

By: Representatives Foster, Sykes

To: Education

HOUSE BILL NO. 537

1 AN ACT TO AMEND SECTION 37-151-5, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE DEFINITION OF THE TERM "YEAR OF TEACHING EXPERIENCE"
3 TO INCLUDE PERSON WITH NINE MONTHS OF ACTUAL TEACHING AT
4 POSTSECONDARY INSTITUTIONS; AND FOR RELATED PURPOSES.

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

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

8 37-151-5. As used in Sections 37-151-5 and 37-151-7:

9 (a) "Adequate program" or "adequate education program"
10 or "Mississippi Adequate Education Program (MAEP)" shall mean the
11 program to establish adequate current operation funding levels
12 necessary for the programs of such school district to meet at
13 least a successful Level III rating of the accreditation system as
14 established by the State Board of Education using current
15 statistically relevant state assessment data.

16 (b) "Educational programs or elements of programs not
17 included in the adequate education program calculations, but which
18 may be included in appropriations and transfers to school
19 districts" shall mean:



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

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

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

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

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

41 (d) "Base student cost" shall mean the funding level
42 necessary for providing an adequate education program for one (1)
43 base student, subject to any minimum amounts prescribed in Section
44 37-151-7(1).



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

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

51 (ii) "Vocational or technical education program"
52 shall mean a secondary vocational or technical program approved by
53 the State Department of Education and provided for from state
54 funds.

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

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

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

66 (vi) "Extended school year programs" shall mean
67 those programs authorized by law which extend beyond the normal
68 school year.



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

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

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

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

81 (h) "Superintendent" shall mean the head of a school
82 district.

83 (i) "School district" shall mean any type of school
84 district in the State of Mississippi, and shall include
85 agricultural high schools.

86 (j) "Minimum school term" shall mean a term of at least
87 one hundred eighty (180) days of school in which both teachers and
88 pupils are in regular attendance for scheduled classroom
89 instruction for not less than sixty-three percent (63%) of the
90 instructional day, as fixed by the local school board for each
91 school in the school district. It is the intent of the
92 Legislature that any tax levies generated to produce additional
93 local funds required by any school district to operate school



94 terms in excess of one hundred seventy-five (175) days shall not
95 be construed to constitute a new program for the purposes of
96 exemption from the limitation on tax revenues as allowed under
97 Sections 27-39-321 and 37-57-107 for new programs mandated by the
98 Legislature.

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

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

108 (m) The term "year of teaching experience" shall mean
109 nine (9) months of actual teaching in the public or private
110 elementary and secondary schools and shall also include nine (9)
111 months of actual teaching at postsecondary institutions. In no
112 case shall more than one (1) year of teaching experience be given
113 for all services in one (1) calendar or school year. In
114 determining a teacher's experience, no deduction shall be made
115 because of the temporary absence of the teacher because of illness
116 or other good cause, and the teacher shall be given credit
117 therefor. Beginning with the 2003-2004 school year, the State
118 Board of Education shall fix a number of days, not to exceed



119 forty-five (45) consecutive school days, during which a teacher
120 may not be under contract of employment during any school year and
121 still be considered to have been in full-time employment for a
122 regular scholastic term. If a teacher exceeds the number of days
123 established by the State Board of Education that a teacher may not
124 be under contract but may still be employed, that teacher shall
125 not be credited with a year of teaching experience. In
126 determining the experience of school librarians, each complete
127 year of continuous, full-time employment as a professional
128 librarian in a public library in this or some other state shall be
129 considered a year of teaching experience. If a full-time school
130 administrator returns to actual teaching in the public schools,
131 the term "year of teaching experience" shall include the period of
132 time he or she served as a school administrator. In determining
133 the salaries of teachers who have experience in any branch of the
134 military, the term "year of teaching experience" shall include
135 each complete year of actual classroom instruction while serving
136 in the military. In determining the experience of speech-language
137 pathologists and audiologists, each complete year of continuous
138 full-time post master's degree employment in an educational
139 setting in this or some other state shall be considered a year of
140 teaching experience. Provided, however, that school districts are
141 authorized, in their discretion, to negotiate the salary levels
142 applicable to certificated employees employed after July 1, 2009,
143 who are receiving retirement benefits from the retirement system



144 of another state, and the annual experience increment provided in
145 Section 37-19-7 shall not be applicable to any such retired
146 certificated employee.

147 (n) (i) The term "average daily attendance" shall be
148 the figure which results when the total aggregate full-day
149 attendance during the period or months counted is divided by the
150 number of days during the period or months counted upon which both
151 teachers and pupils are in regular attendance for scheduled
152 classroom instruction, unless a pupil's absence is excused due to
153 participation in an activity authorized by the State Board of
154 Education under subparagraph (ii) of this paragraph, less the
155 average daily attendance for self-contained special education
156 classes. For purposes of determining and reporting attendance, a
157 pupil must be present for at least sixty-three percent (63%) of
158 the instructional day, as fixed by the local school board for each
159 school in the school district, in order to be considered in
160 full-day attendance. Prior to full implementation of the adequate
161 education program the department shall deduct the average daily
162 attendance for the alternative school program provided for in
163 Section 37-19-22.

164 (ii) The State Board of Education shall define
165 those activities necessitating a pupil's absence that, for
166 purposes of determining and reporting attendance for average daily
167 attendance purposes, must be considered an excused absence. Such
168 activities include, but are not limited to: official organized



169 events sponsored by the 4-H or Future Farmers of America (FFA);
170 official organized junior livestock shows and rodeo events;
171 official employment as a page at the State Capitol for the
172 Mississippi House of Representatives or Senate; subject-matter
173 field trips; athletic contests; student conventions; music
174 festivals or contests; and any similar school-related activity
175 designated by the State Board of Education. The State Board of
176 Education shall prescribe the means by which a pupil's absence due
177 to participation in an activity authorized by the board pursuant
178 to this subparagraph must be verified. This subparagraph (ii)
179 shall stand repealed on July 1, 2016.

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

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

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

190 (r) "Department" shall mean the State Department of
191 Education.

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



194 (t) The term "successful school district" shall mean a
195 Level III school district as designated by the State Board of
196 Education using current statistically relevant state assessment
197 data.

198 (u) "Dual enrollment-dual credit programs" shall mean
199 programs for potential or recent high school student dropouts to
200 dually enroll in their home high school and a local community
201 college in a dual credit program consisting of high school
202 completion coursework and a credential, certificate or degree
203 program at the community college, as provided in Section
204 37-15-38(19).

205 (v) "Charter school" means a public school that is
206 established and operating under the terms of a charter contract
207 between the school's governing board and the Mississippi Charter
208 School Authorizer Board.

209 **SECTION 2.** This act shall take effect and be in force from
210 and after July 1, 2017.

