

By: Formby

To: Education;
Appropriations

HOUSE BILL NO. 624

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 * * *;

22 (e) The term "teacher unit" means one (1) teacher unit

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

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

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

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

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

51 (j) The term "transported children" shall mean children
52 being transported to school who live within legal limits for
53 transportation and who are otherwise qualified for being

54 transported to school at public expense as fixed by Mississippi
55 state law;

56 (k) The term "year of teaching experience" shall mean
57 nine (9) months of actual teaching in the public or private
58 schools of this or some other state. In no case shall more than
59 one (1) year of teaching experience be given for all services in
60 one (1) calendar or school year. In determining a teacher's
61 experience, no deduction shall be made because of the temporary
62 absence of the teacher because of illness or other good cause, and
63 the teacher shall be given credit therefor. The State Board of
64 Education shall fix a number of days, not to exceed twenty-five
65 (25) consecutive school days, during which a teacher may not be
66 under contract of employment during any school year and still be
67 considered to have been in full-time employment for a regular
68 scholastic term. If a full-time school administrator returns to
69 actual teaching in the public schools, the term "year of teaching
70 experience" shall include the period of time he or she served as a
71 school administrator;

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

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

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

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

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

91 37-151-5. As used in Sections 37-151-3, 37-151-5 and
92 37-151-7:

93 (a) "Adequate program" or "adequate education program"
94 or "Mississippi Adequate Education Program (M.A.E.P.)" shall mean
95 the program proposed to establish adequate current operation
96 funding levels necessary for the programs of such school district
97 to meet at least Level III of the accreditation system as
98 established by the State Board of Education, acting through the
99 Mississippi Commission on School Accreditation, regardless of the
100 school district's geographic location.

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

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

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

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

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

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

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

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

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

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

138 the State Department of Education and provided for from state
139 funds.

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

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

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

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

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

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

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

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

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

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

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

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

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

191 (m) The term "year of teaching experience" shall mean
192 nine (9) months of actual teaching in the public or private
193 schools of this or some other state. In no case shall more than

194 one (1) year of teaching experience be given for all services in
195 one (1) calendar or school year. In determining a teacher's
196 experience, no deduction shall be made because of the temporary
197 absence of the teacher because of illness or other good cause, and
198 the teacher shall be given credit therefor. The State Board of
199 Education shall fix a number of days, not to exceed twenty-five
200 (25) consecutive school days, during which a teacher may not be
201 under contract of employment during any school year and still be
202 considered to have been in full-time employment for a regular
203 scholastic term. If a full-time school administrator returns to
204 actual teaching in the public schools, the term "year of teaching
205 experience" shall include the period of time he or she served as a
206 school administrator.

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

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

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

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

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

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

233 SECTION 3. This act shall take effect and be in force from
234 and after July 1, 2000.