MISSISSIPPI LEGISLATURE

By: Representative Johnson (94th)

To: Education; Appropriations

HOUSE BILL NO. 585

AN ACT TO AMEND SECTION 37-151-5, MISSISSIPPI CODE OF 1972, TO DEFINE THE TERM "AVERAGE DAILY MEMBERSHIP (ADM)" FOR PURPOSES OF THE MISSISSIPPI ADEQUATE EDUCATION PROGRAM; TO AMEND SECTION 37-151-7, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE DETERMINATION OF THE BASIC ADEQUATE EDUCATION PROGRAM COST FOR EACH SCHOOL DISTRICT BASED ON STUDENT AVERAGE DAILY MEMBERSHIP WITH CERTAIN EXCEPTIONS; TO PROVIDE FOR STUDENT COUNTS BY THE STATE AUDITOR; TO REVISE THE DEFINITION OF THE TERMS "MINIMUM SCHOOL TERM" AND "AVERAGE DAILY ATTENDANCE" AS SUCH TERMS ARE USED FOR DETERMINING ALLOCATIONS TO SCHOOL DISTRICTS UNDER THE ADEQUATE EDUCATION PROGRAM; TO AMEND SECTIONS 37-151-85, 37-151-97 AND 37-151-103, MISSISSIPPI CODE OF 1972, IN CONFORMITY; TO AMEND SECTION 37-13-91, MISSISSIPPI CODE OF 1972, TO REMOVE THE ATTENDANCE REQUIREMENT THAT A COMPULSORY-SCHOOL-AGE CHILD WHO IS ABSENT MORE THAN 37% OF THE INSTRUCTIONAL DAY MUST BE CONSIDERED ABSENT FOR THE ENTIRE DAY; AND FOR RELATED PURPOSES.

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

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

37-151-5. As used in Sections 37-151-5 and 37-151-7:

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

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

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

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

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

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

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

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

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

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

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

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

        (iv) "Gifted education program" shall mean those
programs for the instruction of intellectually or academically
gifted children as defined and provided for in Section 37-23-175
et seq.
(v) "Alternative school program" shall mean those programs for certain compulsory-school-age students as defined and provided for in Sections 37-13-92 and 37-19-22.

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

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

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

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

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

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

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

(j) "Minimum school term" shall mean a term of at least one hundred eighty (180) days of school in which both teachers and
pupils are in regular attendance for scheduled classroom
instruction for not less than **sixty percent (60%)** of
the **normal day**. It is the intent of the Legislature
that any tax levies generated to produce additional local funds
required by any school district to operate school terms in excess
of one hundred seventy-five (175) days shall not be construed to
constitute a new program for the purposes of exemption from the
limitation on tax revenues as allowed under Sections 27-39-321 and
37-57-107 for new programs mandated by the Legislature.

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

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

(m) The term "year of teaching experience" shall mean
nine (9) months of actual teaching in the public or private
elementary and secondary schools and shall also include nine (9)
months of actual teaching at postsecondary institutions accredited
by the Southern Association of Colleges and Schools (SACS) or
equivalent regional accrediting body for degree-granting
postsecondary institutions. In no case shall more than one (1)
year of teaching experience be given for all services in one (1) calendar or school year. In determining a teacher's experience, no deduction shall be made because of the temporary absence of the teacher because of illness or other good cause, and the teacher shall be given credit therefor. Beginning with the 2003-2004 school year, the State Board of Education shall fix a number of days, not to exceed forty-five (45) consecutive school days, during which a teacher may not be under contract of employment during any school year and still be considered to have been in full-time employment for a regular scholastic term. If a teacher exceeds the number of days established by the State Board of Education that a teacher may not be under contract but may still be employed, that teacher shall not be credited with a year of teaching experience. In determining the experience of school librarians, each complete year of continuous, full-time employment as a professional librarian in a public library in this or some other state shall be considered a year of teaching experience. If a full-time school administrator returns to actual teaching in the public schools, the term "year of teaching experience" shall include the period of time he or she served as a school administrator. In determining the salaries of teachers who have experience in any branch of the military, the term "year of teaching experience" shall include each complete year of actual classroom instruction while serving in the military. In determining the experience of speech-language pathologists and
audiologists, each complete year of continuous full-time post
master's degree employment in an educational setting in this or
some other state shall be considered a year of teaching
experience. Provided, however, that school districts are
authorized, in their discretion, to negotiate the salary levels
applicable to certificated employees employed after July 1, 2009,
who are receiving retirement benefits from the retirement system
of another state, and the annual experience increment provided in
Section 37-19-7 shall not be applicable to any such retired
certificated employee.

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

(ii) [Repealed]

(o) The term "local supplement" shall mean the amount
paid to an individual teacher over and above the adequate
education program salary schedule for regular teaching duties.
The term "aggregate amount of support from ad valorem taxation" shall mean the amounts produced by the district's total tax levies for operations.

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

"Department" shall mean the State Department of Education.

"Commission" shall mean the Mississippi Commission on School Accreditation created under Section 37-17-3.

The term "successful school district" shall mean a Level III school district as designated by the State Board of Education using current statistically relevant state assessment data.

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

"Charter school" means a public school that is established and operating under the terms of a charter contract...
between the school's governing board and the Mississippi Charter School Authorizer Board.

(w) The term "average daily membership" or "ADM" shall be the figure which results when the total aggregate student enrollment during the period or months counted is divided by the number of days during the period or months counted upon which both teachers and pupils are in regular attendance for scheduled classroom instruction. However, if a local school board adopts a class schedule that operates throughout the year for all or any schools in the district, average daily membership shall be computed by the State Department of Education so that the resulting average daily membership will not be higher or lower than if the local school board had not adopted such schedule.

SECTION 2. Section 37-151-7, Mississippi Code of 1972, is amended as follows:

37-151-7. The annual allocation to each school district for the operation of the adequate education program shall be determined as follows:

(1) **Computation of the basic amount to be included for current operation in the adequate education program.** The following procedure shall be followed in determining the annual allocation to each school district:

(a) **Determination of average daily membership.** Effective with fiscal year **2020**, the State Department of Education shall determine the percentage change from the prior
year of each year of each school district's average of months two (2) and three (3) average daily membership (ADM) for the three (3) immediately preceding school years of the year for which funds are being appropriated. For any school district that experiences a positive growth in the average of months two (2) and three (3) average daily membership (ADM) each year of the three (3) years, the average percentage growth over the three-year period shall be multiplied times the school district's average of months two (2) and three (3) average daily membership (ADM) for the year immediately preceding the year for which MAEP funds are being appropriated. The resulting amount shall be added to the school district's average of months two (2) and three (3) average daily membership (ADM) for the year immediately preceding the year for which MAEP funds are being appropriated to arrive at the average daily membership (ADM) to be used in determining a school district's MAEP allocation. Otherwise, months two (2) and three (3) average daily membership (ADM) for the year immediately preceding the year for which MAEP funds are being appropriated will be used in determining a school district's MAEP allocation. The district's average daily attendance or average daily membership (ADM) shall include any student enrolled in a Dual Enrollment-Dual Credit Program as defined and provided in Section 37-15-38(19). The State Department of Education shall make payments for Dual Enrollment-Dual Credit Programs to the home school in which the
student is enrolled, in accordance with regulations promulgated by the State Board of Education. The community college providing services to students in a Dual Enrollment-Dual Credit Program shall require payment from the home school district for services provided to such students at a rate of one hundred percent (100%) of *** base student cost. All MAEP/state funding shall cease upon completion of high school graduation requirements.

The State Auditor shall make one (1) actual count of students in month two (2) and one (1) actual count of students in month three (3) of the school year. The State Auditor shall not be required to count students in all local school districts during this time period, but shall make a concerted effort to count students in as many local districts as practical. No advance notice shall be given to a school when a count is scheduled to be conducted, however a count may be postponed due to extraordinary circumstances such as a natural disaster or fire. If the State Auditor finds that the average of the two (2) counts made under the provisions of this chapter shows that the number of students enrolled and in actual attendance in any school is as much below the number reported to the State Department of Education for month two (2) and for month three (3) for the applicable scholastic year, then the State Auditor shall certify the same to the State Department of Education no later than December 11 of the scholastic year during which the counts were made. The State Department of Education shall thereupon reduce the amount of state
funds allotted to the school district for the Mississippi Adequate Education Program (MAEP) for the ensuing scholastic year as follows:

For each school district whose reported average daily attendance is in excess of one hundred three percent (103%) of the average number of students actually counted by the examiners, the State Department of Education shall use one hundred three percent (103%) of the average count by the examiners as the average daily attendance for this school district in allotting MAEP funds for the next school session if funding for that school district is based on average daily attendance (ADA) and not average daily membership (ADM).

(b) Determination of base student cost. Effective with fiscal year 2011 and every fourth fiscal year thereafter, the State Board of Education, on or before August 1, with adjusted estimate no later than January 2, shall submit to the Legislative Budget Office and the Governor a proposed base student cost adequate to provide the following cost components of educating a pupil in a successful school district: (i) instructional cost; (ii) administrative cost; (iii) operation and maintenance of plant; and (iv) ancillary support cost. For purposes of these calculations, the Department of Education shall utilize financial data from the second preceding year of the year for which funds are being appropriated.
For the instructional cost component, the Department of Education shall select districts that have been identified as instructionally successful and have a ratio of a number of teachers per one thousand (1,000) students that is between one (1) standard deviation above the mean and two (2) standard deviations below the mean of the statewide average of teachers per one thousand (1,000) students. The instructional cost component shall be calculated by dividing the latest available months one (1) through nine (9) **ADM** into the instructional expenditures of these selected districts. For the purpose of this calculation, the Department of Education shall use the following funds, functions and objects:

- **Fund 1120** Functions 1110-1199 Objects 100-999, Functions 1210, 1220, 2150-2159 Objects 210 and 215;
- **Fund 1130** All Functions, Object Code 210 and 215;
- **Fund 2001** Functions 1110-1199 Objects 100-999;
- **Fund 2070** Functions 1110-1199 Objects 100-999;
- **Fund 2420** Functions 1110-1199 Objects 100-999;
- **Fund 2711** All Functions, Object Code 210 and 215.

Prior to the calculation of the instructional cost component, there shall be subtracted from the above expenditures any revenue received for Chickasaw Cession payments, Master Teacher Certification payments and the district's portion of state revenue received from the MAEP at-risk allocation.
For the administrative cost component, the Department of Education shall select districts that have been identified as instructionally successful and have a ratio of an administrative staff to nonadministrative staff between one (1) standard deviation above the mean and two (2) standard deviations below the mean of the statewide average administrative staff to nonadministrative staff. The administrative cost component shall be calculated by dividing the latest available months one (1) through nine (9) **ADM** of the selected districts into the administrative expenditures of these selected districts. For the purpose of this calculation, the Department of Education shall use the following funds, functions and objects:

- Fund 1120 Functions 2300-2599, Functions 2800-2899, Objects 100-999;
- Fund 2711 Functions 2300-2599, Functions 2800-2899, Objects 100-999.

For the plant and maintenance cost component, the Department of Education shall select districts that have been identified as instructionally successful and have a ratio of plant and maintenance expenditures per one hundred thousand (100,000) square feet of building space and a ratio of maintenance workers per one hundred thousand (100,000) square feet of building space that are both between one (1) standard deviation above the mean and two (2) standard deviations below the mean of the statewide average. The plant and maintenance cost component shall be calculated by
dividing the latest available months one (1) through nine (9) **ADM** of the selected districts into the plant and maintenance expenditures of these selected districts. For the purpose of this calculation, the Department of Education shall use the following funds, functions and objects:

- Fund 1120 Functions 2600-2699, Objects 100-699 and Objects 800-999;
- Fund 2711 Functions 2600-2699, Objects 100-699 and Objects 800-999;
- Fund 2430 Functions 2600-2699, Objects 100-699 and Objects 800-999.

For the ancillary support cost component, the Department of Education shall select districts that have been identified as instructionally successful and have a ratio of a number of librarians, media specialists, guidance counselors and psychologists per one thousand (1,000) students that is between one (1) standard deviation above the mean and two (2) standard deviations below the mean of the statewide average of librarians, media specialists, guidance counselors and psychologists per one thousand (1,000) students. The ancillary cost component shall be calculated by dividing the latest available months one (1) through nine (9) **ADM** into the ancillary expenditures instructional expenditures of these selected districts. For the purpose of this calculation, the Department of Education shall use the following funds, functions and objects:
The total base cost for each year shall be the sum of the instructional cost component, administrative cost component, plant and maintenance cost component and ancillary support cost component, and any estimated adjustments for additional state requirements as determined by the State Board of Education.

Provided, however, that the base student cost in fiscal year 1998 shall be Two Thousand Six Hundred Sixty-four Dollars ($2,664.00).

For each of the fiscal years between the recalculation of the base student cost under the provisions of this paragraph (b), the base student cost shall be increased by an amount equal to forty percent (40%) of the base student cost for the previous fiscal year, multiplied by the latest annual rate of inflation for the State of Mississippi as determined by the State Economist, plus any adjustments for additional state requirements such as, but not limited to, teacher pay raises and health insurance premium increases.

(c) **Determination of the basic adequate education program cost.** The basic amount for current operation to be
included in the Mississippi Adequate Education Program for each school district shall be computed as follows:

Beginning with the 2020-2021 school year, multiply the average daily * * * membership of the district by the base student cost as established by the Legislature, which yields the total base program cost for each school district. However, beginning with the 2020-2021 school year, the total base student cost for each school district shall be based on the ADM of the school district unless average daily attendance (ADA) is less than ninety-four and one-half percent (94.5%) threshold of the district's ADM. In instances that a district's attendance falls below the ninety-four and one-half percent (94.5%) threshold of the ADM, the base student cost shall be funded based on ADA.

(d) Adjustment to the base student cost for at-risk pupils. The amount to be included for at-risk pupil programs for each school district shall be computed as follows: Multiply the base student cost for the appropriate fiscal year as determined under paragraph (b) by five percent (5%), and multiply that product by the number of pupils participating in the federal free school lunch program in such school district, which yields the total adjustment for at-risk pupil programs for such school district.

(e) Add-on program cost. The amount to be allocated to school districts in addition to the adequate education program
cost for add-on programs for each school district shall be computed as follows:

(i) Transportation cost shall be the amount allocated to such school district for the operational support of the district transportation system from state funds.

(ii) Vocational or technical education program cost shall be the amount allocated to such school district from state funds for the operational support of such programs.

(iii) Special education program cost shall be the amount allocated to such school district from state funds for the operational support of such programs.

(iv) Gifted education program cost shall be the amount allocated to such school district from state funds for the operational support of such programs.

(v) Alternative school program cost shall be the amount allocated to such school district from state funds for the operational support of such programs.

(vi) Extended school year programs shall be the amount allocated to school districts for those programs authorized by law which extend beyond the normal school year.

(vii) University-based programs shall be the amount allocated to school districts for those university-based programs for handicapped children as defined and provided for in Section 37-23-131 et seq., Mississippi Code of 1972.
(viii) Bus driver training programs shall be the amount provided for those driver training programs as provided for in Section 37-41-1, Mississippi Code of 1972.

The sum of the items listed above (i) transportation, (ii) vocational or technical education, (iii) special education, (iv) gifted education, (v) alternative school, (vi) extended school year, (vii) university-based, and (viii) bus driver training shall yield the add-on cost for each school district.

(f) Total projected adequate education program cost.
The total Mississippi Adequate Education Program cost shall be the sum of the total basic adequate education program cost (paragraph (c)), and the adjustment to the base student cost for at-risk pupils (paragraph (d)) for each school district. In any year in which the MAEP is not fully funded, the Legislature shall direct the Department of Education in the K-12 appropriation bill as to how to allocate MAEP funds to school districts for that year.

(g) The State Auditor shall annually verify the State Board of Education's estimated calculations for the Mississippi Adequate Education Program that are submitted each year to the Legislative Budget Office on August 1 and the final calculation that is submitted on January 2.

(2) Computation of the required local revenue in support of the adequate education program. The amount that each district shall provide toward the cost of the adequate education program shall be calculated as follows:
(a) The State Department of Education shall certify to each school district that twenty-eight (28) mills, less the estimated amount of the yield of the School Ad Valorem Tax Reduction Fund grants as determined by the State Department of Education, is the millage rate required to provide the district required local effort for that year, or twenty-seven percent (27%) of the basic adequate education program cost for such school district as determined under paragraph (c), whichever is a lesser amount. In the case of an agricultural high school, the millage requirement shall be set at a level which generates an equitable amount per pupil to be determined by the State Board of Education. The local contribution amount for school districts in which there is located one or more charter schools will be calculated using the following methodology: using the adequate education program twenty-eight (28) mill value, or the twenty-seven percent (27%) cap amount (whichever is less) for each school district in which a charter school is located, an average per pupil amount will be calculated. This average per pupil amount will be multiplied times the number of students attending the charter school in that school district. The sum becomes the charter school’s local contribution to the adequate education program.

(b) The State Department of Education shall determine the following from the annual assessment information submitted to the department by the tax assessors of the various counties: (i) the total assessed valuation of nonexempt property for school
purposes in each school district; (ii) assessed value of exempt
property owned by homeowners aged sixty-five (65) or older or
disabled as defined in Section 27-33-67(2), Mississippi Code of
1972; (iii) the school district's tax loss from exemptions
provided to applicants under the age of sixty-five (65) and not
disabled as defined in Section 27-33-67(1), Mississippi Code of
1972; and (iv) the school district's homestead reimbursement
revenues.

(c) The amount of the total adequate education program
funding which shall be contributed by each school district shall
be the sum of the ad valorem receipts generated by the millage
required under this subsection plus the following local revenue
sources for the appropriate fiscal year which are or may be
available for current expenditure by the school district:

One hundred percent (100%) of Grand Gulf income as prescribed
in Section 27-35-309.

One hundred percent (100%) of any fees in lieu of taxes as
prescribed in Section 27-31-104.

(3) Computation of the required state effort in support of
the adequate education program.

(a) The required state effort in support of the
adequate education program shall be determined by subtracting the
sum of the required local tax effort as set forth in subsection
(2)(a) of this section and the other local revenue sources as set
forth in subsection (2)(c) of this section in an amount not to
exceed twenty-seven percent (27%) of the total projected adequate education program cost as set forth in subsection (1)(f) of this section from the total projected adequate education program cost as set forth in subsection (1)(f) of this section.

(b) Provided, however, that in fiscal year 2015, any increase in the said state contribution to any district calculated under this section shall be not less than six percent (6%) in excess of the amount received by said district from state funds for fiscal year 2002; in fiscal year 2016, any increase in the said state contribution to any district calculated under this section shall be not less than four percent (4%) in excess of the amount received by said district from state funds for fiscal year 2002; in fiscal year 2017, any increase in the said state contribution to any district calculated under this section shall be not less than two percent (2%) in excess of the amount received by said district from state funds for fiscal year 2002; and in fiscal year 2018 and thereafter, any increase in the said state contribution to any district calculated under this section shall be zero percent (0%). For purposes of this paragraph (b), state funds shall include minimum program funds less the add-on programs, State Uniform Millage Assistance Grant Funds, Education Enhancement Funds appropriated for Uniform Millage Assistance Grants and state textbook allocations, and State General Funds allocated for textbooks.
(c) If the school board of any school district shall determine that it is not economically feasible or practicable to operate any school within the district for the full one hundred eighty (180) days required for a school term of a scholastic year as required in Section 37-13-63, Mississippi Code of 1972, due to an enemy attack, a man-made, technological or natural disaster in which the Governor has declared a disaster emergency under the laws of this state or the President of the United States has declared an emergency or major disaster to exist in this state, said school board may notify the State Department of Education of such disaster and submit a plan for altering the school term. If the State Board of Education finds such disaster to be the cause of the school not operating for the contemplated school term and that such school was in a school district covered by the Governor's or President's disaster declaration, it may permit said school board to operate the schools in its district for less than one hundred eighty (180) days and, in such case, the State Department of Education shall not reduce the state contributions to the adequate education program allotment for such district, because of the failure to operate said schools for one hundred eighty (180) days.

(4) The Interim School District Capital Expenditure Fund is hereby established in the State Treasury which shall be used to distribute any funds specifically appropriated by the Legislature to such fund to school districts entitled to increased allocations
of state funds under the adequate education program funding formula prescribed in Sections 37-151-3 through 37-151-7, Mississippi Code of 1972, until such time as the said adequate education program is fully funded by the Legislature. The following percentages of the total state cost of increased allocations of funds under the adequate education program funding formula shall be appropriated by the Legislature into the Interim School District Capital Expenditure Fund to be distributed to all school districts under the formula: Nine and two-tenths percent (9.2%) shall be appropriated in fiscal year 1998, twenty percent (20%) shall be appropriated in fiscal year 1999, forty percent (40%) shall be appropriated in fiscal year 2000, sixty percent (60%) shall be appropriated in fiscal year 2001, eighty percent (80%) shall be appropriated in fiscal year 2002, and one hundred percent (100%) shall be appropriated in fiscal year 2003 into the State Adequate Education Program Fund. Until July 1, 2002, such money shall be used by school districts for the following purposes:

(a) Purchasing, erecting, repairing, equipping, remodeling and enlarging school buildings and related facilities, including gymnasiums, auditoriums, lunchrooms, vocational training buildings, libraries, school barns and garages for transportation vehicles, school athletic fields and necessary facilities connected therewith, and purchasing land therefor. Any such capital improvement project by a school district shall be approved
by the State Board of Education, and based on an approved
long-range plan. The State Board of Education shall promulgate
minimum requirements for the approval of school district capital
expenditure plans.

(b) Providing necessary water, light, heating,
air-conditioning, and sewerage facilities for school buildings,
and purchasing land therefor.

(c) Paying debt service on existing capital improvement
debt of the district or refinancing outstanding debt of a district
if such refinancing will result in an interest cost savings to the
district.

(d) From and after October 1, 1997, through June 30,
1998, pursuant to a school district capital expenditure plan
approved by the State Department of Education, a school district
may pledge such funds until July 1, 2002, plus funds provided for
in paragraph (e) of this subsection (4) that are not otherwise
permanently pledged under such paragraph (e) to pay all or a
portion of the debt service on debt issued by the school district
under Sections 37-59-1 through 37-59-45, 37-59-101 through
37-59-115, 37-7-351 through 37-7-359, 37-41-89 through 37-41-99,
37-7-301, 37-7-302 and 37-41-81, Mississippi Code of 1972, or debt
issued by boards of supervisors for agricultural high schools
pursuant to Section 37-27-65, Mississippi Code of 1972, or
lease-purchase contracts entered into pursuant to Section 31-7-13,
Mississippi Code of 1972, or to retire or refinance outstanding
debt of a district, if such pledge is accomplished pursuant to a written contract or resolution approved and spread upon the minutes of an official meeting of the district's school board or board of supervisors. It is the intent of this provision to allow school districts to irrevocably pledge their Interim School District Capital Expenditure Fund allotments as a constant stream of revenue to secure a debt issued under the foregoing code sections. To allow school districts to make such an irrevocable pledge, the state shall take all action necessary to ensure that the amount of a district's Interim School District Capital Expenditure Fund allotments shall not be reduced below the amount certified by the department or the district's total allotment under the Interim Capital Expenditure Fund if fully funded, so long as such debt remains outstanding.

(e) [Repealed]

(f) [Repealed]

(g) The State Board of Education may authorize the school district to expend not more than twenty percent (20%) of its annual allotment of such funds or Twenty Thousand Dollars ($20,000.00), whichever is greater, for technology needs of the school district, including computers, software, telecommunications, cable television, interactive video, film, low-power television, satellite communications, microwave communications, technology-based equipment installation and maintenance, and the training of staff in the use of such
technology-based instruction. Any such technology expenditure shall be reflected in the local district technology plan approved by the State Board of Education under Section 37-151-17, Mississippi Code of 1972.

(h) To the extent a school district has not utilized twenty percent (20%) of its annual allotment for technology purposes under paragraph (g), a school district may expend not more than twenty percent (20%) of its annual allotment or Twenty Thousand Dollars ($20,000.00), whichever is greater, for instructional purposes. The State Board of Education may authorize a school district to expend more than said twenty percent (20%) of its annual allotment for instructional purposes if it determines that such expenditures are needed for accreditation purposes.

(i) The State Department of Education or the State Board of Education may require that any project commenced under this section with an estimated project cost of not less than Five Million Dollars ($5,000,000.00) shall be done only pursuant to program management of the process with respect to design and construction. Any individuals, partnerships, companies or other entities acting as a program manager on behalf of a local school district and performing program management services for projects covered under this subsection shall be approved by the State Department of Education.
Any interest accruing on any unexpended balance in the Interim School District Capital Expenditure Fund shall be invested by the State Treasurer and placed to the credit of each school district participating in such fund in its proportionate share.

The provisions of this subsection (4) shall be cumulative and supplemental to any existing funding programs or other authority conferred upon school districts or school boards.

(5) The State Department of Education shall make payments to charter schools for each student in average daily attendance at the charter school equal to the state share of the adequate education program payments for each student in average daily attendance at the school district in which the public charter school is located. In calculating the local contribution for purposes of determining the state share of the adequate education program payments, the department shall deduct the pro rata local contribution of the school district in which the student resides as determined in subsection (2)(a) of this section.

SECTION 3. Section 37-151-85, Mississippi Code of 1972, is amended as follows:

37-151-85. (1) The amount to be allotted by the State Board of Education for transportation shall be determined as follows:

The State Department of Education shall calculate the cost of transportation in school districts by ascertaining the average cost per pupil in average daily attendance of transported pupils in school districts classified in different density groups as
determined by the State Department of Education. Based on these calculations, the State Department of Education shall develop a scale for determining the allowable cost per pupil in different density groups, which scale shall provide greatest allowance per pupil transported in school districts with lowest densities and smallest allowance per pupil in school districts with highest densities. **Beginning with the 2020-2021 school year, the total allowance in the adequate education program for transported children for any school district for the current year shall be the average daily ** membership (ADM) of the transported children for the nine (9) months of the prior year, multiplied by the allowance per transported pupil as provided herein. However, the State Department of Education is hereby authorized and empowered to make proper adjustments in allotments, under rules and regulations of the State Board of Education, in cases where major changes in the number of children in average daily ** membership (ADM) transported occur from one (1) year to another as a result of changes or alterations in the boundaries of school districts, a change in or relocation of attendance centers, or for other reasons which would result in major decrease or increase in the number of children in average daily attendance transported during the current school year as compared with the preceding year. Moreover, the State Board of Education is hereby authorized and empowered to make such payments to all districts and/or university-based programs as deemed necessary in connection with
transporting exceptional children as defined in Section 37-23-3. The State Board of Education shall establish and implement all necessary rules and regulations to allot transportation payments to university-based programs. In developing density classifications under the provisions hereof, the State Department of Education may give consideration to the length of the route, the sparsity of the population, the lack of adequate roads, highways and bridges, and the presence of large streams or other geographic obstacles. In addition to funds allotted under the above provisions, funds shall be allotted to each school district that transports students from their assigned school or attendance center to classes in an approved vocational-technical center at a rate per mile not to exceed the average statewide cost per mile of school bus transportation during the preceding year exclusive of bus replacement. All such transportation must have prior approval by the State Department of Education.

(2) The average daily * * * membership (ADM) of transported children shall be reported by the school district in which such children attend school. If children living in a school district are transported at the expense of such school district to another school district, the average daily * * * membership (ADM) of such transported children shall be deducted by the State Department of Education from the aggregate average daily * * * membership (ADM) of transported children in the school district in which they attend school and shall be added to the aggregate average
daily membership (ADM) of transported children of the school
district from which they come for the purpose of calculating
transportation allotments. However, such deduction shall not be
made for the purpose of calculating adequate education program
pupil-based funding.

(3) The State Department of Education shall include in the
allowance for transportation for each school district an amount
for the replacement of school buses or the purchase of new buses,
which amount shall be calculated upon the estimated useful life of
all school buses being used for the transportation of children in
such school district, whether such buses be publicly or privately
owned.

(4) The school boards of all districts operating school bus
transportation are authorized and directed to establish a salary
schedule for school bus drivers. No school district shall be
entitled to receive the funds herein allotted for transportation
unless it pays each of its nonstudent adult school bus drivers
paid from such transportation allotments a minimum of One Hundred
Ninety Dollars ($190.00) per month. In addition, local school
boards may compensate school bus drivers, to include temporary or
substitute bus drivers, for actual expenses incurred when
acquiring an initial commercial license or any renewal of a
commercial license in order to drive a school bus. In addition,
local school boards may compensate school bus drivers, to include
temporary or substitute bus drivers, for expenses, not to exceed
One Hundred Dollars ($100.00), when acquiring an initial medical exam or any renewal of a medical exam, in order to qualify for a commercial driver's license.

(5) The State Board of Education shall be authorized and empowered to use such part of the funds appropriated for transportation in the adequate education fund as may be necessary to finance driver training courses as provided for in Section 37-41-1, Mississippi Code of 1972.

(6) The State Board of Education, acting through the Department of Education, may compensate school bus drivers, to include temporary or substitute bus drivers, who are providing driving services to the various state operated schools, such as the Mississippi School for the Deaf, the Mississippi School for the Blind, the Mississippi School of the Arts, the Mississippi School for Math and Science and any other similar state operated schools, for actual expenses incurred when acquiring an initial commercial license or any renewal of a commercial license in order to drive a school bus, to include the expense, not to exceed One Hundred Dollars ($100.00), of acquiring an initial medical exam or any renewal of a medical exam in order to qualify for a commercial driver's license.

SECTION 4. Section 37-151-97, Mississippi Code of 1972, is amended as follows:

37-151-97. The State Department of Education shall develop an annual reporting process to inform the Legislature, local
district personnel and the general public as to the ongoing and future plans for the state's educational programs. The annual reporting process will include those vital statistics that are commonly reported by schools and districts and that can provide clear demographic, strategic and educational information to constituencies such as, but not limited to, the following information:

(a) Student enrollment, average daily membership (ADM), attendance, drop-out and graduation;

(b) Overall student and district achievement;

(c) Budget, administrative costs and other pertinent fiscal information, including:

(i) The receipts and disbursements of all school funds handled by the board;

(ii) Reports of expenditures for public schools, which, upon request must be made available on an individual district basis by the State Department of Education;

1. Total Student Expenditures:

   a. Instruction (1000s);

   b. Other Student Instructional Expenditures (2100s, 2200s);

2. General Administration (2300s and 2500s);

3. School Administration (2400s);

4. Other Expenditures (2600s, 2700s, 2800s, 3100s, 3200s); and
5. Nonoperational Expenditures (4000s, 5000s, 6000s);

(iii) The number of school districts, schoolteachers employed, school administrators employed, pupils taught and the attendance record of pupils therein;

(iv) County and district levies for each school district and agricultural high school;

(v) The condition of vocational education, a list of schools to which federal and state aid has been given, and a detailed statement of the expenditures of federal funds and the state funds that may be provided, and the ranking of subjects taught as compared with the state's needs.

(d) Other as directed by the State Board of Education.

Further, the reporting process will include an annual report developed specifically to relate the mission and goals of the State Board of Education, state superintendent and departments. This document will become the method through which the strategic planning and management process of the department is articulated to the public. It will explain and inform the public of the major initiatives of the department and clearly identify rationale for program development and/or elimination. The report will establish benchmarks, future plans and discuss the effectiveness of educational programs.

In addition to the information specified herein, the State Board of Education shall have full and plenary authority and power
to require the furnishing of such further, additional and
supplementary information as it may deem necessary for the purpose
of determining the cost of the adequate education program in such
school district for the succeeding fiscal year, the amount of the
adequate education program funds to be allotted to each school
district for the succeeding fiscal year, and for any other purpose
authorized by law or deemed necessary by said State Board of
Education.

It shall be the duty of the State Department of Education to
prescribe the forms for the reports provided for in this section.

SECTION 5. Section 37-151-103, Mississippi Code of 1972, is
amended as follows:

37-151-103. (1) Funds due each school district and charter
school under the terms of this chapter from the Adequate Education
Program Fund shall be paid in the following manner: Two (2)
business days prior to the last working day of each month there
shall be paid to each school district and charter school, by
electronic funds transfer, one-twelfth (1/12) of the funds to
which the district or charter school is entitled from funds
appropriated for the Adequate Education Program Fund. However, in
December those payments shall be made on December 15th or the next
business day after that date. All school districts shall process
a single monthly payroll for licensed employees and may process a
single monthly or a semimonthly payroll for nonlicensed employees,
in the discretion of the local school board, with electronic
settlement of payroll checks secured through direct deposit of net
pay for all school district employees. In addition, the State
Department of Education may pay school districts and charter
schools from the common school fund and the Adequate Education
Program Fund on a date earlier than provided for by this section
if it is determined that it is in the best interest of school
districts and charter schools to do so.

** ** ** However, ** ** ** if the cash balance in the State
General Fund is not adequate on the due date to pay the amounts
due to all school districts and charter schools in the state as
determined by the State Superintendent of Education, the State
Fiscal Officer shall not transfer said funds payable to any school
district or districts or charter schools until money is available
to pay the amount due to all districts and charter schools.

(2) Notwithstanding any provision of this chapter or any
other law requiring the number of children in average daily
attendance, average daily membership (ADM) or the average
daily ** ** ** membership (ADM) of transported children to be
determined on the basis of the preceding year, the State Board of
Education is hereby authorized and empowered to make proper
adjustments in allotments in cases where major changes in the
number of children in average daily attendance, average daily
membership (ADM) or the average daily ** ** ** membership (ADM) of
transported children occurs from one (1) year to another as a
result of changes or alterations in the boundaries of school
districts, the sending of children from one county or district to another upon a contract basis, the termination or discontinuance of a contract for the sending of children from one county or district to another, a change in or relocation of attendance centers, or for any other reason which would result in a major decrease or increase in the number of children in average daily attendance, average daily membership (ADM) or the average daily membership (ADM) of transported children during the current school year as compared with the preceding year.

(3) In the event of an inordinately large number of absentees in any school district or charter school as a result of epidemic, natural disaster, or any concerted activity discouraging school attendance, then in such event school attendance for the purposes of determining average daily attendance or average daily membership (ADM) under the adequate education program shall be based upon the average daily attendance or average daily membership (ADM) for the preceding school year for such school district or charter school.

SECTION 6. Section 37-13-91, Mississippi Code of 1972, is amended as follows:

37-13-91. (1) This section shall be referred to as the "Mississippi Compulsory School Attendance Law."

(2) The following terms as used in this section are defined as follows:
(a) "Parent" means the father or mother to whom a child has been born, or the father or mother by whom a child has been legally adopted.

(b) "Guardian" means a guardian of the person of a child, other than a parent, who is legally appointed by a court of competent jurisdiction.

(c) "Custodian" means any person having the present care or custody of a child, other than a parent or guardian of the child.

(d) "School day" means not less than five and one-half (5-1/2) and not more than eight (8) hours of actual teaching in which both teachers and pupils are in regular attendance for scheduled schoolwork.

(e) "School" means any public school, including a charter school, in this state or any nonpublic school in this state which is in session each school year for at least one hundred eighty (180) school days, except that the "nonpublic" school term shall be the number of days that each school shall require for promotion from grade to grade.

(f) "Compulsory-school-age child" means a child who has attained or will attain the age of six (6) years on or before September 1 of the calendar year and who has not attained the age of seventeen (17) years on or before September 1 of the calendar year; and shall include any child who has attained or will attain
the age of five (5) years on or before September 1 and has enrolled in a full-day public school kindergarten program.

(g) "School attendance officer" means a person employed by the State Department of Education pursuant to Section 37-13-89.

(h) "Appropriate school official" means the superintendent of the school district, or his designee, or, in the case of a nonpublic school, the principal or the headmaster.

(i) "Nonpublic school" means an institution for the teaching of children, consisting of a physical plant, whether owned or leased, including a home, instructional staff members and students, and which is in session each school year. This definition shall include, but not be limited to, private, church, parochial and home instruction programs.

(3) A parent, guardian or custodian of a compulsory-school-age child in this state shall cause the child to enroll in and attend a public school or legitimate nonpublic school for the period of time that the child is of compulsory school age, except under the following circumstances:

(a) When a compulsory-school-age child is physically, mentally or emotionally incapable of attending school as determined by the appropriate school official based upon sufficient medical documentation.

(b) When a compulsory-school-age child is enrolled in and pursuing a course of special education, remedial education or...
education for handicapped or physically or mentally disadvantaged children.

(c) When a compulsory-school-age child is being educated in a legitimate home instruction program.

The parent, guardian or custodian of a compulsory-school-age child described in this subsection, or the parent, guardian or custodian of a compulsory-school-age child attending any charter school or nonpublic school, or the appropriate school official for any or all children attending a charter school or nonpublic school shall complete a "certificate of enrollment" in order to facilitate the administration of this section.

The form of the certificate of enrollment shall be prepared by the Office of Compulsory School Attendance Enforcement of the State Department of Education and shall be designed to obtain the following information only:

(i) The name, address, telephone number and date of birth of the compulsory-school-age child;

(ii) The name, address and telephone number of the parent, guardian or custodian of the compulsory-school-age child;

(iii) A simple description of the type of education the compulsory-school-age child is receiving and, if the child is enrolled in a nonpublic school, the name and address of the school; and

(iv) The signature of the parent, guardian or custodian of the compulsory-school-age child or, for any or all
compulsory-school-age child or children attending a charter school or nonpublic school, the signature of the appropriate school official and the date signed.

The certificate of enrollment shall be returned to the school attendance officer where the child resides on or before September 15 of each year. Any parent, guardian or custodian found by the school attendance officer to be in noncompliance with this section shall comply, after written notice of the noncompliance by the school attendance officer, with this subsection within ten (10) days after the notice or be in violation of this section.

However, in the event the child has been enrolled in a public school within fifteen (15) calendar days after the first day of the school year as required in subsection (6), the parent or custodian may, at a later date, enroll the child in a legitimate nonpublic school or legitimate home instruction program and send the certificate of enrollment to the school attendance officer and be in compliance with this subsection.

For the purposes of this subsection, a legitimate nonpublic school or legitimate home instruction program shall be those not operated or instituted for the purpose of avoiding or circumventing the compulsory attendance law.

(4) An "unlawful absence" is an absence for an entire school day or during part of a school day by a compulsory-school-age child, which absence is not due to a valid excuse for temporary nonattendance. * * * Days missed from school due to disciplinary
suspension shall not be considered an "excused" absence under this section. This subsection shall not apply to children enrolled in a nonpublic school.

Each of the following shall constitute a valid excuse for temporary nonattendance of a compulsory-school-age child enrolled in a noncharter public school, provided satisfactory evidence of the excuse is provided to the superintendent of the school district, or his designee:

(a) An absence is excused when the absence results from the compulsory-school-age child's attendance at an authorized school activity with the prior approval of the superintendent of the school district, or his designee. These activities may include field trips, athletic contests, student conventions, musical festivals and any similar activity.

(b) An absence is excused when the absence results from illness or injury which prevents the compulsory-school-age child from being physically able to attend school.

(c) An absence is excused when isolation of a compulsory-school-age child is ordered by the county health officer, by the State Board of Health or appropriate school official.

(d) An absence is excused when it results from the death or serious illness of a member of the immediate family of a compulsory-school-age child. The immediate family members of a compulsory-school-age child shall include children, spouse,
grandparents, parents, brothers and sisters, including stepbrothers and stepsisters.

(e) An absence is excused when it results from a medical or dental appointment of a compulsory-school-age child.

(f) An absence is excused when it results from the attendance of a compulsory-school-age child at the proceedings of a court or an administrative tribunal if the child is a party to the action or under subpoena as a witness.

(g) An absence may be excused if the religion to which the compulsory-school-age child or the child's parents adheres, requires or suggests the observance of a religious event. The approval of the absence is within the discretion of the superintendent of the school district, or his designee, but approval should be granted unless the religion's observance is of such duration as to interfere with the education of the child.

(h) An absence may be excused when it is demonstrated to the satisfaction of the superintendent of the school district, or his designee, that the purpose of the absence is to take advantage of a valid educational opportunity such as travel, including vacations or other family travel. Approval of the absence must be gained from the superintendent of the school district, or his designee, before the absence, but the approval shall not be unreasonably withheld.

(i) An absence may be excused when it is demonstrated to the satisfaction of the superintendent of the school district,
or his designee, that conditions are sufficient to warrant the compulsory-school-age child's nonattendance. However, no absences shall be excused by the school district superintendent, or his designee, when any student suspensions or expulsions circumvent the intent and spirit of the compulsory attendance law.

(j) An absence is excused when it results from the attendance of a compulsory-school-age child participating in official organized events sponsored by the 4-H or Future Farmers of America (FFA). The excuse for the 4-H or FFA event must be provided in writing to the appropriate school superintendent by the Extension Agent or High School Agricultural Instructor/FFA Advisor.

(k) An absence is excused when it results from the compulsory-school-age child officially being employed to serve as a page at the State Capitol for the Mississippi House of Representatives or Senate.

(5) Any parent, guardian or custodian of a compulsory-school-age child subject to this section who refuses or willfully fails to perform any of the duties imposed upon him or her under this section or who intentionally falsifies any information required to be contained in a certificate of enrollment, shall be guilty of contributing to the neglect of a child and, upon conviction, shall be punished in accordance with Section 97-5-39.
Upon prosecution of a parent, guardian or custodian of a compulsory-school-age child for violation of this section, the presentation of evidence by the prosecutor that shows that the child has not been enrolled in school within eighteen (18) calendar days after the first day of the school year of the public school which the child is eligible to attend, or that the child has accumulated twelve (12) unlawful absences during the school year at the public school in which the child has been enrolled, shall establish a prima facie case that the child's parent, guardian or custodian is responsible for the absences and has refused or willfully failed to perform the duties imposed upon him or her under this section. However, no proceedings under this section shall be brought against a parent, guardian or custodian of a compulsory-school-age child unless the school attendance officer has contacted promptly the home of the child and has provided written notice to the parent, guardian or custodian of the requirement for the child's enrollment or attendance.

(6) If a compulsory-school-age child has not been enrolled in a school within fifteen (15) calendar days after the first day of the school year of the school which the child is eligible to attend or the child has accumulated five (5) unlawful absences during the school year of the public school in which the child is enrolled, the school district superintendent or his designee shall report, within two (2) school days or within five (5) calendar days, whichever is less, the absences to the school
attendance officer. The State Department of Education shall
prescribe a uniform method for schools to utilize in reporting the
unlawful absences to the school attendance officer. The
superintendent, or his designee, also shall report any student
suspensions or student expulsions to the school attendance officer
when they occur.

(7) When a school attendance officer has made all attempts
to secure enrollment and/or attendance of a compulsory-school-age
child and is unable to effect the enrollment and/or attendance,
the attendance officer shall file a petition with the youth court
under Section 43-21-451 or shall file a petition in a court of
competent jurisdiction as it pertains to parent or child.
Sheriffs, deputy sheriffs and municipal law enforcement officers
shall be fully authorized to investigate all cases of
nonattendance and unlawful absences by compulsory-school-age
children, and shall be authorized to file a petition with the
youth court under Section 43-21-451 or file a petition or
information in the court of competent jurisdiction as it pertains
to parent or child for violation of this section. The youth court
shall expedite a hearing to make an appropriate adjudication and a
disposition to ensure compliance with the Compulsory School
Attendance Law, and may order the child to enroll or re-enroll in
school. The superintendent of the school district to which the
child is ordered may assign, in his discretion, the child to the
alternative school program of the school established pursuant to
Section 37-13-92.

(8) The State Board of Education shall adopt rules and
regulations for the purpose of reprimanding any school
superintendents who fail to timely report unexcused absences under
the provisions of this section.

(9) Notwithstanding any provision or implication herein to
the contrary, it is not the intention of this section to impair
the primary right and the obligation of the parent or parents, or
person or persons in loco parentis to a child, to choose the
proper education and training for such child, and nothing in this
section shall ever be construed to grant, by implication or
otherwise, to the State of Mississippi, any of its officers,
agencies or subdivisions any right or authority to control,
manage, supervise or make any suggestion as to the control,
management or supervision of any private or parochial school or
institution for the education or training of children, of any kind
whatsoever that is not a public school according to the laws of
this state; and this section shall never be construed so as to
grant, by implication or otherwise, any right or authority to any
state agency or other entity to control, manage, supervise,
provide for or affect the operation, management, program,
curriculum, admissions policy or discipline of any such school or
home instruction program.
SECTION 7. This act shall take effect and be in force from and after July 1, 2019.