

Chapter 48: MAEP (Mississippi Adequate Education Program)

Rule 48.1 Section 504 Teacher Units.

1. Children counted for the allocation and approval of a teacher unit(s) must meet the following criteria:
 - a. Documented birth date verifying age of five (5) through twenty-one (21) years,
 - b. Indication of being a resident citizen of the State of Mississippi,
 - c. Cannot have their educational needs met in the regular public school programs,
 - d. Have not finished or graduated from high school,
 - e. Determined by competent medical authorities and psychologists to need placement in a state licensed facility as designated below,
 - f. Cannot be counted in average daily attendance when determining the regular teacher unit allocation, and
 - g. Are not eligible for special education as defined under Part B of the Individuals with Disabilities Education Act and in state regulations.

Documentation of numbers a-g above must be maintained on file for each child served by an approved state funded teacher and be available upon request by the Mississippi Department of Education (MDE).

2. State Licensed Facility

A state licensed facility is a private facility which has been granted a license by a state agency within the state of Mississippi and is located within the state. The facility is licensed for inpatient treatment, day treatment, residential treatment, or as a group therapeutic home.

3. Teacher Units Approved for a School District

- a. A tutorial instructional education program for children in a state licensed facility may be provided by a school district in which the state licensed facility is located. Such a program would be the responsibility of the school district and would be under the direct supervision of the district.
- b. The district is responsible for verifying the criteria are met for each child served as outlined above under the heading of Criteria for Children Served. Also, documentation which verifies all criteria are met for each child must be on file for review upon request by the MDE. An assurance from the district superintendent that data for each child served has been verified and is maintained on file must be forwarded to the MDE when the teacher unit is requested for approval.
- c. The district must submit a copy of the facility's state license to the MDE when requesting an allocation for a teacher unit.
- d. The district must submit Teacher Allocation data in accordance with the requirements of the Office of Special Education. Each teacher will be responsible for the educational instruction of a minimum of ten (10) children. A maximum of children served per teacher is fourteen (14). Any request for a teacher to serve fewer than ten (10) or more than fourteen (14) children must be made in writing to the Office of Special Education. Approval will be based on the schedule of the teacher and instructional needs of the children, including the number of beds allocated to the facility and the average length of stay for each child. All exemptions of the minimum and maximum number of children served by a teacher will be reviewed and approved by the Deputy Superintendent of Education.

- e. Requests for approval of teacher units will be made in accordance with the requirements of the MDE Personnel Report. Minimum program funds will be allocated based on the type of teaching certificate and number of years teaching experience held by each teacher. Also, the number of days employed during the regular school year and the amount of instructional time based on the schedule of each teacher will be calculated when allocating funds for the teacher unit.

4. Teacher Units Approved for a State Licensed Facility

- a. A private school providing an instructional education program which is operated as an integral part of a state licensed facility may request funding for teacher units. Such an educational program must meet the standards for a special school and be approved by the State Board of Education prior to the allocation and approval of a teacher unit. The facility shall be responsible for providing for any additional costs of the program beyond a teacher unit(s).
- b. The administrative head of the facility is responsible for verifying the criteria is met for each child served by an approved teacher as outlined above under the heading Criteria for Children Served. Also, documentation which verifies all criteria are met for each child must be on file for review upon request by the MDE. An assurance from the administrative head of the facility indicating criteria for each child served has been verified for correctness and documentation of such is maintained on file must be forwarded to the MDE when the teacher unit is requested for approval.
- c. A copy of the facility's current state license must be submitted to the MDE when requesting an allocation for a teacher unit.
- d. The administrator of the facility must submit Teacher Allocation data in accordance with the requirements of the Office of Special Education. Teacher units will be allocated based on the teacher certificate requirements of special schools under the Office of Accreditation and each teacher being responsible for the educational instruction of a minimum of ten (10) children. The Maximum number of children served per teacher is fourteen (14). Any request for a teacher to serve fewer than ten (10) or more than fourteen (14) children must be made in writing to the Office of Special Education. Approval will be based on the schedule of the teacher and instructional needs of the children, including the number of beds allocated to the facility and the average length of stay for each child. All exemptions of the minimum and maximum number of children served by a teacher will be reviewed and approved by the Deputy Superintendent of Education.
- e. Requests for approval of teacher units will be made in accordance with the requirements of the MDE Personnel Report. Minimum program funds will be allocated based on the

type of teaching certificate and number of years teaching experience held by each teacher. Also, the number of days employed during the regular school year to provide educational instruction and the amount of instructional time based on the schedule of each teacher will be used to calculate the amount of funds for the teacher unit.

- f. The administrative head of the facility is responsible for ensuring a teacher approved for a teacher unit will be paid based on the salary scale and salary schedule requirements in Section 37-19-7 and 37-19-17 of the Mississippi State Code.
- g. Teacher units will be allocated and approved for the regular school session. The number of days the facility will provide a regular school session must be in accordance with the MDE's regulations. The calendar dates of the beginning and ending of the regular school session must be submitted to the Office of Special Education when requesting an allocation for a teacher unit.

Source: *Miss. Code Ann. § 37-1-3 (Adopted 8/1994)*

Rule 48.2 Special Education Teacher Approval

1. Each district will receive an allocation of exceptional student teacher units for the next school session by April 5 of the current year. The allocation will be based on the numbers of students being served during the current year and in line with the minimum/maximum numbers for exceptional student programs as outlined in State regulations. In the event that the total allocation is more than the number of units approved by the Legislature, districts will be notified of this deficit.
2. District exceptional student programs will be approved by December 15 of the current year. Approval will be based on State regulations covering teacher certification standards, justification of separate facilities, justification of EMR resourcing, justification of unusual combinations of students, and the superintendent's assurance of compliance with regulations.
3. Allocations of exceptional student teacher units based on the previous year's numbers may be increased if the district can show the need by October 15 of the current year.

Source: *Miss. Code Ann. § 37-1-3 (Adopted 3/1998)*

Rule 48.3 Teacher Selection. When a certified secondary teacher is assigned to teach in a 5th or 6th grade departmentalized situation and is appropriately endorsed in the subject he/she is teaching, that teacher may be selected as a Minimum Foundation Program teacher in the State Department of Education's process and, if the teacher is selected, the district shall be reimbursed under the Minimum Program for that teacher.

Source: *Miss. Code Ann. § 37-1-3 (Adopted 12/1992)*

Rule 48.4 Withholding Funds. WITHHOLDING OF FUNDS FOR FAILURE TO SUBMIT STUDENT, FISCAL, AND PERSONNEL DATA. The State Superintendent of Education may withhold payment of Mississippi Adequate Education Program (MAEP) funds to a school district which fails to submit any reports containing student, fiscal and personnel data necessary to meet state and/or federal requirements on or before the required due dates of the report. Notice of a report being subject to withholding of MAEP funds, along with the due date of the report, must be given at the time of the request of the report.

Upon written notification to the Department of Education from the Department of Finance and Administration, Office of Insurance, the State Superintendent of Education shall withhold payment of Mississippi Adequate Education Program funds to those districts that fail to remit premiums, interest penalties and/or late charges under the State and School Employees' Life and Health Insurance Plan. Noncompliance with these rules and regulations shall result in a violation of compulsory accreditation standards as established by the State Board of Education and Commission on School Accreditation.

Source: Miss. Code Ann. § 37-151-95 (Revise 6/2015)

Rule 48.5 Effective At-Risk Programs.

1. The definition of an effective at-risk program shall be any program designed to target the unique needs of the student in order to allow that student to perform on grade level and ultimately graduate from high school. These programs may be offered before, during or after school, but cannot be any regular course offering available to all students. An example of an allowable program is an after school program designed to accelerate a student's reading grade level. An example of a non-allowable program is a regularly offered English class made up entirely of students currently participating in the free and reduced lunch program.

School districts are required to make annual reports to the Department of Education on the district's programs serving at-risk School Districts shall budget and spend Mississippi Adequate Education Program (MAEP) At-Risk funds, earned as prescribed by Section 37-151-7(1)(d), on effective programs specifically targeted to serve at-risk students. These programs must be in addition to all other regular or required programs offered by the school district to all students. The accounting of the expenditure of these funds shall be as required by the Mississippi School District Financial Accounting Manual as prescribed by the Department of Education.

The definition of an at-risk student will be as determined by each individual school district.

Examples of student groups a school district could use as a guideline in making a determination as to whether a student is considered at risk are:

- a. A student who is currently participating in the USDA Free and Reduced Lunch Program (if the school or district is 100 percent free and reduced lunch an additional at-risk determination is required).
- b. A student who is not meeting the requirements necessary for promotion to the next grade level or graduation from high school.

- c. A student whose education attainment is below other students of their age or grade level.
- d. A student who is a potential dropout.
- e. A student who is failing two or more courses of study.
- f. A student who has been retained.
- g. A student who is not reading on grade level.
- h. A student who is pregnant.
- i. A student who is students.

The form, content and due dates of these reports will be prescribed by the Department of Education.

2. STATE BOARD POLICY - MAEP AT-RISK FUNDS

As a guideline, at-risk programs may include, but are not limited to:

- a. Alternative School Programs,
- b. Dropout Prevention Programs,
- c. Drug Awareness Programs,
- d. GED Programs,
- e. School Nurse Programs,
- f. Social Work Services,
- g. Mentoring Programs,
- h. Summer School Programs,
- i. After-School Programs,
- j. Homebound Programs,
- k. School Counselors,
- l. Class Size Reduction,
- m. Extra Support within a Class,

- n. Career Counselors,
- o. Classroom Intervention,
- p. Parent Center,
- q. Extended Year,
- r. Assistant Teachers,
- s. Software Programs,
- t. Tutorial Assistance,
- u. Curriculum Development,
- v. Professional Development (specifically addressing at-risk student needs),
- w. Remedial Instruction,
- x. Safety & Health,
- y. School Attendance,
- z. Performance Assessments,
- aa. Screening Assessments,
- bb. Homeless/Migrant,
- cc. Crisis/Behavioral Intervention,
- dd. Dyslexia.

The Department of Education shall review each district's At-Risk program request and based upon the district's ability to logically explain the purpose, stated goals and objectives, and the methodology for determining success of the program will make a determination as to whether the program is a valid use of MAEP At-Risk funds. In the event that the Department of Education determines that the program is not valid then the Department will notify the district in writing of that determination. The Department of Education will provide assistance to these districts by providing information on programs determined to be valid.

Before a school district can spend MAEP At-Risk dollars on any program targeting at-risk students other than what was originally approved by the Department of Education, the school

district must seek approval from the Department. The district's request must include documented research as to the effectiveness of the program.

Districts failing to comply with any requirements of this policy shall be in violation of the Mississippi Public School Accountability Standards and upon determination of a violation the district's accreditation level will be downgraded by the Accreditation Commission.

Source: *Miss. Code Ann. § 37-1-3 (Adopted 3/2009)*

Rule 48.6 Selection of Successful School District. Prior to November 1, 2009, for the purpose of selecting successful school districts for use in the Mississippi Adequate Education Program (MAEP) base student cost calculations, "successful school district" is defined as a school district that has a Quality of Distribution Index (QDI) of 133 to 199 as established in the State Accountability Rating System adopted by the Board in March 2009. From and after November 1, 2009 for the purpose of selecting successful school districts for use in the MAEP base student cost calculations, "successful school district" is the definition of "successful school district" as defined in the State Rating Accountability Rating System adopted by the Board in March 2009.

Source: *Miss. Code Ann. § 37-1-3 (Revised 7/2009)*

Rule 48.7 Determination of "inordinately large number of absentees. To determine "inordinately large" as that term is used in 37-151-103(3) a school district must notify the State Superintendent of Education in writing by December 1 of the current school year of a decrease in attendance and the reason for the decrease in attendance. If the State Superintendent determines that the reason for the decrease in attendance is a result of epidemic, natural disaster, or any concerted activity discouraging school attendance then the following process will be used to determine if there is "an inordinately large number of absentees".

1. The State Department of Education shall divide the school district's months two and three average daily attendance (ADA) by the school district's months two and three average daily enrollment (ADM) for grades kindergarten through 12th grade (exclusive of self-contained special education grades) for the current school year to determine the percentage of attendance to enrollment for the current school year.
2. The State Department of Education shall determine the school district's five-year average of the percentage of months two and three average daily attendance to the school district's months two and three average daily enrollment (ADM) for the same grades defined in step 1 above using the last five years of attendance and enrollment data as reported through the Mississippi Student Information System (MSIS). Current year's enrollment and attendance data are excluded from the five-year average calculation.
3. Subtract the result of Step 1 from the result of Step 2. If the resulting percentage is two percent (2%) or greater the district will be considered to have an inordinately large number of absentees.

Source: *Miss. Code Ann. § 37-1-3 (Adopted 10/2009)*