

By: Representative Moore (60th)

To: Education

HOUSE BILL NO. 412

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 37-151-5, 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 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 37-151-5, Mississippi Code of 1972, is  
22 amended as follows:

23 37-151-5. As used in Sections 37-151-3, 37-151-5 and  
24 37-151-7:

25 (a) "Adequate program" or "adequate education program"  
26 or "Mississippi Adequate Education Program (M.A.E.P.)" shall mean  
27 the program to establish adequate current operation funding levels  
28 necessary for the programs of such school district to meet at  
29 least Level III of the accreditation system as established by the



30 State Board of Education, acting through the Mississippi  
31 Commission on School Accreditation, regardless of the school  
32 district's geographic location.

33 (b) "Educational programs or elements of programs not  
34 included in the adequate education program calculations, but which  
35 may be included in appropriations and transfers to school  
36 districts" shall mean:

37 (i) "Capital outlay" shall mean those funds used  
38 for the constructing, improving, equipping, renovating or major  
39 repairing of school buildings or other school facilities, or the  
40 cost of acquisition of land whereon to construct or establish such  
41 school facilities.

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

46 (iii) "Adult education" shall mean public  
47 education dealing primarily with students above eighteen (18)  
48 years of age not enrolled as full-time public school students and  
49 not classified as students of technical schools, colleges or  
50 universities of the state.

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

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

58 (d) "Base student cost" shall mean the funding level  
59 necessary for providing an adequate education program for one (1)  
60 base student, subject to any minimum amounts prescribed in Section  
61 37-151-7(1).



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

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

68 (ii) "Vocational or technical education program"  
69 shall mean a secondary vocational or technical program approved by  
70 the State Department of Education and provided for from state  
71 funds.

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

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

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

83 (vi) "Extended school year programs" shall mean  
84 those programs authorized by law which extend beyond the normal  
85 school year.

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

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

91 (f) "Teacher" shall include any employee of a local  
92 school who is required by law to obtain a teacher's license from  
93 the State Board of Education and who is assigned to an



94 instructional area of work as defined by the State Department of  
95 Education.

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

98 (h) "Superintendent" shall mean the head of a school  
99 district.

100 (i) "School district" shall mean any type of school  
101 district in the State of Mississippi, and shall include  
102 agricultural high schools.

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

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

119 (l) The term "transported children" shall mean children  
120 being transported to school who live within legal limits for  
121 transportation and who are otherwise qualified for being  
122 transported to school at public expense as fixed by Mississippi  
123 state law.

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



127 one (1) year of teaching experience be given for all services in  
128 one (1) calendar or school year. In determining a teacher's  
129 experience, no deduction shall be made because of the temporary  
130 absence of the teacher because of illness or other good cause, and  
131 the teacher shall be given credit therefor. The State Board of  
132 Education shall fix a number of days, not to exceed twenty-five  
133 (25) consecutive school days, during which a teacher may not be  
134 under contract of employment during any school year and still be  
135 considered to have been in full-time employment for a regular  
136 scholastic term. In determining the experience of school  
137 librarians, each complete year of continuous, full-time employment  
138 as a professional librarian in a public library in this or some  
139 other state shall be considered a year of teaching experience. If  
140 a full-time school administrator returns to actual teaching in the  
141 public schools, the term "year of teaching experience" shall  
142 include the period of time he or she served as a school  
143 administrator. In determining the salaries of teachers who have  
144 experience in any branch of the military, the term "year of  
145 teaching experience" shall include each complete year of actual  
146 classroom instruction while serving in the military.

147 (n) The term "average daily attendance" shall be the  
148 figure which results when the total aggregate attendance during  
149 the period or months counted is divided by the number of days  
150 during the period or months counted upon which both teachers and  
151 pupils are in regular attendance for scheduled classroom  
152 instruction less the average daily attendance for self-contained  
153 special education classes and, prior to full implementation of the  
154 adequate education program the department shall deduct the average  
155 daily attendance for the alternative school program provided for  
156 in Section 37-19-22.

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



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

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

167           (r) "Department" shall mean the State Department of  
168 Education.

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

171           **SECTION 3.** Section 37-13-63, Mississippi Code of 1972, which  
172 provides the minimum number of days which the public schools must  
173 be kept in session each year, is repealed.

174           **SECTION 4.** This act shall take effect and be in force from  
175 and after July 1, 2003.

