

By: Senator(s) Browning

To: Education

SENATE BILL NO. 2178

1 AN ACT TO AMEND SECTION 37-13-61, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT ALL PUBLIC SCHOOL TERMS SHALL OPEN ON THE TUESDAY
3 FOLLOWING LABOR DAY; TO AMEND SECTIONS 37-13-63 AND 37-151-5,
4 MISSISSIPPI CODE OF 1972, TO REDUCE THE MINIMUM LENGTH OF THE
5 SCHOOL TERM IN ALL SCHOOL DISTRICTS; AND FOR RELATED PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 **SECTION 1.** Section 37-13-61, Mississippi Code of 1972, is
8 amended as follows:

9 37-13-61. The State Board of Education shall have the power
10 and authority to fix the date for the opening of the school term
11 in all schools in the state, and shall promulgate guidelines for
12 an annual school calendar to be observed by all public school
13 districts. Provided, however, that the school term shall open on
14 the first Tuesday following Labor Day.

15 **SECTION 2.** Section 37-13-63, Mississippi Code of 1972, is
16 amended as follows:

17 37-13-63. (1) All public schools in the state shall be kept
18 in session for at least one hundred seventy (170) days in each
19 scholastic year.

20 (2) If the school board of any school district shall
21 determine that it is not economically feasible or practicable to
22 operate any school within the district for the full one hundred
23 seventy (170) days required for a scholastic year as contemplated
24 due to an enemy attack, a man-made, technological or natural
25 disaster in which the Governor has declared a disaster emergency
26 under the laws of this state or the President of the United States
27 has declared an emergency or major disaster to exist in this
28 state, said school board may notify the State Department of

29 Education of such disaster and submit a plan for altering the
30 school term. If the State Board of Education finds such disaster
31 to be the cause of the school not operating for the contemplated
32 school term and that such school was in a school district covered
33 by the Governor's or President's disaster declaration, it may
34 permit said school board to operate the schools in its district
35 for less than one hundred seventy (170) days.

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

38 37-151-5. As used in Sections 37-151-3, 37-151-5 and
39 37-151-7:

40 (a) "Adequate program" or "adequate education program"
41 or "Mississippi Adequate Education Program (M.A.E.P.)" shall mean
42 the program to establish adequate current operation funding levels
43 necessary for the programs of such school district to meet at
44 least Level III of the accreditation system as established by the
45 State Board of Education, acting through the Mississippi
46 Commission on School Accreditation, regardless of the school
47 district's geographic location.

48 (b) "Educational programs or elements of programs not
49 included in the adequate education program calculations, but which
50 may be included in appropriations and transfers to school
51 districts" shall mean:

52 (i) "Capital outlay" shall mean those funds used
53 for the constructing, improving, equipping, renovating or major
54 repairing of school buildings or other school facilities, or the
55 cost of acquisition of land whereon to construct or establish such
56 school facilities.

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

61 (iii) "Adult education" shall mean public
62 education dealing primarily with students above eighteen (18)
63 years of age not enrolled as full-time public school students and
64 not classified as students of technical schools, colleges or
65 universities of the state.

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

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

73 (d) "Base student cost" shall mean the funding level
74 necessary for providing an adequate education program for one (1)
75 base student, subject to any minimum amounts prescribed in Section
76 37-151-7(1).

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

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

83 (ii) "Vocational or technical education program"
84 shall mean a secondary vocational or technical program approved by
85 the State Department of Education and provided for from state
86 funds.

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

91 (iv) "Gifted education program" shall mean those
92 programs for the instruction of intellectually or academically

93 gifted children as defined and provided for in Section 37-23-175
94 et seq.

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

98 (vi) "Extended school year programs" shall mean
99 those programs authorized by law which extend beyond the normal
100 school year.

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

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

106 (f) "Teacher" shall include any employee of a local
107 school who is required by law to obtain a teacher's license from
108 the State Board of Education and who is assigned to an
109 instructional area of work as defined by the State Department of
110 Education.

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

113 (h) "Superintendent" shall mean the head of a school
114 district.

115 (i) "School district" shall mean any type of school
116 district in the State of Mississippi, and shall include
117 agricultural high schools.

118 (j) "Minimum school term" shall mean a term of at least
119 one hundred seventy (170) days of school in which both teachers
120 and pupils are in regular attendance for scheduled classroom
121 instruction for not less than sixty percent (60%) of the normal
122 school day. It is the intent of the Legislature that any tax
123 levies generated to produce additional local funds required by any
124 school district to operate school terms in excess of one hundred
125 seventy (170) days shall not be construed to constitute a new

126 program for the purposes of exemption from the limitation on tax
127 revenues as allowed under Sections 27-39-321 and 37-57-107 for new
128 programs mandated by the Legislature.

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

133 (l) The term "transported children" shall mean children
134 being transported to school who live within legal limits for
135 transportation and who are otherwise qualified for being
136 transported to school at public expense as fixed by Mississippi
137 state law.

138 (m) The term "year of teaching experience" shall mean
139 nine (9) months of actual teaching in the public or private
140 schools. In no case shall more than one (1) year of teaching
141 experience be given for all services in one (1) calendar or school
142 year. In determining a teacher's experience, no deduction shall
143 be made because of the temporary absence of the teacher because of
144 illness or other good cause, and the teacher shall be given credit
145 therefor. Beginning with the 2003-2004 school year, the State
146 Board of Education shall fix a number of days, not to exceed
147 forty-five (45) consecutive school days, during which a teacher
148 may not be under contract of employment during any school year and
149 still be considered to have been in full-time employment for a
150 regular scholastic term. If a teacher exceeds the number of days
151 established by the State Board of Education that a teacher may not
152 be under contract but may still be employed, that teacher shall
153 not be credited with a year of teaching experience. In
154 determining the experience of school librarians, each complete
155 year of continuous, full-time employment as a professional
156 librarian in a public library in this or some other state shall be
157 considered a year of teaching experience. If a full-time school
158 administrator returns to actual teaching in the public schools,

159 the term "year of teaching experience" shall include the period of
160 time he or she served as a school administrator. In determining
161 the salaries of teachers who have experience in any branch of the
162 military, the term "year of teaching experience" shall include
163 each complete year of actual classroom instruction while serving
164 in the military. In determining the experience of speech-language
165 pathologists and audiologists, each complete year of continuous
166 full-time post master's degree employment in an educational
167 setting in this or some other state shall be considered a year of
168 teaching experience.

169 (n) The term "average daily attendance" shall be the
170 figure which results when the total aggregate attendance during
171 the period or months counted is divided by the number of days
172 during the period or months counted upon which both teachers and
173 pupils are in regular attendance for scheduled classroom
174 instruction less the average daily attendance for self-contained
175 special education classes and, prior to full implementation of the
176 adequate education program the department shall deduct the average
177 daily attendance for the alternative school program provided for
178 in Section 37-19-22.

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

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

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

189 (r) "Department" shall mean the State Department of
190 Education.

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

193 **SECTION 4.** This act shall take effect and be in force from
194 and after July 1, 2005.