

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 least * * *
 20 one hundred seventy-five (175) days in each scholastic year.

21 (2) If the school board of any school district shall
 22 determine that it is not economically feasible or practicable to
 23 operate any school within the district for the full * * * one
 24 hundred seventy-five (175) days * * * due to an enemy attack, a



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

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

45 37-13-91. (1) This section shall be referred to as the
46 "Mississippi Compulsory School Attendance Law."

47 (2) The following terms as used in this section are defined
48 as follows:



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

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

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

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

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

68 (f) "Compulsory-school-age child" means a child who has
69 attained or will attain the age of six (6) years on or before
70 September 1 of the calendar year and who has not attained the age
71 of seventeen (17) years on or before September 1 of the calendar
72 year; and shall include any child who has attained or will attain



73 the age of five (5) years on or before September 1 and has
74 enrolled in a full-day public school kindergarten program.

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

77 (h) "Appropriate school official" means the
78 superintendent of the school district, or his designee, or, in the
79 case of a nonpublic school, the principal or the headmaster.

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

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

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

95 (b) When a compulsory-school-age child is enrolled in
96 and pursuing a course of special education, remedial education or



97 education for handicapped or physically or mentally disadvantaged
98 children.

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

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

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

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

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

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

120 (iv) The signature of the parent, guardian or
121 custodian of the compulsory-school-age child or, for any or all



122 compulsory-school-age child or children attending a charter school
123 or nonpublic school, the signature of the appropriate school
124 official and the date signed.

125 The certificate of enrollment shall be returned to the school
126 attendance officer where the child resides on or before September
127 15 of each year. Any parent, guardian or custodian found by the
128 school attendance officer to be in noncompliance with this section
129 shall comply, after written notice of the noncompliance by the
130 school attendance officer, with this subsection within ten (10)
131 days after the notice or be in violation of this section.

132 However, in the event the child has been enrolled in a public
133 school within fifteen (15) calendar days after the first day of
134 the school year as required in subsection (6), the parent or
135 custodian may, at a later date, enroll the child in a legitimate
136 nonpublic school or legitimate home instruction program and send
137 the certificate of enrollment to the school attendance officer and
138 be in compliance with this subsection.

139 For the purposes of this subsection, a legitimate nonpublic
140 school or legitimate home instruction program shall be * * * a
141 school or program not operated or instituted for the purpose of
142 avoiding or circumventing the compulsory attendance law.

143 (4) An "unlawful absence" is an absence for an entire school
144 day or during part of a school day by a compulsory-school-age
145 child, which absence is not due to a valid excuse for temporary
146 nonattendance. For purposes of reporting absenteeism under



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

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

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

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

169 (c) An absence is excused when isolation of a
170 compulsory-school-age child is ordered by the county health



171 officer, by the State Board of Health or appropriate school
172 official.

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

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

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

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

192 (h) An absence may be excused when it is demonstrated
193 to the satisfaction of the superintendent of the school district,
194 or his designee, that the purpose of the absence is to take
195 advantage of a valid educational opportunity such as travel,



196 including vacations or other family travel. Approval of the
197 absence must be gained from the superintendent of the school
198 district, or his designee, before the absence, but the approval
199 shall not be unreasonably withheld.

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

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

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

218 (5) Any parent, guardian or custodian of a
219 compulsory-school-age child subject to this section who refuses or
220 willfully fails to perform any of the duties imposed upon him or



221 her under this section or who intentionally falsifies any
222 information required to be contained in a certificate of
223 enrollment, shall be guilty of contributing to the neglect of a
224 child and, upon conviction, shall be punished in accordance with
225 Section 97-5-39.

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

243 (6) If a compulsory-school-age child has not been enrolled
244 in a school within fifteen (15) calendar days after the first day
245 of the school year of the school which the child is eligible to



246 attend or the child has accumulated five (5) unlawful absences
247 during the school year of the public school in which the child is
248 enrolled, the school district superintendent or his designee shall
249 report, within two (2) school days or within five (5) calendar
250 days, whichever is less, the absences to the school attendance
251 officer. The State Department of Education shall prescribe a
252 uniform method for schools to utilize in reporting the unlawful
253 absences to the school attendance officer. The superintendent or
254 his designee, also shall report any student suspensions or student
255 expulsions to the school attendance officer when they occur.

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



271 Attendance Law, and may order the child to enroll or re-enroll in
272 school. The superintendent of the school district to which the
273 child is ordered may assign, in his discretion, the child to the
274 alternative school program of the school established pursuant to
275 Section 37-13-92.

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

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



296 curriculum, admissions policy or discipline of any such school or
297 home instruction program.

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

300 37-151-5. As used in Sections 37-151-5 and 37-151-7:

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

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

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

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



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

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

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

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

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

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

343 (ii) "Vocational or technical education program"
344 shall mean a secondary vocational or technical program approved by



345 the State Department of Education and provided for from state
346 funds.

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

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

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

358 (vi) "Extended school year programs" shall mean
359 those programs authorized by law which extend beyond the normal
360 school year.

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

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

366 (f) "Teacher" shall include any employee of a local
367 school who is required by law to obtain a teacher's license from
368 the State Board of Education and who is assigned to an



369 instructional area of work as defined by the State Department of
370 Education.

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

373 (h) "Superintendent" shall mean the head of a school
374 district.

375 (i) "School district" shall mean any type of school
376 district in the State of Mississippi, and shall include
377 agricultural high schools.

378 (j) "Minimum school term" shall mean a term of at
379 least * * * one hundred seventy-five (175) days of school in which
380 both teachers and pupils are in regular attendance for scheduled
381 classroom instruction for not less than sixty-three percent (63%)
382 of the instructional day, as fixed by the local school board for
383 each school in the school district. It is the intent of the
384 Legislature that any tax levies generated to produce additional
385 local funds required by any school district to operate school
386 terms in excess of one hundred seventy-five (175) days shall not
387 be construed to constitute a new program for the purposes of
388 exemption from the limitation on tax revenues as allowed under
389 Sections 27-39-321 and 37-57-107 for new programs mandated by the
390 Legislature.

391 (k) The term "transportation density" shall mean the
392 number of transported children in average daily attendance per



393 square mile of area served in a school district, as determined by
394 the State Department of Education.

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

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



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

437 (n) (i) The term "average daily attendance" shall be
438 the figure which results when the total aggregate full-day
439 attendance during the period or months counted is divided by the
440 number of days during the period or months counted upon which both
441 teachers and pupils are in regular attendance for scheduled
442 classroom instruction, unless a pupil's absence is excused due to



443 participation in an activity authorized by the State Board of
444 Education under subparagraph (ii) of this paragraph, less the
445 average daily attendance for self-contained special education
446 classes. For purposes of determining and reporting attendance, a
447 pupil must be present for at least sixty-three percent (63%) of
448 the instructional day, as fixed by the local school board for each
449 school in the school district, in order to be considered in
450 full-day attendance. * * * Before full implementation of the
451 adequate education program the department shall deduct the average
452 daily attendance for the alternative school program provided for
453 in Section 37-19-22.

454 (ii) The State Board of Education shall define
455 those activities necessitating a pupil's absence that, for
456 purposes of determining and reporting attendance for average daily
457 attendance purposes, must be considered an excused absence. Such
458 activities include, but are not limited to: official organized
459 events sponsored by the 4-H or Future Farmers of America (FFA);
460 official organized junior livestock shows and rodeo events;
461 official employment as a page at the State Capitol for the
462 Mississippi House of Representatives or Senate; subject-matter
463 field trips; athletic contests; student conventions; music
464 festivals or contests; and any similar school-related activity
465 designated by the State Board of Education. The State Board of
466 Education shall prescribe the means by which a pupil's absence due
467 to participation in an activity authorized by the board pursuant



468 to this subparagraph must be verified. This subparagraph (ii)
469 shall stand repealed on July 1, 2016.

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

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

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

480 (r) "Department" shall mean the State Department of
481 Education.

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

484 (t) The term "successful school district" shall mean a
485 Level III school district as designated by the State Board of
486 Education using current statistically relevant state assessment
487 data.

488 (u) "Dual enrollment-dual credit programs" shall mean
489 programs for potential or recent high school student dropouts to
490 dually enroll in their home high school and a local community
491 college in a dual credit program consisting of high school
492 completion coursework and a credential, certificate or degree



493 program at the community college, as provided in Section
494 37-15-38(19).

495 (v) "Charter school" means a public school that is
496 established and operating under the terms of a charter contract
497 between the school's governing board and the Mississippi Charter
498 School Authorizer Board.

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

501 37-151-7. The annual allocation to each school district for
502 the operation of the adequate education program shall be
503 determined as follows:

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

508 (a) **Determination of average daily attendance.**
509 Effective with fiscal year 2011, the State Department of Education
510 shall determine the percentage change from the prior year of each
511 year of each school district's average of months two (2) and three
512 (3) average daily attendance (ADA) for the three (3) immediately
513 preceding school years of the year for which funds are being
514 appropriated. For any school district that experiences a positive
515 growth in the average of months two (2) and three (3) ADA each
516 year of the three (3) years, the average percentage growth over
517 the three-year period shall be multiplied times the school



518 district's average of months two (2) and three (3) ADA for the
519 year immediately preceding the year for which MAEP funds are being
520 appropriated. The resulting amount shall be added to the school
521 district's average of months two (2) and three (3) ADA for the
522 year immediately preceding the year for which MAEP funds are being
523 appropriated to arrive at the ADA to be used in determining a
524 school district's MAEP allocation. Otherwise, months two (2) and
525 three (3) ADA for the year immediately preceding the year for
526 which MAEP funds are being appropriated will be used in
527 determining a school district's MAEP allocation. In any fiscal
528 year prior to 2010 in which the MAEP formula is not fully funded,
529 for those districts that do not demonstrate a three-year positive
530 growth in months two (2) and three (3) ADA, months one (1) through
531 nine (9) ADA of the second preceding year for which funds are
532 being appropriated or months two (2) and three (3) ADA of the
533 preceding year for which funds are being appropriated, whichever
534 is greater, shall be used to calculate the district's MAEP
535 allocation. The district's average daily attendance shall be
536 computed and currently maintained in accordance with regulations
537 promulgated by the State Board of Education. The district's
538 average daily attendance shall include any student enrolled in a
539 Dual Enrollment-Dual Credit Program as defined and provided in
540 Section 37-15-38(19). The State Department of Education shall
541 make payments for Dual Enrollment-Dual Credit Programs to the home
542 school in which the student is enrolled, in accordance with



543 regulations promulgated by the State Board of Education. The
544 community college providing services to students in a Dual
545 Enrollment-Dual Credit Program shall require payment from the home
546 school district for services provided to such students at a rate
547 of one hundred percent (100%) of ADA. All MAEP/state funding
548 shall cease upon completion of high school graduation
549 requirements.

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

562 For the instructional cost component, the Department of
563 Education shall select districts that have been identified as
564 instructionally successful and have a ratio of a number of
565 teachers per one thousand (1,000) students that is between one (1)
566 standard deviation above the mean and two (2) standard deviations
567 below the mean of the statewide average of teachers per one



568 thousand (1,000) students. The instructional cost component shall
569 be calculated by dividing the latest available months one (1)
570 through nine (9) ADA into the instructional expenditures of these
571 selected districts. For the purpose of this calculation, the
572 Department of Education shall use the following funds, functions
573 and objects:

574 Fund 1120 Functions 1110-1199 Objects 100-999, Functions
575 1210, 1220, 2150-2159 Objects 210 and 215;
576 Fund 1130 All Functions, Object Code 210 and 215;
577 Fund 2001 Functions 1110-1199 Objects 100-999;
578 Fund 2070 Functions 1110-1199 Objects 100-999;
579 Fund 2420 Functions 1110-1199 Objects 100-999;
580 Fund 2711 All Functions, Object Code 210 and 215.

581 * * * Before the calculation of the instructional cost
582 component, there shall be subtracted from the above expenditures
583 any revenue received for Chickasaw Cession payments, Master
584 Teacher Certification payments and the district's portion of state
585 revenue received from the MAEP at-risk allocation.

586 For the administrative cost component, the Department of
587 Education shall select districts that have been identified as
588 instructionally successful and have a ratio of an administrative
589 staff to nonadministrative staff between one (1) standard
590 deviation above the mean and two (2) standard deviations below the
591 mean of the statewide average administrative staff to
592 nonadministrative staff. The administrative cost component shall



593 be calculated by dividing the latest available months one (1)
594 through nine (9) ADA of the selected districts into the
595 administrative expenditures of these selected districts. For the
596 purpose of this calculation, the Department of Education shall use
597 the following funds, functions and objects:

598 Fund 1120 Functions 2300-2599, Functions 2800-2899,
599 Objects 100-999;

600 Fund 2711 Functions 2300-2599, Functions 2800-2899,
601 Objects 100-999.

602 For the plant and maintenance cost component, the Department
603 of Education shall select districts that have been identified as
604 instructionally successful and have a ratio of plant and
605 maintenance expenditures per one hundred thousand (100,000) square
606 feet of building space and a ratio of maintenance workers per one
607 hundred thousand (100,000) square feet of building space that are
608 both between one (1) standard deviation above the mean and two (2)
609 standard deviations below the mean of the statewide average. The
610 plant and maintenance cost component shall be calculated by
611 dividing the latest available months one (1) through nine (9) ADA
612 of the selected districts into the plant and maintenance
613 expenditures of these selected districts. For the purpose of this
614 calculation, the Department of Education shall use the following
615 funds, functions and objects:

616 Fund 1120 Functions 2600-2699, Objects 100-699
617 and Objects 800-999;



618 Fund 2711 Functions 2600-2699, Objects 100-699

619 and Objects 800-999;

620 Fund 2430 Functions 2600-2699, Objects 100-699

621 and Objects 800-999.

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

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

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

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

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

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

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



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

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

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

658 (c) **Determination of the basic adequate education**
659 **program cost.** The basic amount for current operation to be
660 included in the Mississippi Adequate Education Program for each
661 school district shall be computed as follows:

662 Multiply the average daily attendance of the district by the
663 base student cost as established by the Legislature, which yields
664 the total base program cost for each school district.

665 (d) **Adjustment to the base student cost for at-risk**
666 **pupils.** The amount to be included for at-risk pupil programs for



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

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

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

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

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

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



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

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

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

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

703 The sum of the items listed above (i) transportation, (ii)
704 vocational or technical education, (iii) special education, (iv)
705 gifted education, (v) alternative school, (vi) extended school
706 year, (vii) university-based, and (viii) bus driver training shall
707 yield the add-on cost for each school district.

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

709 The total Mississippi Adequate Education Program cost shall be the
710 sum of the total basic adequate education program cost (paragraph
711 (c)), and the adjustment to the base student cost for at-risk
712 pupils (paragraph (d)) for each school district. In any year in
713 which the MAEP is not fully funded, the Legislature shall direct



714 the Department of Education in the K-12 appropriation bill as to
715 how to allocate MAEP funds to school districts for that year.

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

721 (2) **Computation of the required local revenue in support of**
722 **the adequate education program.** The amount that each district
723 shall provide toward the cost of the adequate education program
724 shall be calculated as follows:

725 (a) The State Department of Education shall certify to
726 each school district that twenty-eight (28) mills, less the
727 estimated amount of the yield of the School Ad Valorem Tax
728 Reduction Fund grants as determined by the State Department of
729 Education, is the millage rate required to provide the district
730 required local effort for that year, or twenty-seven percent (27%)
731 of the basic adequate education program cost for such school
732 district as determined under paragraph (c), whichever is a lesser
733 amount. In the case of an agricultural high school, the millage
734 requirement shall be set at a level which generates an equitable
735 amount per pupil to be determined by the State Board of Education.
736 The local contribution amount for school districts in which there
737 is located one or more charter schools will be calculated using
738 the following methodology: using the adequate education program



739 twenty-eight (28) mill value, or the twenty-seven percent (27%)
740 cap amount (whichever is less) for each school district in which a
741 charter school is located, an average per pupil amount will be
742 calculated. This average per pupil amount will be multiplied
743 times the number of students attending the charter school in that
744 school district. The sum becomes the charter school's local
745 contribution to the adequate education program.

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

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



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

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

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

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

779 (b) * * * However, * * * in fiscal year 1998 and in the
780 fiscal year in which the adequate education program is fully
781 funded by the Legislature, any increase in the * * * state
782 contribution to any district calculated under this section shall
783 be not less than eight percent (8%) in excess of the amount
784 received by * * * that district from state funds for the fiscal
785 year immediately preceding. For purposes of this paragraph (b),
786 state funds shall include minimum program funds less the add-on
787 programs, State Uniform Millage Assistance Grant Funds, Education
788 Enhancement Funds appropriated for Uniform Millage Assistance



789 Grants and state textbook allocations, and State General Funds
790 allocated for textbooks.

791 (c) If the school board of any school district shall
792 determine that it is not economically feasible or practicable to
793 operate any school within the district for the full * * * one
794 hundred seventy-five (175) days * * * established for a * * *
795 scholastic year * * * under Section 37-13-63, * * * due to an
796 enemy attack, a man-made, technological or natural disaster in
797 which the Governor has declared a disaster emergency under the
798 laws of this state or the President of the United States has
799 declared an emergency or major disaster to exist in this
800 state, * * * the school board may notify the State Department of
801 Education of such disaster and submit a plan for altering the
802 school term. If the State Board of Education finds such disaster
803 to be the cause of the school not operating for the contemplated
804 school term and that * * * the school was in a school district
805 covered by the Governor's or President's disaster declaration, it
806 may permit * * * the school board to operate the schools in its
807 district for less than * * * one hundred seventy-five (175) days
808 and, in such case, the State Department of Education shall not
809 reduce the state contributions to the adequate education program
810 allotment for such district, because of the failure to
811 operate * * * the schools for * * * one hundred seventy-five (175)
812 days.



813 (4) The Interim School District Capital Expenditure Fund is
814 hereby established in the State Treasury which shall be used to
815 distribute any funds specifically appropriated by the Legislature
816 to such fund to school districts entitled to increased allocations
817 of state funds under the adequate education program funding
818 formula prescribed in Sections 37-151-3 through 37-151-7,
819 Mississippi Code of 1972, until such time as the * * * adequate
820 education program is fully funded by the Legislature. The
821 following percentages of the total state cost of increased
822 allocations of funds under the adequate education program funding
823 formula shall be appropriated by the Legislature into the Interim
824 School District Capital Expenditure Fund to be distributed to all
825 school districts under the formula: Nine and two-tenths percent
826 (9.2%) shall be appropriated in fiscal year 1998, twenty percent
827 (20%) shall be appropriated in fiscal year 1999, forty percent
828 (40%) shall be appropriated in fiscal year 2000, sixty percent
829 (60%) shall be appropriated in fiscal year 2001, eighty percent
830 (80%) shall be appropriated in fiscal year 2002, and one hundred
831 percent (100%) shall be appropriated in fiscal year 2003 into the
832 State Adequate Education Program Fund. Until July 1, 2002, such
833 money shall be used by school districts for the following
834 purposes:

835 (a) Purchasing, erecting, repairing, equipping,
836 remodeling and enlarging school buildings and related facilities,
837 including gymnasiums, auditoriums, lunchrooms, vocational training



838 buildings, libraries, school barns and garages for transportation
839 vehicles, school athletic fields and necessary facilities
840 connected therewith, and purchasing land therefor. Any such
841 capital improvement project by a school district shall be approved
842 by the State Board of Education, and based on an approved
843 long-range plan. The State Board of Education shall promulgate
844 minimum requirements for the approval of school district capital
845 expenditure plans.

846 (b) Providing necessary water, light, heating,
847 air-conditioning, and sewerage facilities for school buildings,
848 and purchasing land therefor.

849 (c) Paying debt service on existing capital improvement
850 debt of the district or refinancing outstanding debt of a district
851 if such refinancing will result in an interest cost savings to the
852 district.

853 (d) From and after October 1, 1997, through June 30,
854 1998, pursuant to a school district capital expenditure plan
855 approved by the State Department of Education, a school district
856 may pledge such funds until July 1, 2002, plus funds provided for
857 in paragraph (e) of this subsection (4) that are not otherwise
858 permanently pledged under such paragraph (e) to pay all or a
859 portion of the debt service on debt issued by the school district
860 under Sections 37-59-1 through 37-59-45, 37-59-101 through
861 37-59-115, 37-7-351 through 37-7-359, 37-41-89 through 37-41-99,
862 37-7-301, 37-7-302 and 37-41-81, Mississippi Code of 1972, or debt



863 issued by boards of supervisors for agricultural high schools
864 pursuant to Section 37-27-65, Mississippi Code of 1972, or
865 lease-purchase contracts entered into pursuant to Section 31-7-13,
866 Mississippi Code of 1972, or to retire or refinance outstanding
867 debt of a district, if such pledge is accomplished pursuant to a
868 written contract or resolution approved and spread upon the
869 minutes of an official meeting of the district's school board or
870 board of supervisors. It is the intent of this provision to allow
871 school districts to irrevocably pledge their Interim School
872 District Capital Expenditure Fund allotments as a constant stream
873 of revenue to secure a debt issued under the foregoing code
874 sections. To allow school districts to make such an irrevocable
875 pledge, the state shall take all action necessary to ensure that
876 the amount of a district's Interim School District Capital
877 Expenditure Fund allotments shall not be reduced below the amount
878 certified by the department or the district's total allotment
879 under the Interim Capital Expenditure Fund if fully funded, so
880 long as such debt remains outstanding.

881 (e) [Repealed]

882 (f) [Repealed]

883 (g) The State Board of Education may authorize the
884 school district to expend not more than twenty percent (20%) of
885 its annual allotment of such funds or Twenty Thousand Dollars
886 (\$20,000.00), whichever is greater, for technology needs of the
887 school district, including computers, software,



888 telecommunications, cable television, interactive video, film,
889 low-power television, satellite communications, microwave
890 communications, technology-based equipment installation and
891 maintenance, and the training of staff in the use of such
892 technology-based instruction. Any such technology expenditure
893 shall be reflected in the local district technology plan approved
894 by the State Board of Education under Section 37-151-17,
895 Mississippi Code of 1972.

896 (h) To the extent a school district has not utilized
897 twenty percent (20%) of its annual allotment for technology
898 purposes under paragraph (g), a school district may expend not
899 more than twenty percent (20%) of its annual allotment or Twenty
900 Thousand Dollars (\$20,000.00), whichever is greater, for
901 instructional purposes. The State Board of Education may
902 authorize a school district to expend more than * * * twenty
903 percent (20%) of its annual allotment for instructional purposes
904 if it determines that such expenditures are needed for
905 accreditation purposes.

906 (i) The State Department of Education or the State
907 Board of Education may require that any project commenced under
908 this section with an estimated project cost of not less than Five
909 Million Dollars (\$5,000,000.00) shall be done only pursuant to
910 program management of the process with respect to design and
911 construction. Any individuals, partnerships, companies or other
912 entities acting as a program manager on behalf of a local school



913 district and performing program management services for projects
914 covered under this subsection shall be approved by the State
915 Department of Education.

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

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

923 (5) The State Department of Education shall make payments to
924 charter schools for each student in average daily attendance at
925 the charter school equal to the state share of the adequate
926 education program payments for each student in average daily
927 attendance at the school district in which the public charter
928 school is located. In calculating the local contribution for
929 purposes of determining the state share of the adequate education
930 program payments, the department shall deduct the pro rata local
931 contribution of the school district in which the student resides
932 as determined in subsection (2)(a) of this section.

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

935 37-9-24. (1) Except as otherwise provided in this section,
936 no school district shall contract with any licensed personnel for



937 a number of employment days which shall be less than * * * one
938 hundred seventy-seven (177).

939 * * *

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

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

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

953 37-19-7. (1) This * * * subsection shall be known and may
954 be cited as the Mississippi "Teacher Opportunity Program (TOP)."
955 The allowance in the Mississippi Adequate Education Program for
956 teachers' salaries in each * * * school district shall be
957 determined and paid in accordance with the scale for teachers'
958 salaries as provided in this subsection. For teachers holding the
959 following types of licenses or the equivalent as determined by the
960 State Board of Education, and the following number of years of
961 teaching experience, the scale shall be as follows:



962 **2007-2008 School Year and School Years Thereafter**

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

964	AAAA.....	\$ 35,020.00
965	AAA.....	33,990.00
966	AA.....	32,960.00
967	A.....	30,900.00

968 **25 or More Years of Teaching Experience**

969	AAAA.....	\$ 37,080.00
970	AAA.....	36,050.00
971	AA.....	35,020.00
972	A.....	32,960.00

973 The State Board of Education shall revise the salary scale
974 prescribed above for the 2007-2008 school year to conform to any
975 adjustments made to the salary scale in prior fiscal years due to
976 revenue growth over and above five percent (5%). For each one
977 percent (1%) that the Sine Die General Fund Revenue Estimate
978 Growth exceeds five percent (5%) for fiscal year 2006, as
979 certified by the Legislative Budget Office to the State Board of
980 Education and subject to specific appropriation therefor by the
981 Legislature, the State Board of Education shall revise the salary
982 scale to provide an additional one percent (1%) across-the-board
983 increase in the base salaries for each type of license.

984 It is the intent of the Legislature that any state funds made
985 available for salaries of licensed personnel in excess of the
986 funds paid for such salaries for the 1986-1987 school year shall



987 be paid to licensed personnel pursuant to a personnel appraisal
988 and compensation system implemented by the State Board of
989 Education. The State Board of Education shall have the authority
990 to adopt and amend rules and regulations as are necessary to
991 establish, administer and maintain the system.

992 All teachers employed on a full-time basis under a contract
993 having a term of no less than the number of employment days
994 required under Section 37-9-24 shall be paid a minimum salary in
995 accordance with the above scale. However, no school district
996 shall receive any funds under this section for any school year
997 during which the local supplement paid to any individual teacher
998 shall have been reduced to a sum less than that paid to that
999 individual teacher for performing the same duties from local
1000 supplement during the immediately preceding school year. The
1001 amount actually spent for the purposes of group health and/or life
1002 insurance shall be considered as a part of the aggregate amount of
1003 local supplement but shall not be considered a part of the amount
1004 of individual local supplement.

1005 * * *

1006 **2009-2010 School Year and School Years Thereafter**

1007 **Annual Increments**

1008 For teachers holding a Class AAAA license, the minimum base
1009 pay specified in this subsection shall be increased by the sum of
1010 Seven Hundred Ninety-four Dollars (\$794.00) for each year of
1011 teaching experience possessed by the person holding such license



1012 until such person shall have thirty-five (35) years of teaching
1013 experience.

1014 For teachers holding a Class AAA license, the minimum base
1015 pay specified in this subsection shall be increased by the sum of
1016 Seven Hundred Twenty-seven Dollars (\$727.00) for each year of
1017 teaching experience possessed by the person holding such license
1018 until such person shall have thirty-five (35) years of teaching
1019 experience.

1020 For teachers holding a Class AA license, the minimum base pay
1021 specified in this subsection shall be increased by the sum of Six
1022 Hundred Sixty Dollars (\$660.00) for each year of teaching
1023 experience possessed by the person holding such license until such
1024 person shall have thirty-five (35) years of teaching experience.

1025 For teachers holding a Class A license, the minimum base pay
1026 specified in this subsection shall be increased by the sum of Four
1027 Hundred Ninety-five Dollars (\$495.00) for each year of teaching
1028 experience possessed by the person holding such license until such
1029 person shall have thirty-five (35) years of teaching experience.

1030 The level of professional training of each teacher to be used
1031 in establishing the salary allotment for the teachers for each
1032 year shall be determined by the type of valid teacher's license
1033 issued to those teachers on or before October 1 of the current
1034 school year. * * * However, school districts are authorized, in
1035 their discretion, to negotiate the salary levels applicable
1036 to * * * licensed employees who are receiving retirement benefits



1037 from the retirement system of another state, and the annual
1038 experience increment provided above * * * shall not be applicable
1039 to any such retired * * * licensed employee.

1040 (2) (a) The following employees shall receive an annual
1041 salary supplement in the amount of Six Thousand Dollars
1042 (\$6,000.00), plus fringe benefits, in addition to any other
1043 compensation to which the employee may be entitled:

1044 (i) Any licensed teacher who has met the
1045 requirements and acquired a Master Teacher certificate from the
1046 National Board for Professional Teaching Standards and who is
1047 employed by a local school board or the State Board of Education
1048 as a teacher and not as an administrator. Such teacher shall
1049 submit documentation to the State Department of Education that the
1050 certificate was received prior to October 15 in order to be
1051 eligible for the full salary supplement in the current school
1052 year, or the teacher shall submit such documentation to the State
1053 Department of Education prior to February 15 in order to be
1054 eligible for a prorated salary supplement beginning with the
1055 second term of the school year.

1056 (ii) A licensed nurse who has met the requirements
1057 and acquired a certificate from the National Board for
1058 Certification of School Nurses, Inc., and who is employed by a
1059 local school board or the State Board of Education as a school
1060 nurse and not as an administrator. The licensed school nurse
1061 shall submit documentation to the State Department of Education



1062 that the certificate was received before October 15 in order to be
1063 eligible for the full salary supplement in the current school
1064 year, or the licensed school nurse shall submit the documentation
1065 to the State Department of Education before February 15 in order
1066 to be eligible for a prorated salary supplement beginning with the
1067 second term of the school year. * * * However, * * * the total
1068 number of licensed school nurses eligible for a salary supplement
1069 under this subparagraph (ii) shall not exceed thirty-five (35).

1070 (iii) Any licensed school counselor who has met
1071 the requirements and acquired a National Certified School
1072 Counselor (NCSC) endorsement from the National Board of Certified
1073 Counselors and who is employed by a local school board or the
1074 State Board of Education as a counselor and not as an
1075 administrator. Such licensed school counselor shall submit
1076 documentation to the State Department of Education that the
1077 endorsement was received prior to October 15 in order to be
1078 eligible for the full salary supplement in the current school
1079 year, or the licensed school counselor shall submit such
1080 documentation to the State Department of Education prior to
1081 February 15 in order to be eligible for a prorated salary
1082 supplement beginning with the second term of the school year.
1083 However, any school counselor who started the National Board for
1084 Professional Teaching Standards process for school counselors
1085 between June 1, 2003, and June 30, 2004, and completes the
1086 requirements and acquires the Master Teacher certificate shall be



1087 entitled to the master teacher supplement, and those counselors
1088 who complete the process shall be entitled to a one-time
1089 reimbursement for the actual cost of the process as outlined in
1090 paragraph (b) of this subsection.

1091 (iv) Any licensed speech-language pathologist and
1092 audiologist who has met the requirements and acquired a
1093 Certificate of Clinical Competence from the American
1094 Speech-Language-Hearing Association and any certified academic
1095 language therapist (CALT) who has met the certification
1096 requirements of the Academic Language Therapy Association and who
1097 is employed by a local school board or is employed by a state
1098 agency under the State Personnel Board. The licensed
1099 speech-language pathologist and audiologist and certified academic
1100 language therapist shall submit documentation to the State
1101 Department of Education that the certificate or endorsement was
1102 received before October 15 in order to be eligible for the full
1103 salary supplement in the current school year, or the licensed
1104 speech-language pathologist and audiologist and certified academic
1105 language therapist shall submit the documentation to the State
1106 Department of Education before February 15 in order to be eligible
1107 for a prorated salary supplement beginning with the second term of
1108 the school year. However, the total number of certified academic
1109 language therapists eligible for a salary supplement under this
1110 paragraph (iv) shall not exceed twenty (20).



1111 (b) An employee shall be reimbursed one (1) time for
1112 the actual cost of completing the process of acquiring the
1113 certificate or endorsement, excluding any costs incurred for
1114 postgraduate courses, not to exceed Five Hundred Dollars (\$500.00)
1115 for a school counselor or speech-language pathologist and
1116 audiologist, regardless of whether or not the process resulted in
1117 the award of the certificate or endorsement. A local school
1118 district or any private individual or entity may pay the cost of
1119 completing the process of acquiring the certificate or endorsement
1120 for any employee of the school district described under paragraph
1121 (a), and the State Department of Education shall reimburse the
1122 school district for such cost, regardless of whether or not the
1123 process resulted in the award of the certificate or endorsement.
1124 If a private individual or entity has paid the cost of completing
1125 the process of acquiring the certificate or endorsement for an
1126 employee, the local school district may agree to directly
1127 reimburse the individual or entity for such cost on behalf of the
1128 employee.

1129 (c) All salary supplements, fringe benefits and process
1130 reimbursement authorized under this subsection shall be paid
1131 directly by the State Department of Education to the local school
1132 district and shall be in addition to its * * * adequate education
1133 program allotments and not a part thereof in accordance with
1134 regulations promulgated by the State Board of Education. Local
1135 school districts shall not reduce the local supplement paid to any



1136 employee receiving such salary supplement, and the employee shall
1137 receive any local supplement to which employees with similar
1138 training and experience otherwise are entitled.

1139 (d) The State Department of Education may not pay any
1140 process reimbursement to a school district for an employee who
1141 does not complete the certification or endorsement process
1142 required to be eligible for the certificate or endorsement. If an
1143 employee for whom such cost has been paid, in full or in part, by
1144 a local school district or private individual or entity fails to
1145 complete the certification or endorsement process, the employee
1146 shall be liable to the school district or individual or entity for
1147 all amounts paid by the school district or individual or entity on
1148 behalf of that employee toward his or her certificate or
1149 endorsement.

1150 (3) (a) Effective July 1, 2007, if funds are available for
1151 that purpose, the Legislature may authorize state funds for
1152 additional base compensation for teachers holding licenses in
1153 critical subject areas or the equivalent and who teach at least a
1154 majority of their courses in a critical subject area, as
1155 determined by the State Board of Education.

1156 (b) Effective July 1, 2007, if funds are available for
1157 that purpose, the Legislature may authorize state funds for
1158 additional base compensation for teachers employed in a public
1159 school district located in a geographic area of the state



1160 designated as a critical teacher shortage area by the State Board
1161 of Education.

1162 (4) (a) This * * * subsection shall be known and may be
1163 cited as the "Mississippi Performance-Based Pay (MPBP)" plan. In
1164 addition to the minimum base pay described in this section, only
1165 after full funding of MAEP and if funds are available for that
1166 purpose, the State of Mississippi may provide monies from state
1167 funds to school districts for the purposes of rewarding * * *
1168 licensed teachers, administrators and nonlicensed personnel at
1169 individual schools showing improvement in student test scores.
1170 The MPBP plan shall be developed by the State Department of
1171 Education based on the following criteria:

1172 (i) It is the express intent of this * * *
1173 subsection that the MPBP plan shall utilize only existing
1174 standards of accreditation and assessment as established by the
1175 State Board of Education.

1176 (ii) To ensure that all of Mississippi's teachers,
1177 administrators and nonlicensed personnel at all schools have equal
1178 access to the monies set aside in this section, the MPBP program
1179 shall be designed to calculate each school's performance as
1180 determined by the school's increase in scores from the prior
1181 school year. The MPBP program shall be based on a standardized
1182 scores rating where all levels of schools can be judged in a
1183 statistically fair and reasonable way upon implementation. At the
1184 end of each year, after all student achievement scores have been



1185 standardized, the State Department of Education shall implement
1186 the MPBP plan.

1187 (iii) To ensure all teachers cooperate in the
1188 spirit of teamwork, individual schools shall submit a plan to the
1189 local school district to be approved before the beginning of each
1190 school year beginning July 1, 2008. The plan shall include, but
1191 not be limited to, how all teachers, regardless of subject area,
1192 and administrators will be responsible for improving student
1193 achievement for their individual school.

1194 (b) The State Board of Education shall develop the
1195 processes and procedures for designating schools eligible to
1196 participate in the MPBP. State assessment results, growth in
1197 student achievement at individual schools and other measures
1198 deemed appropriate in designating successful student achievement
1199 shall be used in establishing MPBP criteria. The State Board of
1200 Education shall develop the MPBP policies and procedures and
1201 report to the Legislature and Governor by December 1, 2006.

1202 (5) (a) Beginning in the 2008-2009 school year, if funds
1203 are available for that purpose, each school in Mississippi shall
1204 have mentor teachers, as defined by Sections 37-9-201 through
1205 37-9-213, who shall receive additional base compensation provided
1206 for by the State Legislature in the amount of One Thousand Dollars
1207 (\$1,000.00) per each beginning teacher that is being mentored.
1208 The additional state compensation shall be limited to those mentor
1209 teachers that provide mentoring services to beginning teachers.



1210 For the purposes of such funding, a beginning teacher shall be
1211 defined as any teacher in any school in Mississippi that has less
1212 than one (1) year of classroom experience teaching in a public
1213 school. For the purposes of such funding, no full-time academic
1214 teacher shall mentor more than two (2) beginning teachers.

1215 (b) To be eligible for this state funding, the
1216 individual school must have a classroom management program
1217 approved by the local school board.

1218 (6) Effective with the 2014-2015 school year, the school
1219 districts participating in the Pilot Performance-Based
1220 Compensation System pursuant to Section 37-19-9 may award
1221 additional teacher and administrator pay based thereon.

1222 **SECTION 7.** This act shall take effect and be in force from
1223 and after July 1, 2014.

