

By: Representative Moore

To: Education

HOUSE BILL NO. 857

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 PROVIDES 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 term
12 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 that 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 37-151-3, 37-151-5 and
24 37-151-7:

25 (a) "Adequate program" or "adequate education program"
26 or "Mississippi Adequate Education Program (M.A.E.P.)" shall mean
27 the program to establish adequate current operation funding levels
28 necessary for the programs of such school district to meet at
29 least Level III of the accreditation system as established by the

30 State Board of Education, acting through the Mississippi
31 Commission on School Accreditation, regardless of the school
32 district's geographic location.

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

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

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

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

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

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

58 (d) "Base student cost" shall mean the funding level
59 necessary for providing an adequate education program for one (1)
60 base student, subject to any minimum amounts prescribed in Section
61 37-151-7(1).

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

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

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

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

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

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

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

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

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

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

94 instructional area of work as defined by the State Department of
95 Education.

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

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

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

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

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

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

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

127 experience be given for all services in one (1) calendar or school
128 year. In determining a teacher's experience, no deduction shall
129 be made because of the temporary absence of the teacher because of
130 illness or other good cause, and the teacher shall be given credit
131 therefor. Beginning with the 2003-2004 school year, the State
132 Board of Education shall fix a number of days, not to exceed
133 forty-five (45) consecutive school days, during which a teacher
134 may not be under contract of employment during any school year and
135 still be considered to have been in full-time employment for a
136 regular scholastic term. If a teacher exceeds the number of days
137 established by the State Board of Education that a teacher may not
138 be under contract but may still be employed, that teacher shall
139 not be credited with a year of teaching experience. In
140 determining the experience of school librarians, each complete
141 year of continuous, full-time employment as a professional
142 librarian in a public library in this or some other state shall be
143 considered a year of teaching experience. If a full-time school
144 administrator returns to actual teaching in the public schools,
145 the term "year of teaching experience" shall include the period of
146 time he or she served as a school administrator. In determining
147 the salaries of teachers who have experience in any branch of the
148 military, the term "year of teaching experience" shall include
149 each complete year of actual classroom instruction while serving
150 in the military. In determining the experience of speech-language
151 pathologists and audiologists, each complete year of continuous
152 full-time post master's degree employment in an educational
153 setting in this or some other state shall be considered a year of
154 teaching experience.

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

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

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

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

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

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

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

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

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