

By: Moore (60th), Barbour, Dedeaux, Denny, Formby, Markham, Miles, Montgomery (15th), Robinson (84th), Smith (59th), Snowden, Ward

To: Education; Appropriations

HOUSE BILL NO. 979

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 SECTIONS 37-19-1 AND 37-151-5,
4 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO REPEAL SECTION
5 37-13-63, MISSISSIPPI CODE OF 1972, WHICH PROVIDES THE MINIMUM
6 NUMBER OF DAYS WHICH THE PUBLIC SCHOOLS MUST BE KEPT IN SESSION
7 EACH YEAR; 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 * * * 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 school calendar shall specify
19 the minimum number of days between the opening and closing dates
20 of 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 2. Section 37-151-5, Mississippi Code of 1972, is
106 amended as follows:

107 37-151-5. As used in Sections 37-151-3, 37-151-5 and
108 37-151-7:

109 (a) "Adequate program" or "adequate education program"
110 or "Mississippi Adequate Education Program (M.A.E.P.)" shall mean
111 the program proposed to establish adequate current operation
112 funding levels necessary for the programs of such school district
113 to meet at least Level III of the accreditation system as
114 established by the State Board of Education, acting through the
115 Mississippi Commission on School Accreditation, regardless of the
116 school district's geographic location.

117 (b) "Educational programs or elements of programs not
118 included in the adequate education program calculations, but which
119 may be included in appropriations and transfers to school
120 districts" shall mean:

121 (i) "Capital outlay" shall mean those funds used
122 for the constructing, improving, equipping, renovating or major
123 repairing of school buildings or other school facilities, or the
124 cost of acquisition of land whereon to construct or establish such
125 school facilities.

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

130 (iii) "Adult education" shall mean public
131 education dealing primarily with students above eighteen (18)

132 years of age not enrolled as full-time public school students and
133 not classified as students of technical schools, colleges or
134 universities of the state.

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

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

142 (d) "Base student cost" shall mean the funding level
143 necessary for providing an adequate education program for one (1)
144 base student, subject to any minimum amounts prescribed in Section
145 37-151-7(1).

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

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

152 (ii) "Vocational or technical education program"
153 shall mean a secondary vocational or technical program approved by
154 the State Department of Education and provided for from state
155 funds.

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

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

164 (v) "Alternative school program" shall mean those

165 programs for certain compulsory-school-age students as defined and
166 provided for in Sections 37-13-92 and 37-19-22.

167 (vi) "Extended school year programs" shall mean
168 those programs authorized by law which extend beyond the normal
169 school year.

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

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

175 (f) "Teacher" shall include any employee of a local
176 school who is required by law to obtain a teacher's license from
177 the State Board of Education and who is assigned to an
178 instructional area of work as defined by the State Department of
179 Education.

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

182 (h) "Superintendent" shall mean the head of a school
183 district.

184 (i) "School district" shall mean any type of school
185 district in the State of Mississippi, and shall include
186 agricultural high schools.

187 (j) "Minimum school term" shall mean a term of at least
188 the minimum number of days of school in which both teachers and
189 pupils are in regular attendance for scheduled classroom
190 instruction for not less than sixty percent (60%) of the normal
191 school day, as established by the State Board of Education. It is
192 the intent of the Legislature that any tax levies generated to
193 produce additional local funds required by any school district to
194 operate school terms in excess of one hundred seventy-five (175)
195 days shall not be construed to constitute a new program for the
196 purposes of exemption from the limitation on tax revenues as
197 allowed under Sections 27-39-321 and 37-57-107 for new programs

198 mandated by the Legislature.

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

203 (l) The term "transported children" shall mean children
204 being transported to school who live within legal limits for
205 transportation and who are otherwise qualified for being
206 transported to school at public expense as fixed by Mississippi
207 state law.

208 (m) The term "year of teaching experience" shall mean
209 nine (9) months of actual teaching in the public or private
210 schools of this or some other state. In no case shall more than
211 one (1) year of teaching experience be given for all services in
212 one (1) calendar or school year. In determining a teacher's
213 experience, no deduction shall be made because of the temporary
214 absence of the teacher because of illness or other good cause, and
215 the teacher shall be given credit therefor. The State Board of
216 Education shall fix a number of days, not to exceed twenty-five
217 (25) consecutive school days, during which a teacher may not be
218 under contract of employment during any school year and still be
219 considered to have been in full-time employment for a regular
220 scholastic term. If a full-time school administrator returns to
221 actual teaching in the public schools, the term "year of teaching
222 experience" shall include the period of time he or she served as a
223 school administrator.

224 (n) The term "average daily attendance" shall be the
225 figure which results when the total aggregate attendance during
226 the period or months counted is divided by the number of days
227 during the period or months counted upon which both teachers and
228 pupils are in regular attendance for scheduled classroom
229 instruction less the average daily attendance for self-contained
230 special education classes and, prior to full implementation of the

231 adequate education program the department shall deduct the average
232 daily attendance for the alternative school program provided for
233 in Section 37-19-22.

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

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

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

244 (r) "Department" shall mean the State Department of
245 Education.

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

248 SECTION 4. Section 37-13-63, Mississippi Code of 1972, which
249 establishes the minimum number of days which the public schools
250 must be kept in session during a scholastic year, is repealed.

251 SECTION 5. This act shall take effect and be in force from
252 and after July 1, 2000.