

By: Representative Banks

To: Education

## HOUSE BILL NO. 212

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 ACCOUNTABILITY RATING DESIGNATION OF "D" OR "F" MUST BE KEPT IN  
4 SESSION EACH SCHOLASTIC YEAR; TO AMEND SECTION 37-151-5,  
5 MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PROVISIONS OF THIS  
6 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 accountability rating  
37 designation of "F" must be kept in session for the number of days  
38 required under subsection (1) plus an additional period of not  
39 less than fifteen (15) school days per scholastic year, beginning  
40 in the next succeeding school year after receiving an  
41 accountability rating designation of "F." A school that receives  
42 an accountability rating designation of "D" must be kept in  
43 session for the number of days required under subsection (1) plus  
44 an additional period of not less than eight (8) school days per  
45 scholastic year, beginning in the next succeeding school year



46 after receiving an accountability rating designation of "D." The  
47 school board of a school district in which one or more schools are  
48 rated as "D" or "F" shall take such steps as may be necessary to  
49 operate those schools for the required number of days exceeding  
50 the scholastic year established under subsection (1) of this  
51 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.



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

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

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

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

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

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



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

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

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

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

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

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

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



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

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

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

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

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

(j) "Minimum school term" shall mean \* \* \* the minimum number of days of school in which both teachers and pupils are in regular attendance for scheduled classroom instruction for not less than sixty-three percent (63%) of the instructional day, as fixed by the local school board for each school in the school district under the authority of Section 37-13-63. It is the intent of the Legislature that any tax levies generated to produce additional local funds required by any school district to operate school terms in excess of one hundred seventy-five (175) days shall not be construed to constitute a new program for the purposes of exemption from the limitation on tax revenues as



143 allowed under Sections 27-39-321 and 37-57-107 for new programs  
144 mandated by the Legislature.

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

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

154 (m) The term "year of teaching experience" shall mean  
155 nine (9) months of actual teaching in the public or private  
156 elementary and secondary schools and shall also include nine (9)  
157 months of actual teaching at postsecondary institutions accredited  
158 by the Southern Association of Colleges and Schools (SACS) or  
159 equivalent regional accrediting body for degree-granting  
160 postsecondary institutions. In no case shall more than one (1)  
161 year of teaching experience be given for all services in one (1)  
162 calendar or school year. In determining a teacher's experience,  
163 no deduction shall be made because of the temporary absence of the  
164 teacher because of illness or other good cause, and the teacher  
165 shall be given credit therefor. \* \* \* The State Board of  
166 Education shall fix a number of days, not to exceed forty-five  
167 (45) consecutive school days, during which a teacher may not be



under contract of employment during any school year and still be considered to have been in full-time employment for a regular scholastic term. If a teacher exceeds the number of days established by the State Board of Education that a teacher may not be under contract but may still be employed, that teacher shall not be credited with a year of teaching experience. In determining the experience of school librarians, each complete year of continuous, full-time employment as a professional librarian in a public library in this or some other state shall be considered a year of teaching experience. If a full-time school administrator returns to actual teaching in the public schools, the term "year of teaching experience" shall include the period of time he or she served as a school administrator. In determining the salaries of teachers who have experience in any branch of the military, the term "year of teaching experience" shall include each complete year of actual classroom instruction while serving in the military. In determining the experience of speech-language pathologists and audiologists, each complete year of continuous full-time post master's degree employment in an educational setting in this or some other state shall be considered a year of teaching experience. \* \* \* School districts are authorized, in their discretion, to negotiate the salary levels applicable to \* \* \* licensed employees employed after July 1, 2009, who are receiving retirement benefits from the retirement system of another state, and the annual experience increment provided in





Section 37-19-7 shall not be applicable to any such retired \* \* \*  
licensed employee.

(n) \* \* \* The term "average daily attendance" shall be the figure which results when the total aggregate full-day attendance during the period or months counted is divided by the number of days during the period or months counted upon which both teachers and pupils are in regular attendance for scheduled classroom instruction, unless a pupil's absence is excused due to participation in an activity authorized by the State Board of Education under subparagraph (ii) of this paragraph, less the average daily attendance for self-contained special education classes. For purposes of determining and reporting attendance, a pupil must be present for at least sixty-three percent (63%) of the instructional day, as fixed by the local school board for each school in the school district, in order to be considered in full-day attendance. Prior to full implementation of the adequate education program the department shall deduct the average daily attendance for the alternative school program provided for in Section 37-19-22.

\* \* \*

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



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

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

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

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

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

(u) "Dual enrollment-dual credit programs" shall mean programs for potential or recent high school student dropouts to dually enroll in their home high school and a local community college in a dual credit program consisting of high school completion coursework and a credential, certificate or degree program at the community college, as provided in Section 37-15-38(19).

(v) "Charter school" means a public school that is established and operating under the terms of a charter contract



240 between the school's governing board and the Mississippi Charter  
241 School Authorizer Board.

242       **SECTION 3.** This act shall take effect and be in force from  
243 and after July 1, 2020.

