

By: Representative Moore

To: Education

HOUSE BILL NO. 75

1 AN ACT TO AMEND SECTION 37-13-63, MISSISSIPPI CODE OF 1972,  
 2 TO REDUCE THE LENGTH OF THE PUBLIC SCHOOLS' SCHOLASTIC YEAR FROM  
 3 180 TO 175 DAYS; TO AMEND SECTIONS 37-13-91, 37-151-5 AND  
 4 37-151-7, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PRECEDING  
 5 PROVISIONS OF THIS ACT; TO AMEND SECTION 37-9-24, MISSISSIPPI CODE  
 6 OF 1972, TO REDUCE THE MINIMUM TERM ALLOWED IN SCHOOL DISTRICTS'  
 7 CONTRACTS WITH LICENSED PERSONNEL FROM 187 TO 177 DAYS, AND TO  
 8 REQUIRE SCHOOL DISTRICTS TO SHORTEN THE TERMS OF CONTRACTS  
 9 PREVIOUSLY EXECUTED FOR THE 2014-2015 SCHOOL YEAR, WITHOUT ANY  
 10 REDUCTION TO THE ANNUAL SALARY SET FORTH IN EACH CONTRACT,  
 11 ACCORDINGLY; TO AMEND SECTION 37-19-7, MISSISSIPPI CODE OF 1972,  
 12 TO CLARIFY THAT THE TEACHER SALARY SCALE IS APPLICABLE FOR ALL  
 13 TEACHERS WHOSE CONTRACTS ARE FOR A TERM OF NO LESS THAN THE  
 14 STATUTORILY PRESCRIBED NUMBER OF DAYS; AND FOR RELATED PURPOSES.

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

16 **SECTION 1.** Section 37-13-63, Mississippi Code of 1972, is  
 17 amended as follows:

18 37-13-63. (1) Except as otherwise provided, all public  
 19 schools in the state shall be kept in session for at  
 20 least \* \* \*~~one hundred eighty (180)~~ one hundred seventy-five (175)  
 21 days in each scholastic year.

22 (2) If the school board of any school district shall  
 23 determine that it is not economically feasible or practicable to  
 24 operate any school within the district for the full \* \* \*~~one~~



25 ~~hundred eighty (180)~~ one hundred seventy-five (175)  
26 days \* \* \*~~required for a scholastic year as contemplated~~ due to an  
27 enemy attack, a man-made, technological or natural disaster or  
28 extreme weather emergency in which the Governor has declared a  
29 disaster or state of emergency under the laws of this state or the  
30 President of the United States has declared an emergency or major  
31 disaster to exist in this state, the school board may notify the  
32 State Department of Education of the disaster or weather emergency  
33 and submit a plan for altering the school term. If the State  
34 Board of Education finds the disaster or extreme weather emergency  
35 to be the cause of the school not operating for the contemplated  
36 school term and that such school was in a school district covered  
37 by the Governor's or President's disaster or state of emergency  
38 declaration, it may permit that school board to operate the  
39 schools in its district for less than \* \* \*~~one hundred eighty~~  
40 ~~(180)~~ one hundred seventy-five (175) days; however, in no instance  
41 of a declared disaster or state of emergency under the provisions  
42 of this subsection shall a school board receive payment from the  
43 State Department of Education for per pupil expenditure for pupils  
44 in average daily attendance in excess of ten (10) days.

45 **SECTION 2.** Section 37-13-91, Mississippi Code of 1972, is  
46 amended as follows:

47 37-13-91. (1) This section shall be referred to as the  
48 "Mississippi Compulsory School Attendance Law."



49 (2) The following terms as used in this section are defined  
50 as follows:

51 (a) "Parent" means the father or mother to whom a child  
52 has been born, or the father or mother by whom a child has been  
53 legally adopted.

54 (b) "Guardian" means a guardian of the person of a  
55 child, other than a parent, who is legally appointed by a court of  
56 competent jurisdiction.

57 (c) "Custodian" means any person having the present  
58 care or custody of a child, other than a parent or guardian of the  
59 child.

60 (d) "School day" means not less than five (5) and not  
61 more than eight (8) hours of actual teaching in which both  
62 teachers and pupils are in regular attendance for scheduled  
63 schoolwork.

64 (e) "School" means any public school, including a  
65 charter school, in this state or any nonpublic school in this  
66 state which is in session each school year for at least \* \* \*~~one~~  
67 ~~hundred eighty (180)~~ one hundred seventy-five (175) school days,  
68 except that the "nonpublic" school term shall be the number of  
69 days that each school shall require for promotion from grade to  
70 grade.

71 (f) "Compulsory-school-age child" means a child who has  
72 attained or will attain the age of six (6) years on or before  
73 September 1 of the calendar year and who has not attained the age



74 of seventeen (17) years on or before September 1 of the calendar  
75 year; and shall include any child who has attained or will attain  
76 the age of five (5) years on or before September 1 and has  
77 enrolled in a full-day public school kindergarten program.

78 (g) "School attendance officer" means a person employed  
79 by the State Department of Education pursuant to Section 37-13-89.

80 (h) "Appropriate school official" means the  
81 superintendent of the school district, or his designee, or, in the  
82 case of a nonpublic school, the principal or the headmaster.

83 (i) "Nonpublic school" means an institution for the  
84 teaching of children, consisting of a physical plant, whether  
85 owned or leased, including a home, instructional staff members and  
86 students, and which is in session each school year. This  
87 definition shall include, but not be limited to, private, church,  
88 parochial and home instruction programs.

89 (3) A parent, guardian or custodian of a  
90 compulsory-school-age child in this state shall cause the child to  
91 enroll in and attend a public school or legitimate nonpublic  
92 school for the period of time that the child is of compulsory  
93 school age, except under the following circumstances:

94 (a) When a compulsory-school-age child is physically,  
95 mentally or emotionally incapable of attending school as  
96 determined by the appropriate school official based upon  
97 sufficient medical documentation.



98           (b) When a compulsory-school-age child is enrolled in  
99 and pursuing a course of special education, remedial education or  
100 education for handicapped or physically or mentally disadvantaged  
101 children.

102           (c) When a compulsory-school-age child is being  
103 educated in a legitimate home instruction program.

104           The parent, guardian or custodian of a compulsory-school-age  
105 child described in this subsection, or the parent, guardian or  
106 custodian of a compulsory-school-age child attending any charter  
107 school or nonpublic school, or the appropriate school official for  
108 any or all children attending a charter school or nonpublic school  
109 shall complete a "certificate of enrollment" in order to  
110 facilitate the administration of this section.

111           The form of the certificate of enrollment shall be prepared  
112 by the Office of Compulsory School Attendance Enforcement of the  
113 State Department of Education and shall be designed to obtain the  
114 following information only:

115                   (i) The name, address, telephone number and date  
116 of birth of the compulsory-school-age child;

117                   (ii) The name, address and telephone number of the  
118 parent, guardian or custodian of the compulsory-school-age child;

119                   (iii) A simple description of the type of  
120 education the compulsory-school-age child is receiving and, if the  
121 child is enrolled in a nonpublic school, the name and address of  
122 the school; and



123 (iv) The signature of the parent, guardian or  
124 custodian of the compulsory-school-age child or, for any or all  
125 compulsory-school-age child or children attending a charter school  
126 or nonpublic school, the signature of the appropriate school  
127 official and the date signed.

128 The certificate of enrollment shall be returned to the school  
129 attendance officer where the child resides on or before September  
130 15 of each year. Any parent, guardian or custodian found by the  
131 school attendance officer to be in noncompliance with this section  
132 shall comply, after written notice of the noncompliance by the  
133 school attendance officer, with this subsection within ten (10)  
134 days after the notice or be in violation of this section.  
135 However, in the event the child has been enrolled in a public  
136 school within fifteen (15) calendar days after the first day of  
137 the school year as required in subsection (6), the parent or  
138 custodian may, at a later date, enroll the child in a legitimate  
139 nonpublic school or legitimate home instruction program and send  
140 the certificate of enrollment to the school attendance officer and  
141 be in compliance with this subsection.

142 For the purposes of this subsection, a legitimate nonpublic  
143 school or legitimate home instruction program shall be \* \* \*~~those~~  
144 not a school or program not operated or instituted for the purpose  
145 of avoiding or circumventing the compulsory attendance law.

146 (4) An "unlawful absence" is an absence for an entire school  
147 day or during part of a school day by a compulsory-school-age



148 child, which absence is not due to a valid excuse for temporary  
149 nonattendance. For purposes of reporting absenteeism under  
150 subsection (6) of this section, if a compulsory-school-age child  
151 has an absence that is more than thirty-seven percent (37%) of the  
152 instructional day, as fixed by the school board for the school at  
153 which the compulsory-school-age child is enrolled, the child must  
154 be considered absent the entire school day. Days missed from  
155 school due to disciplinary suspension shall not be considered an  
156 "excused" absence under this section. This subsection shall not  
157 apply to children enrolled in a nonpublic school.

158 Each of the following shall constitute a valid excuse for  
159 temporary nonattendance of a compulsory-school-age child enrolled  
160 in a noncharter public school, provided satisfactory evidence of  
161 the excuse is provided to the superintendent of the school  
162 district, or his designee:

163 (a) An absence is excused when the absence results from  
164 the compulsory-school-age child's attendance at an authorized  
165 school activity with the prior approval of the superintendent of  
166 the school district, or his designee. These activities may  
167 include field trips, athletic contests, student conventions,  
168 musical festivals and any similar activity.

169 (b) An absence is excused when the absence results from  
170 illness or injury which prevents the compulsory-school-age child  
171 from being physically able to attend school.



172 (c) An absence is excused when isolation of a  
173 compulsory-school-age child is ordered by the county health  
174 officer, by the State Board of Health or appropriate school  
175 official.

176 (d) An absence is excused when it results from the  
177 death or serious illness of a member of the immediate family of a  
178 compulsory-school-age child. The immediate family members of a  
179 compulsory-school-age child shall include children, spouse,  
180 grandparents, parents, brothers and sisters, including  
181 stepbrothers and stepsisters.

182 (e) An absence is excused when it results from a  
183 medical or dental appointment of a compulsory-school-age child.

184 (f) An absence is excused when it results from the  
185 attendance of a compulsory-school-age child at the proceedings of  
186 a court or an administrative tribunal if the child is a party to  
187 the action or under subpoena as a witness.

188 (g) An absence may be excused if the religion to which  
189 the compulsory-school-age child or the child's parents adheres,  
190 requires or suggests the observance of a religious event. The  
191 approval of the absence is within the discretion of the  
192 superintendent of the school district, or his designee, but  
193 approval should be granted unless the religion's observance is of  
194 such duration as to interfere with the education of the child.

195 (h) An absence may be excused when it is demonstrated  
196 to the satisfaction of the superintendent of the school district,





197 or his designee, that the purpose of the absence is to take  
198 advantage of a valid educational opportunity such as travel,  
199 including vacations or other family travel. Approval of the  
200 absence must be gained from the superintendent of the school  
201 district, or his designee, before the absence, but the approval  
202 shall not be unreasonably withheld.

203 (i) An absence may be excused when it is demonstrated  
204 to the satisfaction of the superintendent of the school district,  
205 or his designee, that conditions are sufficient to warrant the  
206 compulsory-school-age child's nonattendance. However, no absences  
207 shall be excused by the school district superintendent, or his  
208 designee, when any student suspensions or expulsions circumvent  
209 the intent and spirit of the compulsory attendance law.

210 (j) An absence is excused when it results from the  
211 attendance of a compulsory-school-age child participating in  
212 official organized events sponsored by the 4-H or Future Farmers  
213 of America (FFA). The excuse for the 4-H or FFA event must be  
214 provided in writing to the appropriate school superintendent by  
215 the Extension Agent or High School Agricultural Instructor/FFA  
216 Advisor.

217 (k) An absence is excused when it results from the  
218 compulsory-school-age child officially being employed to serve as  
219 a page at the State Capitol for the Mississippi House of  
220 Representatives or Senate.



221 (5) Any parent, guardian or custodian of a  
222 compulsory-school-age child subject to this section who refuses or  
223 willfully fails to perform any of the duties imposed upon him or  
224 her under this section or who intentionally falsifies any  
225 information required to be contained in a certificate of  
226 enrollment, shall be guilty of contributing to the neglect of a  
227 child and, upon conviction, shall be punished in accordance with  
228 Section 97-5-39.

229 Upon prosecution of a parent, guardian or custodian of a  
230 compulsory-school-age child for violation of this section, the  
231 presentation of evidence by the prosecutor that shows that the  
232 child has not been enrolled in school within eighteen (18)  
233 calendar days after the first day of the school year of the public  
234 school which the child is eligible to attend, or that the child  
235 has accumulated twelve (12) unlawful absences during the school  
236 year at the public school in which the child has been enrolled,  
237 shall establish a prima facie case that the child's parent,  
238 guardian or custodian is responsible for the absences and has  
239 refused or willfully failed to perform the duties imposed upon him  
240 or her under this section. However, no proceedings under this  
241 section shall be brought against a parent, guardian or custodian  
242 of a compulsory-school-age child unless the school attendance  
243 officer has contacted promptly the home of the child and has  
244 provided written notice to the parent, guardian or custodian of  
245 the requirement for the child's enrollment or attendance.



246 (6) If a compulsory-school-age child has not been enrolled  
247 in a school within fifteen (15) calendar days after the first day  
248 of the school year of the school which the child is eligible to  
249 attend or the child has accumulated five (5) unlawful absences  
250 during the school year of the public school in which the child is  
251 enrolled, the school district superintendent or his designee shall  
252 report, within two (2) school days or within five (5) calendar  
253 days, whichever is less, the absences to the school attendance  
254 officer. The State Department of Education shall prescribe a  
255 uniform method for schools to utilize in reporting the unlawful  
256 absences to the school attendance officer. The superintendent or  
257 his designee, also shall report any student suspensions or student  
258 expulsions to the school attendance officer when they occur.

259 (7) When a school attendance officer has made all attempts  
260 to secure enrollment and/or attendance of a compulsory-school-age  
261 child and is unable to effect the enrollment and/or attendance,  
262 the attendance officer shall file a petition with the youth court  
263 under Section 43-21-451 or shall file a petition in a court of  
264 competent jurisdiction as it pertains to parent or child.  
265 Sheriffs, deputy sheriffs and municipal law enforcement officers  
266 shall be fully authorized to investigate all cases of  
267 nonattendance and unlawful absences by compulsory-school-age  
268 children, and shall be authorized to file a petition with the  
269 youth court under Section 43-21-451 or file a petition or  
270 information in the court of competent jurisdiction as it pertains



271 to parent or child for violation of this section. The youth court  
272 shall expedite a hearing to make an appropriate adjudication and a  
273 disposition to ensure compliance with the Compulsory School  
274 Attendance Law, and may order the child to enroll or re-enroll in  
275 school. The superintendent of the school district to which the  
276 child is ordered may assign, in his discretion, the child to the  
277 alternative school program of the school established pursuant to  
278 Section 37-13-92.

279 (8) The State Board of Education shall adopt rules and  
280 regulations for the purpose of reprimanding any school  
281 superintendents who fail to timely report unexcused absences under  
282 the provisions of this section.

283 (9) Notwithstanding any provision or implication herein to  
284 the contrary, it is not the intention of this section to impair  
285 the primary right and the obligation of the parent or parents, or  
286 person or persons in loco parentis to a child, to choose the  
287 proper education and training for such child, and nothing in this  
288 section shall ever be construed to grant, by implication or  
289 otherwise, to the State of Mississippi, any of its officers,  
290 agencies or subdivisions any right or authority to control,  
291 manage, supervise or make any suggestion as to the control,  
292 management or supervision of any private or parochial school or  
293 institution for the education or training of children, of any kind  
294 whatsoever that is not a public school according to the laws of  
295 this state; and this section shall never be construed so as to



296 grant, by implication or otherwise, any right or authority to any  
297 state agency or other entity to control, manage, supervise,  
298 provide for or affect the operation, management, program,  
299 curriculum, admissions policy or discipline of any such school or  
300 home instruction program.

301       **SECTION 3.** Section 37-151-5, Mississippi Code of 1972, is  
302 amended as follows:

303       37-151-5. As used in Sections 37-151-5 and 37-151-7:

304           (a) "Adequate program" or "adequate education program"  
305 or "Mississippi Adequate Education Program (MAEP)" shall mean the  
306 program to establish adequate current operation funding levels  
307 necessary for the programs of such school district to meet at  
308 least a successful Level III rating of the accreditation system as  
309 established by the State Board of Education using current  
310 statistically relevant state assessment data.

311           (b) "Educational programs or elements of programs not  
312 included in the adequate education program calculations, but which  
313 may be included in appropriations and transfers to school  
314 districts" shall mean:

315           (i) "Capital outlay" shall mean those funds used  
316 for the constructing, improving, equipping, renovating or major  
317 repairing of school buildings or other school facilities, or the  
318 cost of acquisition of land whereon to construct or establish such  
319 school facilities.



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

324 (iii) "Adult education" shall mean public  
325 education dealing primarily with students above eighteen (18)  
326 years of age not enrolled as full-time public school students and  
327 not classified as students of technical schools, colleges or  
328 universities of the state.

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

332 (c) "Base student" shall mean that student  
333 classification that represents the most economically educated  
334 pupil in a school system meeting the definition of successful, as  
335 determined by the State Board of Education.

336 (d) "Base student cost" shall mean the funding level  
337 necessary for providing an adequate education program for one (1)  
338 base student, subject to any minimum amounts prescribed in Section  
339 37-151-7(1).

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



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

346 (ii) "Vocational or technical education program"  
347 shall mean a secondary vocational or technical program approved by  
348 the State Department of Education and provided for from state  
349 funds.

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

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

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

361 (vi) "Extended school year programs" shall mean  
362 those programs authorized by law which extend beyond the normal  
363 school year.

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



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

369 (f) "Teacher" shall include any employee of a local  
370 school who is required by law to obtain a teacher's license from  
371 the State Board of Education and who is assigned to an  
372 instructional area of work as defined by the State Department of  
373 Education.

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

376 (h) "Superintendent" shall mean the head of a school  
377 district.

378 (i) "School district" shall mean any type of school  
379 district in the State of Mississippi, and shall include  
380 agricultural high schools.

381 (j) "Minimum school term" shall mean a term of at  
382 least \* \* \*~~one hundred eighty (180)~~ one hundred seventy-five (175)  
383 days of school in which both teachers and pupils are in regular  
384 attendance for scheduled classroom instruction for not less than  
385 sixty-three percent (63%) of the instructional day, as fixed by  
386 the local school board for each school in the school district. It  
387 is the intent of the Legislature that any tax levies generated to  
388 produce additional local funds required by any school district to  
389 operate school terms in excess of one hundred seventy-five (175)  
390 days shall not be construed to constitute a new program for the  
391 purposes of exemption from the limitation on tax revenues as





392 allowed under Sections 27-39-321 and 37-57-107 for new programs  
393 mandated by the Legislature.

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

398 (l) The term "transported children" shall mean children  
399 being transported to school who live within legal limits for  
400 transportation and who are otherwise qualified for being  
401 transported to school at public expense as fixed by Mississippi  
402 state law.

403 (m) The term "year of teaching experience" shall mean  
404 nine (9) months of actual teaching in the public or private  
405 schools. In no case shall more than one (1) year of teaching  
406 experience be given for all services in one (1) calendar or school  
407 year. In determining a teacher's experience, no deduction shall  
408 be made because of the temporary absence of the teacher because of  
409 illness or other good cause, and the teacher shall be given credit  
410 therefor. Beginning with the 2003-2004 school year, the State  
411 Board of Education shall fix a number of days, not to exceed  
412 forty-five (45) consecutive school days, during which a teacher  
413 may not be under contract of employment during any school year and  
414 still be considered to have been in full-time employment for a  
415 regular scholastic term. If a teacher exceeds the number of days  
416 established by the State Board of Education that a teacher may not



417 be under contract but may still be employed, that teacher shall  
418 not be credited with a year of teaching experience. In  
419 determining the experience of school librarians, each complete  
420 year of continuous, full-time employment as a professional  
421 librarian in a public library in this or some other state shall be  
422 considered a year of teaching experience. If a full-time school  
423 administrator returns to actual teaching in the public schools,  
424 the term "year of teaching experience" shall include the period of  
425 time he or she served as a school administrator. In determining  
426 the salaries of teachers who have experience in any branch of the  
427 military, the term "year of teaching experience" shall include  
428 each complete year of actual classroom instruction while serving  
429 in the military. In determining the experience of speech-language  
430 pathologists and audiologists, each complete year of continuous  
431 full-time post master's degree employment in an educational  
432 setting in this or some other state shall be considered a year of  
433 teaching experience. \* \* \* ~~Provided,~~ However, \* \* \* ~~that~~ school  
434 districts are authorized, in their discretion, to negotiate the  
435 salary levels applicable to \* \* \* ~~certificated~~ licensed employees  
436 employed after July 1, 2009, who are receiving retirement benefits  
437 from the retirement system of another state, and the annual  
438 experience increment provided in Section 37-19-7 shall not be  
439 applicable to any such retired \* \* \* ~~certificated~~ licensed  
440 employee.



441 (n) (i) The term "average daily attendance" shall be  
442 the figure which results when the total aggregate full-day  
443 attendance during the period or months counted is divided by the  
444 number of days during the period or months counted upon which both  
445 teachers and pupils are in regular attendance for scheduled  
446 classroom instruction, unless a pupil's absence is excused due to  
447 participation in an activity authorized by the State Board of  
448 Education under subparagraph (ii) of this paragraph, less the  
449 average daily attendance for self-contained special education  
450 classes. For purposes of determining and reporting attendance, a  
451 pupil must be present for at least sixty-three percent (63%) of  
452 the instructional day, as fixed by the local school board for each  
453 school in the school district, in order to be considered in  
454 full-day attendance. \* \* \*~~Prior to~~ Before full implementation of  
455 the adequate education program the department shall deduct the  
456 average daily attendance for the alternative school program  
457 provided for in Section 37-19-22.

458 (ii) The State Board of Education shall define  
459 those activities necessitating a pupil's absence that, for  
460 purposes of determining and reporting attendance for average daily  
461 attendance purposes, must be considered an excused absence. Such  
462 activities include, but are not limited to: official organized  
463 events sponsored by the 4-H or Future Farmers of America (FFA);  
464 official organized junior livestock shows and rodeo events;  
465 official employment as a page at the State Capitol for the



466 Mississippi House of Representatives or Senate; subject-matter  
467 field trips; athletic contests; student conventions; music  
468 festivals or contests; and any similar school-related activity  
469 designated by the State Board of Education. The State Board of  
470 Education shall prescribe the means by which a pupil's absence due  
471 to participation in an activity authorized by the board pursuant  
472 to this subparagraph must be verified. This subparagraph (ii)  
473 shall stand repealed on July 1, 2016.

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

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

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

484 (r) "Department" shall mean the State Department of  
485 Education.

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

488 (t) The term "successful school district" shall mean a  
489 Level III school district as designated by the State Board of



490 Education using current statistically relevant state assessment  
491 data.

492 (u) "Dual enrollment-dual credit programs" shall mean  
493 programs for potential or recent high school student dropouts to  
494 dually enroll in their home high school and a local community  
495 college in a dual credit program consisting of high school  
496 completion coursework and a credential, certificate or degree  
497 program at the community college, as provided in Section  
498 37-15-38(19).

499 (v) "Charter school" means a public school that is  
500 established and operating under the terms of a charter contract  
501 between the school's governing board and the Mississippi Charter  
502 School Authorizer Board.

503 **SECTION 4.** Section 37-151-7, Mississippi Code of 1972, is  
504 amended as follows:

505 37-151-7. The annual allocation to each school district for  
506 the operation of the adequate education program shall be  
507 determined as follows:

508 (1) **Computation of the basic amount to be included for**  
509 **current operation in the adequate education program.** The  
510 following procedure shall be followed in determining the annual  
511 allocation to each school district:

512 (a) **Determination of average daily attendance.**  
513 Effective with fiscal year 2011, the State Department of Education  
514 shall determine the percentage change from the prior year of each



515 year of each school district's average of months two (2) and three  
516 (3) average daily attendance (ADA) for the three (3) immediately  
517 preceding school years of the year for which funds are being  
518 appropriated. For any school district that experiences a positive  
519 growth in the average of months two (2) and three (3) ADA each  
520 year of the three (3) years, the average percentage growth over  
521 the three-year period shall be multiplied times the school  
522 district's average of months two (2) and three (3) ADA for the  
523 year immediately preceding the year for which MAEP funds are being  
524 appropriated. The resulting amount shall be added to the school  
525 district's average of months two (2) and three (3) ADA for the  
526 year immediately preceding the year for which MAEP funds are being  
527 appropriated to arrive at the ADA to be used in determining a  
528 school district's MAEP allocation. Otherwise, months two (2) and  
529 three (3) ADA for the year immediately preceding the year for  
530 which MAEP funds are being appropriated will be used in  
531 determining a school district's MAEP allocation. In any fiscal  
532 year prior to 2010 in which the MAEP formula is not fully funded,  
533 for those districts that do not demonstrate a three-year positive  
534 growth in months two (2) and three (3) ADA, months one (1) through  
535 nine (9) ADA of the second preceding year for which funds are  
536 being appropriated or months two (2) and three (3) ADA of the  
537 preceding year for which funds are being appropriated, whichever  
538 is greater, shall be used to calculate the district's MAEP  
539 allocation. The district's average daily attendance shall be



540 computed and currently maintained in accordance with regulations  
541 promulgated by the State Board of Education. The district's  
542 average daily attendance shall include any student enrolled in a  
543 Dual Enrollment-Dual Credit Program as defined and provided in  
544 Section 37-15-38(19). The State Department of Education shall  
545 make payments for Dual Enrollment-Dual Credit Programs to the home  
546 school in which the student is enrolled, in accordance with  
547 regulations promulgated by the State Board of Education. The  
548 community college providing services to students in a Dual  
549 Enrollment-Dual Credit Program shall require payment from the home  
550 school district for services provided to such students at a rate  
551 of one hundred percent (100%) of ADA. All MAEP/state funding  
552 shall cease upon completion of high school graduation  
553 requirements.

554 (b) **Determination of base student cost.** Effective with  
555 fiscal year 2011 and every fourth fiscal year thereafter, the  
556 State Board of Education, on or before August 1, with adjusted  
557 estimate no later than January 2, shall submit to the Legislative  
558 Budget Office and the Governor a proposed base student cost  
559 adequate to provide the following cost components of educating a  
560 pupil in a successful school district: (i) Instructional Cost;  
561 (ii) Administrative Cost; (iii) Operation and Maintenance of  
562 Plant; and (iv) Ancillary Support Cost. For purposes of these  
563 calculations, the Department of Education shall utilize financial



564 data from the second preceding year of the year for which funds  
565 are being appropriated.

566 For the instructional cost component, the Department of  
567 Education shall select districts that have been identified as  
568 instructionally successful and have a ratio of a number of  
569 teachers per one thousand (1,000) students that is between one (1)  
570 standard deviation above the mean and two (2) standard deviations  
571 below the mean of the statewide average of teachers per one  
572 thousand (1,000) students. The instructional cost component shall  
573 be calculated by dividing the latest available months one (1)  
574 through nine (9) ADA into the instructional expenditures of these  
575 selected districts. For the purpose of this calculation, the  
576 Department of Education shall use the following funds, functions  
577 and objects:

578 Fund 1120 Functions 1110-1199 Objects 100-999, Functions  
579 1210, 1220, 2150-2159 Objects 210 and 215;

580 Fund 1130 All Functions, Object Code 210 and 215;

581 Fund 2001 Functions 1110-1199 Objects 100-999;

582 Fund 2070 Functions 1110-1199 Objects 100-999;

583 Fund 2420 Functions 1110-1199 Objects 100-999;

584 Fund 2711 All Functions, Object Code 210 and 215.

585 \* \* \*~~Prior to~~ Before the calculation of the instructional  
586 cost component, there shall be subtracted from the above  
587 expenditures any revenue received for Chickasaw Cession payments,





588 Master Teacher Certification payments and the district's portion  
589 of state revenue received from the MAEP at-risk allocation.

590 For the administrative cost component, the Department of  
591 Education shall select districts that have been identified as  
592 instructionally successful and have a ratio of an administrative  
593 staff to nonadministrative staff between one (1) standard  
594 deviation above the mean and two (2) standard deviations below the  
595 mean of the statewide average administrative staff to  
596 nonadministrative staff. The administrative cost component shall  
597 be calculated by dividing the latest available months one (1)  
598 through nine (9) ADA of the selected districts into the  
599 administrative expenditures of these selected districts. For the  
600 purpose of this calculation, the Department of Education shall use  
601 the following funds, functions and objects:

602 Fund 1120 Functions 2300-2599, Functions 2800-2899,  
603 Objects 100-999;

604 Fund 2711 Functions 2300-2599, Functions 2800-2899,  
605 Objects 100-999.

606 For the plant and maintenance cost component, the Department  
607 of Education shall select districts that have been identified as  
608 instructionally successful and have a ratio of plant and  
609 maintenance expenditures per one hundred thousand (100,000) square  
610 feet of building space and a ratio of maintenance workers per one  
611 hundred thousand (100,000) square feet of building space that are  
612 both between one (1) standard deviation above the mean and two (2)



613 standard deviations below the mean of the statewide average. The  
614 plant and maintenance cost component shall be calculated by  
615 dividing the latest available months one (1) through nine (9) ADA  
616 of the selected districts into the plant and maintenance  
617 expenditures of these selected districts. For the purpose of this  
618 calculation, the Department of Education shall use the following  
619 funds, functions and objects:

620 Fund 1120 Functions 2600-2699, Objects 100-699  
621 and Objects 800-999;  
622 Fund 2711 Functions 2600-2699, Objects 100-699  
623 and Objects 800-999;  
624 Fund 2430 Functions 2600-2699, Objects 100-699  
625 and Objects 800-999.

626 For the ancillary support cost component, the Department of  
627 Education shall select districts that have been identified as  
628 instructionally successful and have a ratio of a number of  
629 librarians, media specialists, guidance counselors and  
630 psychologists per one thousand (1,000) students that is between  
631 one (1) standard deviation above the mean and two (2) standard  
632 deviations below the mean of the statewide average of librarians,  
633 media specialists, guidance counselors and psychologists per one  
634 thousand (1,000) students. The ancillary cost component shall be  
635 calculated by dividing the latest available months one (1) through  
636 nine (9) ADA into the ancillary expenditures instructional  
637 expenditures of these selected districts. For the purpose of this



638 calculation, the Department of Education shall use the following  
639 funds, functions and objects:

640 Fund 1120 Functions 2110-2129, Objects 100-999;

641 Fund 1120 Functions 2140-2149, Objects 100-999;

642 Fund 1120 Functions 2220-2229, Objects 100-999;

643 Fund 2001 Functions 2100-2129, Objects 100-999;

644 Fund 2001 Functions 2140-2149, Objects 100-999;

645 Fund 2001 Functions 2220-2229, Objects 100-999.

646 The total base cost for each year shall be the sum of the  
647 instructional cost component, administrative cost component, plant  
648 and maintenance cost component and ancillary support cost  
649 component, and any estimated adjustments for additional state  
650 requirements as determined by the State Board of Education.

651 Provided, however, that the base student cost in fiscal year 1998  
652 shall be Two Thousand Six Hundred Sixty-four Dollars (\$2,664.00).

653 For each of the fiscal years between the recalculation of the  
654 base student cost under the provisions of this paragraph (b), the  
655 base student cost shall be increased by an amount equal to forty  
656 percent (40%) of the base student cost for the previous fiscal  
657 year, multiplied by the latest annual rate of inflation for the  
658 State of Mississippi as determined by the State Economist, plus  
659 any adjustments for additional state requirements such as, but not  
660 limited to, teacher pay raises and health insurance premium  
661 increases.



662 (c) **Determination of the basic adequate education**

663 **program cost.** The basic amount for current operation to be  
664 included in the Mississippi Adequate Education Program for each  
665 school district shall be computed as follows:

666 Multiply the average daily attendance of the district by the  
667 base student cost as established by the Legislature, which yields  
668 the total base program cost for each school district.

669 (d) **Adjustment to the base student cost for at-risk**

670 **pupils.** The amount to be included for at-risk pupil programs for  
671 each school district shall be computed as follows: Multiply the  
672 base student cost for the appropriate fiscal year as determined  
673 under paragraph (b) by five percent (5%), and multiply that  
674 product by the number of pupils participating in the federal free  
675 school lunch program in such school district, which yields the  
676 total adjustment for at-risk pupil programs for such school  
677 district.

678 (e) **Add-on program cost.** The amount to be allocated to  
679 school districts in addition to the adequate education program  
680 cost for add-on programs for each school district shall be  
681 computed as follows:

682 (i) Transportation cost shall be the amount  
683 allocated to such school district for the operational support of  
684 the district transportation system from state funds.



685                   (ii) Vocational or technical education program  
686 cost shall be the amount allocated to such school district from  
687 state funds for the operational support of such programs.

688                   (iii) Special education program cost shall be the  
689 amount allocated to such school district from state funds for the  
690 operational support of such programs.

691                   (iv) Gifted education program cost shall be the  
692 amount allocated to such school district from state funds for the  
693 operational support of such programs.

694                   (v) Alternative school program cost shall be the  
695 amount allocated to such school district from state funds for the  
696 operational support of such programs.

697                   (vi) Extended school year programs shall be the  
698 amount allocated to school districts for those programs authorized  
699 by law which extend beyond the normal school year.

700                   (vii) University-based programs shall be the  
701 amount allocated to school districts for those university-based  
702 programs for handicapped children as defined and provided for in  
703 Section 37-23-131 et seq., Mississippi Code of 1972.

704                   (viii) Bus driver training programs shall be the  
705 amount provided for those driver training programs as provided for  
706 in Section 37-41-1, Mississippi Code of 1972.

707           The sum of the items listed above (i) transportation, (ii)  
708 vocational or technical education, (iii) special education, (iv)  
709 gifted education, (v) alternative school, (vi) extended school



710 year, (vii) university-based, and (viii) bus driver training shall  
711 yield the add-on cost for each school district.

712 (f) **Total projected adequate education program cost.**

713 The total Mississippi Adequate Education Program cost shall be the  
714 sum of the total basic adequate education program cost (paragraph  
715 (c)), and the adjustment to the base student cost for at-risk  
716 pupils (paragraph (d)) for each school district. In any year in  
717 which the MAEP is not fully funded, the Legislature shall direct  
718 the Department of Education in the K-12 appropriation bill as to  
719 how to allocate MAEP funds to school districts for that year.

720 (g) The State Auditor shall annually verify the State  
721 Board of Education's estimated calculations for the Mississippi  
722 Adequate Education Program that are submitted each year to the  
723 Legislative Budget Office on August 1 and the final calculation  
724 that is submitted on January 2.

725 (2) **Computation of the required local revenue in support of**  
726 **the adequate education program.** The amount that each district  
727 shall provide toward the cost of the adequate education program  
728 shall be calculated as follows:

729 (a) The State Department of Education shall certify to  
730 each school district that twenty-eight (28) mills, less the  
731 estimated amount of the yield of the School Ad Valorem Tax  
732 Reduction Fund grants as determined by the State Department of  
733 Education, is the millage rate required to provide the district  
734 required local effort for that year, or twenty-seven percent (27%)



735 of the basic adequate education program cost for such school  
736 district as determined under paragraph (c), whichever is a lesser  
737 amount. In the case of an agricultural high school, the millage  
738 requirement shall be set at a level which generates an equitable  
739 amount per pupil to be determined by the State Board of Education.  
740 The local contribution amount for school districts in which there  
741 is located one or more charter schools will be calculated using  
742 the following methodology: using the adequate education program  
743 twenty-eight (28) mill value, or the twenty-seven percent (27%)  
744 cap amount (whichever is less) for each school district in which a  
745 charter school is located, an average per pupil amount will be  
746 calculated. This average per pupil amount will be multiplied  
747 times the number of students attending the charter school in that  
748 school district. The sum becomes the charter school's local  
749 contribution to the adequate education program.

750 (b) The State Department of Education shall determine  
751 the following from the annual assessment information submitted to  
752 the department by the tax assessors of the various counties: (i)  
753 the total assessed valuation of nonexempt property for school  
754 purposes in each school district; (ii) assessed value of exempt  
755 property owned by homeowners aged sixty-five (65) or older or  
756 disabled as defined in Section 27-33-67(2), Mississippi Code of  
757 1972; (iii) the school district's tax loss from exemptions  
758 provided to applicants under the age of sixty-five (65) and not  
759 disabled as defined in Section 27-33-67(1), Mississippi Code of



760 1972; and (iv) the school district's homestead reimbursement  
761 revenues.

762 (c) The amount of the total adequate education program  
763 funding which shall be contributed by each school district shall  
764 be the sum of the ad valorem receipts generated by the millage  
765 required under this subsection plus the following local revenue  
766 sources for the appropriate fiscal year which are or may be  
767 available for current expenditure by the school district:

768 One hundred percent (100%) of Grand Gulf income as prescribed  
769 in Section 27-35-309.

770 One hundred percent (100%) of any fees in lieu of taxes as  
771 prescribed in Section 27-31-104.

772 (3) **Computation of the required state effort in support of**  
773 **the adequate education program.**

774 (a) The required state effort in support of the  
775 adequate education program shall be determined by subtracting the  
776 sum of the required local tax effort as set forth in subsection  
777 (2) (a) of this section and the other local revenue sources as set  
778 forth in subsection (2) (c) of this section in an amount not to  
779 exceed twenty-seven percent (27%) of the total projected adequate  
780 education program cost as set forth in subsection (1) (f) of this  
781 section from the total projected adequate education program cost  
782 as set forth in subsection (1) (f) of this section.

783 (b) \* \* \*~~Provided,~~ However, \* \* \*~~that~~ in fiscal year  
784 1998 and in the fiscal year in which the adequate education





785 program is fully funded by the Legislature, any increase in  
786 the \* \* \*~~said~~ state contribution to any district calculated under  
787 this section shall be not less than eight percent (8%) in excess  
788 of the amount received by \* \* \*~~said~~ that district from state funds  
789 for the fiscal year immediately preceding. For purposes of this  
790 paragraph (b), state funds shall include minimum program funds  
791 less the add-on programs, State Uniform Millage Assistance Grant  
792 Funds, Education Enhancement Funds appropriated for Uniform  
793 Millage Assistance Grants and state textbook allocations, and  
794 State General Funds allocated for textbooks.

795 (c) If the school board of any school district shall  
796 determine that it is not economically feasible or practicable to  
797 operate any school within the district for the full \* \* \*~~one~~  
798 ~~hundred eighty (180)~~ one hundred seventy-five (175)  
799 days \* \* \*~~required~~ established for a \* \* \*~~school term of a~~  
800 scholastic year \* \* \*~~as required in~~ under Section  
801 37-13-63, \* \* \*~~Mississippi Code of 1972,~~ due to an enemy attack, a  
802 man-made, technological or natural disaster in which the Governor  
803 has declared a disaster emergency under the laws of this state or  
804 the President of the United States has declared an emergency or  
805 major disaster to exist in this state, \* \* \*~~said~~ the school board  
806 may notify the State Department of Education of such disaster and  
807 submit a plan for altering the school term. If the State Board of  
808 Education finds such disaster to be the cause of the school not  
809 operating for the contemplated school term and that \* \* \*~~such~~ the



810 school was in a school district covered by the Governor's or  
811 President's disaster declaration, it may permit \* \* \* ~~said the~~  
812 school board to operate the schools in its district for less  
813 than \* \* \* ~~one hundred eighty (180)~~ one hundred seventy-five (175)  
814 days and, in such case, the State Department of Education shall  
815 not reduce the state contributions to the adequate education  
816 program allotment for such district, because of the failure to  
817 operate \* \* \* ~~said the~~ schools for \* \* \* ~~one hundred eighty (180)~~  
818 one hundred seventy-five (175) days.

819 (4) The Interim School District Capital Expenditure Fund is  
820 hereby established in the State Treasury which shall be used to  
821 distribute any funds specifically appropriated by the Legislature  
822 to such fund to school districts entitled to increased allocations  
823 of state funds under the adequate education program funding  
824 formula prescribed in Sections 37-151-3 through 37-151-7,  
825 Mississippi Code of 1972, until such time as the \* \* \* ~~said~~  
826 adequate education program is fully funded by the Legislature.  
827 The following percentages of the total state cost of increased  
828 allocations of funds under the adequate education program funding  
829 formula shall be appropriated by the Legislature into the Interim  
830 School District Capital Expenditure Fund to be distributed to all  
831 school districts under the formula: Nine and two-tenths percent  
832 (9.2%) shall be appropriated in fiscal year 1998, twenty percent  
833 (20%) shall be appropriated in fiscal year 1999, forty percent  
834 (40%) shall be appropriated in fiscal year 2000, sixty percent



835 (60%) shall be appropriated in fiscal year 2001, eighty percent  
836 (80%) shall be appropriated in fiscal year 2002, and one hundred  
837 percent (100%) shall be appropriated in fiscal year 2003 into the  
838 State Adequate Education Program Fund. Until July 1, 2002, such  
839 money shall be used by school districts for the following  
840 purposes:

841 (a) Purchasing, erecting, repairing, equipping,  
842 remodeling and enlarging school buildings and related facilities,  
843 including gymnasiums, auditoriums, lunchrooms, vocational training  
844 buildings, libraries, school barns and garages for transportation  
845 vehicles, school athletic fields and necessary facilities  
846 connected therewith, and purchasing land therefor. Any such  
847 capital improvement project by a school district shall be approved  
848 by the State Board of Education, and based on an approved  
849 long-range plan. The State Board of Education shall promulgate  
850 minimum requirements for the approval of school district capital  
851 expenditure plans.

852 (b) Providing necessary water, light, heating,  
853 air-conditioning, and sewerage facilities for school buildings,  
854 and purchasing land therefor.

855 (c) Paying debt service on existing capital improvement  
856 debt of the district or refinancing outstanding debt of a district  
857 if such refinancing will result in an interest cost savings to the  
858 district.



859 (d) From and after October 1, 1997, through June 30,  
860 1998, pursuant to a school district capital expenditure plan  
861 approved by the State Department of Education, a school district  
862 may pledge such funds until July 1, 2002, plus funds provided for  
863 in paragraph (e) of this subsection (4) that are not otherwise  
864 permanently pledged under such paragraph (e) to pay all or a  
865 portion of the debt service on debt issued by the school district  
866 under Sections 37-59-1 through 37-59-45, 37-59-101 through  
867 37-59-115, 37-7-351 through 37-7-359, 37-41-89 through 37-41-99,  
868 37-7-301, 37-7-302 and 37-41-81, Mississippi Code of 1972, or debt  
869 issued by boards of supervisors for agricultural high schools  
870 pursuant to Section 37-27-65, Mississippi Code of 1972, or  
871 lease-purchase contracts entered into pursuant to Section 31-7-13,  
872 Mississippi Code of 1972, or to retire or refinance outstanding  
873 debt of a district, if such pledge is accomplished pursuant to a  
874 written contract or resolution approved and spread upon the  
875 minutes of an official meeting of the district's school board or  
876 board of supervisors. It is the intent of this provision to allow  
877 school districts to irrevocably pledge their Interim School  
878 District Capital Expenditure Fund allotments as a constant stream  
879 of revenue to secure a debt issued under the foregoing code  
880 sections. To allow school districts to make such an irrevocable  
881 pledge, the state shall take all action necessary to ensure that  
882 the amount of a district's Interim School District Capital  
883 Expenditure Fund allotments shall not be reduced below the amount



884 certified by the department or the district's total allotment  
885 under the Interim Capital Expenditure Fund if fully funded, so  
886 long as such debt remains outstanding.

887 (e) [Repealed]

888 (f) [Repealed]

889 (g) The State Board of Education may authorize the  
890 school district to expend not more than twenty percent (20%) of  
891 its annual allotment of such funds or Twenty Thousand Dollars  
892 (\$20,000.00), whichever is greater, for technology needs of the  
893 school district, including computers, software,  
894 telecommunications, cable television, interactive video, film,  
895 low-power television, satellite communications, microwave  
896 communications, technology-based equipment installation and  
897 maintenance, and the training of staff in the use of such  
898 technology-based instruction. Any such technology expenditure  
899 shall be reflected in the local district technology plan approved  
900 by the State Board of Education under Section 37-151-17,  
901 Mississippi Code of 1972.

902 (h) To the extent a school district has not utilized  
903 twenty percent (20%) of its annual allotment for technology  
904 purposes under paragraph (g), a school district may expend not  
905 more than twenty percent (20%) of its annual allotment or Twenty  
906 Thousand Dollars (\$20,000.00), whichever is greater, for  
907 instructional purposes. The State Board of Education may  
908 authorize a school district to expend more than \* \* \*~~said~~ twenty



909 percent (20%) of its annual allotment for instructional purposes  
910 if it determines that such expenditures are needed for  
911 accreditation purposes.

912 (i) The State Department of Education or the State  
913 Board of Education may require that any project commenced under  
914 this section with an estimated project cost of not less than Five  
915 Million Dollars (\$5,000,000.00) shall be done only pursuant to  
916 program management of the process with respect to design and  
917 construction. Any individuals, partnerships, companies or other  
918 entities acting as a program manager on behalf of a local school  
919 district and performing program management services for projects  
920 covered under this subsection shall be approved by the State  
921 Department of Education.

922 Any interest accruing on any unexpended balance in the  
923 Interim School District Capital Expenditure Fund shall be invested  
924 by the State Treasurer and placed to the credit of each school  
925 district participating in such fund in its proportionate share.

926 The provisions of this subsection (4) shall be cumulative and  
927 supplemental to any existing funding programs or other authority  
928 conferred upon school districts or school boards.

929 (5) The State Department of Education shall make payments to  
930 charter schools for each student in average daily attendance at  
931 the charter school equal to the state share of the adequate  
932 education program payments for each student in average daily  
933 attendance at the school district in which the public charter



934 school is located. In calculating the local contribution for  
935 purposes of determining the state share of the adequate education  
936 program payments, the department shall deduct the pro rata local  
937 contribution of the school district in which the student resides  
938 as determined in subsection (2)(a) of this section.

939 **SECTION 5.** Section 37-9-24, Mississippi Code of 1972, is  
940 amended as follows:

941 37-9-24. (1) Except as otherwise provided in this section,  
942 no school district shall contract with any licensed personnel for  
943 a number of employment days which shall be less than \* \* \*~~one~~  
944 ~~hundred eighty-five (185)~~ one hundred seventy-seven (177).

945 \* \* \*~~Beginning with the 1994-1995 school year, no school district~~  
946 ~~shall contract with any licensed personnel for less than one~~  
947 ~~hundred eighty-seven (187) employment days.~~

948 (2) Licensed personnel may be employed for less than a full  
949 school year if the contract states the exact period of time for  
950 which the licensed person is to be employed.

951 (3) For each contract entered into before July 1, 2014,  
952 having a term of one hundred eighty-seven (187) or more employment  
953 days for the 2014-2015 school year, the employing school district  
954 shall reduce the term of the contract by no less than ten (10)  
955 employment days; however, the annual salary established in the  
956 contract for the licensed personnel may not be reduced due to the  
957 reduction in the number of employment days required under this  
958 subsection. This subsection shall stand repealed on July 1, 2015.



959           **SECTION 6.** Section 37-19-7, Mississippi Code of 1972, is  
960 amended as follows:

961           37-19-7. (1) This \* \* \*~~section~~ subsection shall be known  
962 and may be cited as the Mississippi "Teacher Opportunity Program  
963 (TOP)." The allowance in the Mississippi Adequate Education  
964 Program for teachers' salaries in each \* \* \*~~county and separate~~  
965 school district shall be determined and paid in accordance with  
966 the scale for teachers' salaries as provided in this subsection.  
967 For teachers holding the following types of licenses or the  
968 equivalent as determined by the State Board of Education, and the  
969 following number of years of teaching experience, the scale shall  
970 be as follows:

971                   **2007-2008 School Year and School Years Thereafter**

972                   **Less Than 25 Years of Teaching Experience**

973	AAAA.....	\$ 35,020.00
974	AAA.....	33,990.00
975	AA.....	32,960.00
976	A.....	30,900.00

977                   **25 or More Years of Teaching Experience**

978	AAAA.....	\$ 37,080.00
979	AAA.....	36,050.00
980	AA.....	35,020.00
981	A.....	32,960.00

982           The State Board of Education shall revise the salary scale  
983 prescribed above for the 2007-2008 school year to conform to any





984 adjustments made to the salary scale in prior fiscal years due to  
985 revenue growth over and above five percent (5%). For each one  
986 percent (1%) that the Sine Die General Fund Revenue Estimate  
987 Growth exceeds five percent (5%) for fiscal year 2006, as  
988 certified by the Legislative Budget Office to the State Board of  
989 Education and subject to specific appropriation therefor by the  
990 Legislature, the State Board of Education shall revise the salary  
991 scale to provide an additional one percent (1%) across-the-board  
992 increase in the base salaries for each type of license.

993 It is the intent of the Legislature that any state funds made  
994 available for salaries of licensed personnel in excess of the  
995 funds paid for such salaries for the 1986-1987 school year shall  
996 be paid to licensed personnel pursuant to a personnel appraisal  
997 and compensation system implemented by the State Board of  
998 Education. The State Board of Education shall have the authority  
999 to adopt and amend rules and regulations as are necessary to  
1000 establish, administer and maintain the system.

1001 All teachers employed on a full-time basis under a contract  
1002 having a term of no less than the number of employment days  
1003 required under Section 37-9-24 shall be paid a minimum salary in  
1004 accordance with the above scale. However, no school district  
1005 shall receive any funds under this section for any school year  
1006 during which the local supplement paid to any individual teacher  
1007 shall have been reduced to a sum less than that paid to that  
1008 individual teacher for performing the same duties from local



1009 supplement during the immediately preceding school year. The  
1010 amount actually spent for the purposes of group health and/or life  
1011 insurance shall be considered as a part of the aggregate amount of  
1012 local supplement but shall not be considered a part of the amount  
1013 of individual local supplement.

1014 \* \* ~~\*2008-2009 School Year~~ **Annual Increments**

1015 ~~For teachers holding a Class AAAA license, the minimum base~~  
1016 ~~pay specified in this subsection shall be increased by the sum of~~  
1017 ~~Seven Hundred Ninety-four Dollars (\$794.00) for each year of~~  
1018 ~~teaching experience possessed by the person holding such license~~  
1019 ~~until such person shall have twenty-five (25) years of teaching~~  
1020 ~~experience, and shall be increased by Three Hundred Ninety-seven~~  
1021 ~~Dollars (\$397.00) for each year of teaching experience over~~  
1022 ~~twenty-five (25) years up to thirty-five (35) years.~~

1023 ~~For teachers holding a Class AAA license, the minimum base~~  
1024 ~~pay specified in this subsection shall be increased by the sum of~~  
1025 ~~Seven Hundred Twenty-seven Dollars (\$727.00) for each year of~~  
1026 ~~teaching experience possessed by the person holding such license~~  
1027 ~~until such person shall have twenty-five (25) years of teaching~~  
1028 ~~experience, and shall be increased by Three Hundred Sixty-four~~  
1029 ~~Dollars (\$364.00) for each year of teaching experience over~~  
1030 ~~twenty-five (25) years up to thirty-five (35) years.~~

1031 ~~For teachers holding a Class AA license, the minimum base pay~~  
1032 ~~specified in this subsection shall be increased by the sum of Six~~  
1033 ~~Hundred Sixty Dollars (\$660.00) for each year of teaching~~



1034 ~~experience possessed by the person holding such license until such~~  
1035 ~~person shall have twenty-five (25) years of teaching experience,~~  
1036 ~~and shall be increased by Three Hundred Thirty Dollars (\$330.00)~~  
1037 ~~for each year of teaching experience over twenty-five (25) years~~  
1038 ~~up to thirty-five (35) years.~~

1039 **2009-2010 School Year and School Years Thereafter**

1040 **Annual Increments**

1041 For teachers holding a Class AAAA license, the minimum base  
1042 pay specified in this subsection shall be increased by the sum of  
1043 Seven Hundred Ninety-four Dollars (\$794.00) for each year of  
1044 teaching experience possessed by the person holding such license  
1045 until such person shall have thirty-five (35) years of teaching  
1046 experience.

1047 For teachers holding a Class AAA license, the minimum base  
1048 pay specified in this subsection shall be increased by the sum of  
1049 Seven Hundred Twenty-seven Dollars (\$727.00) for each year of  
1050 teaching experience possessed by the person holding such license  
1051 until such person shall have thirty-five (35) years of teaching  
1052 experience.

1053 For teachers holding a Class AA license, the minimum base pay  
1054 specified in this subsection shall be increased by the sum of Six  
1055 Hundred Sixty Dollars (\$660.00) for each year of teaching  
1056 experience possessed by the person holding such license until such  
1057 person shall have thirty-five (35) years of teaching experience.



1058 For teachers holding a Class A license, the minimum base pay  
1059 specified in this subsection shall be increased by the sum of Four  
1060 Hundred Ninety-five Dollars (\$495.00) for each year of teaching  
1061 experience possessed by the person holding such license until such  
1062 person shall have thirty-five (35) years of teaching experience.

1063 The level of professional training of each teacher to be used  
1064 in establishing the salary allotment for the teachers for each  
1065 year shall be determined by the type of valid teacher's license  
1066 issued to those teachers on or before October 1 of the current  
1067 school year. \* \* \* ~~Provided, that~~ However, school districts are  
1068 authorized, in their discretion, to negotiate the salary levels  
1069 applicable to \* \* \* ~~certificated~~ licensed employees who are  
1070 receiving retirement benefits from the retirement system of  
1071 another state, and the annual experience increment provided  
1072 above \* \* \* ~~in Section 37-19-7~~ shall not be applicable to any such  
1073 retired \* \* \* ~~certificated~~ licensed employee.

1074 (2) (a) The following employees shall receive an annual  
1075 salary supplement in the amount of Six Thousand Dollars  
1076 (\$6,000.00), plus fringe benefits, in addition to any other  
1077 compensation to which the employee may be entitled:

1078 (i) Any licensed teacher who has met the  
1079 requirements and acquired a Master Teacher certificate from the  
1080 National Board for Professional Teaching Standards and who is  
1081 employed by a local school board or the State Board of Education  
1082 as a teacher and not as an administrator. Such teacher shall



1083 submit documentation to the State Department of Education that the  
1084 certificate was received prior to October 15 in order to be  
1085 eligible for the full salary supplement in the current school  
1086 year, or the teacher shall submit such documentation to the State  
1087 Department of Education prior to February 15 in order to be  
1088 eligible for a prorated salary supplement beginning with the  
1089 second term of the school year.

1090 (ii) A licensed nurse who has met the requirements  
1091 and acquired a certificate from the National Board for  
1092 Certification of School Nurses, Inc., and who is employed by a  
1093 local school board or the State Board of Education as a school  
1094 nurse and not as an administrator. The licensed school nurse  
1095 shall submit documentation to the State Department of Education  
1096 that the certificate was received before October 15 in order to be  
1097 eligible for the full salary supplement in the current school  
1098 year, or the licensed school nurse shall submit the documentation  
1099 to the State Department of Education before February 15 in order  
1100 to be eligible for a prorated salary supplement beginning with the  
1101 second term of the school year. \* \* \*~~Provided, However, \* \* \*that~~  
1102 the total number of licensed school nurses eligible for a salary  
1103 supplement under this subparagraph (ii) shall not exceed  
1104 thirty-five (35).

1105 (iii) Any licensed school counselor who has met  
1106 the requirements and acquired a National Certified School  
1107 Counselor (NCSC) endorsement from the National Board of Certified



1108 Counselors and who is employed by a local school board or the  
1109 State Board of Education as a counselor and not as an  
1110 administrator. Such licensed school counselor shall submit  
1111 documentation to the State Department of Education that the  
1112 endorsement was received prior to October 15 in order to be  
1113 eligible for the full salary supplement in the current school  
1114 year, or the licensed school counselor shall submit such  
1115 documentation to the State Department of Education prior to  
1116 February 15 in order to be eligible for a prorated salary  
1117 supplement beginning with the second term of the school year.  
1118 However, any school counselor who started the National Board for  
1119 Professional Teaching Standards process for school counselors  
1120 between June 1, 2003, and June 30, 2004, and completes the  
1121 requirements and acquires the Master Teacher certificate shall be  
1122 entitled to the master teacher supplement, and those counselors  
1123 who complete the process shall be entitled to a one-time  
1124 reimbursement for the actual cost of the process as outlined in  
1125 paragraph (b) of this subsection.

1126 (iv) Any licensed speech-language pathologist and  
1127 audiologist who has met the requirements and acquired a  
1128 Certificate of Clinical Competence from the American  
1129 Speech-Language-Hearing Association and any certified academic  
1130 language therapist (CALT) who has met the certification  
1131 requirements of the Academic Language Therapy Association and who  
1132 is employed by a local school board or is employed by a state



1133 agency under the State Personnel Board. The licensed  
1134 speech-language pathologist and audiologist and certified academic  
1135 language therapist shall submit documentation to the State  
1136 Department of Education that the certificate or endorsement was  
1137 received before October 15 in order to be eligible for the full  
1138 salary supplement in the current school year, or the licensed  
1139 speech-language pathologist and audiologist and certified academic  
1140 language therapist shall submit the documentation to the State  
1141 Department of Education before February 15 in order to be eligible  
1142 for a prorated salary supplement beginning with the second term of  
1143 the school year. However, the total number of certified academic  
1144 language therapists eligible for a salary supplement under this  
1145 paragraph (iv) shall not exceed twenty (20).

1146 (b) An employee shall be reimbursed one (1) time for  
1147 the actual cost of completing the process of acquiring the  
1148 certificate or endorsement, excluding any costs incurred for  
1149 postgraduate courses, not to exceed Five Hundred Dollars (\$500.00)  
1150 for a school counselor or speech-language pathologist and  
1151 audiologist, regardless of whether or not the process resulted in  
1152 the award of the certificate or endorsement. A local school  
1153 district or any private individual or entity may pay the cost of  
1154 completing the process of acquiring the certificate or endorsement  
1155 for any employee of the school district described under paragraph  
1156 (a), and the State Department of Education shall reimburse the  
1157 school district for such cost, regardless of whether or not the



1158 process resulted in the award of the certificate or endorsement.  
1159 If a private individual or entity has paid the cost of completing  
1160 the process of acquiring the certificate or endorsement for an  
1161 employee, the local school district may agree to directly  
1162 reimburse the individual or entity for such cost on behalf of the  
1163 employee.

1164 (c) All salary supplements, fringe benefits and process  
1165 reimbursement authorized under this subsection shall be paid  
1166 directly by the State Department of Education to the local school  
1167 district and shall be in addition to its \* \* \*~~minimum~~ adequate  
1168 education program allotments and not a part thereof in accordance  
1169 with regulations promulgated by the State Board of Education.  
1170 Local school districts shall not reduce the local supplement paid  
1171 to any employee receiving such salary supplement, and the employee  
1172 shall receive any local supplement to which employees with similar  
1173 training and experience otherwise are entitled.

1174 (d) The State Department of Education may not pay any  
1175 process reimbursement to a school district for an employee who  
1176 does not complete the certification or endorsement process  
1177 required to be eligible for the certificate or endorsement. If an  
1178 employee for whom such cost has been paid, in full or in part, by  
1179 a local school district or private individual or entity fails to  
1180 complete the certification or endorsement process, the employee  
1181 shall be liable to the school district or individual or entity for  
1182 all amounts paid by the school district or individual or entity on





1183 behalf of that employee toward his or her certificate or  
1184 endorsement.

1185 (3) (a) Effective July 1, 2007, if funds are available for  
1186 that purpose, the Legislature may authorize state funds for  
1187 additional base compensation for teachers holding licenses in  
1188 critical subject areas or the equivalent and who teach at least a  
1189 majority of their courses in a critical subject area, as  
1190 determined by the State Board of Education.

1191 (b) Effective July 1, 2007, if funds are available for  
1192 that purpose, the Legislature may authorize state funds for  
1193 additional base compensation for teachers employed in a public  
1194 school district located in a geographic area of the state  
1195 designated as a critical teacher shortage area by the State Board  
1196 of Education.

1197 (4) (a) This \* \* \*~~section~~ subsection shall be known and may  
1198 be cited as the "Mississippi Performance-Based Pay (MPBP)" plan.  
1199 In addition to the minimum base pay described in this section,  
1200 only after full funding of MAEP and if funds are available for  
1201 that purpose, the State of Mississippi may provide monies from  
1202 state funds to school districts for the purposes of  
1203 rewarding \* \* \*~~certified~~ licensed teachers, administrators and  
1204 nonlicensed personnel at individual schools showing improvement in  
1205 student test scores. The MPBP plan shall be developed by the  
1206 State Department of Education based on the following criteria:



1207 (i) It is the express intent of this \* \* \*  
1208 ~~legislations~~subsection that the MPBP plan shall utilize only  
1209 existing standards of accreditation and assessment as established  
1210 by the State Board of Education.

1211 (ii) To ensure that all of Mississippi's teachers,  
1212 administrators and nonlicensed personnel at all schools have equal  
1213 access to the monies set aside in this section, the MPBP program  
1214 shall be designed to calculate each school's performance as  
1215 determined by the school's increase in scores from the prior  
1216 school year. The MPBP program shall be based on a standardized  
1217 scores rating where all levels of schools can be judged in a  
1218 statistically fair and reasonable way upon implementation. At the  
1219 end of each year, after all student achievement scores have been  
1220 standardized, the State Department of Education shall implement  
1221 the MPBP plan.

1222 (iii) To ensure all teachers cooperate in the  
1223 spirit of teamwork, individual schools shall submit a plan to the  
1224 local school district to be approved before the beginning of each  
1225 school year beginning July 1, 2008. The plan shall include, but  
1226 not be limited to, how all teachers, regardless of subject area,  
1227 and administrators will be responsible for improving student  
1228 achievement for their individual school.

1229 (b) The State Board of Education shall develop the  
1230 processes and procedures for designating schools eligible to  
1231 participate in the MPBP. State assessment results, growth in



1232 student achievement at individual schools and other measures  
1233 deemed appropriate in designating successful student achievement  
1234 shall be used in establishing MPBP criteria. The State Board of  
1235 Education shall develop the MPBP policies and procedures and  
1236 report to the Legislature and Governor by December 1, 2006.

1237 (5) (a) Beginning in the 2008-2009 school year, if funds  
1238 are available for that purpose, each school in Mississippi shall  
1239 have mentor teachers, as defined by Sections 37-9-201 through  
1240 37-9-213, who shall receive additional base compensation provided  
1241 for by the State Legislature in the amount of One Thousand Dollars  
1242 (\$1,000.00) per each beginning teacher that is being mentored.  
1243 The additional state compensation shall be limited to those mentor  
1244 teachers that provide mentoring services to beginning teachers.  
1245 For the purposes of such funding, a beginning teacher shall be  
1246 defined as any teacher in any school in Mississippi that has less  
1247 than one (1) year of classroom experience teaching in a public  
1248 school. For the purposes of such funding, no full-time academic  
1249 teacher shall mentor more than two (2) beginning teachers.

1250 (b) To be eligible for this state funding, the  
1251 individual school must have a classroom management program  
1252 approved by the local school board.

1253 (6) Effective with the 2014-2015 school year, the school  
1254 districts participating in the Pilot Performance-Based  
1255 Compensation System pursuant to Section 37-19-9 may award  
1256 additional teacher and administrator pay based thereon.



1257           **SECTION 7.** This act shall take effect and be in force from  
1258 and after July 1, 2014.

