

By: Warren

To: Education;  
Appropriations

HOUSE BILL NO. 903  
(As Sent to Governor)

1 AN ACT TO AMEND SECTIONS 37-19-1 AND 37-151-5, MISSISSIPPI  
2 CODE OF 1972, TO INCLUDE PUBLIC SCHOOL LIBRARIANS' PROFESSIONAL  
3 EXPERIENCE IN PUBLIC LIBRARIES IN THE DEFINITION OF THE TERM "YEAR  
4 OF TEACHING EXPERIENCE" AS USED FOR DETERMINING THEIR SALARIES IN  
5 THE PUBLIC SCHOOLS; AND FOR RELATED PURPOSES.

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

7 SECTION 1. Section 37-19-1, Mississippi Code of 1972, is  
8 amended as follows:[HS1]

9 37-19-1. As used in this chapter:

10 (a) The term "minimum education program" shall mean the  
11 program of education made possible by the financing plan provided  
12 for in this chapter;

13 (b) The term "teacher" shall include any employee of a  
14 school board of a school district who is required by law to obtain  
15 a teacher's license from the State Board of Education and who is  
16 assigned to an instructional area of work as defined by the State  
17 Department of Education the equivalent of a minimum of three (3)  
18 normal periods per school day;

19 (c) The term "principal" shall mean the head of an  
20 attendance center or division thereof;

21 (d) The term "superintendent" shall mean the head of a  
22 school district \* \* \*;

23 (e) The term "teacher unit" means one (1) teacher unit  
24 for each twenty-four (24) pupils in average daily attendance in  
25 kindergarten and in Grades 1, 2, 3 and 4 and one (1) teacher unit  
26 for each twenty-seven (27) pupils in average daily attendance in  
27 all other grades;

28           (f) The term "cost of the minimum program" shall mean  
29 the calculated allowance as fixed by law or by regulations of the  
30 State Board of Education for teachers' salaries, administrative  
31 expense, transportation, the employer's part of the public  
32 employees' retirement and social security, and "supportive  
33 services" as defined elsewhere in this chapter;

34           (g) The term "school district" shall, for purposes of  
35 this chapter, be construed to include any type of school district  
36 in the State of Mississippi;

37           (h) "Minimum school term" shall mean a term of at least  
38 one hundred eighty (180) days of school in which both teachers and  
39 pupils are in regular attendance for scheduled classroom  
40 instruction for not less than sixty percent (60%) of the normal  
41 school day. It is the intent of the Legislature that any tax  
42 levies generated to produce additional local funds required by any  
43 school district to operate school terms in excess of one hundred  
44 seventy-five (175) days shall not be construed to constitute a new  
45 program for the purposes of exemption from the limitation on tax  
46 revenues as allowed under Sections 27-39-321 and 37-57-107 for new  
47 programs mandated by the Legislature;

48           (i) The term "transportation density" shall mean the  
49 number of transported children in average daily attendance per  
50 square mile of area served in a county or a separate school  
51 district, as determined by the State Department of Education;

52           (j) The term "transported children" shall mean children  
53 being transported to school who live within legal limits for  
54 transportation and who are otherwise qualified for being  
55 transported to school at public expense as fixed by Mississippi  
56 state law;

57           (k) The term "year of teaching experience" shall mean  
58 nine (9) months of actual teaching in the public or private  
59 schools of this or some other state. In no case shall more than  
60 one (1) year of teaching experience be given for all services in

61 one (1) calendar or school year. In determining a teacher's  
62 experience, no deduction shall be made because of the temporary  
63 absence of the teacher because of illness or other good cause, and  
64 the teacher shall be given credit therefor. The State Board of  
65 Education shall fix a number of days, not to exceed twenty-five  
66 (25) consecutive school days, during which a teacher may not be  
67 under contract of employment during any school year and still be  
68 considered to have been in full-time employment for a regular  
69 scholastic term. In determining the experience of school  
70 librarians, each complete year of continuous, full-time employment  
71 as a professional librarian in a public library in this or some  
72 other state shall be considered a year of teaching experience. If  
73 a full-time school administrator returns to actual teaching in the  
74 public schools, the term "year of teaching experience" shall  
75 include the period of time he or she served as a school  
76 administrator;

77 (l) The term "average daily attendance" shall be the  
78 figure which results when the total aggregate attendance during  
79 the period or months counted is divided by the number of days  
80 during the period or months counted upon which both teachers and  
81 pupils are in regular attendance for scheduled classroom  
82 instruction;

83 (m) The term "local supplement" shall mean the amount  
84 paid to an individual teacher over and above the minimum  
85 foundation program salary schedule for regular teaching duties;

86 (n) The term "aggregate amount of support from ad  
87 valorem taxation" shall mean the amounts produced by the  
88 district's total tax levies for operations;

89 (o) The term "minimum program funds" shall mean all  
90 funds, both state and local, constituting the requirements for  
91 meeting the cost of the minimum program as provided for in this  
92 chapter.

93 SECTION 2. Section 37-151-5, Mississippi Code of 1972, is

94 amended as follows:[HS2]

95 37-151-5. As used in Sections 37-151-3, 37-151-5 and  
96 37-151-7:

97 (a) "Adequate program" or "adequate education program"  
98 or "Mississippi Adequate Education Program (M.A.E.P.)" shall mean  
99 the program proposed to establish adequate current operation  
100 funding levels necessary for the programs of such school district  
101 to meet at least Level III of the accreditation system as  
102 established by the State Board of Education, acting through the  
103 Mississippi Commission on School Accreditation, regardless of the  
104 school district's geographic location.

105 (b) "Educational programs or elements of programs not  
106 included in the adequate education program calculations, but which  
107 may be included in appropriations and transfers to school  
108 districts" shall mean:

109 (i) "Capital outlay" shall mean those funds used  
110 for the constructing, improving, equipping, renovating or major  
111 repairing of school buildings or other school facilities, or the  
112 cost of acquisition of land whereon to construct or establish such  
113 school facilities.

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

118 (iii) "Adult education" shall mean public  
119 education dealing primarily with students above eighteen (18)  
120 years of age not enrolled as full-time public school students and  
121 not classified as students of technical schools, colleges or  
122 universities of the state.

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

126 (c) "Base student" shall mean that student

127 classification that represents the most economically educated  
128 pupil in a school system meeting Level III accreditation, as  
129 determined by the State Board of Education.

130 (d) "Base student cost" shall mean the funding level  
131 necessary for providing an adequate education program for one (1)  
132 base student, subject to any minimum amounts prescribed in Section  
133 37-151-7(1).

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

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

140 (ii) "Vocational or technical education program"  
141 shall mean a secondary vocational or technical program approved by  
142 the State Department of Education and provided for from state  
143 funds.

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

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

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

155 (vi) "Extended school year programs" shall mean  
156 those programs authorized by law which extend beyond the normal  
157 school year.

158 (vii) "University-based programs" shall mean those  
159 university-based programs for handicapped children as defined and

160 provided for in Section 37-23-131 et seq.

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

163 (f) "Teacher" shall include any employee of a local  
164 school who is required by law to obtain a teacher's license from  
165 the State Board of Education and who is assigned to an  
166 instructional area of work as defined by the State Department of  
167 Education.

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

170 (h) "Superintendent" shall mean the head of a school  
171 district.

172 (i) "School district" shall mean any type of school  
173 district in the State of Mississippi, and shall include  
174 agricultural high schools.

175 (j) "Minimum school term" shall mean a term of at least  
176 one hundred eighty (180) days of school in which both teachers and  
177 pupils are in regular attendance for scheduled classroom  
178 instruction for not less than sixty percent (60%) of the normal  
179 school day. It is the intent of the Legislature that any tax  
180 levies generated to produce additional local funds required by any  
181 school district to operate school terms in excess of one hundred  
182 seventy-five (175) days shall not be construed to constitute a new  
183 program for the purposes of exemption from the limitation on tax  
184 revenues as allowed under Sections 27-39-321 and 37-57-107 for new  
185 programs mandated by the Legislature.

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

190 (l) The term "transported children" shall mean children  
191 being transported to school who live within legal limits for  
192 transportation and who are otherwise qualified for being

193 transported to school at public expense as fixed by Mississippi  
194 state law.

195 (m) The term "year of teaching experience" shall mean  
196 nine (9) months of actual teaching in the public or private  
197 schools of this or some other state. In no case shall more than  
198 one (1) year of teaching experience be given for all services in  
199 one (1) calendar or school year. In determining a teacher's  
200 experience, no deduction shall be made because of the temporary  
201 absence of the teacher because of illness or other good cause, and  
202 the teacher shall be given credit therefor. The State Board of  
203 Education shall fix a number of days, not to exceed twenty-five  
204 (25) consecutive school days, during which a teacher may not be  
205 under contract of employment during any school year and still be  
206 considered to have been in full-time employment for a regular  
207 scholastic term. In determining the experience of school  
208 librarians, each complete year of continuous, full-time employment  
209 as a professional librarian in a public library in this or some  
210 other state shall be considered a year of teaching experience. If  
211 a full-time school administrator returns to actual teaching in the  
212 public schools, the term "year of teaching experience" shall  
213 include the period of time he or she served as a school  
214 administrator.

215 (n) The term "average daily attendance" shall be the  
216 figure which results when the total aggregate attendance during  
217 the period or months counted is divided by the number of days  
218 during the period or months counted upon which both teachers and  
219 pupils are in regular attendance for scheduled classroom  
220 instruction less the average daily attendance for self-contained  
221 special education classes and, prior to full implementation of the  
222 adequate education program the department shall deduct the average  
223 daily attendance for the alternative school program provided for  
224 in Section 37-19-22.

225 (o) The term "local supplement" shall mean the amount

226 paid to an individual teacher over and above the adequate  
227 education program salary schedule for regular teaching duties.

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

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

235 (r) "Department" shall mean the State Department of  
236 Education.

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

239 SECTION 3. This act shall take effect and be in force from  
240 and after July 1, 2000.