

By: Representative White

To: Education

HOUSE BILL NO. 497

1 AN ACT TO AMEND SECTION 37-151-5, MISSISSIPPI CODE OF 1972,
2 TO EXTEND BY THREE YEARS THE REPEALER ON THE REQUIREMENT THAT
3 CERTAIN ABSENCES BE CONSIDERED FOR CALCULATED AVERAGE DAILY
4 ATTENDANCE UNDER THE MISSISSIPPI ADEQUATE EDUCATION PROGRAM; AND
5 FOR RELATED 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 Sections 37-151-5 and 37-151-7:

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

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



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

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

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

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

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

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

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



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

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

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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

109 (m) The term "year of teaching experience" shall mean
110 nine (9) months of actual teaching in the public or private
111 schools. In no case shall more than one (1) year of teaching
112 experience be given for all services in one (1) calendar or school
113 year. In determining a teacher's experience, no deduction shall
114 be made because of the temporary absence of the teacher because of
115 illness or other good cause, and the teacher shall be given credit
116 therefor. Beginning with the 2003-2004 school year, the State



117 Board of Education shall fix a number of days, not to exceed
118 forty-five (45) consecutive school days, during which a teacher
119 may not be under contract of employment during any school year and
120 still be considered to have been in full-time employment for a
121 regular scholastic term. If a teacher exceeds the number of days
122 established by the State Board of Education that a teacher may not
123 be under contract but may still be employed, that teacher shall
124 not be credited with a year of teaching experience. In
125 determining the experience of school librarians, each complete
126 year of continuous, full-time employment as a professional
127 librarian in a public library in this or some other state shall be
128 considered a year of teaching experience. If a full-time school
129 administrator returns to actual teaching in the public schools,
130 the term "year of teaching experience" shall include the period of
131 time he or she served as a school administrator. In determining
132 the salaries of teachers who have experience in any branch of the
133 military, the term "year of teaching experience" shall include
134 each complete year of actual classroom instruction while serving
135 in the military. In determining the experience of speech-language
136 pathologists and audiologists, each complete year of continuous
137 full-time post master's degree employment in an educational
138 setting in this or some other state shall be considered a year of
139 teaching experience. Provided, however, that school districts are
140 authorized, in their discretion, to negotiate the salary levels
141 applicable to certificated employees employed after July 1, 2009,



142 who are receiving retirement benefits from the retirement system
143 of another state, and the annual experience increment provided in
144 Section 37-19-7 shall not be applicable to any such retired
145 certificated employee.

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

163 (ii) The State Board of Education shall define
164 those activities necessitating a pupil's absence that, for
165 purposes of determining and reporting attendance for average daily
166 attendance purposes, must be considered an excused absence. Such



167 activities include, but are not limited to: official organized
168 events sponsored by the 4-H or Future Farmers of America (FFA);
169 official organized junior livestock shows and rodeo events;
170 official employment as a page at the State Capitol for the
171 Mississippi House of Representatives or Senate; subject-matter
172 field trips; athletic contests; student conventions; music
173 festivals or contests; and any similar school-related activity
174 designated by the State Board of Education. The State Board of
175 Education shall prescribe the means by which a pupil's absence due
176 to participation in an activity authorized by the board pursuant
177 to this subparagraph must be verified. This subparagraph (ii)
178 shall stand repealed on July 1, * * * 2019.

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

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

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

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



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

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

197 (u) "Dual enrollment-dual credit programs" shall mean
198 programs for potential or recent high school student dropouts to
199 dually enroll in their home high school and a local community
200 college in a dual credit program consisting of high school
201 completion coursework and a credential, certificate or degree
202 program at the community college, as provided in Section
203 37-15-38(19).

204 (v) "Charter school" means a public school that is
205 established and operating under the terms of a charter contract
206 between the school's governing board and the Mississippi Charter
207 School Authorizer Board.

208 **SECTION 2.** This act shall take effect and be in force from
209 and after July 1, 2016.

