

By: Representative Lamar

To: Education

HOUSE BILL NO. 386

1 AN ACT TO AMEND SECTION 37-151-5, MISSISSIPPI CODE OF 1972,
 2 TO ALLOW THE YEARS OF TEACHING EXPERIENCE OF CERTAIN EMPLOYEES OF
 3 ACCREDITED POSTSECONDARY EDUCATIONAL INSTITUTIONS TO BE TAKEN INTO
 4 CONSIDERATION BY A PUBLIC SCHOOL DISTRICT UPON SUCH PERSON
 5 BECOMING EMPLOYED WITH THE PUBLIC SCHOOL DISTRICT FOR PURPOSES OF
 6 DETERMINING HIS OR HER SALARY, AT THE PUBLIC SCHOOL DISTRICT'S
 7 DISCRETION; AND FOR RELATED PURPOSES.

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

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

11 37-151-5. As used in Sections 37-151-5 and 37-151-7:

12 (a) "Adequate program" or "adequate education program"
 13 or "Mississippi Adequate Education Program (MAEP)" shall mean the
 14 program to establish adequate current operation funding levels
 15 necessary for the programs of such school district to meet at
 16 least a successful Level III rating of the accreditation system as
 17 established by the State Board of Education using current
 18 statistically relevant state assessment data.

19 (b) "Educational programs or elements of programs not
 20 included in the adequate education program calculations, but which



21 may be included in appropriations and transfers to school
22 districts" shall mean:

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

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

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

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

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

44 (d) "Base student cost" shall mean the funding level
45 necessary for providing an adequate education program for one (1)



46 base student, subject to any minimum amounts prescribed in Section
47 37-151-7(1).

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

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

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

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

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

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



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

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

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

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

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

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

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

89 (j) "Minimum school term" shall mean a term of at least
90 one hundred eighty (180) days of school in which both teachers and
91 pupils are in regular attendance for scheduled classroom
92 instruction for not less than sixty-three percent (63%) of the
93 instructional day, as fixed by the local school board for each



94 school in the school district. It is the intent of the
95 Legislature that any tax levies generated to produce additional
96 local funds required by any school district to operate school
97 terms in excess of one hundred seventy-five (175) days shall not
98 be construed to constitute a new program for the purposes of
99 exemption from the limitation on tax revenues as allowed under
100 Sections 27-39-321 and 37-57-107 for new programs mandated by the
101 Legislature.

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

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

111 (m) The term "year of teaching experience" shall mean
112 nine (9) months of actual teaching in the public or private
113 elementary and secondary schools and shall also include nine (9)
114 months of actual teaching at postsecondary institutions accredited
115 by the Southern Association of Colleges and Schools (SACS) or
116 equivalent regional accrediting body for degree-granting
117 postsecondary institutions. In no case shall more than one (1)
118 year of teaching experience be given for all services in one (1)



119 calendar or school year. In determining a teacher's experience,
120 no deduction shall be made because of the temporary absence of the
121 teacher because of illness or other good cause, and the teacher
122 shall be given credit therefor. Beginning with the 2003-2004
123 school year, the State Board of Education shall fix a number of
124 days, not to exceed forty-five (45) consecutive school days,
125 during which a teacher may not be under contract of employment
126 during any school year and still be considered to have been in
127 full-time employment for a regular scholastic term. If a teacher
128 exceeds the number of days established by the State Board of
129 Education that a teacher may not be under contract but may still
130 be employed, that teacher shall not be credited with a year of
131 teaching experience. In determining the experience of school
132 librarians, each complete year of continuous, full-time employment
133 as a professional librarian in a public library in this or some
134 other state shall be considered a year of teaching experience. If
135 a full-time school administrator returns to actual teaching in the
136 public schools, the term "year of teaching experience" shall
137 include the period of time he or she served as a school
138 administrator. In determining the salaries of teachers who have
139 experience in any branch of the military, the term "year of
140 teaching experience" shall include each complete year of actual
141 classroom instruction while serving in the military. In
142 determining the experience of speech-language pathologists and
143 audiologists, each complete year of continuous full-time post



144 master's degree employment in an educational setting in this or
145 some other state shall be considered a year of teaching
146 experience. Any individual having been employed in the capacity
147 as an administrator or coach at a postsecondary educational
148 institution accredited by the Southern Association of Colleges and
149 Schools (SACS) or equivalent regional accrediting body for degree
150 granting postsecondary institutions who is subsequently employed
151 in the same such capacity by a public school may, in the
152 discretion of the employing school board, be compensated in
153 accordance with the salary scale as used for other personnel
154 described in this paragraph (m) equivalent to each "year of
155 teaching experience" he or she served as an administrator or coach
156 at a postsecondary educational institution. * * * However, * * *
157 school districts are authorized, in their discretion, to negotiate
158 the salary levels applicable to certificated employees employed
159 after July 1, 2009, who are receiving retirement benefits from the
160 retirement system of another state, and the annual experience
161 increment provided in Section 37-19-7 shall not be applicable to
162 any such retired certificated employee.

163 (n) (i) The term "average daily attendance" shall be
164 the figure which results when the total aggregate full-day
165 attendance during the period or months counted is divided by the
166 number of days during the period or months counted upon which both
167 teachers and pupils are in regular attendance for scheduled
168 classroom instruction, * * * less the average daily attendance for



169 self-contained special education classes. For purposes of
170 determining and reporting attendance, a pupil must be present for
171 at least sixty-three percent (63%) of the instructional day, as
172 fixed by the local school board for each school in the school
173 district, in order to be considered in full-day attendance. Prior
174 to full implementation of the adequate education program the
175 department shall deduct the average daily attendance for the
176 alternative school program provided for in Section 37-19-22.

177 (ii) [Repealed]

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

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

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

188 (r) "Department" shall mean the State Department of
189 Education.

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

192 (t) The term "successful school district" shall mean a
193 Level III school district as designated by the State Board of



194 Education using current statistically relevant state assessment
195 data.

196 (u) "Dual enrollment-dual credit programs" shall mean
197 programs for potential or recent high school student dropouts to
198 dually enroll in their home high school and a local community
199 college in a dual credit program consisting of high school
200 completion coursework and a credential, certificate or degree
201 program at the community college, as provided in Section
202 37-15-38(19).

203 (v) "Charter school" means a public school that is
204 established and operating under the terms of a charter contract
205 between the school's governing board and the Mississippi Charter
206 School Authorizer Board.

207 **SECTION 2.** This act shall take effect and be in force from
208 and after July 1, 2023.

