

By: Senator(s) Harden

To: Education;
Appropriations

SENATE BILL NO. 2168

1 AN ACT TO AMEND SECTION 37-151-5, MISSISSIPPI CODE OF 1972,
2 TO INCLUDE FORMER MILITARY PERSONNEL'S YEARS OF CLASSROOM
3 INSTRUCTION IN THE DEFINITION OF THE TERM "YEAR OF TEACHING
4 EXPERIENCE" AS USED FOR DETERMINING TEACHERS' SALARIES IN THE
5 PUBLIC SCHOOLS; AND FOR RELATED PURPOSES.

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

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

9 37-151-5. As used in Sections 37-151-3, 37-151-5 and
10 37-151-7:

11 (a) "Adequate program" or "adequate education program"
12 or "Mississippi Adequate Education Program (M.A.E.P.)" shall mean
13 the program * * * to establish adequate current operation funding
14 levels necessary for the programs of such school district to meet
15 at least Level III of the accreditation system as established by
16 the State Board of Education, acting through the Mississippi
17 Commission on School Accreditation, regardless of the school
18 district's geographic location.

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 Level III accreditation, 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 percent (60%) of the normal



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

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

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

109 (m) The term "year of teaching experience" shall mean
110 nine (9) months of actual teaching in the public or private
111 schools of this or some other state. In no case shall more than
112 one (1) year of teaching experience be given for all services in
113 one (1) calendar or school year. In determining a teacher's
114 experience, no deduction shall be made because of the temporary
115 absence of the teacher because of illness or other good cause, and
116 the teacher shall be given credit therefor. The State Board of
117 Education shall fix a number of days, not to exceed twenty-five
118 (25) consecutive school days, during which a teacher may not be
119 under contract of employment during any school year and still be
120 considered to have been in full-time employment for a regular
121 scholastic term. In determining the experience of school
122 librarians, each complete year of continuous, full-time employment
123 as a professional librarian in a public library in this or some
124 other state shall be considered a year of teaching experience. If
125 a full-time school administrator returns to actual teaching in the



126 public schools, the term "year of teaching experience" shall
127 include the period of time he or she served as a school
128 administrator. In determining the salaries of teachers who have
129 experience in any branch of the military, the term "year of
130 teaching experience" shall include each complete year of actual
131 classroom instruction while serving in the military.

132 (n) The term "average daily attendance" shall be the
133 figure which results when the total aggregate attendance during
134 the period or months counted is divided by the number of days
135 during the period or months counted upon which both teachers and
136 pupils are in regular attendance for scheduled classroom
137 instruction less the average daily attendance for self-contained
138 special education classes and, prior to full implementation of the
139 adequate education program the department shall deduct the average
140 daily attendance for the alternative school program provided for
141 in Section 37-19-22.

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

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

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

152 (r) "Department" shall mean the State Department of
153 Education.

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

156 **SECTION 2.** This act shall take effect and be in force from
157 and after July 1, 2002.

