

By: Representative Formby

To: Education;
Appropriations

HOUSE BILL NO. 14

1 AN ACT TO AMEND SECTIONS 37-19-1 AND 37-151-5, MISSISSIPPI
2 CODE OF 1972, TO INCLUDE EXPELLED STUDENTS IN THE COMPUTATION OF A
3 SCHOOL DISTRICT'S AVERAGE DAILY ATTENDANCE; AND FOR RELATED
4 PURPOSES.

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

6 SECTION 1. Section 37-19-1, Mississippi Code of 1972, is
7 amended as follows:

8 37-19-1. As used in this chapter:

9 (a) The term "minimum education program" shall mean the
10 program of education made possible by the financing plan provided
11 for in this chapter;

12 (b) The term "teacher" shall include any employee of a
13 school board of a school district who is required by law to obtain
14 a teacher's license from the State Board of Education and who is
15 assigned to an instructional area of work as defined by the State
16 Department of Education the equivalent of a minimum of three (3)
17 normal periods per school day;

18 (c) The term "principal" shall mean the head of an
19 attendance center or division thereof;

20 (d) The term "superintendent" shall mean the head of a
21 school district, or the administrative superintendent as defined
22 in Section 37-6-3(4), as the case may be;

23 (e) The term "teacher unit" means one (1) teacher unit
24 for each twenty-four (24) pupils in average daily attendance in
25 kindergarten and in Grades 1, 2, 3 and 4 and one (1) teacher unit
26 for each twenty-seven (27) pupils in average daily attendance in
27 all other grades;

28 (f) The term "cost of the minimum program" shall mean

29 the calculated allowance as fixed by law or by regulations of the
30 State Board of Education for teachers' salaries, administrative
31 expense, transportation, the employer's part of the public
32 employees' retirement and Social Security, and "supportive
33 services" as defined elsewhere in this chapter;

34 (g) The term "school district" shall, for purposes of
35 this chapter, be construed to include any type of school district
36 in the State of Mississippi;

37 (h) "Minimum school term" shall mean a term of at least
38 one hundred eighty (180) days of school in which both teachers and
39 pupils are in regular attendance for scheduled classroom
40 instruction for not less than sixty percent (60%) of the normal
41 school day. It is the intent of the Legislature that any tax
42 levies generated to produce additional local funds required by any
43 school district to operate school terms in excess of one hundred
44 seventy-five (175) days shall not be construed to constitute a new
45 program for the purposes of exemption from the limitation on tax
46 revenues as allowed under Sections 27-39-321 and 37-57-107 for new
47 programs mandated by the Legislature;

48 (i) The term "transportation density" shall mean the
49 number of transported children in average daily attendance per
50 square mile of area served in a county or a separate school
51 district, as determined by the State Department of Education;

52 (j) The term "transported children" shall mean children
53 being transported to school who live within legal limits for
54 transportation and who are otherwise qualified for being
55 transported to school at public expense as fixed by Mississippi
56 state law;

57 (k) The term "year of teaching experience" shall mean
58 nine (9) months of actual teaching in the public or private
59 schools of this or some other state. In no case shall more than
60 one (1) year of teaching experience be given for all services in
61 one (1) calendar or school year. In determining a teacher's
62 experience, no deduction shall be made because of the temporary

63 absence of the teacher because of illness or other good cause, and
64 the teacher shall be given credit therefor. The State Board of
65 Education shall fix a number of days, not to exceed twenty-five
66 (25) consecutive school days, during which a teacher may not be
67 under contract of employment during any school year and still be
68 considered to have been in full-time employment for a regular
69 scholastic term. If a full-time school administrator returns to
70 actual teaching in the public schools, the term "year of teaching
71 experience" shall include the period of time he or she served as a
72 school administrator;

73 (l) The term "average daily attendance" shall be the
74 figure which results when the total aggregate attendance plus the
75 number of students not in actual attendance due solely to their
76 having been expelled from a public school during the period or
77 months counted is divided by the number of days during the period
78 or months counted upon which both teachers and pupils are in
79 regular attendance for scheduled classroom instruction;

80 (m) The term "local supplement" shall mean the amount
81 paid to an individual teacher over and above the minimum
82 foundation program salary schedule for regular teaching duties;

83 (n) The term "aggregate amount of support from ad
84 valorem taxation" shall mean the amounts produced by the
85 district's total tax levies for operations;

86 (o) The term "minimum program funds" shall mean all
87 funds, both state and local, constituting the requirements for
88 meeting the cost of the minimum program as provided for in this
89 chapter.

90 SECTION 2. Section 37-151-5, Mississippi Code of 1972, is
91 amended as follows:

92 37-151-5. As used in Sections 37-151-3, 37-151-5 and
93 37-151-7:

94 (a) "Adequate program" or "adequate education program"
95 or "Mississippi Adequate Education Program (M.A.E.P.)" shall mean
96 the program proposed to establish adequate current operation

97 funding levels necessary for the programs of such school district
98 to meet at least Level III of the accreditation system as
99 established by the State Board of Education, acting through the
100 Mississippi Commission on School Accreditation, regardless of the
101 school district's geographic location.

102 (b) "Educational programs or elements of programs not
103 included in the adequate education program calculations, but which
104 may be included in appropriations and transfers to school
105 districts" shall mean:

106 (i) "Capital outlay" shall mean those funds used
107 for the constructing, improving, equipping, renovating or major
108 repairing of school buildings or other school facilities, or the
109 cost of acquisition of land whereon to construct or establish such
110 school facilities.

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

115 (iii) "Adult education" shall mean public
116 education dealing primarily with students above eighteen (18)
117 years of age not enrolled as full-time public school students and
118 not classified as students of technical schools, colleges or
119 universities of the state.

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

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

127 (d) "Base student cost" shall mean the funding level
128 necessary for providing an adequate education program for one (1)
129 base student, subject to any minimum amounts prescribed in Section
130 37-151-7(1).

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

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

137 (ii) "Vocational or technical education program"
138 shall mean a secondary vocational or technical program approved by
139 the State Department of Education and provided for from state
140 funds.

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

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

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

152 (vi) "Extended school year programs" shall mean
153 those programs authorized by law which extend beyond the normal
154 school year.

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

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

160 (f) "Teacher" shall include any employee of a local
161 school who is required by law to obtain a teacher's license from
162 the State Board of Education and who is assigned to an
163 instructional area of work as defined by the State Department of
164 Education.

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

167 (h) "Superintendent" shall mean the head of a school
168 district.

169 (i) "School district" shall mean any type of school
170 district in the State of Mississippi, and shall include
171 agricultural high schools.

172 (j) "Minimum school term" shall mean a term of at least
173 one hundred eighty (180) days of school in which both teachers and
174 pupils are in regular attendance for scheduled classroom
175 instruction for not less than sixty percent (60%) of the normal
176 school day. It is the intent of the Legislature that any tax
177 levies generated to produce additional local funds required by any
178 school district to operate school terms in excess of one hundred
179 seventy-five (175) days shall not be construed to constitute a new
180 program for the purposes of exemption from the limitation on tax
181 revenues as allowed under Sections 27-39-321 and 37-57-107 for new
182 programs mandated by the Legislature.

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

187 (l) The term "transported children" shall mean children
188 being transported to school who live within legal limits for
189 transportation and who are otherwise qualified for being
190 transported to school at public expense as fixed by Mississippi
191 state law.

192 (m) The term "year of teaching experience" shall mean
193 nine (9) months of actual teaching in the public or private
194 schools of this or some other state. In no case shall more than
195 one (1) year of teaching experience be given for all services in
196 one (1) calendar or school year. In determining a teacher's
197 experience, no deduction shall be made because of the temporary
198 absence of the teacher because of illness or other good cause, and

199 the teacher shall be given credit therefor. The State Board of
200 Education shall fix a number of days, not to exceed twenty-five
201 (25) consecutive school days, during which a teacher may not be
202 under contract of employment during any school year and still be
203 considered to have been in full-time employment for a regular
204 scholastic term. If a full-time school administrator returns to
205 actual teaching in the public schools, the term "year of teaching
206 experience" shall include the period of time he or she served as a
207 school administrator.

208 (n) The term "average daily attendance" shall be the
209 figure which results when the total aggregate attendance plus the
210 number of students not in actual attendance due solely to their
211 having been expelled from a public school during the period or
212 months counted is divided by the number of days during the period
213 or months counted upon which both teachers and pupils are in
214 regular attendance for scheduled classroom instruction less the
215 average daily attendance for self-contained special education
216 classes and, prior to full implementation of the adequate
217 education program the department shall deduct the average daily
218 attendance for the alternative school program provided for in
219 Section 37-19-22.

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

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

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

230 (r) "Department" shall mean the State Department of
231 Education.

232 (s) "Commission" shall mean the Mississippi Commission

233 on School Accreditation created under Section 37-17-3.

234 SECTION 3. This act shall take effect and be in force from
235 and after July 1, 1999.