

By: Representatives Warren, Scott (17th),  
Brown, Ellzey, Frierson, Peranich, Weathersby

To: Appropriations

HOUSE BILL NO. 1609

1 AN ACT MAKING AN APPROPRIATION FOR THE PURPOSE OF DEFRAYING  
2 THE EXPENSES OF THE GENERAL EDUCATION PROGRAMS, THE VOCATIONAL AND  
3 TECHNICAL EDUCATION DIVISION OF THE STATE DEPARTMENT OF EDUCATION  
4 AND THE MISSISSIPPI SCHOOL DISTRICT UNIFORM MILLAGE ASSISTANCE  
5 GRANT PROGRAM FOR THE FISCAL YEAR 2002.

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

7 SECTION 1. The following sum, or so much thereof as may be  
8 necessary, is hereby appropriated out of any money in the State  
9 General Fund not otherwise appropriated, for the purpose of  
10 defraying the expenses of the State Department of Education, and  
11 excluding the expenses of the Vocational and Technical Education  
12 Division, for the fiscal year beginning July 1, 2001, and ending  
13 June 30, 2002..... \$ 139,436,139.00.

14 SECTION 2. The following sum, or so much thereof as may be  
15 necessary, is hereby appropriated out of any money in any special  
16 fund in the State Treasury to the credit of the State Department  
17 of Education which is comprised of special source funds collected  
18 by or otherwise available to the department, for the purpose of  
19 defraying the expenses of the department for the fiscal year  
20 beginning July 1, 2001, and ending June 30, 2002.....  
21 ..... \$ 704,449,472.00.

22 SECTION 3. The following sum, or so much thereof as may be  
23 necessary, is hereby appropriated out of any money in the State  
24 Treasury to the credit of the Health Care Expendable Fund, for the  
25 purpose of defraying the expenses of the State Department of  
26 Education for the Mississippi Eye Screening Program for providing  
27 vision safety services for the fiscal year beginning July 1, 2001,  
28 and ending June 30, 2002..... \$ 250,000.00.

29 SECTION 4. Of the funds appropriated under the provisions of  
30 Sections 1, 2 and 3, the following positions are authorized:

31 AUTHORIZED POSITIONS:

32	Permanent:	Full Time.....	459
33		Part Time.....	3
34	Time-Limited:	Full Time.....	55
35		Part Time.....	1

36 With the funds herein appropriated, it is the intention of  
37 the Legislature that it shall be the agency's responsibility to  
38 make certain that funds required to be appropriated for "Personal  
39 Services" for Fiscal Year 2003 do not exceed Fiscal Year 2002  
40 funds appropriated for that purpose, unless programs or positions  
41 are added to the agency's Fiscal Year 2003 budget by the  
42 Mississippi Legislature. Based on data provided by the  
43 Legislative Budget Office, the State Personnel Board shall  
44 determine and publish the projected annual cost to fully fund all  
45 appropriated positions in compliance with the provisions of this  
46 act. It shall be the responsibility of the agency head to insure  
47 that no single personnel action increases this projected annual  
48 cost and/or the Fiscal Year 2002 appropriation for "Personal  
49 Services" when annualized. If, at the end of any calendar month,  
50 the State Personnel Board determines that the agency has taken  
51 action(s) which would cause the agency to exceed this projected  
52 annual cost or the Fiscal Year 2002 "Personal Services"  
53 appropriated level, when annualized, then only those actions which  
54 reduce the projected annual cost and/or the appropriation  
55 requirement will be processed by the State Personnel Board until  
56 such time as the requirements of this provision are met.

57 Any transfers or escalations shall be made in accordance with  
58 the terms, conditions and procedures established by law.

59 No general funds authorized to be expended herein shall be  
60 used to replace federal funds and/or other special funds which are

61 being used for salaries authorized under the provisions of this  
62 act and which are withdrawn and no longer available.

63 The State Department of Education shall prepare and present  
64 to the Joint Legislative Budget Committee and the Department of  
65 Finance and Administration and make available to the Legislature  
66 an accounting of program expenditures for all programs once at the  
67 beginning of the legislative session and once at the end of the  
68 fiscal year. The department at the same time shall present a  
69 summary report for each program.

70 SECTION 5. Of the funds appropriated in Section 2, Forty-six  
71 Million Dollars (\$46,000,000.00) shall be derived from the School  
72 Ad Valorem Reduction Fund and Sixty-four Million Three Hundred  
73 Ninety-two Thousand One Hundred Ninety-five Dollars  
74 (\$64,392,195.00) shall be derived from the Education Enhancement  
75 Fund deposited pursuant to Sections 27-65-75 and 27-67-31,  
76 Mississippi Code of 1972, for the following purposes:

77	School Ad Valorem Reduction .....	\$	46,000,000.00
78	Grants to school districts for capital		
79	facilities and buses .....	\$	16,000,000.00
80	Instructional Materials .....	\$	18,768,909.00
81	Purchasing textbooks and other		
82	educational materials, but not to		
83	include more than Two Million		
84	Dollars (\$2,000,000.00) for technology		
85	enhancement projects for elementary		
86	and secondary education programs .....	\$	16,308,053.00
87	Tech Prep Bond Service.....	\$	3,216,675.00
88	Implementing Performance Based Data		
89	Collection and Accreditation Model .....	\$	274,937.00
90	Administrator Training.....	\$	120,675.00
91	Adequate Education Program.....	\$	9,378,126.00
92	World Class Teacher Program.....	\$	125,000.00
93	Mississippi School Boards		

94	Continuing Training .....	\$	47,041.00
95	School Board Training .....	\$	58,697.00
96	Education Technology Council .....	\$	<u>94,082.00</u>
97	TOTAL .....	\$	110,392,195.00

98 No school district shall expend any funds, received under the  
99 School Ad Valorem Reduction Grant, unless such school district has  
100 specifically identified the amount of said grant within the  
101 published budget as required by Section 37-61-9, Mississippi Code  
102 of 1972. The published budget shall include the following  
103 statement: "Ad Valorem taxes will be \$\_\_\_\_\_ less as a result  
104 of the Ad Valorem Reduction Grants enacted by the Mississippi  
105 Legislature in 1992."

106 SECTION 6. Of the funds appropriated in Section 2, One  
107 Million Four Hundred Thousand Dollars (\$1,400,000.00) shall be  
108 derived from the Technology in Classroom Fund 3203.

109 SECTION 7. Of the funds appropriated under the provisions of  
110 Section 2, funds in the amount of One Million Five Hundred  
111 Eighty-five Thousand Six Hundred Fifty-three Dollars  
112 (\$1,585,653.00) shall come from income derived from the principal  
113 of the Education Improvement Trust Fund created by Section 206A,  
114 Mississippi Constitution of 1890, and One Million Five Hundred  
115 Eighty-five Thousand Six Hundred Fifty-three Dollars  
116 (\$1,585,653.00) shall be used for the School for Math and Science.

117 SECTION 8. In compliance with the "Mississippi Performance  
118 Budget and Strategic Planning Act of 1994," it is the intent of  
119 the Legislature that the funds provided in Sections 1 and 2 shall  
120 be utilized in the most efficient and effective manner possible to  
121 achieve the intended mission of this agency. Based on the funding  
122 authorized, this agency shall make every effort to attain the  
123 targeted performance measures provided below:

124		FY02
125	<u>Performance Measures</u>	<u>Target</u>
126	Special Education	

127	Approved Funding for Children (Persons)	907
128	Teacher Units Approved for Funding (Units)	4,190
129	Child Nutrition	
130	Number of Meals Required (Millions)	129
131	Cost per Meal (Dollars)	2.19
132	Special Projects	
133	Building Projects Approved (Projects)	100
134	Project Approval Rate (Percent)	90
135	MS School For Math & Science	
136	Students Enrolled (Persons)	270
137	Cost per Student (Dollars)	14,590
138	Educational Accountability	
139	Performance Accreditation Visits (Visits)	30
140	Tests Administered (Persons)	453,341
141	Compliance & Performance Reviews (Actions)	70
142	Educ Training & Development	
143	Administrators Trained (Persons)	1,200
144	Administrators Trained (Percent)	35
145	Technical Assistance to School Districts (Percent)	90
146	Compensatory Education	
147	Title I Projects Awarded (Programs)	152
148	Review and Approve Delinquent Programs (Programs)	4
149	Average Expenditure per Child (Dollars)	612
150	Community & Outreach Services	
151	Requested Available Federal Funding (%)	100
152	MAEP Interim Capital Expenditure Fund	
153	Building Projects Begun (Number)	73
154	MS School Attendance Officers	
155	Resolutions to Referrals (Percent)	0.85
156	School Visits (Number)	50,000
157	MS Teacher Center	
158	Teachers Recruited in Shortage Areas (Number)	450

159 A reporting of the degree to which the performance targets  
160 set above have been or are being achieved shall be provided in the  
161 agency's budget request submitted to the Joint Legislative Budget  
162 Committee for Fiscal Year 2003.

163 SECTION 9. In addition to any other funds herein  
164 appropriated, the following sum, or so much thereof as may be  
165 necessary, is hereby appropriated out of any money in the State  
166 General Fund not otherwise appropriated, for the purpose of  
167 defraying the expenses of the Vocational and Technical Education  
168 Division of the State Department of Education for the fiscal year  
169 beginning July 1, 2001, and ending June 30, 2002.....  
170 ..... \$ 68,103,090.00.

171 SECTION 10. In addition to any other funds herein  
172 appropriated, the following sum, or so much thereof as may be  
173 necessary, is hereby appropriated out of any money in any special  
174 fund in the State Treasury to the credit of the Vocational and  
175 Technical Education Division of the State Department of Education  
176 which is comprised of special source funds collected by or  
177 otherwise available to the division, for the purpose of defraying  
178 the expenses of the division for the fiscal year beginning  
179 July 1, 2001 and ending June 30, 2002..... \$ 23,648,692.00.

180 SECTION 11. Of the funds appropriated under the provisions  
181 of Sections 9 and 10, the following positions are authorized:

182 AUTHORIZED POSITIONS:

183	Permanent:	Full Time.....	64
184		Part Time.....	0
185	Time-Limited:	Full Time.....	0
186		Part Time.....	0

187 With the funds herein appropriated, it is the intention of  
188 the Legislature that it shall be the agency's responsibility to  
189 make certain that funds required to be appropriated for "Personal  
190 Services" for Fiscal Year 2003 do not exceed Fiscal Year 2002  
191 funds appropriated for that purpose, unless programs or positions

192 are added to the agency's Fiscal Year 2003 budget by the  
193 Mississippi Legislature. Based on data provided by the  
194 Legislative Budget Office, the State Personnel Board shall  
195 determine and publish the projected annual cost to fully fund all  
196 appropriated positions in compliance with the provisions of this  
197 act. It shall be the responsibility of the agency head to insure  
198 that no single personnel action increases this projected annual  
199 cost and/or the Fiscal Year 2002 appropriation for "Personal  
200 Services" when annualized. If, at the end of any calendar month,  
201 the State Personnel Board determines that the agency has taken  
202 action(s) which would cause the agency to exceed this projected  
203 annual cost or the Fiscal Year 2002 "Personal Services"  
204 appropriated level, when annualized, then only those actions which  
205 reduce the projected annual cost and/or the appropriation  
206 requirement will be processed by the State Personnel Board until  
207 such time as the requirements of this provision are met.

208 Any transfers or escalations shall be made in accordance with  
209 the terms, conditions and procedures established by law.

210 No general funds authorized to be expended herein shall be  
211 used to replace federal funds and/or other special funds which are  
212 being used for salaries authorized under the provisions of this  
213 act and which are withdrawn and no longer available.

214 SECTION 12. Of the funds appropriated under the provisions  
215 of Sections 9 and 10, an amount not to exceed Two Hundred  
216 Twenty-nine Thousand Six Hundred Eighty-four Dollars (\$229,684.00)  
217 is authorized for the support of Vocational and Technical  
218 Education Programs as authorized in Section 37-31-13, Mississippi  
219 Code of 1972, for a period in excess of ten (10) months in a  
220 calendar year.

221 SECTION 13. Of the funds appropriated under the provisions  
222 of Section 11, Seven Million Eight Hundred Sixty-three Thousand  
223 Seven Hundred Forty-six Dollars (\$7,863,746.00) shall be derived

224 from the Education Enhancement Fund pursuant to Sections 27-65-75  
225 and 27-67-31, Mississippi Code of 1972.

226 SECTION 14. It is the intention of the Legislature that the  
227 Vocational and Technical Education Division of the State  
228 Department of Education shall, with the funds appropriated in  
229 Section 9, transfer no more than One Hundred Thousand Dollars  
230 (\$100,000.00) to the Mississippi Soil and Water Conservation  
231 Commission for the purpose of providing matching funds to purchase  
232 soil conservation equipment.

233 SECTION 15. Of the funds appropriated in Sections 9 and 10,  
234 no more than One Hundred Thousand Dollars (\$100,000.00) is  
235 provided for the purpose of supporting the Future Farmers of  
236 America Center.

237 SECTION 16. In compliance with the "Mississippi Performance  
238 Budget and Strategic Planning Act of 1994," it is the intent of  
239 the Legislature that the funds provided herein shall be utilized  
240 in the most efficient and effective manner possible to achieve the  
241 intended mission of this agency. Based on the funding authorized,  
242 this agency shall make every effort to attain the targeted  
243 performance measures provided below:

244		FY02
245	<u>Performance Measures</u>	<u>Target</u>
246	Vocational - Secondary Programs	
247	Increase in students served (Percent)	0
248	LEAs served (Sites)	152
249	Vocational - Post Secondary Programs	
250	Short-term students served (Persons)	4,000
251	Short-term Adult Prog Classes (Classes)	450
252	Short-term cost per student (Dollars)	70

253 A reporting of the degree to which the performance targets  
254 set above have been or are being achieved shall be provided in the  
255 agency's budget request submitted to the Joint Legislative Budget  
256 Committee for Fiscal Year 2003.



257 SECTION 17. In addition to any other funds herein  
258 appropriated, the following sum, or so much thereof as may be  
259 necessary, is hereby appropriated out of any money in the State  
260 General Fund not otherwise appropriated, to the State Department  
261 of Education, for the purpose of providing funding for the  
262 Mississippi School District Uniform Millage Assistance Grant  
263 Program, the Second Level Funding Program and the Emergency Fund  
264 Loss Assistance Program for the fiscal year beginning  
265 July 1, 2001, and ending June 30, 2002..... \$ 21,400,000.00.

266 SECTION 18. In addition to all other sums herein  
267 appropriated, the following sum, or so much thereof as may be  
268 necessary, is hereby appropriated out of any money in the  
269 Education Enhancement Fund pursuant to Sections 27-65-75 and  
270 27-67-31, Mississippi Code of 1972, not otherwise appropriated, to  
271 the State Department of Education, for the purpose of providing  
272 funding for the Uniform Millage Assistance Grant Program, the  
273 Second Level Funding Program and the Emergency Loss Assistance  
274 Program for the fiscal year beginning July 1, 2001, and ending  
275 June 30, 2002..... \$ 16,132,278.00.

276 SECTION 19. With respect to agency programs whose operation  
277 is dependent on the receipt of federal funds, it is the intent of  
278 the Legislature, except as hereinafter provided, that no funds  
279 from the State General Fund be expended to administer, support or  
280 in any way continue such programs should federal funds for their  
281 operation be reduced or become unavailable and that no funds from  
282 the State General Fund available for expenditure under this act  
283 shall be used to replace federal funds in any major object of  
284 expenditure.

285 SECTION 20. It is the intention of the Legislature that the  
286 State Department of Education and Vocational and Technical  
287 Education Division shall maintain complete accounting and  
288 personnel records related to the expenditure of all funds  
289 appropriated under this act and that such records shall be in the

290 same format and level of detail as maintained for Fiscal Year  
291 2001. The Department of Finance and Administration shall insure  
292 that financial controls comparable to those utilized for Fiscal  
293 Year 2001 are maintained throughout Fiscal Year 2002 for this  
294 agency. The State Personnel Board shall insure that personnel  
295 controls and records comparable to those utilized for Fiscal Year  
296 2001 are maintained throughout Fiscal Year 2002 for this agency.  
297 It is further the intention of the Legislature that the agency's  
298 budget request for Fiscal Year 2003 shall be submitted to the  
299 Joint Legislative Budget Committee in a format and level of detail  
300 comparable to the format and level of detail provided during the  
301 Fiscal Year 2002 budget request process.

302 SECTION 21. Should revenues generated and deposited to the  
303 Education Enhancement Fund pursuant to Section 27-103-203 (1),  
304 Mississippi Code of 1972, and apportioned pursuant to Section  
305 37-61-33 (6), Mississippi Code of 1972, fall below funds  
306 appropriated herein from said source, the State Department of  
307 Education shall notify the Department of Finance and  
308 Administration as to which allotments shall be reduced to insure  
309 expenditures do not exceed actual revenues.

310 SECTION 22. Of the funds provided in Section 1 for the  
311 purpose of providing financial assistance for the education of  
312 exceptional children as determined under Section 37-23-63,  
313 Mississippi Code of 1972, children who are certified by the  
314 designated authority as requiring inpatient care in a private  
315 intermediate care facility for the mentally retarded or  
316 psychiatric residential treatment facility, with Medicaid  
317 reimbursement, shall be eligible and entitled to receive state  
318 financial assistance under the provisions of Section 37-23-69, in  
319 an amount not to exceed Five Thousand Dollars (\$5,000.00) from  
320 state funds, per child per school year, if an approved private  
321 school is operated as an integral part of the facility which  
322 provides twenty-four (24) hours a day monitoring, treatment and

323 education, except that the State Department of Education is  
324 authorized to pilot a fee-for-service based cost system for  
325 children served through Millcreek Schools, Inc.

326 SECTION 23. Of the funds appropriated under the provisions  
327 of Sections 1 and 2, the amount of One Hundred Sixteen Million  
328 Seventeen Thousand Three Hundred Twenty-one Dollars  
329 (\$116,017,321.00) shall be derived from the Interim School  
330 District Capital Expenditure Fund for the benefit of the school  
331 districts as authorized in Senate Bill No. 2649, 1997 Regular  
332 Session.

333 SECTION 24. Of the funds provided in Section 1, Five Hundred  
334 Seventy-nine Thousand Four Hundred Sixty-four Dollars  
335 (\$579,464.00) shall be used to provide for a Director of School  
336 Nurses in the State Department of Education and the implementation  
337 of three (3) pilot projects for a variety of school health  
338 programs in an elementary school setting. Evaluations shall be  
339 developed to determine the program's effect to drop-out rates,  
340 suspensions, expulsions, attendance and test scores.

341 Income generated by the school-based clinics shall remain  
342 available for expenditure by the programs utilizing any special  
343 fund authority provided in Section 2 for use by the State  
344 Department of Education and the pilots shall remain the same as in  
345 Fiscal Year 2001.

346 SECTION 25. It is the intention of the Legislature that the  
347 State Department of Education shall have the authority to accept,  
348 budget and expend any source funds not to exceed Thirty Million  
349 Dollars (\$30,000,000.00), that become available to the department  
350 to carry out the provisions of those funds in a manner consistent  
351 with the rules and regulations of the Department of Finance and  
352 Administration.

353 SECTION 26. The State Department of Education shall transfer  
354 the designated amounts to the appropriate entities, which shall  
355 assume full responsibility for the expenditure of these funds in

356 accordance with state laws and accept all responsibility for any  
357 improper expenditure. For the following: National Guard Youth  
358 Challenge Program, World Class Teacher Programs, USM Special  
359 Education Program, Soil and Water Conservation Commission,  
360 Mississippi School Boards Association, Mississippi Eye Screening  
361 Program and Very Special Arts, Arts Institute, Jackson State  
362 University Media Center, Jobs for Mississippi Graduates, and  
363 Mississippi Symphony.

364 SECTION 27. Of the funds appropriated in Section 2, it is  
365 the intention of the Legislature that Eighteen Million Dollars  
366 (\$18,000,000.00) from the Public School Building Fund shall be  
367 used for the Mississippi Adequate Education Program.

368 SECTION 28. The money herein appropriated shall be paid by  
369 the State Treasurer out of any money in the State Treasury to the  
370 credit of the proper fund or funds as set forth in this act, upon  
371 warrants issued by the State Fiscal Officer; and the State Fiscal  
372 Officer shall issue his warrants upon requisitions signed by the  
373 proper person, officer or officers, in the manner provided by law.

374 SECTION 29. This act shall take effect and be in force from  
375 and after July 1, 2001.