

By: Representatives Formby, Cameron

To: Education;
Appropriations

HOUSE BILL NO. 935

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. In determining the experience of school
69 librarians, each complete year of continuous, full-time employment
70 as a professional librarian in a public library in this or some
71 other state shall be considered a year of teaching experience. If
72 a full-time school administrator returns to actual teaching in the
73 public schools, the term "year of teaching experience" shall
74 include the period of time he or she served as a school
75 administrator;

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

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

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

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

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



95 37-151-5. As used in Sections 37-151-3, 37-151-5 and
96 37-151-7:

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

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

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

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

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

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

126 (c) "Base student" shall mean that student
127 classification that represents the most economically educated



128 pupil in a school system meeting Level III accreditation, as
129 determined by the State Board of Education.

130 (d) "Base student cost" shall mean the funding level
131 necessary for providing an adequate education program for one (1)
132 base student, subject to any minimum amounts prescribed in Section
133 37-151-7(1).

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

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

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

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

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

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

155 (vi) "Extended school year programs" shall mean
156 those programs authorized by law which extend beyond the normal
157 school year.

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



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

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

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

170 (h) "Superintendent" shall mean the head of a school
171 district.

172 (i) "School district" shall mean any type of school
173 district in the State of Mississippi, and shall include
174 agricultural high schools.

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

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

190 (l) The term "transported children" shall mean children
191 being transported to school who live within legal limits for
192 transportation and who are otherwise qualified for being



193 transported to school at public expense as fixed by Mississippi
194 state law.

195 (m) The term "year of teaching experience" shall mean
196 nine (9) months of actual teaching in the public or private
197 schools of this or some other state. In no case shall more than
198 one (1) year of teaching experience be given for all services in
199 one (1) calendar or school year. In determining a teacher's
200 experience, no deduction shall be made because of the temporary
201 absence of the teacher because of illness or other good cause, and
202 the teacher shall be given credit therefor. The State Board of
203 Education shall fix a number of days, not to exceed twenty-five
204 (25) consecutive school days, during which a teacher may not be
205 under contract of employment during any school year and still be
206 considered to have been in full-time employment for a regular
207 scholastic term. In determining the experience of school
208 librarians, each complete year of continuous, full-time employment
209 as a professional librarian in a public library in this or some
210 other state shall be considered a year of teaching experience. If
211 a full-time school administrator returns to actual teaching in the
212 public schools, the term "year of teaching experience" shall
213 include the period of time he or she served as a school
214 administrator.

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



225 attendance for the alternative school program provided for in
226 Section 37-19-22.

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

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

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

237 (r) "Department" shall mean the State Department of
238 Education.

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

241 SECTION 3. This act shall take effect and be in force from
242 and after July 1, 2001.

