

By: Representatives Ward, Montgomery

To: Education

HOUSE BILL NO. 530

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

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

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

33 37-9-24. (1) Except as otherwise provided in this
34 section, * * * beginning with the 2004-2005 school year, a school
35 district may not contract with any licensed personnel for less
36 than one hundred eighty-two (182) employment days.

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

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

42 37-151-5. As used in Sections 37-151-3, 37-151-5 and
43 37-151-7:

44 (a) "Adequate program" or "adequate education program"
45 or "Mississippi Adequate Education Program (M.A.E.P.)" shall mean
46 the program to establish adequate current operation funding levels
47 necessary for the programs of such school district to meet at
48 least Level III of the accreditation system as established by the
49 State Board of Education, acting through the Mississippi
50 Commission on School Accreditation, regardless of the school
51 district's geographic location.

52 (b) "Educational programs or elements of programs not
53 included in the adequate education program calculations, but which
54 may be included in appropriations and transfers to school
55 districts" shall mean:

56 (i) "Capital outlay" shall mean those funds used
57 for the constructing, improving, equipping, renovating or major
58 repairing of school buildings or other school facilities, or the
59 cost of acquisition of land whereon to construct or establish such
60 school facilities.

61 (ii) "Pilot programs" shall mean programs of a
62 pilot or experimental nature usually designed for special purposes

63 and for a specified period of time other than those included in
64 the adequate education program.

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

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

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

77 (d) "Base student cost" shall mean the funding level
78 necessary for providing an adequate education program for one (1)
79 base student, subject to any minimum amounts prescribed in Section
80 37-151-7(1).

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

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

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

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

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

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

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

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

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

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

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

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

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

122 (j) "Minimum school term" shall mean a term of at least
123 one hundred seventy-five (175) days of school in which both
124 teachers and pupils are in regular attendance for scheduled
125 classroom instruction for not less than sixty percent (60%) of the
126 normal school day. It is the intent of the Legislature that any
127 tax levies generated to produce additional local funds required by

128 any school district to operate school terms in excess of one
129 hundred seventy-five (175) days shall not be construed to
130 constitute a new program for the purposes of exemption from the
131 limitation on tax revenues as allowed under Sections 27-39-321 and
132 37-57-107 for new programs mandated by the Legislature.

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

137 (l) The term "transported children" shall mean children
138 being transported to school who live within legal limits for
139 transportation and who are otherwise qualified for being
140 transported to school at public expense as fixed by Mississippi
141 state law.

142 (m) The term "year of teaching experience" shall mean
143 nine (9) months of actual teaching in the public or private
144 schools. In no case shall more than one (1) year of teaching
145 experience be given for all services in one (1) calendar or school
146 year. In determining a teacher's experience, no deduction shall
147 be made because of the temporary absence of the teacher because of
148 illness or other good cause, and the teacher shall be given credit
149 therefor. Beginning with the 2003-2004 school year, the State
150 Board of Education shall fix a number of days, not to exceed
151 forty-five (45) consecutive school days, during which a teacher
152 may not be under contract of employment during any school year and
153 still be considered to have been in full-time employment for a
154 regular scholastic term. If a teacher exceeds the number of days
155 established by the State Board of Education that a teacher may not
156 be under contract but may still be employed, that teacher shall
157 not be credited with a year of teaching experience. In
158 determining the experience of school librarians, each complete
159 year of continuous, full-time employment as a professional
160 librarian in a public library in this or some other state shall be

161 considered a year of teaching experience. If a full-time school
162 administrator returns to actual teaching in the public schools,
163 the term "year of teaching experience" shall include the period of
164 time he or she served as a school administrator. In determining
165 the salaries of teachers who have experience in any branch of the
166 military, the term "year of teaching experience" shall include
167 each complete year of actual classroom instruction while serving
168 in the military. In determining the experience of speech-language
169 pathologists and audiologists, each complete year of continuous
170 full-time post master's degree employment in an educational
171 setting in this or some other state shall be considered a year of
172 teaching experience.

173 (n) The term "average daily attendance" shall be the
174 figure which results when the total aggregate attendance during
175 the period or months counted is divided by the number of days
176 during the period or months counted upon which both teachers and
177 pupils are in regular attendance for scheduled classroom
178 instruction less the average daily attendance for self-contained
179 special education classes and, prior to full implementation of the
180 adequate education program the department shall deduct the average
181 daily attendance for the alternative school program provided for
182 in Section 37-19-22.

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

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

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

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

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

197 **SECTION 4.** This act shall take effect and be in force from
198 and after July 1, 2005.