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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.

