

By: Senator(s) Hopson, Seymour, Tate,  
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To: Education;  
Appropriations

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 2749

1 AN ACT TO AMEND SECTION 37-6-13, MISSISSIPPI CODE OF 1972, TO  
2 INCREASE THE COMPENSATION OF SCHOOL BOARD MEMBERS BASED ON THE  
3 SCHOOL DISTRICTS' ENROLLMENT; TO AMEND SECTION 37-7-307,  
4 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT IN THE EVENT A PUBLIC  
5 SCHOOL LICENSED EMPLOYEE TRANSFERS FROM ONE PUBLIC SCHOOL DISTRICT  
6 IN MISSISSIPPI TO ANOTHER, UP TO 5 DAYS OF THE UNUSED PORTION OF  
7 THE TOTAL SICK OR PERSONAL LEAVE ALLOWANCE CREDITED TO SUCH  
8 EMPLOYEE SHALL BE CREDITED IN THE COMPUTATION OF UNUSED LEAVE; AND  
9 FOR RELATED PURPOSES.

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

11 **SECTION 1.** Section 37-6-13, Mississippi Code of 1972, is  
12 amended as follows:

13 37-6-13. (1) Each person serving as a member of the school  
14 board of any school district shall receive per diem in the amount  
15 of \* \* \* One Hundred Twelve Dollars (\$112.00) for no more than  
16 thirty-six (36) meetings of the school board during any one (1)  
17 fiscal year or, in his or her discretion, irrevocably may choose  
18 to receive as compensation for his or her services an annual  
19 salary \* \* \*, subject to the following provisions:

20 (a) For a person serving as a member of the school  
21 board of a school district with less than five thousand (5,000)



22 students enrolled in the school district, the person shall receive  
23 an annual salary of Four Thousand Dollars (\$4,000.00);

24 (b) For a person serving as a member of the school  
25 board of a school district with at least five thousand (5,000)  
26 students but less than ten thousand (10,000) students enrolled in  
27 the school district, the person shall receive an annual salary of  
28 not less than Four Thousand Dollars (\$4,000.00) but not more than  
29 Five Thousand Dollars (\$5,000.00); and

30 (c) For a person serving as a member of the school  
31 board of a school district with greater than ten thousand (10,000)  
32 students enrolled in the school district, the person shall receive  
33 an annual salary of not less than Four Thousand Dollars  
34 (\$4,000.00) but not more than Six Thousand Dollars (\$6,000.00).

35 This choice shall remain in force for all successive terms or  
36 periods of service of that member. The receipt of the  
37 compensation shall not entitle any member of a school board to  
38 receive or be eligible for any state employee group insurance,  
39 retirement or other fringe benefits. Each member shall be  
40 reimbursed for the necessary expenses and mileage in attending  
41 meetings of the school board. In addition to the foregoing, all  
42 members may be reimbursed for mileage and actual expenses incurred  
43 in the further performance of their duties, including attendance  
44 at any mandatory school board training session or at regional and  
45 national education meetings, when such mileage and other expenses  
46 are authorized by the board prior to the date on which they occur.



47 Detailed vouchers shall be submitted for reimbursement for all  
48 expenses authorized by this section. Such reimbursement shall be  
49 in accordance with Section 25-3-41.

50 Such expenses shall be paid on order of the school board by  
51 pay certificates issued by the superintendent of the school  
52 district involved against the funds available for payment of the  
53 administrative expense of the district.

54 (2) (a) If a member of a school board misses twenty percent  
55 (20%) or more of the meetings of the school board during a  
56 calendar year, except for absences caused by required military  
57 duty, the member must reimburse the school district that portion  
58 of the total salary paid to the member that year which is  
59 proportionate to the number of meetings missed by the member in  
60 relation to the total number of school board meetings held during  
61 that year. For purposes of this subsection, consideration may be  
62 given only to meetings of which public notice is required.

63 (b) Before February 1 of each year, the president of  
64 each local school board shall submit a report to the State Board  
65 of Education containing the names of any members of the school  
66 board who missed twenty percent (20%) or more of the school board  
67 meetings during the preceding calendar year.

68 **SECTION 2.** Section 37-7-307, Mississippi Code of 1972, is  
69 amended as follows:

70 37-7-307. (1) For purposes of this section, the term  
71 "licensed employee" means any employee of a public school district



72 required to hold a valid license by the Commission on Teacher and  
73 Administrator Education, Certification and Licensure and  
74 Development.

75 (2) The school board of a school district shall establish by  
76 rules and regulations a policy of sick leave with pay for licensed  
77 employees and teacher assistants employed in the school district,  
78 and such policy shall include the following minimum provisions for  
79 sick and emergency leave with pay:

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

85 (b) Any unused portion of the total sick leave  
86 allowance shall be carried over to the next school year and  
87 credited to such licensed employee and teacher assistant if the  
88 licensed employee or teacher assistant remains employed in the  
89 same school district. In the event any public school licensed  
90 employee or teacher assistant transfers from one public school  
91 district in Mississippi to another, any unused portion of the  
92 total sick leave allowance credited to such licensed employee or  
93 teacher assistant shall be credited to such licensed employee or  
94 teacher assistant in the computation of unused leave for  
95 retirement purposes under Section 25-11-109. Accumulation of sick  
96 leave allowed under this section shall be unlimited.



97           (c) No deduction from the pay of such licensed employee  
98 or teacher assistant may be made because of absence of such  
99 licensed employee or teacher assistant caused by illness or  
100 physical disability of the licensed employee or teacher assistant  
101 until after all sick leave allowance credited to such licensed  
102 employee or teacher assistant has been used.

103           (d) For the first ten (10) days of absence of a  
104 licensed employee because of illness or physical disability, in  
105 any school year, in excess of the sick leave allowance credited to  
106 such licensed employee, there shall be deducted from the pay of  
107 such licensed employee the established substitute amount of  
108 licensed employee compensation paid in that local school district,  
109 necessitated because of the absence of the licensed employee as a  
110 result of illness or physical disability. In lieu of deducting  
111 the established substitute amount from the pay of such licensed  
112 employee, the policy may allow the licensed employee to receive  
113 full pay for the first ten (10) days of absence because of illness  
114 or physical disability, in any school year, in excess of the sick  
115 leave allowance credited to such licensed employee. Thereafter,  
116 the regular pay of such absent licensed employee shall be  
117 suspended and withheld in its entirety for any period of absence  
118 because of illness or physical disability during that school year.

119           (3) (a) Beginning with the school year 1983-1984, each  
120 licensed employee at the beginning of each school year shall be  
121 credited with a minimum personal leave allowance, with pay, of two



122 (2) days for absences caused by personal reasons during that  
123 school year. Effective for the 2010-2011 and 2011-2012 school  
124 years, licensed employees shall be credited with an additional  
125 one-half (1/2) day of personal leave for every day the licensed  
126 employee is furloughed without pay as provided in Section  
127 37-7-308. Except as otherwise provided in paragraph (b) of this  
128 subsection, such personal leave shall not be taken on the first  
129 day of the school term, the last day of the school term, on a day  
130 previous to a holiday or a day after a holiday. Personal leave  
131 may be used for professional purposes, including absences caused  
132 by attendance of such licensed employee at a seminar, class,  
133 training program, professional association or other functions  
134 designed for educators. No deduction from the pay of such  
135 licensed employee may be made because of absence of such licensed  
136 employee caused by personal reasons until after all personal leave  
137 allowance credited to such licensed employee has been used.  
138 However, the superintendent of a school district, in his  
139 discretion, may allow a licensed employee personal leave in  
140 addition to any minimum personal leave allowance, under the  
141 condition that there shall be deducted from the salary of such  
142 licensed employee the actual amount of any compensation paid to  
143 any person as a substitute, necessitated because of the absence of  
144 the licensed employee. Any unused portion of the total personal  
145 leave allowance up to five (5) days shall be carried over to the  
146 next school year and credited to such licensed employee if the



147 licensed employee remains employed in the same school district or  
148 if the licensed employee transfers to another public school  
149 district in Mississippi. Any personal leave allowed for a  
150 furlough day shall not be carried over to the next school year.

151 (b) Notwithstanding the restrictions on the use of  
152 personal leave prescribed under paragraph (a) of this subsection,  
153 a licensed employee may use personal leave as follows:

154 (i) Personal leave may be taken on the first day  
155 of the school term, the last day of the school term, on a day  
156 previous to a holiday or a day after a holiday if, on the  
157 applicable day, an immediate family member of the employee is  
158 being deployed for military service.

159 (ii) Personal leave may be taken on a day previous  
160 to a holiday or a day after a holiday if an employee of a school  
161 district has either a minimum of ten (10) years' experience as an  
162 employee of that school district or a minimum of thirty (30) days  
163 of unused accumulated leave that has been earned while employed in  
164 that school district.

165 (iii) Personal leave may be taken on the first day  
166 of the school term, the last day of the school term, on a day  
167 previous to a holiday or a day after a holiday if, on the  
168 applicable day, the employee has been summoned to appear for jury  
169 duty or as a witness in court.

170 (iv) Personal leave may be taken on the first day  
171 of the school term, the last day of the school term, on a day



172 previous to a holiday or a day after a holiday if, on the  
173 applicable day, an immediate family member of the employee dies or  
174 funeral services are held. Any day of the three (3) bereavement  
175 days may be used at the discretion of the teacher, and are not  
176 required to be taken in consecutive succession.

177 For the purpose of this subsection (3), the term "immediate  
178 family member" means spouse, parent, stepparent, child or  
179 stepchild, grandparent or sibling, including a stepbrother or  
180 stepsister.

181 (4) Beginning with the school year 1992-1993, each licensed  
182 employee shall be credited with a professional leave allowance,  
183 with pay, for each day of absence caused by reason of such  
184 employee's statutorily required membership and attendance at a  
185 regular or special meeting held within the State of Mississippi of  
186 the State Board of Education, the Commission on Teacher and  
187 Administrator Education, Certification and Licensure and  
188 Development, the Commission on School Accreditation, the  
189 Mississippi Authority for Educational Television, the meetings of  
190 the state textbook rating committees or other meetings authorized  
191 by local school board policy.

192 (5) Upon retirement from employment, each licensed and  
193 nonlicensed employee shall be paid for not more than thirty (30)  
194 days of unused accumulated leave earned while employed by the  
195 school district in which the employee is last employed. Such  
196 payment for licensed employees shall be made by the school





197 district at a rate equal to the amount paid to substitute teachers  
198 and for nonlicensed employees, the payment shall be made by the  
199 school district at a rate equal to the federal minimum wage. The  
200 payment shall be treated in the same manner for retirement  
201 purposes as a lump-sum payment for personal leave as provided in  
202 Section 25-11-103(f). Any remaining lawfully credited unused  
203 leave, for which payment has not been made, shall be certified to  
204 the Public Employees' Retirement System in the same manner and  
205 subject to the same limitations as otherwise provided by law for  
206 unused leave. No payment for unused accumulated leave may be made  
207 to either a licensed or nonlicensed employee at termination or  
208 separation from service for any purpose other than for the purpose  
209 of retirement.

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

214 (a) Requiring the absent employee to furnish the  
215 certificate of a physician or dentist or other medical  
216 practitioner as to the illness of the absent licensed employee,  
217 where the absence is for four (4) or more consecutive school days,  
218 or for two (2) consecutive school days immediately preceding or  
219 following a nonschool day;

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



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

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

229 (d) Enlarging, increasing or providing greater sick or  
230 personal leave allowances than the minimum standards established  
231 by this section in the discretion of the school board of each  
232 school district.

233 (7) School boards may include in their budgets provisions  
234 for the payment of substitute employees, necessitated because of  
235 the absence of regular licensed employees. All such substitute  
236 employees shall be paid wholly from district funds, except as  
237 otherwise provided for long-term substitute teachers in Section  
238 37-19-20. Such school boards, in their discretion, also may pay,  
239 from district funds other than adequate education program funds,  
240 the whole or any part of the salaries of all employees granted  
241 leaves for the purpose of special studies or training.

242 (8) The school board may further adopt rules and regulations  
243 which will reasonably implement such leave policies for all other  
244 nonlicensed and hourly paid school employees as the board deems  
245 appropriate. Effective for the 2010-2011 and 2011-2012 school  
246 years, nonlicensed employees shall be credited with an additional



247 one-half (1/2) day of personal leave for every day the nonlicensed  
248 employee is furloughed without pay as provided in Section  
249 37-7-308.

250 (9) Vacation leave granted to either licensed or nonlicensed  
251 employees shall be synonymous with personal leave. Unused  
252 vacation or personal leave accumulated by licensed employees in  
253 excess of the maximum five (5) days which may be carried over from  
254 one year to the next may be converted to sick leave. The annual  
255 conversion of unused vacation or personal leave to sick days for  
256 licensed or unlicensed employees shall not exceed the allowable  
257 number of personal leave days as provided in Section 25-3-93. The  
258 annual total number of converted unused vacation and/or personal  
259 days added to the annual unused sick days for any employee shall  
260 not exceed the combined allowable number of days per year provided  
261 in Sections 25-3-93 and 25-3-95. Local school board policies that  
262 provide for vacation, personal and sick leave for employees shall  
263 not exceed the provisions for leave as provided in Sections  
264 25-3-93 and 25-3-95. Any personal or vacation leave previously  
265 converted to sick leave under a lawfully adopted policy before May  
266 1, 2004, or such personal or vacation leave accumulated and  
267 available for use prior to May 1, 2004, under a lawfully adopted  
268 policy but converted to sick leave after May 1, 2004, shall be  
269 recognized as accrued leave by the local school district and  
270 available for use by the employee. The leave converted under a  
271 lawfully adopted policy prior to May 1, 2004, or such personal and



272 vacation leave accumulated and available for use as of May 1,  
273 2004, which was subsequently converted to sick leave may be  
274 certified to the Public Employees' Retirement System upon  
275 termination of employment and any such leave previously converted  
276 and certified to the Public Employees' Retirement System shall be  
277 recognized.

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

281 (i) "Catastrophic injury or illness" means a  
282 life-threatening injury or illness of an employee or a member of  
283 an employee's immediate family that totally incapacitates the  
284 employee from work, as verified by a licensed physician, and  
285 forces the employee to exhaust all leave time earned by that  
286 employee, resulting in the loss of compensation from the local  
287 school district for the employee. Conditions that are short-term  
288 in nature, including, but not limited to, common illnesses such as  
289 influenza and the measles, and common injuries, are not  
290 catastrophic. Chronic illnesses or injuries, such as cancer or  
291 major surgery, that result in intermittent absences from work and  
292 that are long-term in nature and require long recuperation periods  
293 may be considered catastrophic.

294 (ii) "Immediate family" means spouse, parent,  
295 stepparent, sibling, child or stepchild, grandparent, stepbrother  
296 or stepsister.



297 (b) Any school district employee may donate a portion  
298 of his or her unused accumulated personal leave or sick leave to  
299 another employee of the same school district who is suffering from  
300 a catastrophic injury or illness or who has a member of his or her  
301 immediate family suffering from a catastrophic injury or illness,  
302 in accordance with the following:

303 (i) The employee donating the leave (the "donor  
304 employee") shall designate the employee who is to receive the  
305 leave (the "recipient employee") and the amount of unused  
306 accumulated personal leave and sick leave that is to be donated,  
307 and shall notify the school district superintendent or his  
308 designee of his or her designation.

309 (ii) The maximum amount of unused accumulated  
310 personal leave that an employee may donate to any other employee  
311 may not exceed a number of days that would leave the donor  
312 employee with fewer than seven (7) days of personal leave  
313 remaining, and the maximum amount of unused accumulated sick leave  
314 that an employee may donate to any other employee may not exceed  
315 fifty percent (50%) of the unused accumulated sick leave of the  
316 donor employee.

317 (iii) An employee must have exhausted all of his  
318 or her available leave before he or she will be eligible to  
319 receive any leave donated by another employee. Eligibility for  
320 donated leave shall be based upon review and approval by the donor  
321 employee's supervisor.



322 (iv) Before an employee may receive donated leave,  
323 he or she must provide the school district superintendent or his  
324 designee with a physician's statement that states that the illness  
325 meets the catastrophic criteria established under this section,  
326 the beginning date of the catastrophic injury or illness, a  
327 description of the injury or illness, and a prognosis for recovery  
328 and the anticipated date that the recipient employee will be able  
329 to return to work.

330 (v) Before an employee may receive donated leave,  
331 the superintendent of education of the school district shall  
332 appoint a review committee to approve or disapprove the said  
333 donations of leave, including the determination that the illness  
334 is catastrophic within the meaning of this section.

335 (vi) If the total amount of leave that is donated  
336 to any employee is not used by the recipient employee, the whole  
337 days of donated leave shall be returned to the donor employees on  
338 a pro rata basis, based on the ratio of the number of days of  
339 leave donated by each donor employee to the total number of days  
340 of leave donated by all donor employees.

341 (vii) Donated leave shall not be used in lieu of  
342 disability retirement.

343 (11) Effective January 1, 2020, the provisions of this  
344 section shall be fully applicable to any licensed employee of the  
345 Mississippi School of the Arts (MSA).



346           **SECTION 3.** This act shall take effect and be in force from  
347 and after July 1, 2023.

