determined by the State Economist, plus  
657 any adjustments for additional state requirements such as, but not  
658 limited to, teacher pay raises and health insurance premium  
659 increases.

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

664 Multiply the average daily attendance of the district by the  
665 base student cost as established by the Legislature, which yields  
666 the total base program cost for each school district.

667 (d) **Adjustment to the base student cost for at-risk**  
668 **pupils.** The amount to be included for at-risk pupil programs for  
669 each school district shall be computed as follows: Multiply the  
670 base student cost for the appropriate fiscal year as determined  
671 under paragraph (b) by five percent (5%), and multiply that



672 product by the number of pupils participating in the federal free  
673 school lunch program in such school district, which yields the  
674 total adjustment for at-risk pupil programs for such school  
675 district.

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

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

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

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

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

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



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

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

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

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

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

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

718 (g) The State Auditor shall annually verify the State  
719 Board of Education's estimated calculations for the Mississippi



720 Adequate Education Program that are submitted each year to the  
721 Legislative Budget Office on August 1 and the final calculation  
722 that is submitted on January 2.

723         (2) **Computation of the required local revenue in support of**  
724 **the adequate education program.** The amount that each district  
725 shall provide toward the cost of the adequate education program  
726 shall be calculated as follows:

727             (a) The State Department of Education shall certify to  
728 each school district that twenty-eight (28) mills, less the  
729 estimated amount of the yield of the School Ad Valorem Tax  
730 Reduction Fund grants as determined by the State Department of  
731 Education, is the millage rate required to provide the district  
732 required local effort for that year, or twenty-seven percent (27%)  
733 of the basic adequate education program cost for such school  
734 district as determined under paragraph (c), whichever is a lesser  
735 amount. In the case of an agricultural high school, the millage  
736 requirement shall be set at a level which generates an equitable  
737 amount per pupil to be determined by the State Board of Education.  
738 The local contribution amount for school districts in which there  
739 is located one or more charter schools will be calculated using  
740 the following methodology: using the adequate education program  
741 twenty-eight (28) mill value, or the twenty-seven percent (27%)  
742 cap amount (whichever is less) for each school district in which a  
743 charter school is located, an average per pupil amount will be  
744 calculated. This average per pupil amount will be multiplied



745 times the number of students attending the charter school in that  
746 school district. The sum becomes the charter school's local  
747 contribution to the adequate education program.

748 (b) The State Department of Education shall determine  
749 the following from the annual assessment information submitted to  
750 the department by the tax assessors of the various counties: (i)  
751 the total assessed valuation of nonexempt property for school  
752 purposes in each school district; (ii) assessed value of exempt  
753 property owned by homeowners aged sixty-five (65) or older or  
754 disabled as defined in Section 27-33-67(2), Mississippi Code of  
755 1972; (iii) the school district's tax loss from exemptions  
756 provided to applicants under the age of sixty-five (65) and not  
757 disabled as defined in Section 27-33-67(1), Mississippi Code of  
758 1972; and (iv) the school district's homestead reimbursement  
759 revenues.

760 (c) The amount of the total adequate education program  
761 funding which shall be contributed by each school district shall  
762 be the sum of the ad valorem receipts generated by the millage  
763 required under this subsection plus the following local revenue  
764 sources for the appropriate fiscal year which are or may be  
765 available for current expenditure by the school district:

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

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



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

772           (a) The required state effort in support of the  
773 adequate education program shall be determined by subtracting the  
774 sum of the required local tax effort as set forth in subsection  
775 (2)(a) of this section and the other local revenue sources as set  
776 forth in subsection (2)(c) of this section in an amount not to  
777 exceed twenty-seven percent (27%) of the total projected adequate  
778 education program cost as set forth in subsection (1)(f) of this  
779 section from the total projected adequate education program cost  
780 as set forth in subsection (1)(f) of this section.

781           (b) \* \* \* However, \* \* \* in fiscal year 2015, any  
782 increase in the \* \* \* state contribution to any district  
783 calculated under this section shall be not less than six percent  
784 (6%) in excess of the amount received by \* \* \* that district from  
785 state funds for fiscal year 2002; in fiscal year 2016, any  
786 increase in the said state contribution to any district calculated  
787 under this section shall be not less than four percent (4%) in  
788 excess of the amount received by said district from state funds  
789 for fiscal year 2002; in fiscal year 2017, any increase in the  
790 said state contribution to any district calculated under this  
791 section shall be not less than two percent (2%) in excess of the  
792 amount received by said district from state funds for fiscal year  
793 2002; and in fiscal year 2018 and thereafter, any increase in the  
794 said state contribution to any district calculated under this





795 section shall be zero percent (0%). For purposes of this  
796 paragraph (b), state funds shall include minimum program funds  
797 less the add-on programs, State Uniform Millage Assistance Grant  
798 Funds, Education Enhancement Funds appropriated for Uniform  
799 Millage Assistance Grants and state textbook allocations, and  
800 State General Funds allocated for textbooks.

801 (c) If the school board of any school district shall  
802 determine that it is not economically feasible or practicable to  
803 operate any school within the district for the full \* \* \* one  
804 hundred seventy (170) days \* \* \* established for a \* \* \*  
805 scholastic year \* \* \* under Section 37-13-63, \* \* \* due to an  
806 enemy attack, a man-made, technological or natural disaster in  
807 which the Governor has declared a disaster emergency under the  
808 laws of this state or the President of the United States has  
809 declared an emergency or major disaster to exist in this  
810 state, \* \* \* the school board may notify the State Department of  
811 Education of such disaster and submit a plan for altering the  
812 school term. If the State Board of Education finds such disaster  
813 to be the cause of the school not operating for the contemplated  
814 school term and that such school was in a school district covered  
815 by the Governor's or President's disaster declaration, it may  
816 permit \* \* \* the school board to operate the schools in its  
817 district for less than \* \* \* one hundred seventy (170) days and,  
818 in such case, the State Department of Education shall not reduce  
819 the state contributions to the adequate education program



820 allotment for such district, because of the failure to  
821 operate \* \* \* the schools for \* \* \* one hundred seventy (170)  
822 days.

823 (4) The Interim School District Capital Expenditure Fund is  
824 hereby established in the State Treasury which shall be used to  
825 distribute any funds specifically appropriated by the Legislature  
826 to such fund to school districts entitled to increased allocations  
827 of state funds under the adequate education program funding  
828 formula prescribed in Sections 37-151-3 through 37-151-7,  
829 Mississippi Code of 1972, until such time as the \* \* \* adequate  
830 education program is fully funded by the Legislature. The  
831 following percentages of the total state cost of increased  
832 allocations of funds under the adequate education program funding  
833 formula shall be appropriated by the Legislature into the Interim  
834 School District Capital Expenditure Fund to be distributed to all  
835 school districts under the formula: Nine and two-tenths percent  
836 (9.2%) shall be appropriated in fiscal year 1998, twenty percent  
837 (20%) shall be appropriated in fiscal year 1999, forty percent  
838 (40%) shall be appropriated in fiscal year 2000, sixty percent  
839 (60%) shall be appropriated in fiscal year 2001, eighty percent  
840 (80%) shall be appropriated in fiscal year 2002, and one hundred  
841 percent (100%) shall be appropriated in fiscal year 2003 into the  
842 State Adequate Education Program Fund. Until July 1, 2002, such  
843 money shall be used by school districts for the following  
844 purposes:



845           (a) Purchasing, erecting, repairing, equipping,  
846 remodeling and enlarging school buildings and related facilities,  
847 including gymnasiums, auditoriums, lunchrooms, vocational training  
848 buildings, libraries, school barns and garages for transportation  
849 vehicles, school athletic fields and necessary facilities  
850 connected therewith, and purchasing land therefor. Any such  
851 capital improvement project by a school district shall be approved  
852 by the State Board of Education, and based on an approved  
853 long-range plan. The State Board of Education shall promulgate  
854 minimum requirements for the approval of school district capital  
855 expenditure plans.

856           (b) Providing necessary water, light, heating,  
857 air-conditioning, and sewerage facilities for school buildings,  
858 and purchasing land therefor.

859           (c) Paying debt service on existing capital improvement  
860 debt of the district or refinancing outstanding debt of a district  
861 if such refinancing will result in an interest cost savings to the  
862 district.

863           (d) From and after October 1, 1997, through June 30,  
864 1998, pursuant to a school district capital expenditure plan  
865 approved by the State Department of Education, a school district  
866 may pledge such funds until July 1, 2002, plus funds provided for  
867 in paragraph (e) of this subsection (4) that are not otherwise  
868 permanently pledged under such paragraph (e) to pay all or a  
869 portion of the debt service on debt issued by the school district



870 under Sections 37-59-1 through 37-59-45, 37-59-101 through  
871 37-59-115, 37-7-351 through 37-7-359, 37-41-89 through 37-41-99,  
872 37-7-301, 37-7-302 and 37-41-81, Mississippi Code of 1972, or debt  
873 issued by boards of supervisors for agricultural high schools  
874 pursuant to Section 37-27-65, Mississippi Code of 1972, or  
875 lease-purchase contracts entered into pursuant to Section 31-7-13,  
876 Mississippi Code of 1972, or to retire or refinance outstanding  
877 debt of a district, if such pledge is accomplished pursuant to a  
878 written contract or resolution approved and spread upon the  
879 minutes of an official meeting of the district's school board or  
880 board of supervisors. It is the intent of this provision to allow  
881 school districts to irrevocably pledge their Interim School  
882 District Capital Expenditure Fund allotments as a constant stream  
883 of revenue to secure a debt issued under the foregoing code  
884 sections. To allow school districts to make such an irrevocable  
885 pledge, the state shall take all action necessary to ensure that  
886 the amount of a district's Interim School District Capital  
887 Expenditure Fund allotments shall not be reduced below the amount  
888 certified by the department or the district's total allotment  
889 under the Interim Capital Expenditure Fund if fully funded, so  
890 long as such debt remains outstanding.

891 (e) [Repealed]

892 (f) [Repealed]

893 (g) The State Board of Education may authorize the  
894 school district to expend not more than twenty percent (20%) of



895 its annual allotment of such funds or Twenty Thousand Dollars  
896 (\$20,000.00), whichever is greater, for technology needs of the  
897 school district, including computers, software,  
898 telecommunications, cable television, interactive video, film,  
899 low-power television, satellite communications, microwave  
900 communications, technology-based equipment installation and  
901 maintenance, and the training of staff in the use of such  
902 technology-based instruction. Any such technology expenditure  
903 shall be reflected in the local district technology plan approved  
904 by the State Board of Education under Section  
905 37-151-17, Mississippi Code of 1972.

906 (h) To the extent a school district has not utilized  
907 twenty percent (20%) of its annual allotment for technology  
908 purposes under paragraph (g), a school district may expend not  
909 more than twenty percent (20%) of its annual allotment or Twenty  
910 Thousand Dollars (\$20,000.00), whichever is greater, for  
911 instructional purposes. The State Board of Education may  
912 authorize a school district to expend more than \* \* \* twenty  
913 percent (20%) of its annual allotment for instructional purposes  
914 if it determines that such expenditures are needed for  
915 accreditation purposes.

916 (i) The State Department of Education or the State  
917 Board of Education may require that any project commenced under  
918 this section with an estimated project cost of not less than Five  
919 Million Dollars (\$5,000,000.00) shall be done only pursuant to



920 program management of the process with respect to design and  
921 construction. Any individuals, partnerships, companies or other  
922 entities acting as a program manager on behalf of a local school  
923 district and performing program management services for projects  
924 covered under this subsection shall be approved by the State  
925 Department of Education.

926 Any interest accruing on any unexpended balance in the  
927 Interim School District Capital Expenditure Fund shall be invested  
928 by the State Treasurer and placed to the credit of each school  
929 district participating in such fund in its proportionate share.

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

933 (5) The State Department of Education shall make payments to  
934 charter schools for each student in average daily attendance at  
935 the charter school equal to the state share of the adequate  
936 education program payments for each student in average daily  
937 attendance at the school district in which the public charter  
938 school is located. In calculating the local contribution for  
939 purposes of determining the state share of the adequate education  
940 program payments, the department shall deduct the pro rata local  
941 contribution of the school district in which the student resides  
942 as determined in subsection (2) (a) of this section.

943 **SECTION 6.** Section 37-9-24, Mississippi Code of 1972, is  
944 amended as follows:



945 37-9-24. (1) Except as otherwise provided in this section,  
946 no school district shall contract with any licensed personnel for  
947 a number of employment days which shall be less than \* \* \* one  
948 hundred seventy-seven (177).

949 \* \* \*

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

953 (3) For each contract entered into before July 1, 2019,  
954 having a term of one hundred eighty-seven (187) or more employment  
955 days for the 2020-2021 school year, the employing school district  
956 shall reduce the term of the contract by no less than ten (10)  
957 employment days; however, the annual salary established in the  
958 contract for the licensed personnel may not be reduced due to the  
959 reduction in the number of employment days required under this  
960 subsection. This subsection shall stand repealed on July 1, 2022.

961 **SECTION 7.** Section 37-19-7, Mississippi Code of 1972, is  
962 amended as follows:

963 37-19-7. (1) The allowance in the Mississippi Adequate  
964 Education Program for teachers' salaries in each county and  
965 separate school district shall be determined and paid in  
966 accordance with the scale for teachers' salaries as provided in  
967 this subsection. For teachers holding the following types of  
968 licenses or the equivalent as determined by the State Board of



969 Education, and the following number of years of teaching  
970 experience, the scale shall be as follows:

971 **2019-2020 MINIMUM SALARY SCHEDULE**

972	Years				
973	Exp.	AAAA	AAA	AA	A
974	0	40,608.00	39,444.00	38,280.00	35,890.00
975	1	40,608.00	39,444.00	38,280.00	35,890.00
976	2	40,608.00	39,444.00	38,280.00	35,890.00
977	3	41,402.00	40,171.00	38,940.00	36,385.00
978	4	42,196.00	40,898.00	39,600.00	36,880.00
979	5	42,990.00	41,625.00	40,260.00	37,375.00
980	6	43,784.00	42,352.00	40,920.00	37,870.00
981	7	44,578.00	43,079.00	41,580.00	38,365.00
982	8	45,372.00	43,806.00	42,240.00	38,860.00
983	9	46,166.00	44,533.00	42,900.00	39,355.00
984	10	46,960.00	45,260.00	43,560.00	39,850.00
985	11	47,754.00	45,987.00	44,220.00	40,345.00
986	12	48,548.00	46,714.00	44,880.00	40,840.00
987	13	49,342.00	47,441.00	45,540.00	41,335.00
988	14	50,136.00	48,168.00	46,200.00	41,830.00
989	15	50,930.00	48,895.00	46,860.00	42,325.00
990	16	51,724.00	49,622.00	47,520.00	42,820.00
991	17	52,518.00	50,349.00	48,180.00	43,315.00
992	18	53,312.00	51,076.00	48,840.00	43,810.00
993	19	54,106.00	51,803.00	49,500.00	44,305.00





994	20	54,900.00	52,530.00	50,160.00	44,800.00
995	21	55,694.00	53,257.00	50,820.00	45,295.00
996	22	56,488.00	53,984.00	51,480.00	45,790.00
997	23	57,282.00	54,711.00	52,140.00	46,285.00
998	24	58,076.00	55,438.00	52,800.00	46,780.00
999	25	60,930.00	58,225.00	55,520.00	49,335.00
1000	26	61,724.00	58,952.00	56,180.00	49,830.00
1001	27	62,518.00	59,679.00	56,840.00	50,325.00
1002	28	63,312.00	60,406.00	57,500.00	50,820.00
1003	29	64,106.00	61,133.00	58,160.00	51,315.00
1004	30	64,900.00	61,860.00	58,820.00	51,810.00
1005	31	65,694.00	62,587.00	59,480.00	52,305.00
1006	32	66,488.00	63,314.00	60,140.00	52,800.00
1007	33	67,282.00	64,041.00	60,800.00	53,295.00
1008	34	68,076.00	64,768.00	61,460.00	53,790.00
1009	35				
1010	& above	68,870.00	65,495.00	62,120.00	54,285.00

1011           It is the intent of the Legislature that any state funds made  
1012 available for salaries of licensed personnel in excess of the  
1013 funds paid for such salaries for the 1986-1987 school year shall  
1014 be paid to licensed personnel pursuant to a personnel appraisal  
1015 and compensation system implemented by the State Board of  
1016 Education. The State Board of Education shall have the authority  
1017 to adopt and amend rules and regulations as are necessary to  
1018 establish, administer and maintain the system.



1019 All teachers employed on a full-time basis under a contract  
1020 having a term of no less than the number of employment days  
1021 required under Section 37-9-24 shall be paid a minimum salary in  
1022 accordance with the above scale. However, no school district  
1023 shall receive any funds under this section for any school year  
1024 during which the local supplement paid to any individual teacher  
1025 shall have been reduced to a sum less than that paid to that  
1026 individual teacher for performing the same duties from local  
1027 supplement during the immediately preceding school year. The  
1028 amount actually spent for the purposes of group health and/or life  
1029 insurance shall be considered as a part of the aggregate amount of  
1030 local supplement but shall not be considered a part of the amount  
1031 of individual local supplement.

1032 The level of professional training of each teacher to be used  
1033 in establishing the salary allotment for the teachers for each  
1034 year shall be determined by the type of valid teacher's license  
1035 issued to those teachers on or before October 1 of the current  
1036 school year. \* \* \* However, school districts are authorized, in  
1037 their discretion, to negotiate the salary levels applicable  
1038 to \* \* \* licensed employees who are receiving retirement benefits  
1039 from the retirement system of another state, and the annual  
1040 experience increment provided above \* \* \* shall not be applicable  
1041 to any such retired \* \* \* licensed employee.

1042 (2) (a) The following employees shall receive an annual  
1043 salary supplement in the amount of Six Thousand Dollars



1044 (\$6,000.00), plus fringe benefits, in addition to any other  
1045 compensation to which the employee may be entitled:

1046 (i) Any licensed teacher who has met the  
1047 requirements and acquired a Master Teacher certificate from the  
1048 National Board for Professional Teaching Standards and who is  
1049 employed by a local school board or the State Board of Education  
1050 as a teacher and not as an administrator. Such teacher shall  
1051 submit documentation to the State Department of Education that the  
1052 certificate was received \* \* \* before October 15 in order to be  
1053 eligible for the full salary supplement in the current school  
1054 year, or the teacher shall submit such documentation to the State  
1055 Department of Education \* \* \* before February 15 in order to be  
1056 eligible for a prorated salary supplement beginning with the  
1057 second term of the school year.

1058 (ii) A licensed nurse who has met the requirements  
1059 and acquired a certificate from the National Board for  
1060 Certification of School Nurses, Inc., and who is employed by a  
1061 local school board or the State Board of Education as a school  
1062 nurse and not as an administrator. The licensed school nurse  
1063 shall submit documentation to the State Department of Education  
1064 that the certificate was received before October 15 in order to be  
1065 eligible for the full salary supplement in the current school  
1066 year, or the licensed school nurse shall submit the documentation  
1067 to the State Department of Education before February 15 in order  
1068 to be eligible for a prorated salary supplement beginning with the



1069 second term of the school year. \* \* \* However, the total number  
1070 of licensed school nurses eligible for a salary supplement under  
1071 this subparagraph (ii) shall not exceed thirty-five (35).

1072 (iii) Any licensed school counselor who has met  
1073 the requirements and acquired a National Certified School  
1074 Counselor (NCSC) endorsement from the National Board of Certified  
1075 Counselors and who is employed by a local school board or the  
1076 State Board of Education as a counselor and not as an  
1077 administrator. Such licensed school counselor shall submit  
1078 documentation to the State Department of Education that the  
1079 endorsement was received \* \* \* before October 15 in order to be  
1080 eligible for the full salary supplement in the current school  
1081 year, or the licensed school counselor shall submit such  
1082 documentation to the State Department of Education \* \* \* before  
1083 February 15 in order to be eligible for a prorated salary  
1084 supplement beginning with the second term of the school year.  
1085 However, any school counselor who started the National Board for  
1086 Professional Teaching Standards process for school counselors  
1087 between June 1, 2003, and June 30, 2004, and completes the  
1088 requirements and acquires the Master Teacher certificate shall be  
1089 entitled to the master teacher supplement, and those counselors  
1090 who complete the process shall be entitled to a one-time  
1091 reimbursement for the actual cost of the process as outlined in  
1092 paragraph (b) of this subsection.



1093 (iv) Any licensed speech-language pathologist and  
1094 audiologist who has met the requirements and acquired a  
1095 Certificate of Clinical Competence from the American  
1096 Speech-Language-Hearing Association and any certified academic  
1097 language therapist (CALT) who has met the certification  
1098 requirements of the Academic Language Therapy Association and who  
1099 is employed by a local school board or is employed by a state  
1100 agency under the State Personnel Board. The licensed  
1101 speech-language pathologist and audiologist and certified academic  
1102 language therapist shall submit documentation to the State  
1103 Department of Education that the certificate or endorsement was  
1104 received before October 15 in order to be eligible for the full  
1105 salary supplement in the current school year, or the licensed  
1106 speech-language pathologist and audiologist and certified academic  
1107 language therapist shall submit the documentation to the State  
1108 Department of Education before February 15 in order to be eligible  
1109 for a prorated salary supplement beginning with the second term of  
1110 the school year. However, the total number of certified academic  
1111 language therapists eligible for a salary supplement under this  
1112 paragraph (iv) shall not exceed twenty (20).

1113 (b) An employee shall be reimbursed for the actual cost  
1114 of completing each component of acquiring the certificate or  
1115 endorsement, excluding any costs incurred for postgraduate  
1116 courses, not to exceed Five Hundred Dollars (\$500.00) for each  
1117 component, not to exceed four (4) components, for a teacher,



1118 school counselor or speech-language pathologist and audiologist,  
1119 regardless of whether or not the process resulted in the award of  
1120 the certificate or endorsement. A local school district or any  
1121 private individual or entity may pay the cost of completing the  
1122 process of acquiring the certificate or endorsement for any  
1123 employee of the school district described under paragraph (a), and  
1124 the State Department of Education shall reimburse the school  
1125 district for such cost, regardless of whether or not the process  
1126 resulted in the award of the certificate or endorsement. If a  
1127 private individual or entity has paid the cost of completing the  
1128 process of acquiring the certificate or endorsement for an  
1129 employee, the local school district may agree to directly  
1130 reimburse the individual or entity for such cost on behalf of the  
1131 employee.

1132 (c) All salary supplements, fringe benefits and process  
1133 reimbursement authorized under this subsection shall be paid  
1134 directly by the State Department of Education to the local school  
1135 district and shall be in addition to its \* \* \* adequate education  
1136 program allotments and not a part thereof in accordance with  
1137 regulations promulgated by the State Board of Education. Local  
1138 school districts shall not reduce the local supplement paid to any  
1139 employee receiving such salary supplement, and the employee shall  
1140 receive any local supplement to which employees with similar  
1141 training and experience otherwise are entitled. However, an  
1142 educational employee shall receive the salary supplement in the



1143 amount of Six Thousand Dollars (\$6,000.00) for only one (1) of the  
1144 qualifying certifications authorized under paragraph (a) of this  
1145 subsection. No school district shall provide more than one (1)  
1146 annual salary supplement under the provisions of this subsection  
1147 to any one individual employee holding multiple qualifying  
1148 national certifications.

1149 (d) If an employee for whom such cost has been paid, in  
1150 full or in part, by a local school district or private individual  
1151 or entity fails to complete the certification or endorsement  
1152 process, the employee shall be liable to the school district or  
1153 individual or entity for all amounts paid by the school district  
1154 or individual or entity on behalf of that employee toward his or  
1155 her certificate or endorsement.

1156 (3) The following employees shall receive an annual salary  
1157 supplement in the amount of Four Thousand Dollars (\$4,000.00),  
1158 plus fringe benefits, in addition to any other compensation to  
1159 which the employee may be entitled:

1160 Effective July 1, 2016, if funds are available for that  
1161 purpose, any licensed teacher who has met the requirements and  
1162 acquired a Master Teacher Certificate from the National Board for  
1163 Professional Teaching Standards and who is employed in a public  
1164 school district located in one (1) of the following counties:  
1165 Claiborne, Adams, Jefferson, Wilkinson, Amite, Bolivar, Coahoma,  
1166 Leflore, Quitman, Sharkey, Issaquena, Sunflower, Washington,  
1167 Holmes, Yazoo and Tallahatchie. The salary supplement awarded



1168 under the provisions of this subsection (3) shall be in addition  
1169 to the salary supplement awarded under the provisions of  
1170 subsection (2) of this section.

1171 Teachers who meet the qualifications for a salary supplement  
1172 under this subsection (3) who are assigned for less than one (1)  
1173 full year or less than full time for the school year shall receive  
1174 the salary supplement in a prorated manner, with the portion of  
1175 the teacher's assignment to the critical geographic area to be  
1176 determined as of June 15th of the school year.

1177 (4) (a) This section shall be known and may be cited as the  
1178 "Mississippi Performance-Based Pay (MPBP)" plan. In addition to  
1179 the minimum base pay described in this section, only after full  
1180 funding of MAEP and if funds are available for that purpose, the  
1181 State of Mississippi may provide monies from state funds to school  
1182 districts for the purposes of rewarding \* \* \* licensed teachers,  
1183 administrators and nonlicensed personnel at individual schools  
1184 showing improvement in student test scores. The MPBP plan shall  
1185 be developed by the State Department of Education based on the  
1186 following criteria:

1187 (i) It is the express intent of this \* \* \*  
1188 subsection that the MPBP plan shall utilize only existing  
1189 standards of accreditation and assessment as established by the  
1190 State Board of Education.

1191 (ii) To ensure that all of Mississippi's teachers,  
1192 administrators and nonlicensed personnel at all schools have equal





1193 access to the monies set aside in this section, the MPBP program  
1194 shall be designed to calculate each school's performance as  
1195 determined by the school's increase in scores from the prior  
1196 school year. The MPBP program shall be based on a standardized  
1197 scores rating where all levels of schools can be judged in a  
1198 statistically fair and reasonable way upon implementation. At the  
1199 end of each year, after all student achievement scores have been  
1200 standardized, the State Department of Education shall implement  
1201 the MPBP plan.

1202 (iii) To ensure all teachers cooperate in the  
1203 spirit of teamwork, individual schools shall submit a plan to the  
1204 local school district to be approved before the beginning of each  
1205 school year beginning July 1, 2008. The plan shall include, but  
1206 not be limited to, how all teachers, regardless of subject area,  
1207 and administrators will be responsible for improving student  
1208 achievement for their individual school.

1209 (b) The State Board of Education shall develop the  
1210 processes and procedures for designating schools eligible to  
1211 participate in the MPBP. State assessment results, growth in  
1212 student achievement at individual schools and other measures  
1213 deemed appropriate in designating successful student achievement  
1214 shall be used in establishing MPBP criteria. The State Board of  
1215 Education shall develop the MPBP policies and procedures and  
1216 report to the Legislature and Governor by December 1, 2006.



1217           (5) (a) Beginning in the 2008-2009 school year, if funds  
1218 are available for that purpose, each school in Mississippi shall  
1219 have mentor teachers, as defined by Sections 37-9-201 through  
1220 37-9-213, who shall receive additional base compensation provided  
1221 for by the State Legislature in the amount of One Thousand Dollars  
1222 (\$1,000.00) per each beginning teacher that is being mentored.  
1223 The additional state compensation shall be limited to those mentor  
1224 teachers that provide mentoring services to beginning teachers.  
1225 For the purposes of such funding, a beginning teacher shall be  
1226 defined as any teacher in any school in Mississippi that has less  
1227 than one (1) year of classroom experience teaching in a public  
1228 school. For the purposes of such funding, no full-time academic  
1229 teacher shall mentor more than two (2) beginning teachers.

1230           (b) To be eligible for this state funding, the  
1231 individual school must have a classroom management program  
1232 approved by the local school board.

1233           (6) Effective with the 2014-2015 school year, the school  
1234 districts participating in the Pilot Performance-Based  
1235 Compensation System pursuant to Section 37-19-9 may award  
1236 additional teacher and administrator pay based thereon.

1237           **SECTION 8.** This act shall take effect and be in force from  
1238 and after July 1, 2020.

