

By: Representative Moore

To: Education

HOUSE BILL NO. 461

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 ESTABLISHES 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
12 term in all public schools in the state shall be the Tuesday
13 immediately after the first Monday of September (Labor Day), and
14 the date for the closing of the school term in the public schools
15 shall be the Friday before the last Monday of May (National
16 Memorial Day). The State Board of Education shall promulgate
17 guidelines for an annual school calendar to be observed by all
18 public school districts. The school calendar shall specify the
19 minimum number of days between the opening and closing dates of
20 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 37-151-5 and 37-151-7:

24 (a) "Adequate program" or "adequate education program"
25 or "Mississippi Adequate Education Program (MAEP)" shall mean the
26 program to establish adequate current operation funding levels
27 necessary for the programs of such school district to meet at
28 least a successful Level III rating of the accreditation system as

29 established by the State Board of Education using current
30 statistically relevant state assessment data.

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

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

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

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

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

52 (c) "Base student" shall mean that student
53 classification that represents the most economically educated
54 pupil in a school system meeting the definition of successful, as
55 determined by the State Board of Education.

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

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

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

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

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

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

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

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

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

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

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

92 instructional area of work as defined by the State Department of
93 Education.

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

96 (h) "Superintendent" shall mean the head of a school
97 district.

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

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

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

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

122 (m) The term "year of teaching experience" shall mean
123 nine (9) months of actual teaching in the public or private
124 schools. In no case shall more than one (1) year of teaching

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

153 (n) The term "average daily attendance" shall be the
154 figure which results when the total aggregate attendance during
155 the period or months counted is divided by the number of days
156 during the period or months counted upon which both teachers and
157 pupils are in regular attendance for scheduled classroom

158 instruction less the average daily attendance for self-contained
159 special education classes and, prior to full implementation of the
160 adequate education program the department shall deduct the average
161 daily attendance for the alternative school program provided for
162 in Section 37-19-22.

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

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

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

173 (r) "Department" shall mean the State Department of
174 Education.

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

177 (t) The term "successful school district" shall mean a
178 Level III school district as designated by the State Board of
179 Education using current statistically relevant state assessment
180 data.

181 **SECTION 3.** Section 37-13-63, Mississippi Code of 1972, which
182 establishes the minimum number of days which the public schools
183 must be kept in session each year, is repealed.

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