

By: Representative Banks

To: Education;
Appropriations

HOUSE BILL NO. 1465

1 AN ACT TO AMEND SECTION 37-13-63, MISSISSIPPI CODE OF 1972,
2 TO INCREASE THE MINIMUM NUMBER OF DAYS WHICH SCHOOLS RECEIVING AN
3 ACCREDITATION LABEL OF FAILING, AT RISK OF FAILING OR LOW
4 PERFORMING MUST BE KEPT IN SESSION EACH SCHOLASTIC YEAR; TO AMEND
5 SECTION 37-151-5, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE
6 PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

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

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

10 37-13-63. (1) Except as otherwise provided under
11 subsections (2) and (3), all public schools in the state shall be
12 kept in session for at least one hundred eighty (180) days in each
13 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 eighty (180) days required for a scholastic year as contemplated
18 due to an enemy attack, a man-made, technological or natural
19 disaster or extreme weather emergency in which the Governor has
20 declared a disaster or state of emergency under the laws of this
21 state or the President of the United States has declared an
22 emergency or major disaster to exist in this state, the school
23 board may notify the State Department of Education of the disaster
24 or weather emergency and submit a plan for altering the school
25 term. If the State Board of Education finds the disaster or
26 extreme weather emergency to be the cause of the school not
27 operating for the contemplated school term and that such school
28 was in a school district covered by the Governor's or President's



29 disaster or state of emergency declaration, it may permit that
30 school board to operate the schools in its district for less than
31 one hundred eighty (180) days; however, in no instance of a
32 declared disaster or state of emergency under the provisions of
33 this subsection shall a school board receive payment from the
34 State Department of Education for per pupil expenditure for pupils
35 in average daily attendance in excess of ten (10) days.

36 (3) A school that receives an accreditation label of Failing
37 or At Risk of Failing must be kept in session for the number of
38 days required under subsection (1) plus no less than an additional
39 fifteen (15) school days per scholastic year, beginning in the
40 next succeeding school year after receiving an accreditation label
41 of Failing or At Risk of Failing. A school that receives an
42 accreditation label of Low Performing must be kept in session for
43 the number of days required under subsection (1) plus no less than
44 an additional eight (8) school days per scholastic year, beginning
45 in the next succeeding school year after receiving an
46 accreditation label of Low Performing. The school board of a
47 school district in which one or more schools are labeled as
48 Failing, At Risk of Failing or Low Performing shall take such
49 steps as may be necessary to operate those schools for the
50 required number of days exceeding the scholastic year established
51 under subsection (1) of this section.

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

54 37-151-5. As used in Sections 37-151-5 and 37-151-7:

55 (a) "Adequate program" or "adequate education program"
56 or "Mississippi Adequate Education Program (MAEP)" shall mean the
57 program to establish adequate current operation funding levels
58 necessary for the programs of such school district to meet at
59 least a successful Level III rating of the accreditation system as
60 established by the State Board of Education using current
61 statistically relevant state assessment data.



62 (b) "Educational programs or elements of programs not
63 included in the adequate education program calculations, but which
64 may be included in appropriations and transfers to school
65 districts" shall mean:

66 (i) "Capital outlay" shall mean those funds used
67 for the constructing, improving, equipping, renovating or major
68 repairing of school buildings or other school facilities, or the
69 cost of acquisition of land whereon to construct or establish such
70 school facilities.

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

75 (iii) "Adult education" shall mean public
76 education dealing primarily with students above eighteen (18)
77 years of age not enrolled as full-time public school students and
78 not classified as students of technical schools, colleges or
79 universities of the state.

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

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

87 (d) "Base student cost" shall mean the funding level
88 necessary for providing an adequate education program for one (1)
89 base student, subject to any minimum amounts prescribed in Section
90 37-151-7(1).

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



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

97 (ii) "Vocational or technical education program"
98 shall mean a secondary vocational or technical program approved by
99 the State Department of Education and provided for from state
100 funds.

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

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

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

112 (vi) "Extended school year programs" shall mean
113 those programs authorized by law which extend beyond the normal
114 school year.

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

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

120 (f) "Teacher" shall include any employee of a local
121 school who is required by law to obtain a teacher's license from
122 the State Board of Education and who is assigned to an
123 instructional area of work as defined by the State Department of
124 Education.

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



127 (h) "Superintendent" shall mean the head of a school
128 district.

129 (i) "School district" shall mean any type of school
130 district in the State of Mississippi, and shall include
131 agricultural high schools.

132 (j) "Minimum school term" shall mean a term of at least
133 the minimum number of days of school in which both teachers and
134 pupils are in regular attendance for scheduled classroom
135 instruction for not less than sixty percent (60%) of the normal
136 school day, as established under Section 37-13-63. It is the
137 intent of the Legislature that any tax levies generated to produce
138 additional local funds required by any school district to operate
139 school terms in excess of one hundred seventy-five (175) days
140 shall not be construed to constitute a new program for the
141 purposes of exemption from the limitation on tax revenues as
142 allowed under Sections 27-39-321 and 37-57-107 for new programs
143 mandated by the Legislature.

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

148 (l) The term "transported children" shall mean children
149 being transported to school who live within legal limits for
150 transportation and who are otherwise qualified for being
151 transported to school at public expense as fixed by Mississippi
152 state law.

153 (m) The term "year of teaching experience" shall mean
154 nine (9) months of actual teaching in the public or private
155 schools. In no case shall more than one (1) year of teaching
156 experience be given for all services in one (1) calendar or school
157 year. In determining a teacher's experience, no deduction shall
158 be made because of the temporary absence of the teacher because of
159 illness or other good cause, and the teacher shall be given credit



160 therefor. * * * The State Board of Education shall fix a number
161 of days, not to exceed forty-five (45) consecutive school days,
162 during which a teacher may not be under contract of employment
163 during any school year and still be considered to have been in
164 full-time employment for a regular scholastic term. If a teacher
165 exceeds the number of days established by the State Board of
166 Education that a teacher may not be under contract but may still
167 be employed, that teacher shall not be credited with a year of
168 teaching experience. In determining the experience of school
169 librarians, each complete year of continuous, full-time employment
170 as a professional librarian in a public library in this or some
171 other state shall be considered a year of teaching experience. If
172 a full-time school administrator returns to actual teaching in the
173 public schools, the term "year of teaching experience" shall
174 include the period of time he or she served as a school
175 administrator. In determining the salaries of teachers who have
176 experience in any branch of the military, the term "year of
177 teaching experience" shall include each complete year of actual
178 classroom instruction while serving in the military. In
179 determining the experience of speech-language pathologists and
180 audiologists, each complete year of continuous full-time post
181 master's degree employment in an educational setting in this or
182 some other state shall be considered a year of teaching
183 experience. * * * School districts are authorized, in their
184 discretion, to negotiate the salary levels applicable to licensed
185 employees employed after July 1, 2009, who are receiving
186 retirement benefits from the retirement system of another state,
187 and the annual experience increment provided in Section 37-19-7
188 shall not be applicable to any such retired licensed employee.

189 (n) The term "average daily attendance" shall be the
190 figure which results when the total aggregate attendance during
191 the period or months counted is divided by the number of days
192 during the period or months counted upon which both teachers and



193 pupils are in regular attendance for scheduled classroom
194 instruction less the average daily attendance for self-contained
195 special education classes and, prior to full implementation of the
196 adequate education program the department shall deduct the average
197 daily attendance for the alternative school program provided for
198 in Section 37-19-22.

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

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

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

209 (r) "Department" shall mean the State Department of
210 Education.

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

213 (t) The term "successful school district" shall mean a
214 Level III school district as designated by the State Board of
215 Education using current statistically relevant state assessment
216 data.

217 **SECTION 3.** This act shall take effect and be in force from
218 and after July 1, 2012.

