

By: Representative Clark

To: Education

HOUSE BILL NO. 440

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, 2028, 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 AND 37-151-211, MISSISSIPPI
15 CODE OF 1972, IN CONFORMITY TO THE PRECEDING PROVISIONS; AND FOR
16 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 2025-2026 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, 2025, 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 2026-2027 and 2027-2028 school years.

43 (4) Before January 1, 2027, 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.

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, 2026, having a term of two hundred thirty-two (232)
156 or more employment days for the 2026-2027 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, 2028.

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 net enrollment 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 2026-2027 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. , 2025 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 children with physical or mental disadvantages or
268 disabilities.

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 37-151-211, Mississippi Code of 1972, is
470 amended as follows:

471 37-151-211. (1) (a) Before February 1 of each year, the
472 tax assessor of each county shall file reports with the State
473 Department of Education which provide information essential to the
474 department in determining the local contribution that each school
475 district or charter school is required to provide toward the cost
476 of local school funding. A separate report must be filed for each
477 school district or part of a school district situated in the
478 county and must include the following information:

479 (i) The total assessed valuation of nonexempt
480 property for school purposes in each school district;

481 (ii) Assessed value of exempt property owned by
482 homeowners aged sixty-five (65) or older or disabled, as defined
483 in Section 27-33-67(2);

484 (iii) The school district's tax loss from
485 exemptions provided to applicants under the age of sixty-five (65)
486 and not disabled, as defined in Section 27-33-67(1); and

487 (iv) The school district's homestead reimbursement
488 revenues.

489 (b) The State Department of Education shall prepare and
490 make available to the tax assessor of each county a form for the
491 reports required under paragraph (a) of this subsection (1)(a).

492 (2) (a) The department shall use the information submitted
493 pursuant to subsection (1) to calculate and certify to each school
494 district the millage required to raise its minimum local tax
495 effort, which must be the value of not less than twenty-eight (28)
496 mills for the then current fiscal year or a millage rate
497 equivalent to twenty-seven percent (27%) of the total funding
498 formula funds for the school district, any charter schools, and
499 any Mississippi Achievement School District Schools located in its
500 boundaries, whichever is a lesser amount as certified to the
501 school district by the department, upon all of the taxable
502 property of the school district, including the following sources:

503 (i) One hundred percent (100%) of Grand Gulf
504 income, as prescribed in Section 27-35-309; and

505 (ii) One hundred percent (100%) of any fees in
506 lieu of taxes, as prescribed in Section 27-31-104, in accordance
507 with Section 37-57-1.

508 (b) The department shall determine the local
509 contribution of each school district or charter school based on
510 the minimum local tax effort, as determined under paragraph (a),
511 and shall certify this required local contribution to each school
512 district or charter school, as follows:

513 (i) For school districts in which there are no
514 charter schools, the minimum local tax effort is the required
515 local contribution for the school district.

516 (ii) For school districts in which there is
517 located one or more charter schools, the local contribution of the
518 school district is the product of multiplying the local pro rata
519 amount by the net enrollment of the school district. The
520 department will calculate the local pro rata amount by dividing
521 the school district's minimum local tax effort by the sum of the
522 net enrollment of the school district, as determined by Section
523 37-151-207, and the projected enrollment of charter school
524 students, as specified in Section 37-151-207, who reside or are
525 estimated to reside in the district, but excluding from this
526 projected enrollment any resident students who are projected to
527 transfer from the district to a charter school after the
528 calculation of the district's net enrollment, so as not to
529 double-count those students.

530 (iii) For each charter school, the local
531 contribution is the sum of the local pro rata amount for each
532 charter school student, as determined by Section 37-151-207, based
533 on each student's district of residence. The department will
534 calculate a local pro rata amount for each school district in
535 which a student projected to attend the charter school resides or
536 is estimated to reside using the methodology in subparagraph (ii)
537 of this paragraph (b).



538 (iv) In the case of an agricultural high school,
539 the local contribution is based on an equitable amount per pupil,
540 as determined by the State Board of Education. The State Board of
541 Education shall set the millage requirement to generate such an
542 amount and will certify this amount and millage requirement to
543 agricultural high schools in the same manner as for all other
544 school districts under this subsection.

545 (3) Except as otherwise provided in Section 37-151-213(1),
546 the required state share in support of each school district and
547 charter school is determined by subtracting the required local
548 contribution, which total amount may not exceed twenty-seven
549 percent (27%) of the total projected funding formula cost, from
550 the total projected funding formula cost, as determined under
551 Sections 37-151-200 through 37-151-215, for the school district or
552 charter school.

553 (4) (a) If the school board of any school district or
554 charter school governing board determines that it is not
555 economically feasible or practicable to operate any school within
556 the district or charter school for the full one hundred eighty
557 (180) days * * * established for a scholastic year under Section
558 37-13-63 (1) and (2), due to an enemy attack, man-made,
559 technological, or natural disaster in which the Governor has
560 declared a disaster emergency under the laws of this state or the
561 President of the United States has declared an emergency or major
562 disaster to exist in this state, the school board or charter



563 school governing board may notify the State Department of
564 Education of the disaster and submit a plan for altering the
565 school term. If the State Board of Education finds the disaster
566 to be the cause of the school not operating for the contemplated
567 school term and that the school is located in a school district
568 covered by the Governor's or President's disaster declaration, the
569 board may permit the schools located in that district to be
570 operated for less than one hundred eighty (180) days and, in such
571 case, the State Department of Education may not reduce the state
572 share in support of the funding formula for that district or
573 charter school because of the failure to operate those schools for
574 one hundred eighty (180) days.

575 (b) If the school board of any school district or
576 charter school governing board participating in the Trimester
577 School Year Pilot Program, established under Sections 1 through 4
578 of this act, shall determine that it is not economically feasible
579 or practicable to operate any school within the district or
580 charter school for the full two hundred twenty-five (225) days
581 established for a scholastic year under Section 37-13-63 (3), due
582 to an enemy attack, a man-made, technological or natural disaster
583 in which the Governor has declared a disaster emergency under the
584 laws of this state or the President of the United States has
585 declared an emergency or major disaster to exist in this state,
586 the participating school board or charter school governing board
587 may notify the State Department of Education of such disaster and



588 submit a plan for altering the school term. If the State Board of
589 Education finds such disaster to be the cause of the school not
590 operating for the statutorily required school term, and that such
591 school was in a school district covered by the Governor's or
592 President's disaster declaration, the board may permit the
593 participating school board or charter school governing board to
594 operate the schools in its district for less than two hundred
595 twenty-five (225) days and, in such case, the State Department of
596 Education shall not reduce the state contributions to the adequate
597 education program allotment for such district, because of the
598 failure to operate the schools for two hundred twenty-five (225)
599 days.

600 **SECTION 10.** This act shall take effect and be in force from
601 and after July 1, 2025.

