

By: Representative Clark

To: Education;  
Appropriations

HOUSE BILL NO. 30

1 AN ACT TO AMEND SECTION 37-151-5, MISSISSIPPI CODE OF 1972,  
2 TO DEFINE THE TERM "AT-RISK PUPIL" FOR PURPOSES OF THE MISSISSIPPI  
3 ADEQUATE EDUCATION PROGRAM AND TO INCLUDE A CHILD DIAGNOSED WITH  
4 AN AUTISM SPECTRUM DISORDER IN THE DEFINITION; AND FOR RELATED  
5 PURPOSES.

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

7 **SECTION 1.** Section 37-151-5, Mississippi Code of 1972, is  
8 amended as follows:

9 37-151-5. As used in \* \* \* this Section 37-151-5 and Section  
10 37-151-7:

11 (a) "Adequate program" or "adequate education program"  
12 or "Mississippi Adequate Education Program (MAEP)" shall mean the  
13 program to establish adequate current operation funding levels  
14 necessary for the programs of such school district to meet at  
15 least a successful Level III rating of the accreditation system as  
16 established by the State Board of Education using current  
17 statistically relevant state assessment data.

18 (b) "Educational programs or elements of programs not  
19 included in the adequate education program calculations, but which



20 may be included in appropriations and transfers to school  
21 districts" shall mean:

22 (i) "Capital outlay" shall mean those funds used  
23 for the constructing, improving, equipping, renovating or major  
24 repairing of school buildings or other school facilities, or the  
25 cost of acquisition of land whereon to construct or establish such  
26 school facilities.

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

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

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

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

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



45 base student, subject to any minimum amounts prescribed in Section  
46 37-151-7(1).

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

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

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

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

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

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



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

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

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

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

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

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

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

88 (j) "Minimum school term" shall mean a term of at least  
89 one hundred eighty (180) days of school in which both teachers and  
90 pupils are in regular attendance for scheduled classroom  
91 instruction for not less than sixty-three percent (63%) of the  
92 instructional day, as fixed by the local school board for each



93 school in the school district. It is the intent of the  
94 Legislature that any tax levies generated to produce additional  
95 local funds required by any school district to operate school  
96 terms in excess of one hundred seventy-five (175) days shall not  
97 be construed to constitute a new program for the purposes of  
98 exemption from the limitation on tax revenues as allowed under  
99 Sections 27-39-321 and 37-57-107 for new programs mandated by the  
100 Legislature.

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

105 (l) The term "transported children" shall mean children  
106 being transported to school who live within legal limits for  
107 transportation and who are otherwise qualified for being  
108 transported to school at public expense as fixed by Mississippi  
109 state law.

110 (m) The term "year of teaching experience" shall mean  
111 nine (9) months of actual teaching in the public or private  
112 elementary and secondary schools and shall also include nine (9)  
113 months of actual teaching at postsecondary institutions accredited  
114 by the Southern Association of Colleges and Schools (SACS) or  
115 equivalent regional accrediting body for degree-granting  
116 postsecondary institutions. In no case shall more than one (1)  
117 year of teaching experience be given for all services in one (1)



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



143 master's degree employment in an educational setting in this or  
144 some other state shall be considered a year of teaching  
145 experience. \* \* \* However, \* \* \* school districts are authorized,  
146 in their discretion, to negotiate the salary levels applicable  
147 to \* \* \* licensed employees employed after July 1, 2009, who are  
148 receiving retirement benefits from the retirement system of  
149 another state, and the annual experience increment provided in  
150 Section 37-19-7 shall not be applicable to any such retired \* \* \*  
151 licensed employee.

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



167 attendance for the alternative school program provided for in  
168 Section 37-19-22.

169 \* \* \*

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

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

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

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

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

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

188 (u) "Dual enrollment-dual credit programs" shall mean  
189 programs for potential or recent high school student dropouts to  
190 dually enroll in their home high school and a local community  
191 college in a dual credit program consisting of high school





192 completion coursework and a credential, certificate or degree  
193 program at the community college, as provided in Section  
194 37-15-38(19).

195 (v) "Charter school" means a public school that is  
196 established and operating under the terms of a charter contract  
197 between the school's governing board and the Mississippi Charter  
198 School Authorizer Board.

199 (w) "At-risk pupil" means a compulsory-school-age child  
200 having an increased probability of school failure or dropping out  
201 as a result of certain risk factors including, but not limited to:

202 (i) Being from a family in poverty;

203 (ii) Being from a single-parent family or being a  
204 parent themselves;

205 (iii) Having been retained previously in school;

206 (iv) Having an education attainment level below  
207 other students of the same age or grade level;

208 (v) Failing to meet the requirements necessary for  
209 promotion to the next grade level or graduation; or

210 (vi) Having been diagnosed with an autism spectrum  
211 disorder.

212 (x) "Autism spectrum disorder" means a neurological  
213 disorder that affects normal brain functions and is manifested  
214 typically by impairments in communication and social interaction,  
215 as well as restrictive, repetitive and stereotyped behaviors.



216           **SECTION 2.** This act shall take effect and be in force from  
217 and after July 1, 2018.

