

By: Senator(s) King, Chaney

To: Education;  
Appropriations

SENATE BILL NO. 2311

1 AN ACT TO AMEND SECTION 37-151-5, MISSISSIPPI CODE OF 1972,  
2 TO INCLUDE PUBLIC SCHOOL SPEECH-LANGUAGE PATHOLOGISTS' AND  
3 AUDIOLOGISTS' PROFESSIONAL EXPERIENCE IN CLINICAL SETTINGS IN THE  
4 DEFINITION OF THE TERM "YEAR OF TEACHING EXPERIENCE" AS USED FOR  
5 DETERMINING THEIR SALARIES IN THE PUBLIC SCHOOLS; AND FOR RELATED  
6 PURPOSES.

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

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

10 37-151-5. As used in Sections 37-151-3, 37-151-5 and  
11 37-151-7:

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

20 (b) "Educational programs or elements of programs not  
21 included in the adequate education program calculations, but which  
22 may be included in appropriations and transfers to school  
23 districts" shall mean:

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



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

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

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

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

45                   (d) "Base student cost" shall mean the funding level  
46 necessary for providing an adequate education program for one (1)  
47 base student, subject to any minimum amounts prescribed in Section  
48 37-151-7(1).

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

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

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

59                   (iii) "Special education program" shall mean a  
60 program for exceptional children as defined and authorized by



61 Sections 37-23-1 through 37-23-9, and approved by the State  
62 Department of Education and provided from state funds.

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

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

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

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

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

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

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

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

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

90 (j) "Minimum school term" shall mean a term of at least  
91 one hundred eighty (180) days of school in which both teachers and  
92 pupils are in regular attendance for scheduled classroom  
93 instruction for not less than sixty percent (60%) of the normal



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

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

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

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



127 public schools, the term "year of teaching experience" shall  
128 include the period of time he or she served as a school  
129 administrator. In determining the salaries of teachers who have  
130 experience in any branch of the military, the term "year of  
131 teaching experience" shall include each complete year of actual  
132 classroom instruction while serving in the military. In  
133 determining the experience of speech-language pathologists and  
134 audiologists, each complete year of continuous full-time post  
135 master's degree employment in speech pathology or audiology in  
136 this or some other state or United States territory shall be  
137 considered a year of teaching experience.

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

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

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

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

158 (r) "Department" shall mean the State Department of  
159 Education.



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

162                   **SECTION 2.** This act shall take effect and be in force from  
163 and after July 1, 2003.

