

By: Representative Moore (60th)

To: Education;  
Appropriations

HOUSE BILL NO. 392

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;

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

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

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

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



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

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

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

92           (l) The term "average daily attendance" shall be the  
93 figure which results when the total aggregate attendance during  
94 the period or months counted is divided by the number of days  
95 during the period or months counted upon which both teachers and



96 pupils are in regular attendance for scheduled classroom  
97 instruction;

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

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

104 (o) The term "minimum program funds" shall mean all  
105 funds, both state and local, constituting the requirements for  
106 meeting the cost of the minimum program as provided for in this  
107 chapter.

108 SECTION 3. Section 37-151-5, Mississippi Code of 1972, is  
109 amended as follows:

110 37-151-5. As used in Sections 37-151-3, 37-151-5 and  
111 37-151-7:

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

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

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



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

133                   (iii) "Adult education" shall mean public  
134 education dealing primarily with students above eighteen (18)  
135 years of age not enrolled as full-time public school students and  
136 not classified as students of technical schools, colleges or  
137 universities of the state.

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

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

145                   (d) "Base student cost" shall mean the funding level  
146 necessary for providing an adequate education program for one (1)  
147 base student, subject to any minimum amounts prescribed in Section  
148 37-151-7(1).

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

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

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

159                   (iii) "Special education program" shall mean a  
160 program for exceptional children as defined and authorized by



161 Sections 37-23-1 through 37-23-9, and approved by the State  
162 Department of Education and provided from state funds.

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

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

170 (vi) "Extended school year programs" shall mean  
171 those programs authorized by law which extend beyond the normal  
172 school year.

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

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

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

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

185 (h) "Superintendent" shall mean the head of a school  
186 district.

187 (i) "School district" shall mean any type of school  
188 district in the State of Mississippi, and shall include  
189 agricultural high schools.

190 (j) "Minimum school term" shall mean a term of at least  
191 the minimum number of days of school in which both teachers and  
192 pupils are in regular attendance for scheduled classroom  
193 instruction for not less than sixty percent (60%) of the normal



194 school day, as established by the State Board of Education. It is  
195 the intent of the Legislature that any tax levies generated to  
196 produce additional local funds required by any school district to  
197 operate school terms in excess of one hundred seventy-five (175)  
198 days shall not be construed to constitute a new program for the  
199 purposes of exemption from the limitation on tax revenues as  
200 allowed under Sections 27-39-321 and 37-57-107 for new programs  
201 mandated by the Legislature.

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

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

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



227 a full-time school administrator returns to actual teaching in the  
228 public schools, the term "year of teaching experience" shall  
229 include the period of time he or she served as a school  
230 administrator.

231 (n) The term "average daily attendance" shall be the  
232 figure which results when the total aggregate attendance during  
233 the period or months counted is divided by the number of days  
234 during the period or months counted upon which both teachers and  
235 pupils are in regular attendance for scheduled classroom  
236 instruction less the average daily attendance for self-contained  
237 special education classes and, prior to full implementation of the  
238 adequate education program the department shall deduct the average  
239 daily attendance for the alternative school program provided for  
240 in Section 37-19-22.

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

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

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

251 (r) "Department" shall mean the State Department of  
252 Education.

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

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

258 SECTION 5. This act shall take effect and be in force from  
259 and after July 1, 2001.

