

By: Representative Ward

To: Education

HOUSE BILL NO. 884

1 AN ACT TO AMEND SECTION 37-13-63, MISSISSIPPI CODE OF 1972,  
2 TO DECREASE THE MINIMUM NUMBER OF DAYS THAT SCHOOLS MUST BE IN  
3 SESSION DURING A SCHOLASTIC YEAR; TO AMEND SECTION 37-9-24,  
4 MISSISSIPPI CODE OF 1972, TO DECREASE THE MINIMUM NUMBER OF DAYS  
5 REQUIRED FOR CONTRACTS BETWEEN SCHOOL DISTRICTS AND LICENSED  
6 EMPLOYEES; TO AMEND SECTION 37-151-5, MISSISSIPPI CODE OF 1972, IN  
7 CONFORMITY TO THE PROVISIONS OF THIS ACT; AND FOR RELATED  
8 PURPOSES.

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

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

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

15 **SECTION 2.** Section 37-9-24, Mississippi Code of 1972, is  
16 amended as follows:

17 37-9-24. (1) Except as otherwise provided in this  
18 section, \* \* \* beginning with the 2002-2003 school year, a school  
19 district may not contract with any licensed personnel for less  
20 than one hundred eighty-two (182) employment days.

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

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

26 37-151-5. As used in Sections 37-151-3, 37-151-5 and  
27 37-151-7:

28 (a) "Adequate program" or "adequate education program"  
29 or "Mississippi Adequate Education Program (M.A.E.P.)" shall mean  
30 the program to establish adequate current operation funding levels



31 necessary for the programs of such school district to meet at  
32 least Level III of the accreditation system as established by the  
33 State Board of Education, acting through the Mississippi  
34 Commission on School Accreditation, regardless of the school  
35 district's geographic location.

36 (b) "Educational programs or elements of programs not  
37 included in the adequate education program calculations, but which  
38 may be included in appropriations and transfers to school  
39 districts" shall mean:

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

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

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

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

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

61 (d) "Base student cost" shall mean the funding level  
62 necessary for providing an adequate education program for one (1)



63 base student, subject to any minimum amounts prescribed in Section  
64 37-151-7(1).

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

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

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

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

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

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

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

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

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

94 (f) "Teacher" shall include any employee of a local  
95 school who is required by law to obtain a teacher's license from



96 the State Board of Education and who is assigned to an  
97 instructional area of work as defined by the State Department of  
98 Education.

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

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

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

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

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

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

126 (m) The term "year of teaching experience" shall mean  
127 nine (9) months of actual teaching in the public or private  
128 schools of this or some other state. In no case shall more than



129 one (1) year of teaching experience be given for all services in  
130 one (1) calendar or school year. In determining a teacher's  
131 experience, no deduction shall be made because of the temporary  
132 absence of the teacher because of illness or other good cause, and  
133 the teacher shall be given credit therefor. The State Board of  
134 Education shall fix a number of days, not to exceed twenty-five  
135 (25) consecutive school days, during which a teacher may not be  
136 under contract of employment during any school year and still be  
137 considered to have been in full-time employment for a regular  
138 scholastic term. In determining the experience of school  
139 librarians, each complete year of continuous, full-time employment  
140 as a professional librarian in a public library in this or some  
141 other state shall be considered a year of teaching experience. If  
142 a full-time school administrator returns to actual teaching in the  
143 public schools, the term "year of teaching experience" shall  
144 include the period of time he or she served as a school  
145 administrator. In determining the salaries of teachers who have  
146 experience in any branch of the military, the term "year of  
147 teaching experience" shall include each complete year of actual  
148 classroom instruction while serving in the military.

149 (n) The term "average daily attendance" shall be the  
150 figure which results when the total aggregate attendance during  
151 the period or months counted is divided by the number of days  
152 during the period or months counted upon which both teachers and  
153 pupils are in regular attendance for scheduled classroom  
154 instruction less the average daily attendance for self-contained  
155 special education classes and, prior to full implementation of the  
156 adequate education program the department shall deduct the average  
157 daily attendance for the alternative school program provided for  
158 in Section 37-19-22.

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



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

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

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

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

173           **SECTION 4.** This act shall take effect and be in force from  
174 and after July 1, 2003.

