

By: Representative Moore

To: Education

## HOUSE BILL NO. 162

1 AN ACT TO AMEND SECTION 37-13-61, MISSISSIPPI CODE OF 1972,  
2 TO ESTABLISH THE OPENING AND CLOSING DATES OF THE SCHOOL YEAR IN  
3 THE PUBLIC SCHOOLS; TO AMEND SECTION 37-19-1, MISSISSIPPI CODE OF  
4 1972, IN CONFORMITY THERETO; TO REPEAL SECTION 37-13-63,  
5 MISSISSIPPI CODE OF 1972, WHICH PROVIDES THE MINIMUM NUMBER OF  
6 DAYS WHICH THE PUBLIC SCHOOLS MUST BE KEPT IN SESSION EACH YEAR;  
7 AND FOR RELATED PURPOSES.

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

9 SECTION 1. Section 37-13-61, Mississippi Code of 1972, is  
10 amended as follows:

11 37-13-61. The \* \* \* date for the opening of the school term  
12 in all public schools in the state shall be the first Tuesday  
13 immediately succeeding the first Monday of September (Labor Day),  
14 and the date for the closing of the school term in the public  
15 schools shall be the Friday next preceding the last Monday of May  
16 (National Memorial Day). The State Board of Education shall  
17 promulgate guidelines for an annual school calendar to be observed  
18 by all public school districts. The calendar shall specify the  
19 minimum number of days between the opening and closing dates of  
20 the school term which the schools must be kept in session.

21 SECTION 2. Section 37-19-1, Mississippi Code of 1972, is  
22 amended as follows:

23 37-19-1. As used in this chapter:

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

27 (b) The term "teacher" shall include any employee of a  
28 school board of a school district who is required by law to obtain  
29 a teacher's license from the State Board of Education and who is

30 assigned to an instructional area of work as defined by the State  
31 Department of Education the equivalent of a minimum of three (3)  
32 normal periods per school day;

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

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

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

43 (f) The term "cost of the minimum program" shall mean  
44 the calculated allowance as fixed by law or by regulations of the  
45 State Board of Education for teachers' salaries, administrative  
46 expense, transportation, the employer's part of the public  
47 employees' retirement and Social Security, and "supportive  
48 services" as defined elsewhere in this chapter;

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

52 (h) "Minimum school term" shall mean a term of at least  
53 the minimum number of days of school in which both teachers and  
54 pupils are in regular attendance for scheduled classroom  
55 instruction for not less than sixty percent (60%) of the normal  
56 school day, as established by the State Board of Education. It is  
57 the intent of the Legislature that any tax levies generated to  
58 produce additional local funds required by any school district to  
59 operate school terms in excess of one hundred seventy-five (175)  
60 days shall not be construed to constitute a new program for the  
61 purposes of exemption from the limitation on tax revenues as  
62 allowed under Sections 27-39-321 and 37-57-107 for new programs  
63 mandated by the Legislature;

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

68           (j) The term "transported children" shall mean children  
69 being transported to school who live within legal limits for  
70 transportation and who are otherwise qualified for being  
71 transported to school at public expense as fixed by Mississippi  
72 state law;

73           (k) The term "year of teaching experience" shall mean  
74 nine (9) months of actual teaching in the public or private  
75 schools of this or some other state. In no case shall more than  
76 one (1) year of teaching experience be given for all services in  
77 one (1) calendar or school year. In determining a teacher's  
78 experience, no deduction shall be made because of the temporary  
79 absence of the teacher because of illness or other good cause, and  
80 the teacher shall be given credit therefor. The State Board of  
81 Education shall fix a number of days, not to exceed twenty-five  
82 (25) consecutive school days, during which a teacher may not be  
83 under contract of employment during any school year and still be  
84 considered to have been in full-time employment for a regular  
85 scholastic term. If a full-time school administrator returns to  
86 actual teaching in the public schools, the term "year of teaching  
87 experience" shall include the period of time he or she served as a  
88 school administrator;

89           (l) The term "average daily attendance" shall be the  
90 figure which results when the total aggregate attendance during  
91 the period or months counted is divided by the number of days  
92 during the period or months counted upon which both teachers and  
93 pupils are in regular attendance for scheduled classroom  
94 instruction;

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

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

101           (o) The term "minimum program funds" shall mean all

102 funds, both state and local, constituting the requirements for  
103 meeting the cost of the minimum program as provided for in this  
104 chapter.

105 SECTION 3. Section 37-13-63, Mississippi Code of 1972, which  
106 establishes the minimum number of days which the public schools  
107 must be kept in session during a scholastic year, is repealed.

108 SECTION 4. This act shall take effect and be in force from  
109 and after July 1, 1999.