

By: Representative Baker (74th)

To: Education

HOUSE BILL NO. 195

1 AN ACT TO AMEND SECTION 37-13-63, MISSISSIPPI CODE OF 1972,
2 TO REDUCE THE NUMBER OF DAYS IN A SCHOLASTIC SCHOOL YEAR; TO AMEND
3 SECTION 37-151-5, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO;
4 TO AMEND SECTION 37-9-24, MISSISSIPPI CODE OF 1972, TO
5 CORRESPONDINGLY REDUCE THE MINIMUM NUMBER OF EMPLOYMENT DAYS
6 ALLOWED UNDER LICENSED SCHOOL EMPLOYEE CONTRACTS; AND FOR RELATED
7 PURPOSES.

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

9 **SECTION 1.** Section 37-13-63, Mississippi Code of 1972, is
10 amended as follows:

11 37-13-63. (1) All public schools in the state shall be kept
12 in session for at least one hundred seventy-five (175) days in
13 each scholastic year.

14 (2) If the school board of any school district shall
15 determine that it is not economically feasible or practicable to
16 operate any school within the district for the full one hundred
17 seventy-five (175) days required for a scholastic year as
18 contemplated due to an enemy attack, a man-made, technological or
19 natural disaster in which the Governor has declared a disaster
20 emergency under the laws of this state or the President of the
21 United States has declared an emergency or major disaster to exist
22 in this state, said school board may notify the State Department
23 of Education of such disaster and submit a plan for altering the
24 school term. If the State Board of Education finds such disaster
25 to be the cause of the school not operating for the contemplated
26 school term and that such school was in a school district covered
27 by the Governor's or President's disaster declaration, it may
28 permit said school board to operate the schools in its district
29 for less than one hundred seventy-five (175) days.



30 **SECTION 2.** Section 37-151-5, Mississippi Code of 1972, is
31 amended as follows:

32 37-151-5. As used in Sections 37-151-5 and 37-151-7:

33 (a) "Adequate program" or "adequate education program"
34 or "Mississippi Adequate Education Program (MAEP)" shall mean the
35 program to establish adequate current operation funding levels
36 necessary for the programs of such school district to meet at
37 least a successful Level III rating of the accreditation system as
38 established by the State Board of Education using current
39 statistically relevant state assessment data.

40 (b) "Educational programs or elements of programs not
41 included in the adequate education program calculations, but which
42 may be included in appropriations and transfers to school
43 districts" shall mean:

44 (i) "Capital outlay" shall mean those funds used
45 for the constructing, improving, equipping, renovating or major
46 repairing of school buildings or other school facilities, or the
47 cost of acquisition of land whereon to construct or establish such
48 school facilities.

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

53 (iii) "Adult education" shall mean public
54 education dealing primarily with students above eighteen (18)
55 years of age not enrolled as full-time public school students and
56 not classified as students of technical schools, colleges or
57 universities of the state.

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

61 (c) "Base student" shall mean that student
62 classification that represents the most economically educated



63 pupil in a school system meeting the definition of successful, as
64 determined by the State Board of Education.

65 (d) "Base student cost" shall mean the funding level
66 necessary for providing an adequate education program for one (1)
67 base student, subject to any minimum amounts prescribed in Section
68 37-151-7(1).

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

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

75 (ii) "Vocational or technical education program"
76 shall mean a secondary vocational or technical program approved by
77 the State Department of Education and provided for from state
78 funds.

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

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

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

90 (vi) "Extended school year programs" shall mean
91 those programs authorized by law which extend beyond the normal
92 school year.

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



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

98 (f) "Teacher" shall include any employee of a local
99 school who is required by law to obtain a teacher's license from
100 the State Board of Education and who is assigned to an
101 instructional area of work as defined by the State Department of
102 Education.

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

105 (h) "Superintendent" shall mean the head of a school
106 district.

107 (i) "School district" shall mean any type of school
108 district in the State of Mississippi, and shall include
109 agricultural high schools.

110 (j) "Minimum school term" shall mean a term of at least
111 one hundred seventy-five (175) days of school in which both
112 teachers and pupils are in regular attendance for scheduled
113 classroom instruction for not less than sixty percent (60%) of the
114 normal school day. It is the intent of the Legislature that any
115 tax levies generated to produce additional local funds required by
116 any school district to operate school terms in excess of one
117 hundred seventy-five (175) days shall not be construed to
118 constitute a new program for the purposes of exemption from the
119 limitation on tax revenues as allowed under Sections 27-39-321 and
120 37-57-107 for new programs mandated by the Legislature.

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

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



128 transported to school at public expense as fixed by Mississippi
129 state law.

130 (m) The term "year of teaching experience" shall mean
131 nine (9) months of actual teaching in the public or private
132 schools. In no case shall more than one (1) year of teaching
133 experience be given for all services in one (1) calendar or school
134 year. In determining a teacher's experience, no deduction shall
135 be made because of the temporary absence of the teacher because of
136 illness or other good cause, and the teacher shall be given credit
137 therefor. Beginning with the 2003-2004 school year, the State
138 Board of Education shall fix a number of days, not to exceed
139 forty-five (45) consecutive school days, during which a teacher
140 may not be under contract of employment during any school year and
141 still be considered to have been in full-time employment for a
142 regular scholastic term. If a teacher exceeds the number of days
143 established by the State Board of Education that a teacher may not
144 be under contract but may still be employed, that teacher shall
145 not be credited with a year of teaching experience. In
146 determining the experience of school librarians, each complete
147 year of continuous, full-time employment as a professional
148 librarian in a public library in this or some other state shall be
149 considered a year of teaching experience. If a full-time school
150 administrator returns to actual teaching in the public schools,
151 the term "year of teaching experience" shall include the period of
152 time he or she served as a school administrator. In determining
153 the salaries of teachers who have experience in any branch of the
154 military, the term "year of teaching experience" shall include
155 each complete year of actual classroom instruction while serving
156 in the military. In determining the experience of speech-language
157 pathologists and audiologists, each complete year of continuous
158 full-time post master's degree employment in an educational
159 setting in this or some other state shall be considered a year of
160 teaching experience.



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

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

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

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

181 (r) "Department" shall mean the State Department of
182 Education.

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

185 (t) The term "successful school district" shall mean a
186 Level III school district as designated by the State Board of
187 Education using current statistically relevant state assessment
188 data.

189 **SECTION 3.** Section 37-9-24, Mississippi Code of 1972, is
190 amended as follows:

191 37-9-24. (1) Except as otherwise provided in this
192 section, * * * no school district shall contract with any licensed



193 personnel for less than one hundred eighty-seven (187) employment
194 days.

195 Beginning with the 2008-2009 school year, no school district
196 shall contract with any licensed personnel for less than one
197 hundred eighty-two (182) employment days.

198 (2) Licensed personnel may be employed for less than a full
199 school year if the contract states the exact period of time for
200 which the licensed person is to be employed.

201 **SECTION 4.** This act shall take effect and be in force from
202 and after July 1, 2007.

