

By: Senator(s) DeBar

To: Education

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 2616

1 AN ACT TO AMEND SECTIONS 25-11-126, 37-23-31, 37-23-33,  
2 37-61-33, 37-151-207 AND 37-159-7, MISSISSIPPI CODE OF 1972, TO  
3 UPDATE THE STATUTORY LANGUAGE TO REFLECT THE CURRENT TOTAL FUNDING  
4 FORMULA; TO AMEND SECTION 37-151-205, MISSISSIPPI CODE OF 1972, TO  
5 REVISE THE MISSISSIPPI STUDENT FUNDING FORMULA TO INCLUDE STUDENTS  
6 IN THE SEVENTH AND EIGHTH GRADES IN THE MULTIPLIER APPLICABLE TO  
7 STUDENTS ENROLLED IN A CAREER AND TECHNICAL EDUCATION COURSE; AND  
8 FOR RELATED PURPOSES.

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

10 **SECTION 1.** Section 25-11-126, Mississippi Code of 1972, is  
11 amended as follows:

12 25-11-126. (1) Any person who has at least thirty (30)  
13 years of creditable service, who was employed as a public school  
14 teacher at the time of his or her retirement, has been retired at  
15 least ninety (90) days and is receiving a retirement allowance,  
16 and holds a standard teaching license in Mississippi, may be  
17 employed as a teacher in a public school district after  
18 retirement, and choose to continue receiving the retirement  
19 allowance under this article during his or her employment as a  
20 teacher after retirement in addition to receiving the salary  
21 authorized under this section, along with the local contribution



of the school district in which the retiree is employed, at the discretion of the school district. Any teacher who has retired with at least twenty-five (25) years of creditable service as of July 1, 2024, may also participate in this program if the teacher otherwise qualifies under this section.

(2) A retired teacher may only be hired to teach in a school district designated by the Department of Education as having critical shortages and/or critical subject-area shortages, and shall hold the related standard teaching license and/or endorsements to teach in the subject area. The base compensation authorized for returning retired teachers under Section 37-19-7 shall not be graduated annually in the same manner as teachers who are employed by a school district under traditional employment guidelines, but shall remain static for the entirety of his or her eligible teaching period as a retired teacher.

(3) (a) A retired teacher may be employed as a teacher, continue receiving his or her retirement allowance and be a contributing member of the system without accruing additional retirement benefits for a total of five (5) years, which may be performed consecutively or intermittently. This method is designed specifically to provide funding for the system to actuarially offset any pension liability created by this section. Each school district hiring retired teachers under the authority of this section, shall make a direct payment to PERS, which shall serve as pension liability participation assessment. The pension



liability participation assessment and the retired teacher's salary for returning to work shall be determined as follows:

(i) A school district shall rely on the salary schedule in Section 37-19-7 in considering the salary for a retired teacher; provided, however, that the school district may allocate up to one hundred and twenty-five percent (125%) of the amount provided under the salary schedule comparable to the teacher's years of service and license type as salary and assessment under the program.

(ii) After determining the retired teacher's compensation, the school district may pay no more than fifty percent (50%) of the retired teacher's compensation as salary to the retired teacher; and

(iii) The remaining fifty percent (50%) of the retired teacher's compensation as salary shall be paid by the school district to PERS as a pension liability participation assessment.

(b) If a retired teacher, reemployed under the authority of this section, works in a school district for any portion of a scholastic year less than a full contractual term of traditional teachers, the time worked by the retired teacher shall constitute one (1) of the five (5) years of post retirement teaching eligibility. A retired teacher, under the authority of this section, shall be entitled to work in any applicable school district and shall not be obligated to remain in any one (1)



72 school district for the entirety of his or her post retirement  
73 teaching eligibility, but shall be cumulative in nature so as not  
74 to exceed five (5) years. The salary authorized under Section  
75 37-19-7 for retired teachers shall be prorated for any period  
76 worked by the retired teacher that is less than one (1) full  
77 academic year.

78 (c) The State Department of Education shall transfer to  
79 the system the \* \* \* total funding formula funds of local school  
80 districts that on or after July 1, 2024, hire retired members as  
81 teachers under this section and other funds that otherwise would  
82 have been payable to the districts if the districts had not taken  
83 advantage of this section. The crediting of assets and financing  
84 shall follow the provisions of Section  
85 25-11-123.

86 (d) Local educational agencies shall transfer to the  
87 system \* \* \* the total funding formula funds of local school  
88 districts that on or after July 1, 2024, hire retired members as  
89 teachers under this section and other funds that otherwise would  
90 have been payable to the districts if the districts had not taken  
91 advantage of this section. The crediting of assets and financing  
92 must follow the provisions of Section 25-11-123.

93 (4) Under the authority of this section, school districts  
94 may employ retired teachers based on criteria established by the  
95 department of education for critical teacher shortage areas and  
96 critical subject-matter areas. A school district that is not



97 within a critical teacher shortage area may employ teachers for  
98 critical subject-matter areas.

99 (5) A person may be hired under this section subject to the  
100 following conditions:

101 (a) The retired member holds any teacher's professional  
102 license or certificate as may be required in Section 37-3-2, and  
103 holds the related standard teaching license and/or endorsements to  
104 teach in the applicable subject area;

105 (b) The superintendent of the employing school district  
106 certifies in writing to the State Department of Education that the  
107 retired member has the requisite experience, training and  
108 expertise for the position to be filled;

109 (c) The superintendent of the school district certifies  
110 or the principal of the school certifies that there was no  
111 preexisting arrangement for the person to be hired;

112 (d) The person had a satisfactory performance review  
113 for the most recent period before retirement; and

114 (e) The person is hired to teach in a critical  
115 subject-matter area or in a critical teacher shortage area.

116 (6) The State Superintendent of Public Education shall  
117 report the persons who are employed under this section to the  
118 Executive Director of the Public Employees' Retirement System.

119 (7) The department of education shall promulgate regulations  
120 that prescribe a salary schedule that reflects the provisions of  
121 this section. Each school district shall create a policy,



approved by the local school board, related to the hiring of retired teachers and including, but not limited to, the hiring of full- and part-time retired teacher employees under this section and Section 25-11-127.

(8) Any retired teacher who returns to work in accordance with this section shall not be eligible to return to work under the provisions of Section 25-11-127.

**SECTION 2.** Section 37-23-31, Mississippi Code of 1972, is amended as follows:

37-23-31. (1) (a) When five (5) or more children under twenty-one (21) years of age who, because of significant developmental disabilities, complex communication needs, significant language or learning deficits or any combination of either, are unable to have their educational needs met appropriately in a regular or special education public school program within their local public school districts, a state-supported university or college shall be authorized and empowered, in its discretion, to provide a program of education, instruction and training to such children, provided that such program shall operate under rules, regulations, policies and standards adopted by the State Department of Education, as provided for in Section 37-23-33. The opinion of a parent or guardian in regard to the provision of an appropriate special education program in or by their respective local public school district shall be considered before a placement decision is



147 finalized. Parents of students enrolled in a local education  
148 agency (LEA) shall have any and all rights as provided in the  
149 Individuals with Disabilities Education Act, including, but not  
150 limited to, the right to equal participation in their child's  
151 Individualized Education Program (IEP), the right to require  
152 review of their child's IEP, and the right to appeal an IEP  
153 Committee decision immediately. The parent or guardian or local  
154 educational agency shall have the right to audio record the  
155 proceedings of individualized education program team meetings.  
156 The parent or guardian or local educational agency shall notify  
157 the members of the individualized education program team of his,  
158 her, or its intent to audio record a meeting at least twenty-four  
159 (24) hours prior to the meeting.

160 (b) Instructors, including speech-language  
161 pathologists, educational audiologists and special and early  
162 childhood educators are qualified and empowered to serve as the  
163 lead teacher for children enrolled within the state-supported  
164 university's or college's university-based program (UBP) through  
165 the IDEA-Part C and IDEA-Part B eligibility and placement process  
166 upon completing instructional licensure requirements \* \* \*.

167 (c) Due to the significance of the needs of the  
168 children served through the UBP, general education setting  
169 requirements may not be applicable as the least restrictive  
170 environment. Students enrolled in a UBP by a LEA shall meet all  
171 state educational requirements, including participation in



172 statewide assessments. Justification for placement decisions is  
173 determined in conjunction with the LEA through each child's IEP  
174 for ages three (3) to twenty-one (21). The UBP shall submit to  
175 the local education agency and the parents of the student in the  
176 program a progress report each semester on all IEP goals and  
177 objectives. The UBP and local education agency shall confer  
178 annually to develop the IEP for each student enrolled in the UBP.

179 (2) Any state-supported university or college conducting a  
180 full-time medical teaching program acceptable to the State Board  
181 of Education may, at its discretion, enter into such contracts or  
182 agreements with any private school or nonprofit  
183 corporation-supported institution, the Mississippi School for the  
184 Deaf, or any state-supported institution, providing the special  
185 education contemplated by this section for such services, provided  
186 the private school or institution offering such services shall  
187 have conducted a program of such services at standards acceptable  
188 to the State Department of Education for a period of at least one  
189 (1) year prior to the date at which the university or college  
190 proposes to enter into an agreement or contract for special  
191 educational services as described above.

192 **SECTION 3.** Section 37-23-33, Mississippi Code of 1972, is  
193 amended as follows:

194 37-23-33. (1) Such program of education, instruction and  
195 training as is provided for in Section 37-23-31 shall be furnished  
196 in such manner as shall be provided by rules and regulations





197 adopted by the State Board of Education, which for such purposes  
198 shall have the full power to adopt such rules, regulations,  
199 policies and standards as it may deem necessary to carry out the  
200 purpose of Sections 37-23-31 through 37-23-35, including the  
201 establishment of qualifications consistent with the requirements  
202 of subsection (2) of this section for any teachers employed under  
203 the provisions thereof. It is expressly provided, however, that  
204 no program of education, instruction and training shall be  
205 furnished except in a university or college supported by the State  
206 of Mississippi and only in cases where such university or college  
207 shall consent thereto and shall provide any classroom space,  
208 furniture and facilities which may be deemed necessary in carrying  
209 out the provisions of those sections.

210 (2) Speech-language pathologists, educational audiologists,  
211 and special and early childhood educators are qualified and  
212 authorized to serve as the lead teacher for children enrolled in a  
213 university or college-based program through the IDEA-Part C and  
214 IDEA-Part B eligibility and placement process. Whenever  
215 communication is a primary area of concern on a child's  
216 Individualized Family Service Plan (IFSP) or Individualized  
217 Education Program (IEP), a speech-language pathologist or  
218 educational audiologist may serve as the lead instructor with an  
219 educator serving as a related service provider as necessary to  
220 meet the educational needs of the child. Speech-language  
221 pathologists and educational audiologists must undergo extensive



college coursework in communication-based disorders impacting multiple areas of development, including cognition. The content of the college coursework must include typical and atypical development for ages birth through death. In addition to completing the college coursework, these instructional providers must meet all instructional licensure requirements as set forth by the State Department of Education \* \* \*.

(3) The State Department of Education through its general supervision responsibilities set forth by the Office of Special Education Programs at the United States Department of Education, shall require that the program of education, instruction and training be designed to provide individualized appropriate special education and related services that enable a child to reach his or her appropriate and uniquely designed goals for success.

(4) A university- or college-based program must submit all reports and data required by the State Department of Education on the same or similar time schedule and in the same or similar manner that same or similar reports and data must be submitted to the department by local educational agencies.

**SECTION 4.** Section 37-61-33, Mississippi Code of 1972, is amended as follows:

37-61-33. (1) There is created within the State Treasury a special fund to be designated the "Education Enhancement Fund" into which shall be deposited all the revenues collected pursuant to Sections 27-65-75(5), (7) and (8) and 27-67-31(a) and (b).



(2) Of the amount deposited into the Education Enhancement Fund, Sixteen Million Dollars (\$16,000,000.00) shall be appropriated each fiscal year to the State Department of Education to be distributed to all school districts. Such money shall be distributed to all school districts in the proportion that the net enrollment of each school district bears to the net enrollment of all school districts within the state for the following purposes:

(a) Purchasing, erecting, repairing, equipping, remodeling and enlarging school buildings and related facilities, including gymnasiums, auditoriums, lunchrooms, vocational training buildings, libraries, teachers' homes, school barns, transportation vehicles (which shall include new and used transportation vehicles) and garages for transportation vehicles, and purchasing land therefor;

(b) Establishing and equipping school athletic fields and necessary facilities connected therewith, and purchasing land therefor;

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

(d) As a pledge to pay all or a portion of the debt service on debt issued by the school district under Sections 37-59-1 through 37-59-45, 37-59-101 through 37-59-115, 37-7-351 through 37-7-359, 37-41-89 through 37-41-99, 37-7-301, 37-7-302 and 37-41-81, or debt issued by boards of supervisors for



agricultural high schools pursuant to Section 37-27-65, if such  
pledge is accomplished pursuant to a written contract or  
resolution approved and spread upon the minutes of an official  
meeting of the district's school board or board of supervisors.  
The annual grant to such district in any subsequent year during  
the term of the resolution or contract shall not be reduced below  
an amount equal to the district's grant amount for the year in  
which the contract or resolution was adopted. The intent of this  
provision is to allow school districts to irrevocably pledge a  
certain, constant stream of revenue as security for long-term  
obligations issued under the code sections enumerated in this  
paragraph or as otherwise allowed by law. It is the intent of the  
Legislature that the provisions of this paragraph shall be  
cumulative and supplemental to any existing funding programs or  
other authority conferred upon school districts or school boards.  
Debt of a district secured by a pledge of sales tax revenue  
pursuant to this paragraph shall not be subject to any debt  
limitation contained in the foregoing enumerated code sections;  
and

(e) Any other purpose for which the total funding  
formula funds as determined by Sections 37-151-200 through  
37-151-215 are not sufficient.

(3) The remainder of the money deposited into the Education  
Enhancement Fund shall be appropriated as follows:

(a) To the State Department of Education as follows:



297 (i) Sixteen and sixty-one one-hundredths percent  
298 (16.61%) to the cost of the total funding formula determined under  
299 Sections 37-151-200 through 37-151-215; of the funds generated by  
300 the percentage set forth in this section for the support of  
301 the \* \* \* total funding formula, one and one hundred seventy-eight  
302 one-thousandths percent (1.178%) of the funds shall be  
303 appropriated to be used by the State Department of Education for  
304 the purchase of textbooks to be loaned under Sections 37-43-1  
305 through 37-43-59 to approved nonpublic schools, as described in  
306 Section 37-43-1. The funds to be distributed to each nonpublic  
307 school shall be in the proportion that the average daily  
308 attendance of each nonpublic school bears to the total average  
309 daily attendance of all nonpublic schools;

310 (ii) Seven and ninety-seven one-hundredths percent  
311 (7.97%) to assist the funding of transportation operations and  
312 maintenance pursuant to Section 37-19-23; and

313 (iii) Nine and sixty-one one-hundredths percent  
314 (9.61%) for classroom supplies, instructional materials and  
315 equipment, including computers and computer software, to be  
316 distributed to all eligible teachers within the state through the  
317 use of procurement cards or a digital solution capable of  
318 tracking, paying and reporting purchases. Classroom supply funds  
319 shall not be expended for administrative purposes. On a date to  
320 be determined by the State Department of Education, but not later  
321 than July 1 of each year, local school districts shall determine



322 and submit to the State Department of Education the number of  
323 teachers eligible to receive an allocation for the current year.  
324 For purposes of this subparagraph, "teacher" means any employee of  
325 the school board of a school district, or the Mississippi School  
326 for the Arts, the Mississippi School for Math and Science, the  
327 Mississippi School for the Blind, the Mississippi School for the  
328 Deaf or public charter school, who is required by law to obtain a  
329 teacher's license from the State Department of Education and who  
330 is assigned to an instructional area of work as defined by the  
331 department, and shall include any full- or part-time gifted or  
332 special education teacher. It is the intent of the Legislature  
333 that all classroom teachers shall utilize these funds in a manner  
334 that addresses individual classroom needs and supports the overall  
335 goals of the school regarding supplies, instructional materials,  
336 equipment, computers or computer software under the provisions of  
337 this subparagraph, including the type, quantity and quality of  
338 such supplies, materials and equipment. Classroom supply funds  
339 allocated under this subparagraph shall supplement, not replace,  
340 other local and state funds available for the same purposes. The  
341 State Board of Education shall develop and promulgate rules and  
342 regulations for the administration of this subparagraph consistent  
343 with the above criteria, with particular emphasis on allowing the  
344 individual teachers to expend funds as they deem appropriate. The  
345 local school board shall require each school to issue credentials  
346 for a digital solution selected by or procurement cards provided



by the Department of Finance and Administration under the provisions of Section 31-7-9(1)(c) for the use of teachers and necessary support personnel in making instructional supply fund expenditures under this section, consistent with the regulations of the Mississippi Department of Finance and Administration pursuant to Section 31-7-9. Such credentials or procurement cards shall be provided by the State Department of Education to local school districts on a date determined by the State Department of Education, but not later than August 1 of each year. Local school districts shall issue such credentials or procurement cards to classroom teachers at the beginning of the school year, but no later than August 1 of each year, and shall be issued in equal amounts per teacher determined by the total number of qualifying personnel and the current state appropriation for classroom supplies with the Education Enhancement Fund. After initial cards are issued under the timeline prescribed by this section, the State Department of Education may issue cards to districts for any classroom teacher hired after July 1 under a timeline prescribed by the State Department of Education. Such credentials or cards will expire on a predetermined date at the end of each school year, but not before April 1 of each year;

(b) Twenty-two and nine one-hundredths percent (22.09%) to the Board of Trustees of State Institutions of Higher Learning for the purpose of supporting institutions of higher learning; and



(c) Fourteen and forty-one one-hundredths percent (14.41%) to the Mississippi Community College Board for the purpose of providing support to community and junior colleges.

(4) The amount remaining in the Education Enhancement Fund after funds are distributed as provided in subsections (2) and (3) of this section shall be appropriated for other educational needs.

(5) None of the funds appropriated pursuant to subsection (3)(a) of this section shall be used to reduce the state's General Fund appropriation for the categories listed in an amount below the following amounts:

(a) For subsection (3)(a)(ii) of this section, Thirty-six Million Seven Hundred Thousand Dollars (\$36,700,000.00);

(b) For the aggregate of minimum program allotments in the 1997 fiscal year, formerly provided for in Chapter 19, Title 37, Mississippi Code of 1972, as amended, excluding those funds for transportation as provided for in paragraph (a) of this subsection.

(6) Any funds appropriated from the Education Enhancement Fund that are unexpended at the end of a fiscal year shall lapse into the Education Enhancement Fund.

**SECTION 5.** Section 37-151-207, Mississippi Code of 1972, is amended as follows:

37-151-207. (1) The net enrollment of a school district or charter school for use in the funding formula must be computed and





currently maintained by the State Board of Education in accordance with the following:

(a) Determination of school district net enrollment for use in the funding formula. Effective with fiscal year 2026, the State Department of Education shall \* \* \* use the school district's net enrollment for months two (2) and three (3) for the preceding school year for which funds are being appropriated.

(b) Determination of charter school net enrollment for use in the funding formula. Effective with fiscal year 2026, the department shall base a charter school's net enrollment on the enrollment projections for the relevant year set forth over the term of the charter contract.

(c) The net enrollment of a school district used for funding formula calculations, as determined in paragraph (a) of this subsection, must be reconciled with the school district's net enrollment using months two (2) and three (3) for the year for which total funding formula funds are being appropriated, and any necessary adjustments must be made to payments during the school district's following year of operation. Any necessary adjustment for a school district must be based on the state share of the per pupil amount in effect for the year for which actual net enrollment did not meet expectations and not any new amount appropriated for the year in which the adjustment will be made. Reconciliation of net enrollment for charter schools must be based on requirements set forth in Section 37-28-55.



(2) The net enrollment of a school district or charter school must include any student enrolled in a dual enrollment-dual credit program as defined and provided for in Section 37-15-38. The State Department of Education shall make payments for dual enrollment-dual credit programs to the home school district or charter school in which the student is enrolled, in accordance with regulations promulgated by the State Board of Education. All state funding under the formula must cease upon completion of high school graduation requirements.

(3) The State Board of Education shall promulgate such rules and regulations as may be necessary for the counting and reporting of student enrollment by school districts and charter schools to the department in a manner that enables the provisions of Sections 37-151-200 through 37-151-215 to be carried out. The rules and regulations must require school districts and charter schools to submit data that includes, at a minimum, numbers for the specific student populations that are subject to weighting under Sections 37-151-200 through 37-151-215 as well as the aggregate amount of students in enrollment when each calculation is made. For the first year of operation of a charter school, the State Board of Education shall use imputed student demographic data based on the traditional district in which the charter school is located to estimate student populations that are subject to weighting under Sections 37-151-200 through 37-151-215.



(4) The superintendent of each school district and the head of school of each charter school, as applicable, shall submit the data required by subsection (3) of this section with a signed affidavit attesting that the data submitted to the department is accurate to the best of the superintendent's knowledge, and any inaccuracies later discovered will be reported to the department. The State Board of Education shall be specifically authorized and empowered to withhold allocations from the total funding formula funds as provided in Sections 37-151-200 through 37-151-215, to any school district or charter school for improperly or inaccurately reporting the student data required by Sections 37-151-200 through 37-151-215.

**SECTION 6.** Section 37-159-7, Mississippi Code of 1972, is amended as follows:

37-159-7. The school board of any school district situated within a geographical area of the state where there exists a critical shortage of teachers, as designated by the State Board of Education, in its discretion, may reimburse persons who interview for employment as a licensed teacher with the district for the mileage and other actual expenses incurred in the course of travel to and from the interview by such persons at the rate authorized for county and municipal employees under Section 25-3-41. Any reimbursement by a school board under this section shall be paid from funds other than \* \* \* total funding formula funds.



469           **SECTION 7.** Section 37-151-205, Mississippi Code of 1972, is  
470 amended as follows:

471           37-151-205. (1) The preliminary weighted enrollment of each  
472 school district and charter school under Sections 37-151-200  
473 through 37-151-215 is determined by applying the weights  
474 prescribed in this section, none of which are mutually exclusive  
475 of another, to each applicable school district or charter school's  
476 net enrollment, as determined by Section 37-151-207. To determine  
477 additional funding authorized under this section, the number of  
478 students in a school district that are identified as the  
479 applicable weight shall be calculated as a percentage of the  
480 students in the school district. Such amount shall be referred to  
481 as the "percentage of applicable students."

482           (2) For students identified as low-income, as defined in  
483 Section 37-151-201, the percentage of applicable students in the  
484 school district is multiplied by thirty one-hundredths (30/100),  
485 and then multiplied by net enrollment.

486           (3) For students identified as English Language Learners, as  
487 defined in Section 37-151-201, the percentage of applicable  
488 students in the school district is multiplied by fifteen  
489 one-hundredths (15/100), and then multiplied by net enrollment.

490           (4) The following weights are applied to students who are  
491 identified as entitled to and receiving services in a special  
492 education program:



493 (a) Tier I: For students diagnosed with a specific  
494 learning disability, speech and language impairment, or  
495 developmental delay, the percentage of applicable students in the  
496 school district is multiplied by sixty one-hundredths (60/100),  
497 and then multiplied by net enrollment.

498 (b) Tier II: For students diagnosed with autism,  
499 hearing impairment, emotional disability, orthopedic impairment,  
500 intellectual disability, or other health impairment, the  
501 percentage of applicable students in the school district is  
502 multiplied by one hundred ten one-hundredths (110/100), and then  
503 multiplied by net enrollment.

504 (c) Tier III: For students diagnosed with visual  
505 impairment, deaf-blindness, multiple disabilities, or traumatic  
506 brain injury, the percentage of applicable students in the school  
507 district is multiplied by one hundred thirty one-hundredths  
508 (130/100), and then multiplied by net enrollment.

509 For the purpose of student counts, a student entitled to and  
510 receiving special education services may not be included under  
511 more than one (1) tier prescribed in paragraphs (a), (b) and (c)  
512 of this subsection. A student having multiple diagnoses must be  
513 counted under the highest tier applicable to that student.

514 (5) A weight of five percent (5%) is applied to five percent  
515 (5%) of a school district or charter school's net enrollment for  
516 the purpose of providing gifted education, regardless of the  
517 number of students in a school district or charter school that



have been identified as gifted students: the total number of students in net enrollment in a school district or charter school, as determined by Section 37-151-207, is multiplied by five one-hundredths (5/100), which is again multiplied by five one-hundredths (5/100).

(6) For Seventh, Eighth, Ninth, Tenth, Eleventh and Twelfth Grade students enrolled in a career and technical education course, as defined in Section 37-151-201, the percentage of applicable students in the school district is multiplied by ten one-hundredths (10/100), and then multiplied by net enrollment. Students enrolled in multiple career and technical education courses are counted once.

(7) In each school district or charter school where the number of students identified as low income, as defined in Section 37-151-201, exceeds thirty-five percent (35%) of the school district or charter school's net enrollment, a weight of ten percent (10%) is applied only to the number of low-income students in excess of the number of low-income students which constitute thirty-five percent (35%) of net enrollment. The number of students eligible for this weight is calculated by subtracting the number of students equivalent to thirty-five percent (35%) of the net enrollment of that school district or charter school from the total number of students in that school district or charter school identified as low income: if the total percentage of applicable students identified in subsection (2) exceeds thirty-five percent



(35%) of the school district or charter school's total net enrollment, as determined in Section 37-151-207, the difference between the total percentage of applicable students identified in subsection (2) and thirty-five percent (35%) of the school district or charter school's total net enrollment is multiplied by ten one-hundredths (10/100), and then multiplied by net enrollment.

(8) The final weighted enrollment of each school district and charter school under the total funding formula as provided for in Sections 37-151-200 through 37-151-215 is determined as follows:

(a) The final weighted enrollment for each school district or charter school that is not classified as a sparsely populated district or charter school, as defined in Section 37-151-201, is equivalent to the preliminary weighted enrollment of that school district or charter school, as determined in subsections (1) through (7) of this section: the State Department of Education shall add to the school district or charter school's net enrollment, as determined under Section 37-151-207, each of the additional figures calculated in accordance with subsections (2) through (7), and this total is the final weighted enrollment.

(b) The final weighted enrollment for each sparsely populated district or charter school, as defined in Section 37-151-201, is determined by multiplying the sparsity weight by the preliminary weighted enrollment, as determined in subsections



(1) through (7) of this section, and then adding that figure to the preliminary weighted enrollment. To calculate the final weighted enrollment, the State Department of Education shall add to the school district or charter school's net enrollment, each of the additional figures calculated in accordance with subsections (2) through (7) to determine the preliminary weighted enrollment, multiply this figure by the sparsity weight as determined below, and add this resulting number to the preliminary weighted enrollment to find the final weighted enrollment. To calculate the sparsity weight, the State Department of Education shall find the difference between the number of students per square mile in that district or charter school and a sparsity threshold of eight (8) students per square mile, and then shall divide the resulting figure by one hundred (100) to create a percentage: for example, if the number of students per square mile in a district is three (3), the difference is five (5) (eight (8) minus three (3)), and the sparsity weight is five percent (5%), or five one-hundredths (5/100).

**SECTION 8.** This act shall take effect and be in force from and after July 1, 2025.

