

**Replace By Substitute
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

House Bill No. 1369

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

BY: Committee

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

9 37-151-5. As used in Sections 37-151-5 and 37-151-7:

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

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

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



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

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

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

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

42 (d) "Base student cost" shall mean the funding level
43 necessary for providing an adequate education program for one (1)
44 base student, subject to any minimum amounts prescribed in Section
45 37-151-7(1).

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



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

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

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

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

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

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

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



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

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

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

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

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

87 (j) "Minimum school term" shall mean a term of at least
88 one hundred eighty (180) days of school in which both teachers and
89 pupils are in regular attendance for scheduled classroom
90 instruction for not less than sixty-three percent (63%) of the
91 instructional day, as fixed by the local school board for each
92 school in the school district. It is the intent of the
93 Legislature that any tax levies generated to produce additional
94 local funds required by any school district to operate school
95 terms in excess of one hundred seventy-five (175) days shall not
96 be construed to constitute a new program for the purposes of
97 exemption from the limitation on tax revenues as allowed under



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

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

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

109 (m) The term "year of teaching experience" shall mean
110 nine (9) months of actual teaching in the public or private
111 elementary and secondary schools and shall also include nine (9)
112 months of actual teaching at postsecondary institutions accredited
113 by the Southern Association of Colleges and Schools (SACS) or
114 equivalent regional accrediting body for degree-granting
115 postsecondary institutions. In no case shall more than one (1)
116 year of teaching experience be given for all services in one (1)
117 calendar or school year. In determining a teacher's experience,
118 no deduction shall be made because of the temporary absence of the
119 teacher because of illness or other good cause, and the teacher
120 shall be given credit therefor. Beginning with the 2003-2004
121 school year, the State Board of Education shall fix a number of
122 days, not to exceed forty-five (45) consecutive school days,



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



148 of another state, and the annual experience increment provided in
149 Section 37-19-7 shall not be applicable to any such retired
150 certificated employee.

151 (n) (i) The term "average daily attendance" shall be
152 the figure which results when the total aggregate full-day
153 attendance during the period or months counted is divided by the
154 number of days during the period or months counted upon which both
155 teachers and pupils are in regular attendance for scheduled
156 classroom instruction, * * * less the average daily attendance for
157 self-contained special education classes. For purposes of
158 determining and reporting attendance, a pupil must be present for
159 at least sixty-three percent (63%) of the instructional day, as
160 fixed by the local school board for each school in the school
161 district, in order to be considered in full-day attendance. Prior
162 to full implementation of the adequate education program the
163 department shall deduct the average daily attendance for the
164 alternative school program provided for in Section 37-19-22.

165 (ii) [Repealed]

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

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



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

176 (r) "Department" shall mean the State Department of
177 Education.

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

180 (t) The term "successful school district" shall mean a
181 Level III school district as designated by the State Board of
182 Education using current statistically relevant state assessment
183 data.

184 (u) "Dual enrollment-dual credit programs" shall mean
185 programs for potential or recent high school student dropouts to
186 dually enroll in their home high school and a local community
187 college in a dual credit program consisting of high school
188 completion coursework and a credential, certificate or degree
189 program at the community college, as provided in Section
190 37-15-38(19).

191 (v) "Charter school" means a public school that is
192 established and operating under the terms of a charter contract
193 between the school's governing board and the Mississippi Charter
194 School Authorizer Board.

195 **SECTION 2.** Section 37-151-7, Mississippi Code of 1972, is
196 brought forward as follows:



197 37-151-7. The annual allocation to each school district for
198 the operation of the adequate education program shall be
199 determined as follows:

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

204 (a) **Determination of average daily attendance.**

205 Effective with fiscal year 2011, the State Department of Education
206 shall determine the percentage change from the prior year of each
207 year of each school district's average of months two (2) and three
208 (3) average daily attendance (ADA) for the three (3) immediately
209 preceding school years of the year for which funds are being
210 appropriated. For any school district that experiences a positive
211 growth in the average of months two (2) and three (3) ADA each
212 year of the three (3) years, the average percentage growth over
213 the three-year period shall be multiplied times the school
214 district's average of months two (2) and three (3) ADA for the
215 year immediately preceding the year for which MAEP funds are being
216 appropriated. The resulting amount shall be added to the school
217 district's average of months two (2) and three (3) ADA for the
218 year immediately preceding the year for which MAEP funds are being
219 appropriated to arrive at the ADA to be used in determining a
220 school district's MAEP allocation. Otherwise, months two (2) and
221 three (3) ADA for the year immediately preceding the year for



222 which MAEP funds are being appropriated will be used in
223 determining a school district's MAEP allocation. In any fiscal
224 year prior to 2010 in which the MAEP formula is not fully funded,
225 for those districts that do not demonstrate a three-year positive
226 growth in months two (2) and three (3) ADA, months one (1) through
227 nine (9) ADA of the second preceding year for which funds are
228 being appropriated or months two (2) and three (3) ADA of the
229 preceding year for which funds are being appropriated, whichever
230 is greater, shall be used to calculate the district's MAEP
231 allocation. The district's average daily attendance shall be
232 computed and currently maintained in accordance with regulations
233 promulgated by the State Board of Education. The district's
234 average daily attendance shall include any student enrolled in a
235 Dual Enrollment-Dual Credit Program as defined and provided in
236 Section 37-15-38(19). The State Department of Education shall
237 make payments for Dual Enrollment-Dual Credit Programs to the home
238 school in which the student is enrolled, in accordance with
239 regulations promulgated by the State Board of Education. The
240 community college providing services to students in a Dual
241 Enrollment-Dual Credit Program shall require payment from the home
242 school district for services provided to such students at a rate
243 of one hundred percent (100%) of ADA. All MAEP/state funding
244 shall cease upon completion of high school graduation
245 requirements.



246 (b) **Determination of base student cost.** Effective with
247 fiscal year 2011 and every fourth fiscal year thereafter, the
248 State Board of Education, on or before August 1, with adjusted
249 estimate no later than January 2, shall submit to the Legislative
250 Budget Office and the Governor a proposed base student cost
251 adequate to provide the following cost components of educating a
252 pupil in a successful school district: (i) instructional cost;
253 (ii) administrative cost; (iii) operation and maintenance of
254 plant; and (iv) ancillary support cost. For purposes of these
255 calculations, the Department of Education shall utilize financial
256 data from the second preceding year of the year for which funds
257 are being appropriated.

258 For the instructional cost component, the Department of
259 Education shall select districts that have been identified as
260 instructionally successful and have a ratio of a number of
261 teachers per one thousand (1,000) students that is between one (1)
262 standard deviation above the mean and two (2) standard deviations
263 below the mean of the statewide average of teachers per one
264 thousand (1,000) students. The instructional cost component shall
265 be calculated by dividing the latest available months one (1)
266 through nine (9) ADA into the instructional expenditures of these
267 selected districts. For the purpose of this calculation, the
268 Department of Education shall use the following funds, functions
269 and objects:

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



271 1210, 1220, 2150-2159 Objects 210 and 215;
272 Fund 1130 All Functions, Object Code 210 and 215;
273 Fund 2001 Functions 1110-1199 Objects 100-999;
274 Fund 2070 Functions 1110-1199 Objects 100-999;
275 Fund 2420 Functions 1110-1199 Objects 100-999;
276 Fund 2711 All Functions, Object Code 210 and 215.

277 Prior to the calculation of the instructional cost component,
278 there shall be subtracted from the above expenditures any revenue
279 received for Chickasaw Cession payments, Master Teacher
280 Certification payments and the district's portion of state revenue
281 received from the MAEP at-risk allocation.

282 For the administrative cost component, the Department of
283 Education shall select districts that have been identified as
284 instructionally successful and have a ratio of an administrative
285 staff to nonadministrative staff between one (1) standard
286 deviation above the mean and two (2) standard deviations below the
287 mean of the statewide average administrative staff to
288 nonadministrative staff. The administrative cost component shall
289 be calculated by dividing the latest available months one (1)
290 through nine (9) ADA of the selected districts into the
291 administrative expenditures of these selected districts. For the
292 purpose of this calculation, the Department of Education shall use
293 the following funds, functions and objects:

294 Fund 1120 Functions 2300-2599, Functions 2800-2899,
295 Objects 100-999;



296 Fund 2711 Functions 2300-2599, Functions 2800-2899,
297 Objects 100-999.

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

312 Fund 1120 Functions 2600-2699, Objects 100-699
313 and Objects 800-999;

314 Fund 2711 Functions 2600-2699, Objects 100-699
315 and Objects 800-999;

316 Fund 2430 Functions 2600-2699, Objects 100-699
317 and Objects 800-999.

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



321 librarians, media specialists, guidance counselors and
322 psychologists per one thousand (1,000) students that is between
323 one (1) standard deviation above the mean and two (2) standard
324 deviations below the mean of the statewide average of librarians,
325 media specialists, guidance counselors and psychologists per one
326 thousand (1,000) students. The ancillary cost component shall be
327 calculated by dividing the latest available months one (1) through
328 nine (9) ADA into the ancillary expenditures instructional
329 expenditures of these selected districts. For the purpose of this
330 calculation, the Department of Education shall use the following
331 funds, functions and objects:

332 Fund 1120 Functions 2110-2129, Objects 100-999;
333 Fund 1120 Functions 2140-2149, Objects 100-999;
334 Fund 1120 Functions 2220-2229, Objects 100-999;
335 Fund 2001 Functions 2100-2129, Objects 100-999;
336 Fund 2001 Functions 2140-2149, Objects 100-999;
337 Fund 2001 Functions 2220-2229, Objects 100-999.

338 The total base cost for each year shall be the sum of the
339 instructional cost component, administrative cost component, plant
340 and maintenance cost component and ancillary support cost
341 component, and any estimated adjustments for additional state
342 requirements as determined by the State Board of Education.
343 Provided, however, that the base student cost in fiscal year 1998
344 shall be Two Thousand Six Hundred Sixty-four Dollars (\$2,664.00).



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

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

358 Multiply the average daily attendance of the district by the
359 base student cost as established by the Legislature, which yields
360 the total base program cost for each school district.

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



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

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

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

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

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

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

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

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



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

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

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

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

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

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

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



419 shall provide toward the cost of the adequate education program
420 shall be calculated as follows:

421 (a) The State Department of Education shall certify to
422 each school district that twenty-eight (28) mills, less the
423 estimated amount of the yield of the School Ad Valorem Tax
424 Reduction Fund grants as determined by the State Department of
425 Education, is the millage rate required to provide the district
426 required local effort for that year, or twenty-seven percent (27%)
427 of the basic adequate education program cost for such school
428 district as determined under paragraph (c), whichever is a lesser
429 amount. In the case of an agricultural high school, the millage
430 requirement shall be set at a level which generates an equitable
431 amount per pupil to be determined by the State Board of Education.
432 The local contribution amount for school districts in which there
433 is located one or more charter schools will be calculated using
434 the following methodology: using the adequate education program
435 twenty-eight (28) mill value, or the twenty-seven percent (27%)
436 cap amount (whichever is less) for each school district in which a
437 charter school is located, an average per pupil amount will be
438 calculated. This average per pupil amount will be multiplied
439 times the number of students attending the charter school in that
440 school district. The sum becomes the charter school's local
441 contribution to the adequate education program.

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



444 the department by the tax assessors of the various counties: (i)
445 the total assessed valuation of nonexempt property for school
446 purposes in each school district; (ii) assessed value of exempt
447 property owned by homeowners aged sixty-five (65) or older or
448 disabled as defined in Section 27-33-67(2), Mississippi Code of
449 1972; (iii) the school district's tax loss from exemptions
450 provided to applicants under the age of sixty-five (65) and not
451 disabled as defined in Section 27-33-67(1), Mississippi Code of
452 1972; and (iv) the school district's homestead reimbursement
453 revenues.

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

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

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

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

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



469 (2) (a) of this section and the other local revenue sources as set
470 forth in subsection (2) (c) of this section in an amount not to
471 exceed twenty-seven percent (27%) of the total projected adequate
472 education program cost as set forth in subsection (1) (f) of this
473 section from the total projected adequate education program cost
474 as set forth in subsection (1) (f) of this section.

475 (b) Provided, however, that in fiscal year 2015, any
476 increase in the said state contribution to any district calculated
477 under this section shall be not less than six percent (6%) in
478 excess of the amount received by said district from state funds
479 for fiscal year 2002; in fiscal year 2016, any increase in the
480 said state contribution to any district calculated under this
481 section shall be not less than four percent (4%) in excess of the
482 amount received by said district from state funds for fiscal year
483 2002; in fiscal year 2017, any increase in the said state
484 contribution to any district calculated under this section shall
485 be not less than two percent (2%) in excess of the amount received
486 by said district from state funds for fiscal year 2002; and in
487 fiscal year 2018 and thereafter, any increase in the said state
488 contribution to any district calculated under this section shall
489 be zero percent (0%). For purposes of this paragraph (b), state
490 funds shall include minimum program funds less the add-on
491 programs, State Uniform Millage Assistance Grant Funds, Education
492 Enhancement Funds appropriated for Uniform Millage Assistance



493 Grants and state textbook allocations, and State General Funds
494 allocated for textbooks.

495 (c) If the school board of any school district shall
496 determine that it is not economically feasible or practicable to
497 operate any school within the district for the full one hundred
498 eighty (180) days required for a school term of a scholastic year
499 as required in Section 37-13-63, Mississippi Code of 1972, due to
500 an enemy attack, a man-made, technological or natural disaster in
501 which the Governor has declared a disaster emergency under the
502 laws of this state or the President of the United States has
503 declared an emergency or major disaster to exist in this state,
504 said school board may notify the State Department of Education of
505 such disaster and submit a plan for altering the school term. If
506 the State Board of Education finds such disaster to be the cause
507 of the school not operating for the contemplated school term and
508 that such school was in a school district covered by the
509 Governor's or President's disaster declaration, it may permit said
510 school board to operate the schools in its district for less than
511 one hundred eighty (180) days and, in such case, the State
512 Department of Education shall not reduce the state contributions
513 to the adequate education program allotment for such district,
514 because of the failure to operate said schools for one hundred
515 eighty (180) days.

516 (4) The Interim School District Capital Expenditure Fund is
517 hereby established in the State Treasury which shall be used to



518 distribute any funds specifically appropriated by the Legislature
519 to such fund to school districts entitled to increased allocations
520 of state funds under the adequate education program funding
521 formula prescribed in Sections 37-151-3 through 37-151-7,
522 Mississippi Code of 1972, until such time as the said adequate
523 education program is fully funded by the Legislature. The
524 following percentages of the total state cost of increased
525 allocations of funds under the adequate education program funding
526 formula shall be appropriated by the Legislature into the Interim
527 School District Capital Expenditure Fund to be distributed to all
528 school districts under the formula: Nine and two-tenths percent
529 (9.2%) shall be appropriated in fiscal year 1998, twenty percent
530 (20%) shall be appropriated in fiscal year 1999, forty percent
531 (40%) shall be appropriated in fiscal year 2000, sixty percent
532 (60%) shall be appropriated in fiscal year 2001, eighty percent
533 (80%) shall be appropriated in fiscal year 2002, and one hundred
534 percent (100%) shall be appropriated in fiscal year 2003 into the
535 State Adequate Education Program Fund. Until July 1, 2002, such
536 money shall be used by school districts for the following
537 purposes:

538 (a) Purchasing, erecting, repairing, equipping,
539 remodeling and enlarging school buildings and related facilities,
540 including gymnasiums, auditoriums, lunchrooms, vocational training
541 buildings, libraries, school barns and garages for transportation
542 vehicles, school athletic fields and necessary facilities



543 connected therewith, and purchasing land therefor. Any such
544 capital improvement project by a school district shall be approved
545 by the State Board of Education, and based on an approved
546 long-range plan. The State Board of Education shall promulgate
547 minimum requirements for the approval of school district capital
548 expenditure plans.

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

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

556 (d) From and after October 1, 1997, through June 30,
557 1998, pursuant to a school district capital expenditure plan
558 approved by the State Department of Education, a school district
559 may pledge such funds until July 1, 2002, plus funds provided for
560 in paragraph (e) of this subsection (4) that are not otherwise
561 permanently pledged under such paragraph (e) to pay all or a
562 portion of the debt service on debt issued by the school district
563 under Sections 37-59-1 through 37-59-45, 37-59-101 through
564 37-59-115, 37-7-351 through 37-7-359, 37-41-89 through 37-41-99,
565 37-7-301, 37-7-302 and 37-41-81, Mississippi Code of 1972, or debt
566 issued by boards of supervisors for agricultural high schools
567 pursuant to Section 37-27-65, Mississippi Code of 1972, or



568 lease-purchase contracts entered into pursuant to Section 31-7-13,
569 Mississippi Code of 1972, or to retire or refinance outstanding
570 debt of a district, if such pledge is accomplished pursuant to a
571 written contract or resolution approved and spread upon the
572 minutes of an official meeting of the district's school board or
573 board of supervisors. It is the intent of this provision to allow
574 school districts to irrevocably pledge their Interim School
575 District Capital Expenditure Fund allotments as a constant stream
576 of revenue to secure a debt issued under the foregoing code
577 sections. To allow school districts to make such an irrevocable
578 pledge, the state shall take all action necessary to ensure that
579 the amount of a district's Interim School District Capital
580 Expenditure Fund allotments shall not be reduced below the amount
581 certified by the department or the district's total allotment
582 under the Interim Capital Expenditure Fund if fully funded, so
583 long as such debt remains outstanding.

584 (e) [Repealed]

585 (f) [Repealed]

586 (g) The State Board of Education may authorize the
587 school district to expend not more than twenty percent (20%) of
588 its annual allotment of such funds or Twenty Thousand Dollars
589 (\$20,000.00), whichever is greater, for technology needs of the
590 school district, including computers, software,
591 telecommunications, cable television, interactive video, film,
592 low-power television, satellite communications, microwave



593 communications, technology-based equipment installation and
594 maintenance, and the training of staff in the use of such
595 technology-based instruction. Any such technology expenditure
596 shall be reflected in the local district technology plan approved
597 by the State Board of Education under Section 37-151-17,
598 Mississippi Code of 1972.

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

609 (i) The State Department of Education or the State
610 Board of Education may require that any project commenced under
611 this section with an estimated project cost of not less than Five
612 Million Dollars (\$5,000,000.00) shall be done only pursuant to
613 program management of the process with respect to design and
614 construction. Any individuals, partnerships, companies or other
615 entities acting as a program manager on behalf of a local school
616 district and performing program management services for projects



617 covered under this subsection shall be approved by the State
618 Department of Education.

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

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

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

636 **SECTION 3.** Section 37-151-85, Mississippi Code of 1972, is
637 brought forward as follows:

638 37-151-85. (1) The amount to be allotted by the State Board
639 of Education for transportation shall be determined as follows:

640 The State Department of Education shall calculate the cost of
641 transportation in school districts by ascertaining the average



642 cost per pupil in average daily attendance of transported pupils
643 in school districts classified in different density groups as
644 determined by the State Department of Education. Based on these
645 calculations, the State Department of Education shall develop a
646 scale for determining the allowable cost per pupil in different
647 density groups, which scale shall provide greatest allowance per
648 pupil transported in school districts with lowest densities and
649 smallest allowance per pupil in school districts with highest
650 densities. The total allowance in the adequate education program
651 for transported children for any school district for the current
652 year shall be the average daily attendance of the transported
653 children for the nine (9) months of the prior year, multiplied by
654 the allowance per transported pupil as provided herein. However,
655 the State Department of Education is hereby authorized and
656 empowered to make proper adjustments in allotments, under rules
657 and regulations of the State Board of Education, in cases where
658 major changes in the number of children in average daily
659 attendance transported occur from one (1) year to another as a
660 result of changes or alterations in the boundaries of school
661 districts, a change in or relocation of attendance centers, or for
662 other reasons which would result in major decrease or increase in
663 the number of children in average daily attendance transported
664 during the current school year as compared with the preceding
665 year. Moreover, the State Board of Education is hereby authorized
666 and empowered to make such payments to all districts and/or



667 university-based programs as deemed necessary in connection with
668 transporting exceptional children as defined in Section 37-23-3.
669 The State Board of Education shall establish and implement all
670 necessary rules and regulations to allot transportation payments
671 to university-based programs. In developing density
672 classifications under the provisions hereof, the State Department
673 of Education may give consideration to the length of the route,
674 the sparsity of the population, the lack of adequate roads,
675 highways and bridges, and the presence of large streams or other
676 geographic obstacles. In addition to funds allotted under the
677 above provisions, funds shall be allotted to each school district
678 that transports students from their assigned school or attendance
679 center to classes in an approved vocational-technical center at a
680 rate per mile not to exceed the average statewide cost per mile of
681 school bus transportation during the preceding year exclusive of
682 bus replacement. All such transportation must have prior approval
683 by the State Department of Education.

684 (2) The average daily attendance of transported children
685 shall be reported by the school district in which such children
686 attend school. If children living in a school district are
687 transported at the expense of such school district to another
688 school district, the average daily attendance of such transported
689 children shall be deducted by the State Department of Education
690 from the aggregate average daily attendance of transported
691 children in the school district in which they attend school and



692 shall be added to the aggregate average daily attendance of
693 transported children of the school district from which they come
694 for the purpose of calculating transportation allotments.
695 However, such deduction shall not be made for the purpose of
696 calculating adequate education program pupil-based funding.

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

704 (4) The school boards of all districts operating school bus
705 transportation are authorized and directed to establish a salary
706 schedule for school bus drivers. No school district shall be
707 entitled to receive the funds herein allotted for transportation
708 unless it pays each of its nonstudent adult school bus drivers
709 paid from such transportation allotments a minimum of One Hundred
710 Ninety Dollars (\$190.00) per month. In addition, local school
711 boards may compensate school bus drivers, to include temporary or
712 substitute bus drivers, for actual expenses incurred when
713 acquiring an initial commercial license or any renewal of a
714 commercial license in order to drive a school bus. In addition,
715 local school boards may compensate school bus drivers, to include
716 temporary or substitute bus drivers, for expenses, not to exceed



717 One Hundred Dollars (\$100.00), when acquiring an initial medical
718 exam or any renewal of a medical exam, in order to qualify for a
719 commercial driver's license.

720 (5) The State Board of Education shall be authorized and
721 empowered to use such part of the funds appropriated for
722 transportation in the adequate education fund as may be necessary
723 to finance driver training courses as provided for in Section
724 37-41-1, Mississippi Code of 1972.

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

738 **SECTION 4.** Section 37-151-97, Mississippi Code of 1972, is
739 brought forward as follows:

740 37-151-97. The State Department of Education shall develop
741 an annual reporting process to inform the Legislature, local



742 district personnel and the general public as to the ongoing and
743 future plans for the state's educational programs. The annual
744 reporting process will include those vital statistics that are
745 commonly reported by schools and districts and that can provide
746 clear demographic, strategic and educational information to
747 constituencies such as, but not limited to, the following
748 information:

749 (a) Student enrollment, attendance, drop-out and
750 graduation;

751 (b) Overall student and district achievement;

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

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

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

759 1. Total Student Expenditures:

760 a. Instruction (1000s);

761 b. Other Student Instructional

762 Expenditures (2100s, 2200s);

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

764 3. School Administration (2400s);

765 4. Other Expenditures (2600s, 2700s, 2800s,

766 3100s, 3200s); and



767 5. Nonoperational Expenditures (4000s, 5000s,
768 6000s);

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

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

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

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

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

790 In addition to the information specified herein, the State
791 Board of Education shall have full and plenary authority and power



792 to require the furnishing of such further, additional and
793 supplementary information as it may deem necessary for the purpose
794 of determining the cost of the adequate education program in such
795 school district for the succeeding fiscal year, the amount of the
796 adequate education program funds to be allotted to each school
797 district for the succeeding fiscal year, and for any other purpose
798 authorized by law or deemed necessary by said State Board of
799 Education.

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

802 **SECTION 5.** Section 37-151-103, Mississippi Code of 1972, is
803 brought forward as follows:

804 37-151-103. (1) Funds due each school district and charter
805 school under the terms of this chapter from the Adequate Education
806 Program Fund shall be paid in the following manner: Two (2)
807 business days prior to the last working day of each month there
808 shall be paid to each school district and charter school, by
809 electronic funds transfer, one-twelfth (1/12) of the funds to
810 which the district or charter school is entitled from funds
811 appropriated for the Adequate Education Program Fund. However, in
812 December those payments shall be made on December 15th or the next
813 business day after that date. All school districts shall process
814 a single monthly or a bimonthly payroll for employees, in the
815 discretion of the local school board, with electronic settlement
816 of payroll checks secured through direct deposit of net pay for



817 all school district employees. In addition, the State Department
818 of Education may pay school districts and charter schools from the
819 common school fund and the Adequate Education Program Fund on a
820 date earlier than provided for by this section if it is determined
821 that it is in the best interest of school districts and charter
822 schools to do so.

823 Provided, however, that if the cash balance in the State
824 General Fund is not adequate on the due date to pay the amounts
825 due to all school districts and charter schools in the state as
826 determined by the State Superintendent of Education, the State
827 Fiscal Officer shall not transfer said funds payable to any school
828 district or districts or charter schools until money is available
829 to pay the amount due to all districts and charter schools.

830 (2) Notwithstanding any provision of this chapter or any
831 other law requiring the number of children in average daily
832 attendance or the average daily attendance of transported children
833 to be determined on the basis of the preceding year, the State
834 Board of Education is hereby authorized and empowered to make
835 proper adjustments in allotments in cases where major changes in
836 the number of children in average daily attendance or the average
837 daily attendance of transported children occurs from one year to
838 another as a result of changes or alterations in the boundaries of
839 school districts, the sending of children from one county or
840 district to another upon a contract basis, the termination or
841 discontinuance of a contract for the sending of children from one



842 county or district to another, a change in or relocation of
843 attendance centers, or for any other reason which would result in
844 a major decrease or increase in the number of children in average
845 daily attendance or the average daily attendance of transported
846 children during the current school year as compared with the
847 preceding year.

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

856 (4) The State Department of Education shall hold school
857 districts harmless for each school district's average daily
858 attendance calculation for the 2020-2021 scholastic year. For
859 purposes of determining average daily attendance for the 2020-2021
860 scholastic year, the State Department of Education shall use each
861 school district's average daily attendance for the 2019-2020
862 scholastic year if it is greater than the school's average daily
863 attendance for the 2020-2021 scholastic year.

864 **SECTION 6.** Section 37-13-91, Mississippi Code of 1972, is
865 brought forward as follows:



866 37-13-91. (1) This section shall be referred to as the
867 "Mississippi Compulsory School Attendance Law."

868 (2) The following terms as used in this section are defined
869 as follows:

870 (a) "Parent" means the father or mother to whom a child
871 has been born, or the father or mother by whom a child has been
872 legally adopted.

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

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

879 (d) "School day" means not less than five and one-half
880 (5-1/2) and not more than eight (8) hours of actual teaching in
881 which both teachers and pupils are in regular attendance for
882 scheduled schoolwork.

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

889 (f) "Compulsory-school-age child" means a child who has
890 attained or will attain the age of six (6) years on or before



891 September 1 of the calendar year and who has not attained the age
892 of seventeen (17) years on or before September 1 of the calendar
893 year; and shall include any child who has attained or will attain
894 the age of five (5) years on or before September 1 and has
895 enrolled in a full-day public school kindergarten program.

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

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

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

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

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



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

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

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

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

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

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

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



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

946 The certificate of enrollment shall be returned to the school
947 attendance officer where the child resides on or before September
948 15 of each year. Any parent, guardian or custodian found by the
949 school attendance officer to be in noncompliance with this section
950 shall comply, after written notice of the noncompliance by the
951 school attendance officer, with this subsection within ten (10)
952 days after the notice or be in violation of this section.

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

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

964 (4) An "unlawful absence" is an absence for an entire school
965 day or during part of a school day by a compulsory-school-age



966 child, which absence is not due to a valid excuse for temporary
967 nonattendance. For purposes of reporting absenteeism under
968 subsection (6) of this section, if a compulsory-school-age child
969 has an absence that is more than thirty-seven percent (37%) of the
970 instructional day, as fixed by the school board for the school at
971 which the compulsory-school-age child is enrolled, the child must
972 be considered absent the entire school day. Days missed from
973 school due to disciplinary suspension shall not be considered an
974 "excused" absence under this section. This subsection shall not
975 apply to children enrolled in a nonpublic school.

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

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

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



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

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

1000 (e) An absence is excused when it results from a
1001 medical or dental appointment of a compulsory-school-age child.

1002 (f) An absence is excused when it results from the
1003 attendance of a compulsory-school-age child at the proceedings of
1004 a court or an administrative tribunal if the child is a party to
1005 the action or under subpoena as a witness.

1006 (g) An absence may be excused if the religion to which
1007 the compulsory-school-age child or the child's parents adheres,
1008 requires or suggests the observance of a religious event. The
1009 approval of the absence is within the discretion of the
1010 superintendent of the school district, or his designee, but
1011 approval should be granted unless the religion's observance is of
1012 such duration as to interfere with the education of the child.

1013 (h) An absence may be excused when it is demonstrated
1014 to the satisfaction of the superintendent of the school district,



1015 or his designee, that the purpose of the absence is to take
1016 advantage of a valid educational opportunity such as travel,
1017 including vacations or other family travel. Approval of the
1018 absence must be gained from the superintendent of the school
1019 district, or his designee, before the absence, but the approval
1020 shall not be unreasonably withheld.

1021 (i) An absence may be excused when it is demonstrated
1022 to the satisfaction of the superintendent of the school district,
1023 or his designee, that conditions are sufficient to warrant the
1024 compulsory-school-age child's nonattendance. However, no absences
1025 shall be excused by the school district superintendent, or his
1026 designee, when any student suspensions or expulsions circumvent
1027 the intent and spirit of the compulsory attendance law.

1028 (j) An absence is excused when it results from the
1029 attendance of a compulsory-school-age child participating in
1030 official organized events sponsored by the 4-H or Future Farmers
1031 of America (FFA). The excuse for the 4-H or FFA event must be
1032 provided in writing to the appropriate school superintendent by
1033 the Extension Agent or High School Agricultural Instructor/FFA
1034 Advisor.

1035 (k) An absence is excused when it results from the
1036 compulsory-school-age child officially being employed to serve as
1037 a page at the State Capitol for the Mississippi House of
1038 Representatives or Senate.



1039 (5) Any parent, guardian or custodian of a
1040 compulsory-school-age child subject to this section who refuses or
1041 willfully fails to perform any of the duties imposed upon him or
1042 her under this section or who intentionally falsifies any
1043 information required to be contained in a certificate of
1044 enrollment, shall be guilty of contributing to the neglect of a
1045 child and, upon conviction, shall be punished in accordance with
1046 Section 97-5-39.

1047 Upon prosecution of a parent, guardian or custodian of a
1048 compulsory-school-age child for violation of this section, the
1049 presentation of evidence by the prosecutor that shows that the
1050 child has not been enrolled in school within eighteen (18)
1051 calendar days after the first day of the school year of the public
1052 school which the child is eligible to attend, or that the child
1053 has accumulated twelve (12) unlawful absences during the school
1054 year at the public school in which the child has been enrolled,
1055 shall establish a prima facie case that the child's parent,
1056 guardian or custodian is responsible for the absences and has
1057 refused or willfully failed to perform the duties imposed upon him
1058 or her under this section. However, no proceedings under this
1059 section shall be brought against a parent, guardian or custodian
1060 of a compulsory-school-age child unless the school attendance
1061 officer has contacted promptly the home of the child and has
1062 provided written notice to the parent, guardian or custodian of
1063 the requirement for the child's enrollment or attendance.



1064 (6) If a compulsory-school-age child has not been enrolled
1065 in a school within fifteen (15) calendar days after the first day
1066 of the school year of the school which the child is eligible to
1067 attend or the child has accumulated five (5) unlawful absences
1068 during the school year of the public school in which the child is
1069 enrolled, the school district superintendent, or his designee,
1070 shall report, within two (2) school days or within five (5)
1071 calendar days, whichever is less, the absences to the school
1072 attendance officer. The State Department of Education shall
1073 prescribe a uniform method for schools to utilize in reporting the
1074 unlawful absences to the school attendance officer. The
1075 superintendent, or his designee, also shall report any student
1076 suspensions or student expulsions to the school attendance officer
1077 when they occur.

1078 (7) When a school attendance officer has made all attempts
1079 to secure enrollment and/or attendance of a compulsory-school-age
1080 child and is unable to effect the enrollment and/or attendance,
1081 the attendance officer shall file a petition with the youth court
1082 under Section 43-21-451 or shall file a petition in a court of
1083 competent jurisdiction as it pertains to parent or child.
1084 Sheriffs, deputy sheriffs and municipal law enforcement officers
1085 shall be fully authorized to investigate all cases of
1086 nonattendance and unlawful absences by compulsory-school-age
1087 children, and shall be authorized to file a petition with the
1088 youth court under Section 43-21-451 or file a petition or



1089 information in the court of competent jurisdiction as it pertains
1090 to parent or child for violation of this section. The youth court
1091 shall expedite a hearing to make an appropriate adjudication and a
1092 disposition to ensure compliance with the Compulsory School
1093 Attendance Law, and may order the child to enroll or re-enroll in
1094 school. The superintendent of the school district to which the
1095 child is ordered may assign, in his discretion, the child to the
1096 alternative school program of the school established pursuant to
1097 Section 37-13-92.

1098 (8) The State Board of Education shall adopt rules and
1099 regulations for the purpose of reprimanding any school
1100 superintendents who fail to timely report unexcused absences under
1101 the provisions of this section.

1102 (9) Notwithstanding any provision or implication herein to
1103 the contrary, it is not the intention of this section to impair
1104 the primary right and the obligation of the parent or parents, or
1105 person or persons in loco parentis to a child, to choose the
1106 proper education and training for such child, and nothing in this
1107 section shall ever be construed to grant, by implication or
1108 otherwise, to the State of Mississippi, any of its officers,
1109 agencies or subdivisions any right or authority to control,
1110 manage, supervise or make any suggestion as to the control,
1111 management or supervision of any private or parochial school or
1112 institution for the education or training of children, of any kind
1113 whatsoever that is not a public school according to the laws of



1114 this state; and this section shall never be construed so as to
1115 grant, by implication or otherwise, any right or authority to any
1116 state agency or other entity to control, manage, supervise,
1117 provide for or affect the operation, management, program,
1118 curriculum, admissions policy or discipline of any such school or
1119 home instruction program.

1120 **SECTION 7.** This act shall take effect and be in force from
1121 and after July 1, 2023, and shall stand repealed on June 30, 2023.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO BRING FORWARD SECTIONS 37-151-5, 37-151-7,
2 37-151-85, 37-151-97, 37-151-103 AND 37-13-91, MISSISSIPPI CODE OF
3 1972, WHICH ARE CERTAIN PROVISIONS RELATED TO THE MISSISSIPPI
4 ADEQUATE EDUCATION PROGRAM, FOR THE PURPOSE OF POSSIBLE AMENDMENT;
5 AND FOR RELATED PURPOSES.

