

By: Representative Clark

To: Education

HOUSE BILL NO. 78

1 AN ACT TO REQUIRE THE STATE BOARD OF EDUCATION TO ESTABLISH A
 2 TRIMESTER SCHOOL YEAR PILOT PROGRAM; TO REQUIRE THE BOARD TO
 3 SELECT UP TO TWELVE SCHOOL DISTRICTS FOR PARTICIPATION IN THE
 4 PROGRAM; TO REQUIRE THE BOARD TO REPORT TO THE CHAIRMEN OF THE
 5 EDUCATION COMMITTEES BEFORE JANUARY 1, 2025, ON THE RESULTS OF THE
 6 PILOT PROGRAM AND THE DESIRABILITY OF IMPLEMENTING A TRIMESTER
 7 CALENDAR IN ALL MISSISSIPPI SCHOOL DISTRICTS; TO REQUIRE THE BOARD
 8 TO ESTABLISH THE ANNUAL SCHOOL CALENDAR, WHICH MUST BE NO LESS
 9 THAN 225 DAYS, FOR SCHOOL DISTRICTS PARTICIPATING IN THE PILOT
 10 PROGRAM; TO PRESCRIBE THE CORE CURRICULUM FOR STUDENTS IN SCHOOL
 11 DISTRICTS PARTICIPATING IN THE PILOT PROGRAM; TO REQUIRE THE BOARD
 12 TO INCREASE THE ADEQUATE EDUCATION PROGRAM ALLOTMENT TO SCHOOL
 13 DISTRICTS PARTICIPATING IN THE PILOT PROGRAM; TO AMEND SECTIONS
 14 37-9-24, 37-13-63, 37-13-67, 37-13-91, 37-151-5 AND 37-151-7,
 15 MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PRECEDING
 16 PROVISIONS; AND FOR RELATED PURPOSES.

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

18 **SECTION 1.** (1) The State Board of Education shall establish
 19 a Trimester School Year Pilot Program to determine the feasibility
 20 and desirability of implementing a trimester school year in all
 21 public school districts in the state.

22 (2) During the 2022-2023 school year, the State Board of
 23 Education shall adopt rules and regulations for the implementation
 24 of the pilot program and an application process for interested
 25 school districts to apply for participation in the pilot program.



26 The board may select up to twelve (12) eligible school districts
27 in which the trimester school year calendar will be implemented.
28 In selecting participants for the program, the board shall
29 endeavor to include school districts representative of all
30 Mississippi school districts, with consideration given to factors
31 including, but not necessarily limited to, each applying school
32 district's: size; accreditation level; urban or rural nature;
33 demographic profile; and geographical location. At least one (1)
34 school district in each congressional district, as those districts
35 exist on July 1, 2022, must be selected for participation in the
36 pilot program unless no application is received by the board from
37 an eligible school district within a particular congressional
38 district.

39 (3) School districts participating in the Trimester School
40 Year Pilot Program must agree to adhere to the trimester school
41 year calendar adopted by the State Board of Education for the
42 2023-2024 and 2024-2025 school years.

43 (4) Before January 1, 2024, the State Board of Education
44 shall submit a report to the Chairmen of the Education Committees
45 of the House of Representatives and Senate on the results of the
46 Trimester School Year Pilot Program. The report must include
47 recommendations on whether or not the trimester calendar should be
48 implemented on a permanent basis in all or certain public school
49 districts of the state.



50 **SECTION 2.** The State Board of Education shall establish a
51 school year calendar to be observed by those school districts
52 participating in the Trimester School Year Pilot Program. The
53 opening day of the school term must be the Tuesday immediately
54 succeeding the first Monday of September (National Memorial Day).
55 Each trimester must consist of no less than seventy-five (75) days
56 in which students and teachers are in regular attendance for
57 scheduled school work. Upon the conclusion of each trimester,
58 there must be a break of no less than fifteen (15) calendar days;
59 however, the State Board of Education may designate a total of
60 fourteen (14) days during the breaks as teacher work days or
61 in-service training days. The complete scholastic year for school
62 districts participating in the pilot program must be no less than
63 two hundred twenty-five (225) days. The State Board of Education
64 shall designate the legal holidays that may be observed in school
65 districts participating in the pilot program.

66 **SECTION 3.** (1) The core curriculum for students in Grades 4
67 through 12 in the school districts participating in the Trimester
68 School Year Pilot Program shall consist of the following five (5)
69 core courses, each consisting of a minimum of eighteen (18)
70 trimester units of developmental, content-mastery instruction:

71 (a) Language Arts -- Reading Recognition, Reading
72 Comprehension, Spelling, Grammar, Written Expression and
73 Literature;



74 (b) Math -- Math Calculations, Math Reasoning, Business
75 Math, Algebra, Geometry, Algebra II, Trigonometry and Calculus;

76 (c) Foreign Language -- Written Expression, Verbal
77 Expression and Literature;

78 (d) Social Studies:

79 (i) Grades 8 and 9 -- World History, consisting of
80 four (4) trimesters with each course following an established
81 timeline and incorporating major social, political and economic
82 issues for South and Central America, North America, the Far East,
83 the Middle East, Africa, Australia and Europe, with all courses to
84 include related geography segments;

85 (ii) Grades 10 and 11 -- American History,
86 consisting of two (2) trimesters from the Indigenous People
87 through the Civil War and two (2) trimesters from the Civil War to
88 the present; and

89 (iii) Grade 12 -- United States Government and two
90 (2) trimesters of Current Political and Social Issues; and

91 (e) Science -- Earth Science, Biology, Zoology,
92 Chemistry and Physics.

93 (2) In each school in those school districts participating
94 in the Trimester School Year Pilot Program, the content area
95 teachers shall develop skill progression-based course outlines
96 identifying the primary and secondary data to be mastered. The
97 principal of the school shall collate and assimilate the
98 information into one (1) outline, which shall be forwarded to the



99 school district's central office. The local school board then
100 shall collate and assimilate the data gathered from the various
101 schools in that school district into one (1) outline to be
102 submitted to the State Department of Education. The State
103 Department of Education shall collate and assimilate the data
104 gathered from the various school districts participating in the
105 pilot program into one (1) outline. The department shall submit
106 the final outline to a panel of university and college educators
107 for revision.

108 (3) The State Department of Education shall provide
109 standardized tests for the core curriculum defined in this
110 section. Local school districts shall administer the standardized
111 tests in particular subject areas to all students in the public
112 schools on the same day, as designated by the State Department of
113 Education. In administering the tests, a classroom teacher may
114 not be permitted to monitor the testing of that teacher's
115 students. All tests must be scored by machine, and the test
116 results may be posted only in a pass or fail format.

117 (4) The State Board of Education shall establish the number
118 of hours of actual teaching which constitutes a school day in
119 those school districts participating in the Trimester School Year
120 Pilot Program. The number of hours of each school day must be
121 sufficient to satisfy the core curriculum requirements established
122 in this section.



123 **SECTION 4.** In order to sufficiently fund school districts
124 participating in the Trimester School Year Pilot Program, the
125 State Board of Education shall increase the annual funding for the
126 participating school districts under the Mississippi Adequate
127 Education Program by an amount determined by the following
128 formula: The annual allocation to the particular school district
129 under the Mississippi Adequate Education Program will be divided
130 by the average number of days that teachers and students are in
131 actual attendance in all Mississippi school districts that are not
132 participating in the pilot program. This sum, which represents
133 the Mississippi Adequate Education Program daily allotment, will
134 be multiplied by the difference between two hundred twenty-five
135 (225) and the average number of days that teachers and students
136 are in actual attendance in all Mississippi school districts that
137 are not participating in the pilot program. The result of the
138 last calculation will be added to the annual allocation to the
139 particular school district under the Mississippi Adequate
140 Education Program.

141 **SECTION 5.** Section 37-9-24, Mississippi Code of 1972, is
142 amended as follows:

143 37-9-24. (1) Except as otherwise provided in this section,
144 no school district shall contract with any licensed personnel for
145 a number of employment days which shall be less than one hundred
146 eighty-five (185).



147 Beginning with the 1994-1995 school year, no school district
148 shall contract with any licensed personnel for less than one
149 hundred eighty-seven (187) employment days.

150 (2) Licensed personnel may be employed for less than a full
151 school year if the contract states the exact period of time for
152 which the licensed person is to be employed.

153 (3) Each school district participating in the Trimester
154 School Year Pilot Program and executing employment contracts
155 before July 1, 2023, having a term of two hundred thirty-two (232)
156 or more employment days for the 2023-2024 school year, shall
157 increase the term of the standard one hundred eighty-seven-day
158 contract by no less than forty-five (45) employment days; however,
159 the annual salary established in the contract for the licensed
160 personnel may be increased using any local supplement or state
161 funds made available to the participating school district due to
162 the number of employment days required under this subsection.
163 This subsection shall stand repealed on July 1, 2025.

164 **SECTION 6.** Section 37-13-63, Mississippi Code of 1972, is
165 amended as follows:

166 37-13-63. (1) Except as otherwise provided under
167 subsections (2) and (3) of this section, and Sections 2 and 4 of
168 this act, all public schools in the state shall be kept in session
169 for at least one hundred eighty (180) days in each scholastic
170 year.



171 (2) If the school board of any school district shall
172 determine that it is not economically feasible or practicable to
173 operate any school within the district for the full one hundred
174 eighty (180) days required for a scholastic year as contemplated
175 due to an enemy attack, a man-made, technological or natural
176 disaster or extreme weather emergency in which the Governor has
177 declared a disaster or state of emergency under the laws of this
178 state or the President of the United States has declared an
179 emergency or major disaster to exist in this state, the school
180 board may notify the State Department of Education of the disaster
181 or weather emergency and submit a plan for altering the school
182 term. If the State Board of Education finds the disaster or
183 extreme weather emergency to be the cause of the school not
184 operating for the contemplated school term and that such school
185 was in a school district covered by the Governor's or President's
186 disaster or state of emergency declaration, it may permit that
187 school board to operate the schools in its district for less than
188 one hundred eighty (180) days; however, in no instance of a
189 declared disaster or state of emergency under the provisions of
190 this subsection shall a school board receive payment from the
191 State Department of Education for per pupil expenditure for pupils
192 in average daily attendance in excess of ten (10) days.

193 (3) A school district that is selected for participation in
194 the Trimester School Year Pilot Program, established under
195 Sections 1 through 4 of this act, must be kept in session for at



196 least two hundred twenty-five (225) days for the duration of the
197 pilot program beginning with the 2023-2024 school year, and may
198 only be reduced in the event it is determined by the school board
199 of the participating school district that it is not economically
200 feasible or practicable to do so for reasons outlined in
201 subsection (2) of this section.

202 **SECTION 7.** Section 37-13-67, Mississippi Code of 1972, is
203 amended as follows:

204 37-13-67. Except as otherwise provided under Section 3 of
205 House Bill No. 78, 2022 Regular Session, for school districts
206 participating in the Trimester School Year Pilot Program, the
207 number of hours of actual teaching which shall constitute a school
208 day shall be determined and fixed by the board of trustees of the
209 school district at not less than five and one-half (5-1/2) hours.

210 **SECTION 8.** Section 37-13-91, Mississippi Code of 1972, is
211 amended as follows:

212 37-13-91. (1) This section shall be referred to as the
213 "Mississippi Compulsory School Attendance Law."

214 (2) The following terms as used in this section are defined
215 as follows:

216 (a) "Parent" means the father or mother to whom a child
217 has been born, or the father or mother by whom a child has been
218 legally adopted.



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

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

225 (d) "School day" means not less than five and one-half
226 (5-1/2) and not more than eight (8) hours of actual teaching in
227 which both teachers and pupils are in regular attendance for
228 scheduled schoolwork.

229 (e) "School" means any public school, including a
230 charter school, in this state or any nonpublic school in this
231 state which is in session each school year for at least one
232 hundred eighty (180) school days, or in the case of school
233 districts participating in the Trimester School Year Pilot Program
234 established under Sections 1 through 4 of this act, two hundred
235 twenty-five days (225) of school, except that the "nonpublic"
236 school term shall be the number of days that each school shall
237 require for promotion from grade to grade.

238 (f) "Compulsory-school-age child" means a child who has
239 attained or will attain the age of six (6) years on or before
240 September 1 of the calendar year and who has not attained the age
241 of seventeen (17) years on or before September 1 of the calendar
242 year; and shall include any child who has attained or will attain



243 the age of five (5) years on or before September 1 and has
244 enrolled in a full-day public school kindergarten program.

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

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

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

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

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

265 (b) When a compulsory-school-age child is enrolled in
266 and pursuing a course of special education, remedial education or



267 education for handicapped or physically or mentally disadvantaged
268 children.

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

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

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

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

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

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

290 (iv) The signature of the parent, guardian or
291 custodian of the compulsory-school-age child or, for any or all



292 compulsory-school-age child or children attending a charter school
293 or nonpublic school, the signature of the appropriate school
294 official and the date signed.

295 The certificate of enrollment shall be returned to the school
296 attendance officer where the child resides on or before September
297 15 of each year. Any parent, guardian or custodian found by the
298 school attendance officer to be in noncompliance with this section
299 shall comply, after written notice of the noncompliance by the
300 school attendance officer, with this subsection within ten (10)
301 days after the notice or be in violation of this section.

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

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

313 (4) An "unlawful absence" is an absence for an entire school
314 day or during part of a school day by a compulsory-school-age
315 child, which absence is not due to a valid excuse for temporary
316 nonattendance. For purposes of reporting absenteeism under



317 subsection (6) of this section, if a compulsory-school-age child
318 has an absence that is more than thirty-seven percent (37%) of the
319 instructional day, as fixed by the school board for the school at
320 which the compulsory-school-age child is enrolled, the child must
321 be considered absent the entire school day. Days missed from
322 school due to disciplinary suspension shall not be considered an
323 "excused" absence under this section. This subsection shall not
324 apply to children enrolled in a nonpublic school.

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

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

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

339 (c) An absence is excused when isolation of a
340 compulsory-school-age child is ordered by the county health



341 officer, by the State Board of Health or appropriate school
342 official.

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

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

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

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

362 (h) An absence may be excused when it is demonstrated
363 to the satisfaction of the superintendent of the school district,
364 or his designee, that the purpose of the absence is to take
365 advantage of a valid educational opportunity such as travel,



366 including vacations or other family travel. Approval of the
367 absence must be gained from the superintendent of the school
368 district, or his designee, before the absence, but the approval
369 shall not be unreasonably withheld.

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

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

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

388 (5) Any parent, guardian or custodian of a
389 compulsory-school-age child subject to this section who refuses or
390 willfully fails to perform any of the duties imposed upon him or



391 her under this section or who intentionally falsifies any
392 information required to be contained in a certificate of
393 enrollment, shall be guilty of contributing to the neglect of a
394 child and, upon conviction, shall be punished in accordance with
395 Section 97-5-39.

396 Upon prosecution of a parent, guardian or custodian of a
397 compulsory-school-age child for violation of this section, the
398 presentation of evidence by the prosecutor that shows that the
399 child has not been enrolled in school within eighteen (18)
400 calendar days after the first day of the school year of the public
401 school which the child is eligible to attend, or that the child
402 has accumulated twelve (12) unlawful absences during the school
403 year at the public school in which the child has been enrolled,
404 shall establish a prima facie case that the child's parent,
405 guardian or custodian is responsible for the absences and has
406 refused or willfully failed to perform the duties imposed upon him
407 or her under this section. However, no proceedings under this
408 section shall be brought against a parent, guardian or custodian
409 of a compulsory-school-age child unless the school attendance
410 officer has contacted promptly the home of the child and has
411 provided written notice to the parent, guardian or custodian of
412 the requirement for the child's enrollment or attendance.

413 (6) If a compulsory-school-age child has not been enrolled
414 in a school within fifteen (15) calendar days after the first day
415 of the school year of the school which the child is eligible to



416 attend or the child has accumulated five (5) unlawful absences
417 during the school year of the public school in which the child is
418 enrolled, the school district superintendent, or his designee,
419 shall report, within two (2) school days or within five (5)
420 calendar days, whichever is less, the absences to the school
421 attendance officer. The State Department of Education shall
422 prescribe a uniform method for schools to utilize in reporting the
423 unlawful absences to the school attendance officer. The
424 superintendent, or his designee, also shall report any student
425 suspensions or student expulsions to the school attendance officer
426 when they occur.

427 (7) When a school attendance officer has made all attempts
428 to secure enrollment and/or attendance of a compulsory-school-age
429 child and is unable to effect the enrollment and/or attendance,
430 the attendance officer shall file a petition with the youth court
431 under Section 43-21-451 or shall file a petition in a court of
432 competent jurisdiction as it pertains to parent or child.
433 Sheriffs, deputy sheriffs and municipal law enforcement officers
434 shall be fully authorized to investigate all cases of
435 nonattendance and unlawful absences by compulsory-school-age
436 children, and shall be authorized to file a petition with the
437 youth court under Section 43-21-451 or file a petition or
438 information in the court of competent jurisdiction as it pertains
439 to parent or child for violation of this section. The youth court
440 shall expedite a hearing to make an appropriate adjudication and a



441 disposition to ensure compliance with the Compulsory School
442 Attendance Law, and may order the child to enroll or re-enroll in
443 school. The superintendent of the school district to which the
444 child is ordered may assign, in his discretion, the child to the
445 alternative school program of the school established pursuant to
446 Section 37-13-92.

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

451 (9) Notwithstanding any provision or implication herein to
452 the contrary, it is not the intention of this section to impair
453 the primary right and the obligation of the parent or parents, or
454 person or persons in loco parentis to a child, to choose the
455 proper education and training for such child, and nothing in this
456 section shall ever be construed to grant, by implication or
457 otherwise, to the State of Mississippi, any of its officers,
458 agencies or subdivisions any right or authority to control,
459 manage, supervise or make any suggestion as to the control,
460 management or supervision of any private or parochial school or
461 institution for the education or training of children, of any kind
462 whatsoever that is not a public school according to the laws of
463 this state; and this section shall never be construed so as to
464 grant, by implication or otherwise, any right or authority to any
465 state agency or other entity to control, manage, supervise,



466 provide for or affect the operation, management, program,
467 curriculum, admissions policy or discipline of any such school or
468 home instruction program.

469 **SECTION 9.** Section 37-151-5, Mississippi Code of 1972, is
470 amended as follows:

471 37-151-5. As used in Sections 37-151-5 and 37-151-7:

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

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

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

488 (ii) "Pilot programs" shall mean programs of a
489 pilot or experimental nature usually designed for special purposes



490 and for a specified period of time other than those included in
491 the adequate education program.

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

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

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

504 (d) "Base student cost" shall mean the funding level
505 necessary for providing an adequate education program for one (1)
506 base student, subject to any minimum amounts prescribed in Section
507 37-151-7(1).

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

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



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

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

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

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

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

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

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

537 (f) "Teacher" shall include any employee of a local
538 school who is required by law to obtain a teacher's license from



539 the State Board of Education and who is assigned to an
540 instructional area of work as defined by the State Department of
541 Education.

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

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

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

549 (j) "Minimum school term" shall mean a term of at least
550 one hundred eighty (180) days of school, or in the case of school
551 districts participating in the Trimester School Year Pilot Program
552 established under Sections 1 through 4 of this act, two hundred
553 twenty-five days (225) of school, in which both teachers and
554 pupils are in regular attendance for scheduled classroom
555 instruction for not less than sixty-three percent (63%) of the
556 instructional day, as fixed by the local school board for each
557 school in the school district. It is the intent of the
558 Legislature that any tax levies generated to produce additional
559 local funds required by any school district to operate school
560 terms in excess of one hundred seventy-five (175) days shall not
561 be construed to constitute a new program for the purposes of
562 exemption from the limitation on tax revenues as allowed under



563 Sections 27-39-321 and 37-57-107 for new programs mandated by the
564 Legislature.

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

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

574 (m) The term "year of teaching experience" shall mean
575 nine (9) months of actual teaching in the public or private
576 elementary and secondary schools and shall also include nine (9)
577 months of actual teaching at postsecondary institutions accredited
578 by the Southern Association of Colleges and Schools (SACS) or
579 equivalent regional accrediting body for degree-granting
580 postsecondary institutions. In no case shall more than one (1)
581 year of teaching experience be given for all services in one (1)
582 calendar or school year. In determining a teacher's experience,
583 no deduction shall be made because of the temporary absence of the
584 teacher because of illness or other good cause, and the teacher
585 shall be given credit therefor. * * * The State Board of
586 Education shall fix a number of days, not to exceed forty-five
587 (45) consecutive school days, during which a teacher may not be



588 under contract of employment during any school year and still be
589 considered to have been in full-time employment for a regular
590 scholastic term. If a teacher exceeds the number of days
591 established by the State Board of Education that a teacher may not
592 be under contract but may still be employed, that teacher shall
593 not be credited with a year of teaching experience. In
594 determining the experience of school librarians, each complete
595 year of continuous, full-time employment as a professional
596 librarian in a public library in this or some other state shall be
597 considered a year of teaching experience. If a full-time school
598 administrator returns to actual teaching in the public schools,
599 the term "year of teaching experience" shall include the period of
600 time he or she served as a school administrator. In determining
601 the salaries of teachers who have experience in any branch of the
602 military, the term "year of teaching experience" shall include
603 each complete year of actual classroom instruction while serving
604 in the military. In determining the experience of speech-language
605 pathologists and audiologists, each complete year of continuous
606 full-time post master's degree employment in an educational
607 setting in this or some other state shall be considered a year of
608 teaching experience. * * * However, * * * school districts are
609 authorized, in their discretion, to negotiate the salary levels
610 applicable to * * * licensed employees employed after July 1,
611 2009, who are receiving retirement benefits from the retirement
612 system of another state, and the annual experience increment



613 provided in Section 37-19-7 shall not be applicable to any such
614 retired * * * licensed employee.

615 (n) * * * The term "average daily attendance" shall be
616 the figure which results when the total aggregate full-day
617 attendance during the period or months counted is divided by the
618 number of days during the period or months counted upon which both
619 teachers and pupils are in regular attendance for scheduled
620 classroom instruction, * * * less the average daily attendance for
621 self-contained special education classes. For purposes of
622 determining and reporting attendance, a pupil must be present for
623 at least sixty-three percent (63%) of the instructional day, as
624 fixed by the local school board for each school in the school
625 district, in order to be considered in full-day attendance. * * *
626 Before full implementation of the adequate education program the
627 department shall deduct the average daily attendance for the
628 alternative school program provided for in Section 37-19-22.

629 * * *

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

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

636 (q) The term "adequate education program funds" shall
637 mean all funds, both state and local, constituting the



638 requirements for meeting the cost of the adequate program as
639 provided for in Section 37-151-7.

640 (r) "Department" shall mean the State Department of
641 Education.

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

644 (t) The term "successful school district" shall mean a
645 Level III school district as designated by the State Board of
646 Education using current statistically relevant state assessment
647 data.

648 (u) "Dual enrollment-dual credit programs" shall mean
649 programs for potential or recent high school student dropouts to
650 dually enroll in their home high school and a local community
651 college in a dual credit program consisting of high school
652 completion coursework and a credential, certificate or degree
653 program at the community college, as provided in Section
654 37-15-38(19).

655 (v) "Charter school" means a public school that is
656 established and operating under the terms of a charter contract
657 between the school's governing board and the Mississippi Charter
658 School Authorizer Board.

659 **SECTION 10.** Section 37-151-7, Mississippi Code of 1972, is
660 amended as follows:



661 37-151-7. The annual allocation to each school district for
662 the operation of the adequate education program shall be
663 determined as follows:

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

668 (a) **Determination of average daily attendance.**
669 Effective with fiscal year 2011, the State Department of Education
670 shall determine the percentage change from the prior year of each
671 year of each school district's average of months two (2) and three
672 (3) average daily attendance (ADA) for the three (3) immediately
673 preceding school years of the year for which funds are being
674 appropriated. For any school district that experiences a positive
675 growth in the average of months two (2) and three (3) ADA each
676 year of the three (3) years, the average percentage growth over
677 the three-year period shall be multiplied times the school
678 district's average of months two (2) and three (3) ADA for the
679 year immediately preceding the year for which MAEP funds are being
680 appropriated. The resulting amount shall be added to the school
681 district's average of months two (2) and three (3) ADA for the
682 year immediately preceding the year for which MAEP funds are being
683 appropriated to arrive at the ADA to be used in determining a
684 school district's MAEP allocation. Otherwise, months two (2) and
685 three (3) ADA for the year immediately preceding the year for



686 which MAEP funds are being appropriated will be used in
687 determining a school district's MAEP allocation. In any fiscal
688 year prior to 2010 in which the MAEP formula is not fully funded,
689 for those districts that do not demonstrate a three-year positive
690 growth in months two (2) and three (3) ADA, months one (1) through
691 nine (9) ADA of the second preceding year for which funds are
692 being appropriated or months two (2) and three (3) ADA of the
693 preceding year for which funds are being appropriated, whichever
694 is greater, shall be used to calculate the district's MAEP
695 allocation. The district's average daily attendance shall be
696 computed and currently maintained in accordance with regulations
697 promulgated by the State Board of Education. The district's
698 average daily attendance shall include any student enrolled in a
699 Dual Enrollment-Dual Credit Program as defined and provided in
700 Section 37-15-38(19). The State Department of Education shall
701 make payments for Dual Enrollment-Dual Credit Programs to the home
702 school in which the student is enrolled, in accordance with
703 regulations promulgated by the State Board of Education. The
704 community college providing services to students in a Dual
705 Enrollment-Dual Credit Program shall require payment from the home
706 school district for services provided to such students at a rate
707 of one hundred percent (100%) of ADA. All MAEP/state funding
708 shall cease upon completion of high school graduation
709 requirements.



710 (b) **Determination of base student cost.** Effective with
711 fiscal year 2011 and every fourth fiscal year thereafter, the
712 State Board of Education, on or before August 1, with adjusted
713 estimate no later than January 2, shall submit to the Legislative
714 Budget Office and the Governor a proposed base student cost
715 adequate to provide the following cost components of educating a
716 pupil in a successful school district: (i) instructional cost;
717 (ii) administrative cost; (iii) operation and maintenance of
718 plant; and (iv) ancillary support cost. For purposes of these
719 calculations, the Department of Education shall utilize financial
720 data from the second preceding year of the year for which funds
721 are being appropriated.

722 For the instructional cost component, the Department of
723 Education shall select districts that have been identified as
724 instructionally successful and have a ratio of a number of
725 teachers per one thousand (1,000) students that is between one (1)
726 standard deviation above the mean and two (2) standard deviations
727 below the mean of the statewide average of teachers per one
728 thousand (1,000) students. The instructional cost component shall
729 be calculated by dividing the latest available months one (1)
730 through nine (9) ADA into the instructional expenditures of these
731 selected districts. For the purpose of this calculation, the
732 Department of Education shall use the following funds, functions
733 and objects:

734 Fund 1120 Functions 1110-1199 Objects 100-999, Functions



735 1210, 1220, 2150-2159 Objects 210 and 215;
736 Fund 1130 All Functions, Object Code 210 and 215;
737 Fund 2001 Functions 1110-1199 Objects 100-999;
738 Fund 2070 Functions 1110-1199 Objects 100-999;
739 Fund 2420 Functions 1110-1199 Objects 100-999;
740 Fund 2711 All Functions, Object Code 210 and 215.

741 * * * Before the calculation of the instructional cost
742 component, there shall be subtracted from the above expenditures
743 any revenue received for Chickasaw Cession payments, Master
744 Teacher Certification payments and the district's portion of state
745 revenue received from the MAEP at-risk allocation.

746 For the administrative cost component, the Department of
747 Education shall select districts that have been identified as
748 instructionally successful and have a ratio of an administrative
749 staff to nonadministrative staff between one (1) standard
750 deviation above the mean and two (2) standard deviations below the
751 mean of the statewide average administrative staff to
752 nonadministrative staff. The administrative cost component shall
753 be calculated by dividing the latest available months one (1)
754 through nine (9) ADA of the selected districts into the
755 administrative expenditures of these selected districts. For the
756 purpose of this calculation, the Department of Education shall use
757 the following funds, functions and objects:

758 Fund 1120 Functions 2300-2599, Functions 2800-2899,
759 Objects 100-999;



760 Fund 2711 Functions 2300-2599, Functions 2800-2899,
761 Objects 100-999.

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

776 Fund 1120 Functions 2600-2699, Objects 100-699
777 and Objects 800-999;

778 Fund 2711 Functions 2600-2699, Objects 100-699
779 and Objects 800-999;

780 Fund 2430 Functions 2600-2699, Objects 100-699
781 and Objects 800-999.

782 For the ancillary support cost component, the Department of
783 Education shall select districts that have been identified as
784 instructionally successful and have a ratio of a number of



785 librarians, media specialists, guidance counselors and
786 psychologists per one thousand (1,000) students that is between
787 one (1) standard deviation above the mean and two (2) standard
788 deviations below the mean of the statewide average of librarians,
789 media specialists, guidance counselors and psychologists per one
790 thousand (1,000) students. The ancillary cost component shall be
791 calculated by dividing the latest available months one (1) through
792 nine (9) ADA into the ancillary expenditures instructional
793 expenditures of these selected districts. For the purpose of this
794 calculation, the Department of Education shall use the following
795 funds, functions and objects:

796 Fund 1120 Functions 2110-2129, Objects 100-999;

797 Fund 1120 Functions 2140-2149, Objects 100-999;

798 Fund 1120 Functions 2220-2229, Objects 100-999;

799 Fund 2001 Functions 2100-2129, Objects 100-999;

800 Fund 2001 Functions 2140-2149, Objects 100-999;

801 Fund 2001 Functions 2220-2229, Objects 100-999.

802 The total base cost for each year shall be the sum of the
803 instructional cost component, administrative cost component, plant
804 and maintenance cost component and ancillary support cost
805 component, and any estimated adjustments for additional state
806 requirements as determined by the State Board of Education.
807 Provided, however, that the base student cost in fiscal year 1998
808 shall be Two Thousand Six Hundred Sixty-four Dollars (\$2,664.00).



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

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

822 Multiply the average daily attendance of the district by the
823 base student cost as established by the Legislature, which yields
824 the total base program cost for each school district.

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



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

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

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

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

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

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

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

856 (vii) University-based programs shall be the
857 amount allocated to school districts for those university-based



858 programs for handicapped children as defined and provided for in
859 Section 37-23-131 et seq., Mississippi Code of 1972.

860 (viii) Bus driver training programs shall be the
861 amount provided for those driver training programs as provided for
862 in Section 37-41-1, Mississippi Code of 1972.

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

868 (f) **Total projected adequate education program cost.**

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

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

881 (2) **Computation of the required local revenue in support of**
882 **the adequate education program.** The amount that each district



883 shall provide toward the cost of the adequate education program
884 shall be calculated as follows:

885 (a) The State Department of Education shall certify to
886 each school district that twenty-eight (28) mills, less the
887 estimated amount of the yield of the School Ad Valorem Tax
888 Reduction Fund grants as determined by the State Department of
889 Education, is the millage rate required to provide the district
890 required local effort for that year, or twenty-seven percent (27%)
891 of the basic adequate education program cost for such school
892 district as determined under paragraph (c), whichever is a lesser
893 amount. In the case of an agricultural high school, the millage
894 requirement shall be set at a level which generates an equitable
895 amount per pupil to be determined by the State Board of Education.
896 The local contribution amount for school districts in which there
897 is located one or more charter schools will be calculated using
898 the following methodology: using the adequate education program
899 twenty-eight (28) mill value, or the twenty-seven percent (27%)
900 cap amount (whichever is less) for each school district in which a
901 charter school is located, an average per pupil amount will be
902 calculated. This average per pupil amount will be multiplied
903 times the number of students attending the charter school in that
904 school district. The sum becomes the charter school's local
905 contribution to the adequate education program.

906 (b) The State Department of Education shall determine
907 the following from the annual assessment information submitted to



908 the department by the tax assessors of the various counties: (i)
909 the total assessed valuation of nonexempt property for school
910 purposes in each school district; (ii) assessed value of exempt
911 property owned by homeowners aged sixty-five (65) or older or
912 disabled as defined in Section 27-33-67(2), Mississippi Code of
913 1972; (iii) the school district's tax loss from exemptions
914 provided to applicants under the age of sixty-five (65) and not
915 disabled as defined in Section 27-33-67(1), Mississippi Code of
916 1972; and (iv) the school district's homestead reimbursement
917 revenues.

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

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

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

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

930 (a) The required state effort in support of the
931 adequate education program shall be determined by subtracting the
932 sum of the required local tax effort as set forth in subsection



933 (2) (a) of this section and the other local revenue sources as set
934 forth in subsection (2) (c) of this section in an amount not to
935 exceed twenty-seven percent (27%) of the total projected adequate
936 education program cost as set forth in subsection (1) (f) of this
937 section from the total projected adequate education program cost
938 as set forth in subsection (1) (f) of this section.

939 (b) * * * However, * * * in fiscal year 2015, any
940 increase in the * * * state contribution to any district
941 calculated under this section shall be not less than six percent
942 (6%) in excess of the amount received by * * * that district from
943 state funds for fiscal year 2002; in fiscal year 2016, any
944 increase in the said state contribution to any district calculated
945 under this section shall be not less than four percent (4%) in
946 excess of the amount received by said district from state funds
947 for fiscal year 2002; in fiscal year 2017, any increase in the
948 said state contribution to any district calculated under this
949 section shall be not less than two percent (2%) in excess of the
950 amount received by said district from state funds for fiscal year
951 2002; and in fiscal year 2018 and thereafter, any increase in the
952 said state contribution to any district calculated under this
953 section shall be zero percent (0%). For purposes of this
954 paragraph (b), state funds shall include minimum program funds
955 less the add-on programs, State Uniform Millage Assistance Grant
956 Funds, Education Enhancement Funds appropriated for Uniform



957 Millage Assistance Grants and state textbook allocations, and
958 State General Funds allocated for textbooks.

959 (c) (i) If the school board of any school district
960 shall determine that it is not economically feasible or
961 practicable to operate any school within the district for the full
962 one hundred eighty (180) days * * * established for a * * *
963 scholastic year * * * under Section 37-13-63(1) and (2), * * * due
964 to an enemy attack, a man-made, technological or natural disaster
965 in which the Governor has declared a disaster emergency under the
966 laws of this state or the President of the United States has
967 declared an emergency or major disaster to exist in this
968 state, * * * the school board may notify the State Department of
969 Education of such disaster and submit a plan for altering the
970 school term. If the State Board of Education finds such disaster
971 to be the cause of the school not operating for the contemplated
972 school term and that such school was in a school district covered
973 by the Governor's or President's disaster declaration, it may
974 permit * * * the school board to operate the schools in its
975 district for less than one hundred eighty (180) days and, in such
976 case, the State Department of Education shall not reduce the state
977 contributions to the adequate education program allotment
978 for * * * the district, because of the failure to operate said
979 schools for one hundred eighty (180) days.

980 (ii) If the school board of any school district
981 participating in the Trimester School Year Pilot Program,



982 established under Sections 1 through 4 of this act, shall
983 determine that it is not economically feasible or practicable to
984 operate any school within the district for the full two hundred
985 twenty-five (225) days established for a scholastic year under
986 Section 37-13-63 (3), due to an enemy attack, a man-made,
987 technological or natural disaster in which the Governor has
988 declared a disaster emergency under the laws of this state or the
989 President of the United States has declared an emergency or major
990 disaster to exist in this state, the participating school board
991 may notify the State Department of Education of such disaster and
992 submit a plan for altering the school term. If the State Board of
993 Education finds such disaster to be the cause of the school not
994 operating for the statutorily required school term, and that such
995 school was in a school district covered by the Governor's or
996 President's disaster declaration, it may permit the participating
997 school board to operate the schools in its district for less than
998 two hundred twenty-five (225) days and, in such case, the State
999 Department of Education shall not reduce the state contributions
1000 to the adequate education program allotment for such district,
1001 because of the failure to operate the schools for two hundred
1002 twenty-five (225) days.

1003 (4) The Interim School District Capital Expenditure Fund is
1004 hereby established in the State Treasury which shall be used to
1005 distribute any funds specifically appropriated by the Legislature
1006 to such fund to school districts entitled to increased allocations



1007 of state funds under the adequate education program funding
1008 formula prescribed in Sections 37-151-3 through 37-151-7,
1009 Mississippi Code of 1972, until such time as the said adequate
1010 education program is fully funded by the Legislature. The
1011 following percentages of the total state cost of increased
1012 allocations of funds under the adequate education program funding
1013 formula shall be appropriated by the Legislature into the Interim
1014 School District Capital Expenditure Fund to be distributed to all
1015 school districts under the formula: Nine and two-tenths percent
1016 (9.2%) shall be appropriated in fiscal year 1998, twenty percent
1017 (20%) shall be appropriated in fiscal year 1999, forty percent
1018 (40%) shall be appropriated in fiscal year 2000, sixty percent
1019 (60%) shall be appropriated in fiscal year 2001, eighty percent
1020 (80%) shall be appropriated in fiscal year 2002, and one hundred
1021 percent (100%) shall be appropriated in fiscal year 2003 into the
1022 State Adequate Education Program Fund. Until July 1, 2002, such
1023 money shall be used by school districts for the following
1024 purposes:

1025 (a) Purchasing, erecting, repairing, equipping,
1026 remodeling and enlarging school buildings and related facilities,
1027 including gymnasiums, auditoriums, lunchrooms, vocational training
1028 buildings, libraries, school barns and garages for transportation
1029 vehicles, school athletic fields and necessary facilities
1030 connected therewith, and purchasing land therefor. Any such
1031 capital improvement project by a school district shall be approved



1032 by the State Board of Education, and based on an approved
1033 long-range plan. The State Board of Education shall promulgate
1034 minimum requirements for the approval of school district capital
1035 expenditure plans.

1036 (b) Providing necessary water, light, heating,
1037 air-conditioning, and sewerage facilities for school buildings,
1038 and purchasing land therefor.

1039 (c) Paying debt service on existing capital improvement
1040 debt of the district or refinancing outstanding debt of a district
1041 if such refinancing will result in an interest cost savings to the
1042 district.

1043 (d) From and after October 1, 1997, through June 30,
1044 1998, pursuant to a school district capital expenditure plan
1045 approved by the State Department of Education, a school district
1046 may pledge such funds until July 1, 2002, plus funds provided for
1047 in paragraph (e) of this subsection (4) that are not otherwise
1048 permanently pledged under such paragraph (e) to pay all or a
1049 portion of the debt service on debt issued by the school district
1050 under Sections 37-59-1 through 37-59-45, 37-59-101 through
1051 37-59-115, 37-7-351 through 37-7-359, 37-41-89 through 37-41-99,
1052 37-7-301, 37-7-302 and 37-41-81, Mississippi Code of 1972, or debt
1053 issued by boards of supervisors for agricultural high schools
1054 pursuant to Section 37-27-65, Mississippi Code of 1972, or
1055 lease-purchase contracts entered into pursuant to Section 31-7-13,
1056 Mississippi Code of 1972, or to retire or refinance outstanding



1057 debt of a district, if such pledge is accomplished pursuant to a
1058 written contract or resolution approved and spread upon the
1059 minutes of an official meeting of the district's school board or
1060 board of supervisors. It is the intent of this provision to allow
1061 school districts to irrevocably pledge their Interim School
1062 District Capital Expenditure Fund allotments as a constant stream
1063 of revenue to secure a debt issued under the foregoing code
1064 sections. To allow school districts to make such an irrevocable
1065 pledge, the state shall take all action necessary to ensure that
1066 the amount of a district's Interim School District Capital
1067 Expenditure Fund allotments shall not be reduced below the amount
1068 certified by the department or the district's total allotment
1069 under the Interim Capital Expenditure Fund if fully funded, so
1070 long as such debt remains outstanding.

1071 (e) [Repealed]

1072 (f) [Repealed]

1073 (g) The State Board of Education may authorize the
1074 school district to expend not more than twenty percent (20%) of
1075 its annual allotment of such funds or Twenty Thousand Dollars
1076 (\$20,000.00), whichever is greater, for technology needs of the
1077 school district, including computers, software,
1078 telecommunications, cable television, interactive video, film,
1079 low-power television, satellite communications, microwave
1080 communications, technology-based equipment installation and
1081 maintenance, and the training of staff in the use of such



1082 technology-based instruction. Any such technology expenditure
1083 shall be reflected in the local district technology plan approved
1084 by the State Board of Education under Section 37-151-17,
1085 Mississippi Code of 1972.

1086 (h) To the extent a school district has not utilized
1087 twenty percent (20%) of its annual allotment for technology
1088 purposes under paragraph (g), a school district may expend not
1089 more than twenty percent (20%) of its annual allotment or Twenty
1090 Thousand Dollars (\$20,000.00), whichever is greater, for
1091 instructional purposes. The State Board of Education may
1092 authorize a school district to expend more than said twenty
1093 percent (20%) of its annual allotment for instructional purposes
1094 if it determines that such expenditures are needed for
1095 accreditation purposes.

1096 (i) The State Department of Education or the State
1097 Board of Education may require that any project commenced under
1098 this section with an estimated project cost of not less than Five
1099 Million Dollars (\$5,000,000.00) shall be done only pursuant to
1100 program management of the process with respect to design and
1101 construction. Any individuals, partnerships, companies or other
1102 entities acting as a program manager on behalf of a local school
1103 district and performing program management services for projects
1104 covered under this subsection shall be approved by the State
1105 Department of Education.



1106 Any interest accruing on any unexpended balance in the
1107 Interim School District Capital Expenditure Fund shall be invested
1108 by the State Treasurer and placed to the credit of each school
1109 district participating in such fund in its proportionate share.

1110 The provisions of this subsection (4) shall be cumulative and
1111 supplemental to any existing funding programs or other authority
1112 conferred upon school districts or school boards.

1113 (5) The State Department of Education shall make payments to
1114 charter schools for each student in average daily attendance at
1115 the charter school equal to the state share of the adequate
1116 education program payments for each student in average daily
1117 attendance at the school district in which the public charter
1118 school is located. In calculating the local contribution for
1119 purposes of determining the state share of the adequate education
1120 program payments, the department shall deduct the pro rata local
1121 contribution of the school district in which the student resides
1122 as determined in subsection (2)(a) of this section.

1123 **SECTION 11.** This act shall take effect and be in force from
1124 and after July 1, 2022.

