

By: Representative McCarty

To: Education

HOUSE BILL NO. 1686

1 AN ACT TO AMEND SECTION 37-151-5, MISSISSIPPI CODE OF 1972,  
 2 TO DEFINE THE TERM "AVERAGE DAILY MEMBERSHIP (ADM)" FOR PURPOSES  
 3 OF THE MISSISSIPPI ADEQUATE EDUCATION PROGRAM; TO AMEND SECTION  
 4 37-151-7, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE  
 5 DETERMINATION OF THE BASIC ADEQUATE EDUCATION PROGRAM COST FOR  
 6 EACH SCHOOL DISTRICT BASED ON STUDENT AVERAGE DAILY MEMBERSHIP  
 7 WITH CERTAIN EXCEPTIONS; TO PROVIDE FOR STUDENT COUNTS BY THE  
 8 STATE AUDITOR; TO REVISE THE DEFINITION OF THE TERMS "MINIMUM  
 9 SCHOOL TERM" AND "AVERAGE DAILY ATTENDANCE" AS SUCH TERMS ARE USED  
 10 FOR DETERMINING ALLOCATIONS TO SCHOOL DISTRICTS UNDER THE ADEQUATE  
 11 EDUCATION PROGRAM; TO AMEND SECTIONS 37-151-85, 37-151-97 AND  
 12 37-151-103, MISSISSIPPI CODE OF 1972, IN CONFORMITY; TO AMEND  
 13 SECTION 37-13-91, MISSISSIPPI CODE OF 1972, TO REMOVE THE  
 14 ATTENDANCE REQUIREMENT THAT A COMPULSORY-SCHOOL-AGE CHILD WHO IS  
 15 ABSENT MORE THAN 37% OF THE INSTRUCTIONAL DAY MUST BE CONSIDERED  
 16 ABSENT FOR THE ENTIRE DAY; AND FOR RELATED PURPOSES.

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

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

20 37-151-5. As used in Sections 37-151-5 and 37-151-7:

21 (a) "Adequate program" or "adequate education program"  
 22 or "Mississippi Adequate Education Program (MAEP)" shall mean the  
 23 program to establish adequate current operation funding levels  
 24 necessary for the programs of such school district to meet at  
 25 least a successful Level III rating of the accreditation system as



26 established by the State Board of Education using current  
27 statistically relevant state assessment data.

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

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

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

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

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

49 (c) "Base student" shall mean that student  
50 classification that represents the most economically educated



51 pupil in a school system meeting the definition of successful, as  
52 determined by the State Board of Education.

53 (d) "Base student cost" shall mean the funding level  
54 necessary for providing an adequate education program for one (1)  
55 base student, subject to any minimum amounts prescribed in Section  
56 37-151-7(1).

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

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

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

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

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



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

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

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

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

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

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

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

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

98                   (j) "Minimum school term" shall mean a term of at least  
99 one hundred eighty (180) days of school in which both teachers and



100 pupils are in regular attendance for scheduled classroom  
101 instruction for not less than \* \* \* sixty percent (60%) of  
102 the \* \* \* normal day \* \* \*. It is the intent of the Legislature  
103 that any tax levies generated to produce additional local funds  
104 required by any school district to operate school terms in excess  
105 of one hundred seventy-five (175) days shall not be construed to  
106 constitute a new program for the purposes of exemption from the  
107 limitation on tax revenues as allowed under Sections 27-39-321 and  
108 37-57-107 for new programs mandated by the Legislature.

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

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

118 (m) The term "year of teaching experience" shall mean  
119 nine (9) months of actual teaching in the public or private  
120 elementary and secondary schools and shall also include nine (9)  
121 months of actual teaching at postsecondary institutions accredited  
122 by the Southern Association of Colleges and Schools (SACS) or  
123 equivalent regional accrediting body for degree-granting  
124 postsecondary institutions. In no case shall more than one (1)



125 year of teaching experience be given for all services in one (1)  
126 calendar or school year. In determining a teacher's experience,  
127 no deduction shall be made because of the temporary absence of the  
128 teacher because of illness or other good cause, and the teacher  
129 shall be given credit therefor. Beginning with the 2003-2004  
130 school year, the State Board of Education shall fix a number of  
131 days, not to exceed forty-five (45) consecutive school days,  
132 during which a teacher may not be under contract of employment  
133 during any school year and still be considered to have been in  
134 full-time employment for a regular scholastic term. If a teacher  
135 exceeds the number of days established by the State Board of  
136 Education that a teacher may not be under contract but may still  
137 be employed, that teacher shall not be credited with a year of  
138 teaching experience. In determining the experience of school  
139 librarians, each complete year of continuous, full-time employment  
140 as a professional librarian in a public library in this or some  
141 other state shall be considered a year of teaching experience. If  
142 a full-time school administrator returns to actual teaching in the  
143 public schools, the term "year of teaching experience" shall  
144 include the period of time he or she served as a school  
145 administrator. In determining the salaries of teachers who have  
146 experience in any branch of the military, the term "year of  
147 teaching experience" shall include each complete year of actual  
148 classroom instruction while serving in the military. In  
149 determining the experience of speech-language pathologists and



150 audiologists, each complete year of continuous full-time post  
151 master's degree employment in an educational setting in this or  
152 some other state shall be considered a year of teaching  
153 experience. Provided, however, that school districts are  
154 authorized, in their discretion, to negotiate the salary levels  
155 applicable to certificated employees employed after July 1, 2009,  
156 who are receiving retirement benefits from the retirement system  
157 of another state, and the annual experience increment provided in  
158 Section 37-19-7 shall not be applicable to any such retired  
159 certificated employee.

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

170                           (ii) [Repealed]

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



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

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

181           (r) "Department" shall mean the State Department of  
182 Education.

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

185           (t) The term "successful school district" shall mean a  
186 Level III school district as designated by the State Board of  
187 Education using current statistically relevant state assessment  
188 data.

189           (u) "Dual enrollment-dual credit programs" shall mean  
190 programs for potential or recent high school student dropouts to  
191 dually enroll in their home high school and a local community  
192 college in a dual credit program consisting of high school  
193 completion coursework and a credential, certificate or degree  
194 program at the community college, as provided in Section  
195 37-15-38(19).

196           (v) "Charter school" means a public school that is  
197 established and operating under the terms of a charter contract





198 between the school's governing board and the Mississippi Charter  
199 School Authorizer Board.

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

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

213 37-151-7. The annual allocation to each school district for  
214 the operation of the adequate education program shall be  
215 determined as follows:

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

220 (a) **Determination of average daily \* \* \* membership.**  
221 Effective with fiscal year \* \* \* 2025, the State Department of  
222 Education shall determine the percentage change from the prior



223 year of each year of each school district's average of months two  
224 (2) and three (3) average daily \* \* \* membership (ADM) for the  
225 three (3) immediately preceding school years of the year for which  
226 funds are being appropriated. For any school district that  
227 experiences a positive growth in the average of months two (2) and  
228 three (3) \* \* \* average daily membership (ADM) each year of the  
229 three (3) years, the average percentage growth over the three-year  
230 period shall be multiplied times the school district's average of  
231 months two (2) and three (3) \* \* \* average daily membership (ADM)  
232 for the year immediately preceding the year for which MAEP funds  
233 are being appropriated. The resulting amount shall be added to  
234 the school district's average of months two (2) and three  
235 (3) \* \* \* average daily membership (ADM) for the year immediately  
236 preceding the year for which MAEP funds are being appropriated to  
237 arrive at the \* \* \* average daily membership (ADM) to be used in  
238 determining a school district's MAEP allocation. Otherwise,  
239 months two (2) and three (3) \* \* \* average daily membership (ADM)  
240 for the year immediately preceding the year for which MAEP funds  
241 are being appropriated will be used in determining a school  
242 district's MAEP allocation. \* \* \* The district's average daily  
243 attendance or average daily membership (ADM) shall include any  
244 student enrolled in a Dual Enrollment-Dual Credit Program as  
245 defined and provided in Section 37-15-38(19). The State  
246 Department of Education shall make payments for Dual  
247 Enrollment-Dual Credit Programs to the home school in which the



248 student is enrolled, in accordance with regulations promulgated by  
249 the State Board of Education. The community college providing  
250 services to students in a Dual Enrollment-Dual Credit Program  
251 shall require payment from the home school district for services  
252 provided to such students at a rate of one hundred percent (100%)  
253 of \* \* \* base student cost. All MAEP/state funding shall cease  
254 upon completion of high school graduation requirements.

255 The State Auditor shall make one (1) actual count of students  
256 in month two (2) and one (1) actual count of students in month  
257 three (3) of the school year. The State Auditor shall not be  
258 required to count students in all local school districts during  
259 this time period, but shall make a concerted effort to count  
260 students in as many local districts as practical. No advance  
261 notice shall be given to a school when a count is scheduled to be  
262 conducted, however a count may be postponed due to extraordinary  
263 circumstances such as a natural disaster or fire. If the State  
264 Auditor finds that the average of the two (2) counts made under  
265 the provisions of this chapter shows that the number of students  
266 enrolled and in actual attendance in any school is as much below  
267 the number reported to the State Department of Education for month  
268 two (2) and for month three (3) for the applicable scholastic  
269 year, then the State Auditor shall certify the same to the State  
270 Department of Education no later than December 11 of the  
271 scholastic year during which the counts were made. The State  
272 Department of Education shall thereupon reduce the amount of state



273 funds allotted to the school district for the Mississippi Adequate  
274 Education Program (MAEP) for the ensuing scholastic year as  
275 follows:

276 For each school district whose reported average daily  
277 attendance is in excess of one hundred three percent (103%) of the  
278 average number of students actually counted by the examiners, the  
279 State Department of Education shall use one hundred three percent  
280 (103%) of the average count by the examiners as the average daily  
281 attendance for this school district in allotting MAEP funds for  
282 the next school session if funding for that school district is  
283 based on average daily attendance (ADA) and not average daily  
284 membership (ADM).

285 (b) **Determination of base student cost.** Effective with  
286 fiscal year 2011 and every fourth fiscal year thereafter, the  
287 State Board of Education, on or before August 1, with adjusted  
288 estimate no later than January 2, shall submit to the Legislative  
289 Budget Office and the Governor a proposed base student cost  
290 adequate to provide the following cost components of educating a  
291 pupil in a successful school district: (i) instructional cost;  
292 (ii) administrative cost; (iii) operation and maintenance of  
293 plant; and (iv) ancillary support cost. For purposes of these  
294 calculations, the Department of Education shall utilize financial  
295 data from the second preceding year of the year for which funds  
296 are being appropriated.



297 For the instructional cost component, the Department of  
298 Education shall select districts that have been identified as  
299 instructionally successful and have a ratio of a number of  
300 teachers per one thousand (1,000) students that is between one (1)  
301 standard deviation above the mean and two (2) standard deviations  
302 below the mean of the statewide average of teachers per one  
303 thousand (1,000) students. The instructional cost component shall  
304 be calculated by dividing the latest available months one (1)  
305 through nine (9) \* \* \* ADM into the instructional expenditures of  
306 these selected districts. For the purpose of this calculation,  
307 the Department of Education shall use the following funds,  
308 functions and objects:

309 Fund 1120 Functions 1110-1199 Objects 100-999, Functions  
310 1210, 1220, 2150-2159 Objects 210 and 215;

311 Fund 1130 All Functions, Object Code 210 and 215;

312 Fund 2001 Functions 1110-1199 Objects 100-999;

313 Fund 2070 Functions 1110-1199 Objects 100-999;

314 Fund 2420 Functions 1110-1199 Objects 100-999;

315 Fund 2711 All Functions, Object Code 210 and 215.

316 Prior to the calculation of the instructional cost component,  
317 there shall be subtracted from the above expenditures any revenue  
318 received for Chickasaw Cession payments, Master Teacher  
319 Certification payments and the district's portion of state revenue  
320 received from the MAEP at-risk allocation.



321 For the administrative cost component, the Department of  
322 Education shall select districts that have been identified as  
323 instructionally successful and have a ratio of an administrative  
324 staff to nonadministrative staff between one (1) standard  
325 deviation above the mean and two (2) standard deviations below the  
326 mean of the statewide average administrative staff to  
327 nonadministrative staff. The administrative cost component shall  
328 be calculated by dividing the latest available months one (1)  
329 through nine (9) \* \* \* ADM of the selected districts into the  
330 administrative expenditures of these selected districts. For the  
331 purpose of this calculation, the Department of Education shall use  
332 the following funds, functions and objects:

333 Fund 1120 Functions 2300-2599, Functions 2800-2899,  
334 Objects 100-999;

335 Fund 2711 Functions 2300-2599, Functions 2800-2899,  
336 Objects 100-999.

337 For the plant and maintenance cost component, the Department  
338 of Education shall select districts that have been identified as  
339 instructionally successful and have a ratio of plant and  
340 maintenance expenditures per one hundred thousand (100,000) square  
341 feet of building space and a ratio of maintenance workers per one  
342 hundred thousand (100,000) square feet of building space that are  
343 both between one (1) standard deviation above the mean and two (2)  
344 standard deviations below the mean of the statewide average. The  
345 plant and maintenance cost component shall be calculated by



346 dividing the latest available months one (1) through nine  
347 (9) \* \* \* ADM of the selected districts into the plant and  
348 maintenance expenditures of these selected districts. For the  
349 purpose of this calculation, the Department of Education shall use  
350 the following funds, functions and objects:

351 Fund 1120 Functions 2600-2699, Objects 100-699

352 and Objects 800-999;

353 Fund 2711 Functions 2600-2699, Objects 100-699

354 and Objects 800-999;

355 Fund 2430 Functions 2600-2699, Objects 100-699

356 and Objects 800-999.

357 For the ancillary support cost component, the Department of  
358 Education shall select districts that have been identified as  
359 instructionally successful and have a ratio of a number of  
360 librarians, media specialists, guidance counselors and  
361 psychologists per one thousand (1,000) students that is between  
362 one (1) standard deviation above the mean and two (2) standard  
363 deviations below the mean of the statewide average of librarians,  
364 media specialists, guidance counselors and psychologists per one  
365 thousand (1,000) students. The ancillary cost component shall be  
366 calculated by dividing the latest available months one (1) through  
367 nine (9) \* \* \* ADM into the ancillary expenditures instructional  
368 expenditures of these selected districts. For the purpose of this  
369 calculation, the Department of Education shall use the following  
370 funds, functions and objects:



371 Fund 1120 Functions 2110-2129, Objects 100-999;  
372 Fund 1120 Functions 2140-2149, Objects 100-999;  
373 Fund 1120 Functions 2220-2229, Objects 100-999;  
374 Fund 2001 Functions 2100-2129, Objects 100-999;  
375 Fund 2001 Functions 2140-2149, Objects 100-999;  
376 Fund 2001 Functions 2220-2229, Objects 100-999.

377 The total base cost for each year shall be the sum of the  
378 instructional cost component, administrative cost component, plant  
379 and maintenance cost component and ancillary support cost  
380 component, and any estimated adjustments for additional state  
381 requirements as determined by the State Board of Education.

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

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

393 (c) **Determination of the basic adequate education**  
394 **program cost.** The basic amount for current operation to be





395 included in the Mississippi Adequate Education Program for each  
396 school district shall be computed as follows:

397 Beginning with the 2025-2026 school year, multiply the  
398 average daily \* \* \* membership of the district by the base student  
399 cost as established by the Legislature, which yields the total  
400 base program cost for each school district. However, beginning  
401 with the 2025-2026 school year, the total base student cost for  
402 each school district shall be based on the ADM of the school  
403 district unless average daily attendance (ADA) is less than ninety  
404 percent (90%) threshold of the district's ADM. In instances that  
405 a district's attendance falls below the ninety percent (90%)  
406 threshold of the ADM, the base student cost shall be funded based  
407 on ADA.

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

417 (e) **Add-on program cost.** The amount to be allocated to  
418 school districts in addition to the adequate education program



419 cost for add-on programs for each school district shall be  
420 computed as follows:

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

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

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

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

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

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

439 (vii) University-based programs shall be the  
440 amount allocated to school districts for those university-based  
441 programs for handicapped children as defined and provided for in  
442 Section 37-23-131 et seq., Mississippi Code of 1972.



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

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

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

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

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

464 (2) **Computation of the required local revenue in support of**  
465 **the adequate education program.** The amount that each district  
466 shall provide toward the cost of the adequate education program  
467 shall be calculated as follows:



468           (a) The State Department of Education shall certify to  
469 each school district that twenty-eight (28) mills, less the  
470 estimated amount of the yield of the School Ad Valorem Tax  
471 Reduction Fund grants as determined by the State Department of  
472 Education, is the millage rate required to provide the district  
473 required local effort for that year, or twenty-seven percent (27%)  
474 of the basic adequate education program cost for such school  
475 district as determined under paragraph (c), whichever is a lesser  
476 amount. In the case of an agricultural high school, the millage  
477 requirement shall be set at a level which generates an equitable  
478 amount per pupil to be determined by the State Board of Education.  
479 The local contribution amount for school districts in which there  
480 is located one or more charter schools will be calculated using  
481 the following methodology: using the adequate education program  
482 twenty-eight (28) mill value, or the twenty-seven percent (27%)  
483 cap amount (whichever is less) for each school district in which a  
484 charter school is located, an average per pupil amount will be  
485 calculated. This average per pupil amount will be multiplied  
486 times the number of students attending the charter school in that  
487 school district. The sum becomes the charter school's local  
488 contribution to the adequate education program.

489           (b) The State Department of Education shall determine  
490 the following from the annual assessment information submitted to  
491 the department by the tax assessors of the various counties: (i)  
492 the total assessed valuation of nonexempt property for school



493 purposes in each school district; (ii) assessed value of exempt  
494 property owned by homeowners aged sixty-five (65) or older or  
495 disabled as defined in Section 27-33-67(2), Mississippi Code of  
496 1972; (iii) the school district's tax loss from exemptions  
497 provided to applicants under the age of sixty-five (65) and not  
498 disabled as defined in Section 27-33-67(1), Mississippi Code of  
499 1972; and (iv) the school district's homestead reimbursement  
500 revenues.

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

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

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

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

513 (a) The required state effort in support of the  
514 adequate education program shall be determined by subtracting the  
515 sum of the required local tax effort as set forth in subsection  
516 (2) (a) of this section and the other local revenue sources as set  
517 forth in subsection (2) (c) of this section in an amount not to



518 exceed twenty-seven percent (27%) of the total projected adequate  
519 education program cost as set forth in subsection (1)(f) of this  
520 section from the total projected adequate education program cost  
521 as set forth in subsection (1)(f) of this section.

522 (b) Provided, however, that in fiscal year 2015, any  
523 increase in the said state contribution to any district calculated  
524 under this section shall be not less than six percent (6%) in  
525 excess of the amount received by said district from state funds  
526 for fiscal year 2002; in fiscal year 2016, any increase in the  
527 said state contribution to any district calculated under this  
528 section shall be not less than four percent (4%) in excess of the  
529 amount received by said district from state funds for fiscal year  
530 2002; in fiscal year 2017, any increase in the said state  
531 contribution to any district calculated under this section shall  
532 be not less than two percent (2%) in excess of the amount received  
533 by said district from state funds for fiscal year 2002; and in  
534 fiscal year 2018 and thereafter, any increase in the said state  
535 contribution to any district calculated under this section shall  
536 be zero percent (0%). For purposes of this paragraph (b), state  
537 funds shall include minimum program funds less the add-on  
538 programs, State Uniform Millage Assistance Grant Funds, Education  
539 Enhancement Funds appropriated for Uniform Millage Assistance  
540 Grants and state textbook allocations, and State General Funds  
541 allocated for textbooks.



542 (c) If the school board of any school district shall  
543 determine that it is not economically feasible or practicable to  
544 operate any school within the district for the full one hundred  
545 eighty (180) days required for a school term of a scholastic year  
546 as required in Section 37-13-63, Mississippi Code of 1972, due to  
547 an enemy attack, a man-made, technological or natural disaster in  
548 which the Governor has declared a disaster emergency under the  
549 laws of this state or the President of the United States has  
550 declared an emergency or major disaster to exist in this state,  
551 said school board may notify the State Department of Education of  
552 such disaster and submit a plan for altering the school term. If  
553 the State Board of Education finds such disaster to be the cause  
554 of the school not operating for the contemplated school term and  
555 that such school was in a school district covered by the  
556 Governor's or President's disaster declaration, it may permit said  
557 school board to operate the schools in its district for less than  
558 one hundred eighty (180) days and, in such case, the State  
559 Department of Education shall not reduce the state contributions  
560 to the adequate education program allotment for such district,  
561 because of the failure to operate said schools for one hundred  
562 eighty (180) days.

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



567 of state funds under the adequate education program funding  
568 formula prescribed in Sections 37-151-3 through 37-151-7,  
569 Mississippi Code of 1972, until such time as the said adequate  
570 education program is fully funded by the Legislature. The  
571 following percentages of the total state cost of increased  
572 allocations of funds under the adequate education program funding  
573 formula shall be appropriated by the Legislature into the Interim  
574 School District Capital Expenditure Fund to be distributed to all  
575 school districts under the formula: Nine and two-tenths percent  
576 (9.2%) shall be appropriated in fiscal year 1998, twenty percent  
577 (20%) shall be appropriated in fiscal year 1999, forty percent  
578 (40%) shall be appropriated in fiscal year 2000, sixty percent  
579 (60%) shall be appropriated in fiscal year 2001, eighty percent  
580 (80%) shall be appropriated in fiscal year 2002, and one hundred  
581 percent (100%) shall be appropriated in fiscal year 2003 into the  
582 State Adequate Education Program Fund. Until July 1, 2002, such  
583 money shall be used by school districts for the following  
584 purposes:

585 (a) Purchasing, erecting, repairing, equipping,  
586 remodeling and enlarging school buildings and related facilities,  
587 including gymnasiums, auditoriums, lunchrooms, vocational training  
588 buildings, libraries, school barns and garages for transportation  
589 vehicles, school athletic fields and necessary facilities  
590 connected therewith, and purchasing land therefor. Any such  
591 capital improvement project by a school district shall be approved





592 by the State Board of Education, and based on an approved  
593 long-range plan. The State Board of Education shall promulgate  
594 minimum requirements for the approval of school district capital  
595 expenditure plans.

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

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

603 (d) From and after October 1, 1997, through June 30,  
604 1998, pursuant to a school district capital expenditure plan  
605 approved by the State Department of Education, a school district  
606 may pledge such funds until July 1, 2002, plus funds provided for  
607 in paragraph (e) of this subsection (4) that are not otherwise  
608 permanently pledged under such paragraph (e) to pay all or a  
609 portion of the debt service on debt issued by the school district  
610 under Sections 37-59-1 through 37-59-45, 37-59-101 through  
611 37-59-115, 37-7-351 through 37-7-359, 37-41-89 through 37-41-99,  
612 37-7-301, 37-7-302 and 37-41-81, Mississippi Code of 1972, or debt  
613 issued by boards of supervisors for agricultural high schools  
614 pursuant to Section 37-27-65, Mississippi Code of 1972, or  
615 lease-purchase contracts entered into pursuant to Section 31-7-13,  
616 Mississippi Code of 1972, or to retire or refinance outstanding



617 debt of a district, if such pledge is accomplished pursuant to a  
618 written contract or resolution approved and spread upon the  
619 minutes of an official meeting of the district's school board or  
620 board of supervisors. It is the intent of this provision to allow  
621 school districts to irrevocably pledge their Interim School  
622 District Capital Expenditure Fund allotments as a constant stream  
623 of revenue to secure a debt issued under the foregoing code  
624 sections. To allow school districts to make such an irrevocable  
625 pledge, the state shall take all action necessary to ensure that  
626 the amount of a district's Interim School District Capital  
627 Expenditure Fund allotments shall not be reduced below the amount  
628 certified by the department or the district's total allotment  
629 under the Interim Capital Expenditure Fund if fully funded, so  
630 long as such debt remains outstanding.

631 (e) [Repealed]

632 (f) [Repealed]

633 (g) The State Board of Education may authorize the  
634 school district to expend not more than twenty percent (20%) of  
635 its annual allotment of such funds or Twenty Thousand Dollars  
636 (\$20,000.00), whichever is greater, for technology needs of the  
637 school district, including computers, software,  
638 telecommunications, cable television, interactive video, film,  
639 low-power television, satellite communications, microwave  
640 communications, technology-based equipment installation and  
641 maintenance, and the training of staff in the use of such



642 technology-based instruction. Any such technology expenditure  
643 shall be reflected in the local district technology plan approved  
644 by the State Board of Education under Section 37-151-17,  
645 Mississippi Code of 1972.

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

656 (i) The State Department of Education or the State  
657 Board of Education may require that any project commenced under  
658 this section with an estimated project cost of not less than Five  
659 Million Dollars (\$5,000,000.00) shall be done only pursuant to  
660 program management of the process with respect to design and  
661 construction. Any individuals, partnerships, companies or other  
662 entities acting as a program manager on behalf of a local school  
663 district and performing program management services for projects  
664 covered under this subsection shall be approved by the State  
665 Department of Education.



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

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

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

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

685 37-151-85. (1) The amount to be allotted by the State Board  
686 of Education for transportation shall be determined as follows:

687 The State Department of Education shall calculate the cost of  
688 transportation in school districts by ascertaining the average  
689 cost per pupil in average daily attendance of transported pupils  
690 in school districts classified in different density groups as



691 determined by the State Department of Education. Based on these  
692 calculations, the State Department of Education shall develop a  
693 scale for determining the allowable cost per pupil in different  
694 density groups, which scale shall provide greatest allowance per  
695 pupil transported in school districts with lowest densities and  
696 smallest allowance per pupil in school districts with highest  
697 densities. Beginning with the 2025-2026 school year, the total  
698 allowance in the adequate education program for transported  
699 children for any school district for the current year shall be the  
700 average daily \* \* \* membership (ADM) of the transported children  
701 for the nine (9) months of the prior year, multiplied by the  
702 allowance per transported pupil as provided herein. However, the  
703 State Department of Education is hereby authorized and empowered  
704 to make proper adjustments in allotments, under rules and  
705 regulations of the State Board of Education, in cases where major  
706 changes in the number of children in average daily \* \* \*  
707 membership (ADM) transported occur from one (1) year to another as  
708 a result of changes or alterations in the boundaries of school  
709 districts, a change in or relocation of attendance centers, or for  
710 other reasons which would result in major decrease or increase in  
711 the number of children in average daily attendance transported  
712 during the current school year as compared with the preceding  
713 year. Moreover, the State Board of Education is hereby authorized  
714 and empowered to make such payments to all districts and/or  
715 university-based programs as deemed necessary in connection with



716 transporting exceptional children as defined in Section 37-23-3.  
717 The State Board of Education shall establish and implement all  
718 necessary rules and regulations to allot transportation payments  
719 to university-based programs. In developing density  
720 classifications under the provisions hereof, the State Department  
721 of Education may give consideration to the length of the route,  
722 the sparsity of the population, the lack of adequate roads,  
723 highways and bridges, and the presence of large streams or other  
724 geographic obstacles. In addition to funds allotted under the  
725 above provisions, funds shall be allotted to each school district  
726 that transports students from their assigned school or attendance  
727 center to classes in an approved vocational-technical center at a  
728 rate per mile not to exceed the average statewide cost per mile of  
729 school bus transportation during the preceding year exclusive of  
730 bus replacement. All such transportation must have prior approval  
731 by the State Department of Education.

732 (2) The average daily \* \* \* membership (ADM) of transported  
733 children shall be reported by the school district in which such  
734 children attend school. If children living in a school district  
735 are transported at the expense of such school district to another  
736 school district, the average daily \* \* \* membership (ADM) of such  
737 transported children shall be deducted by the State Department of  
738 Education from the aggregate average daily \* \* \* membership (ADM)  
739 of transported children in the school district in which they  
740 attend school and shall be added to the aggregate average



741 daily \* \* \* membership (ADM) of transported children of the school  
742 district from which they come for the purpose of calculating  
743 transportation allotments. However, such deduction shall not be  
744 made for the purpose of calculating adequate education program  
745 pupil-based funding.

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

753 (4) The school boards of all districts operating school bus  
754 transportation are authorized and directed to establish a salary  
755 schedule for school bus drivers. No school district shall be  
756 entitled to receive the funds herein allotted for transportation  
757 unless it pays each of its nonstudent adult school bus drivers  
758 paid from such transportation allotments a minimum of One Hundred  
759 Ninety Dollars (\$190.00) per month. In addition, local school  
760 boards may compensate school bus drivers, to include temporary or  
761 substitute bus drivers, for actual expenses incurred when  
762 acquiring an initial commercial license or any renewal of a  
763 commercial license in order to drive a school bus. In addition,  
764 local school boards may compensate school bus drivers, to include  
765 temporary or substitute bus drivers, for expenses, not to exceed



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

769 (5) The State Board of Education shall be authorized and  
770 empowered to use such part of the funds appropriated for  
771 transportation in the adequate education fund as may be necessary  
772 to finance driver training courses as provided for in Section  
773 37-41-1, Mississippi Code of 1972.

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

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

789 37-151-97. The State Department of Education shall develop  
790 an annual reporting process to inform the Legislature, local





791 district personnel and the general public as to the ongoing and  
792 future plans for the state's educational programs. The annual  
793 reporting process will include those vital statistics that are  
794 commonly reported by schools and districts and that can provide  
795 clear demographic, strategic and educational information to  
796 constituencies such as, but not limited to, the following  
797 information:

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

800 (b) Overall student and district achievement;

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

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

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

808 1. Total Student Expenditures:

809 a. Instruction (1000s);

810 b. Other Student Instructional

811 Expenditures (2100s, 2200s);

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

813 3. School Administration (2400s);

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

815 3100s, 3200s); and



816 5. Nonoperational Expenditures (4000s, 5000s,  
817 6000s);

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

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

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

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

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

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



841 to require the furnishing of such further, additional and  
842 supplementary information as it may deem necessary for the purpose  
843 of determining the cost of the adequate education program in such  
844 school district for the succeeding fiscal year, the amount of the  
845 adequate education program funds to be allotted to each school  
846 district for the succeeding fiscal year, and for any other purpose  
847 authorized by law or deemed necessary by said State Board of  
848 Education.

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

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

853 37-151-103. (1) Funds due each school district and charter  
854 school under the terms of this chapter from the Adequate Education  
855 Program Fund shall be paid in the following manner: Two (2)  
856 business days prior to the last working day of each month there  
857 shall be paid to each school district and charter school, by  
858 electronic funds transfer, one-twelfth (1/12) of the funds to  
859 which the district or charter school is entitled from funds  
860 appropriated for the Adequate Education Program Fund. However, in  
861 December those payments shall be made on December 15th or the next  
862 business day after that date. All school districts shall process  
863 a single monthly or a bimonthly payroll for employees, in the  
864 discretion of the local school board, with electronic settlement  
865 of payroll checks secured through direct deposit of net pay for



866 all school district employees. In addition, the State Department  
867 of Education may pay school districts and charter schools from the  
868 common school fund and the Adequate Education Program Fund on a  
869 date earlier than provided for by this section if it is determined  
870 that it is in the best interest of school districts and charter  
871 schools to do so.

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

879 (2) Notwithstanding any provision of this chapter or any  
880 other law requiring the number of children in average daily  
881 attendance, average daily membership (ADM) or the average  
882 daily \* \* \* membership (ADM) of transported children to be  
883 determined on the basis of the preceding year, the State Board of  
884 Education is hereby authorized and empowered to make proper  
885 adjustments in allotments in cases where major changes in the  
886 number of children in average daily attendance, average daily  
887 membership (ADM) or the average daily \* \* \* membership (ADM) of  
888 transported children occurs from one year to another as a result  
889 of changes or alterations in the boundaries of school districts,  
890 the sending of children from one county or district to another



891 upon a contract basis, the termination or discontinuance of a  
892 contract for the sending of children from one county or district  
893 to another, a change in or relocation of attendance centers, or  
894 for any other reason which would result in a major decrease or  
895 increase in the number of children in average daily attendance,  
896 average daily membership (ADM) or the average daily \* \* \*  
897 membership (ADM) of transported children during the current school  
898 year as compared with the preceding year.

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

908 (4) The State Department of Education shall hold school  
909 districts harmless for each school district's average daily  
910 attendance calculation for the 2020-2021 scholastic year. For  
911 purposes of determining average daily attendance for the 2020-2021  
912 scholastic year, the State Department of Education shall use each  
913 school district's average daily attendance for the 2019-2020  
914 scholastic year if it is greater than the school's average daily  
915 attendance for the 2020-2021 scholastic year.



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

918           37-13-91. (1) This section shall be referred to as the  
919 "Mississippi Compulsory School Attendance Law."

920           (2) The following terms as used in this section are defined  
921 as follows:

922                   (a) "Parent" means the father or mother to whom a child  
923 has been born, or the father or mother by whom a child has been  
924 legally adopted.

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

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

931                   (d) "School day" means not less than five and one-half  
932 (5-1/2) and not more than eight (8) hours of actual teaching in  
933 which both teachers and pupils are in regular attendance for  
934 scheduled schoolwork.

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



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

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

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

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

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

964 (a) When a compulsory-school-age child is physically,  
965 mentally or emotionally incapable of attending school as



966 determined by the appropriate school official based upon  
967 sufficient medical documentation.

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

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

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

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

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

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

989 (iii) A simple description of the type of  
990 education the compulsory-school-age child is receiving and, if the





991 child is enrolled in a nonpublic school, the name and address of  
992 the school; and

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

998 The certificate of enrollment shall be returned to the school  
999 attendance officer where the child resides on or before September  
1000 15 of each year. Any parent, guardian or custodian found by the  
1001 school attendance officer to be in noncompliance with this section  
1002 shall comply, after written notice of the noncompliance by the  
1003 school attendance officer, with this subsection within ten (10)  
1004 days after the notice or be in violation of this section.

1005 However, in the event the child has been enrolled in a public  
1006 school within fifteen (15) calendar days after the first day of  
1007 the school year as required in subsection (6), the parent or  
1008 custodian may, at a later date, enroll the child in a legitimate  
1009 nonpublic school or legitimate home instruction program and send  
1010 the certificate of enrollment to the school attendance officer and  
1011 be in compliance with this subsection.

1012 For the purposes of this subsection, a legitimate nonpublic  
1013 school or legitimate home instruction program shall be those not  
1014 operated or instituted for the purpose of avoiding or  
1015 circumventing the compulsory attendance law.



1016           (4) An "unlawful absence" is an absence for an entire school  
1017 day or during part of a school day by a compulsory-school-age  
1018 child, which absence is not due to a valid excuse for temporary  
1019 nonattendance. \* \* \* Days missed from school due to disciplinary  
1020 suspension shall not be considered an "excused" absence under this  
1021 section. This subsection shall not apply to children enrolled in  
1022 a nonpublic school.

1023           Each of the following shall constitute a valid excuse for  
1024 temporary nonattendance of a compulsory-school-age child enrolled  
1025 in a noncharter public school, provided satisfactory evidence of  
1026 the excuse is provided to the superintendent of the school  
1027 district, or his designee:

1028           (a) An absence is excused when the absence results from  
1029 the compulsory-school-age child's attendance at an authorized  
1030 school activity with the prior approval of the superintendent of  
1031 the school district, or his designee. These activities may  
1032 include field trips, athletic contests, student conventions,  
1033 musical festivals and any similar activity.

1034           (b) An absence is excused when the absence results from  
1035 illness or injury which prevents the compulsory-school-age child  
1036 from being physically able to attend school.

1037           (c) An absence is excused when isolation of a  
1038 compulsory-school-age child is ordered by the county health  
1039 officer, by the State Board of Health or appropriate school  
1040 official.



1041           (d) An absence is excused when it results from the  
1042 death or serious illness of a member of the immediate family of a  
1043 compulsory-school-age child. The immediate family members of a  
1044 compulsory-school-age child shall include children, spouse,  
1045 grandparents, parents, brothers and sisters, including  
1046 stepbrothers and stepsisters.

1047           (e) An absence is excused when it results from a  
1048 medical or dental appointment of a compulsory-school-age child.

1049           (f) An absence is excused when it results from the  
1050 attendance of a compulsory-school-age child at the proceedings of  
1051 a court or an administrative tribunal if the child is a party to  
1052 the action or under subpoena as a witness.

1053           (g) An absence may be excused if the religion to which  
1054 the compulsory-school-age child or the child's parents adheres,  
1055 requires or suggests the observance of a religious event. The  
1056 approval of the absence is within the discretion of the  
1057 superintendent of the school district, or his designee, but  
1058 approval should be granted unless the religion's observance is of  
1059 such duration as to interfere with the education of the child.

1060           (h) An absence may be excused when it is demonstrated  
1061 to the satisfaction of the superintendent of the school district,  
1062 or his designee, that the purpose of the absence is to take  
1063 advantage of a valid educational opportunity such as travel,  
1064 including vacations or other family travel. Approval of the  
1065 absence must be gained from the superintendent of the school



1066 district, or his designee, before the absence, but the approval  
1067 shall not be unreasonably withheld.

1068 (i) An absence may be excused when it is demonstrated  
1069 to the satisfaction of the superintendent of the school district,  
1070 or his designee, that conditions are sufficient to warrant the  
1071 compulsory-school-age child's nonattendance. However, no absences  
1072 shall be excused by the school district superintendent, or his  
1073 designee, when any student suspensions or expulsions circumvent  
1074 the intent and spirit of the compulsory attendance law.

1075 (j) An absence is excused when it results from the  
1076 attendance of a compulsory-school-age child participating in  
1077 official organized events sponsored by the 4-H or Future Farmers  
1078 of America (FFA). The excuse for the 4-H or FFA event must be  
1079 provided in writing to the appropriate school superintendent by  
1080 the Extension Agent or High School Agricultural Instructor/FFA  
1081 Advisor.

1082 (k) An absence is excused when it results from the  
1083 compulsory-school-age child officially being employed to serve as  
1084 a page at the State Capitol for the Mississippi House of  
1085 Representatives or Senate.

1086 (5) Any parent, guardian or custodian of a  
1087 compulsory-school-age child subject to this section who refuses or  
1088 willfully fails to perform any of the duties imposed upon him or  
1089 her under this section or who intentionally falsifies any  
1090 information required to be contained in a certificate of



1091 enrollment, shall be guilty of contributing to the neglect of a  
1092 child and, upon conviction, shall be punished in accordance with  
1093 Section 97-5-39.

1094       Upon prosecution of a parent, guardian or custodian of a  
1095 compulsory-school-age child for violation of this section, the  
1096 presentation of evidence by the prosecutor that shows that the  
1097 child has not been enrolled in school within eighteen (18)  
1098 calendar days after the first day of the school year of the public  
1099 school which the child is eligible to attend, or that the child  
1100 has accumulated twelve (12) unlawful absences during the school  
1101 year at the public school in which the child has been enrolled,  
1102 shall establish a prima facie case that the child's parent,  
1103 guardian or custodian is responsible for the absences and has  
1104 refused or willfully failed to perform the duties imposed upon him  
1105 or her under this section. However, no proceedings under this  
1106 section shall be brought against a parent, guardian or custodian  
1107 of a compulsory-school-age child unless the school attendance  
1108 officer has contacted promptly the home of the child and has  
1109 provided written notice to the parent, guardian or custodian of  
1110 the requirement for the child's enrollment or attendance.

1111       (6) If a compulsory-school-age child has not been enrolled  
1112 in a school within fifteen (15) calendar days after the first day  
1113 of the school year of the school which the child is eligible to  
1114 attend or the child has accumulated five (5) unlawful absences  
1115 during the school year of the public school in which the child is



1116 enrolled, the school district superintendent, or his designee,  
1117 shall report, within two (2) school days or within five (5)  
1118 calendar days, whichever is less, the absences to the school  
1119 attendance officer. The State Department of Education shall  
1120 prescribe a uniform method for schools to utilize in reporting the  
1121 unlawful absences to the school attendance officer. The  
1122 superintendent, or his designee, also shall report any student  
1123 suspensions or student expulsions to the school attendance officer  
1124 when they occur.

1125 (7) When a school attendance officer has made all attempts  
1126 to secure enrollment and/or attendance of a compulsory-school-age  
1127 child and is unable to effect the enrollment and/or attendance,  
1128 the attendance officer shall file a petition with the youth court  
1129 under Section 43-21-451 or shall file a petition in a court of  
1130 competent jurisdiction as it pertains to parent or child.  
1131 Sheriffs, deputy sheriffs and municipal law enforcement officers  
1132 shall be fully authorized to investigate all cases of  
1133 nonattendance and unlawful absences by compulsory-school-age  
1134 children, and shall be authorized to file a petition with the  
1135 youth court under Section 43-21-451 or file a petition or  
1136 information in the court of competent jurisdiction as it pertains  
1137 to parent or child for violation of this section. The youth court  
1138 shall expedite a hearing to make an appropriate adjudication and a  
1139 disposition to ensure compliance with the Compulsory School  
1140 Attendance Law, and may order the child to enroll or re-enroll in



1141 school. The superintendent of the school district to which the  
1142 child is ordered may assign, in his discretion, the child to the  
1143 alternative school program of the school established pursuant to  
1144 Section 37-13-92.

1145 (8) The State Board of Education shall adopt rules and  
1146 regulations for the purpose of reprimanding any school  
1147 superintendents who fail to timely report unexcused absences under  
1148 the provisions of this section.

1149 (9) Notwithstanding any provision or implication herein to  
1150 the contrary, it is not the intention of this section to impair  
1151 the primary right and the obligation of the parent or parents, or  
1152 person or persons in loco parentis to a child, to choose the  
1153 proper education and training for such child, and nothing in this  
1154 section shall ever be construed to grant, by implication or  
1155 otherwise, to the State of Mississippi, any of its officers,  
1156 agencies or subdivisions any right or authority to control,  
1157 manage, supervise or make any suggestion as to the control,  
1158 management or supervision of any private or parochial school or  
1159 institution for the education or training of children, of any kind  
1160 whatsoever that is not a public school according to the laws of  
1161 this state; and this section shall never be construed so as to  
1162 grant, by implication or otherwise, any right or authority to any  
1163 state agency or other entity to control, manage, supervise,  
1164 provide for or affect the operation, management, program,



1165 curriculum, admissions policy or discipline of any such school or  
1166 home instruction program.

1167           **SECTION 7.** This act shall take effect and be in force from  
1168 and after July 1, 2024.

