HOUSE BILL NO. 1609  
(As Sent to Governor)  

AN ACT MAKING AN APPROPRIATION FOR THE PURPOSE OF DEFRAYING  
THE EXPENSES OF THE GENERAL EDUCATION PROGRAMS, THE VOCATIONAL AND  
technical education division of the state department of education  
and the Mississippi school district uniform millage assistance  
grant program for the fiscal year 2002.  

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

SECTION 1. The following sum, or so much thereof as may be  
necessary, is hereby appropriated out of any money in the State  
General Fund not otherwise appropriated, for the purpose of  
defraying the expenses of the State Department of Education, and  
excluding the expenses of the Vocational and Technical Education  
Division, for the fiscal year beginning July 1, 2001, and ending  

SECTION 2. The following sum, or so much thereof as may be  
necessary, is hereby appropriated out of any money in any special  
fund in the State Treasury to the credit of the State Department  
of Education which is comprised of special source funds collected  
by or otherwise available to the department, for the purpose of  
defraying the expenses of the department for the fiscal year  
beginning July 1, 2001, and ending June 30, 2002. ...............  
.................................................. $ 729,724,472.00. 

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

MISSISSIPPI LEGISLATURE  
REGULAR SESSION 2001  

To: Appropriations  

By: Representatives Warren, Scott (17th),  
Brown, Ellzey, Frierson, Peranich, Weathersby
SECTION 4. Of the funds appropriated under the provisions of Sections 1, 2 and 3, the following positions are authorized:

AUTHORIZED POSITIONS:

<table>
<thead>
<tr>
<th>Position Type</th>
<th>Full Time</th>
<th>Part Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permanent</td>
<td>480</td>
<td>3</td>
</tr>
<tr>
<td>Time-Limited</td>
<td>55</td>
<td>1</td>
</tr>
</tbody>
</table>

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

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

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

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

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

<table>
<thead>
<tr>
<th>Program</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>School Ad Valorem Reduction</td>
<td>$46,000,000.00</td>
</tr>
<tr>
<td>Grants to school districts for capital</td>
<td>$16,000,000.00</td>
</tr>
<tr>
<td>Instructional Materials</td>
<td>$18,768,909.00</td>
</tr>
<tr>
<td>Purchasing textbooks and other educational materials, but not to include more than Two Million Dollars ($2,000,000.00) for technology enhancement projects for elementary and secondary education programs</td>
<td>$16,308,053.00</td>
</tr>
<tr>
<td>Tech Prep Bond Service</td>
<td>$3,216,675.00</td>
</tr>
<tr>
<td>Implementing Performance Based Data</td>
<td></td>
</tr>
<tr>
<td>Collection and Accreditation Model</td>
<td>$274,937.00</td>
</tr>
<tr>
<td>Administrator Training</td>
<td>$120,675.00</td>
</tr>
<tr>
<td>Adequate Education Program</td>
<td>$9,378,126.00</td>
</tr>
<tr>
<td>World Class Teacher Program</td>
<td>$125,000.00</td>
</tr>
<tr>
<td>Missippi School Boards</td>
<td></td>
</tr>
</tbody>
</table>
Continuing Training .................. $47,041.00
School Board Training ............... $58,697.00
Education Technology Council ....... $94,082.00

TOTAL ................................ $110,392,195.00

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

SECTION 6. Of the funds appropriated in Section 2, Two Million One Hundred Thousand Dollars ($2,100,000.00) shall be derived from the Technology in Classroom Fund 3203.

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

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

<table>
<thead>
<tr>
<th>Special Education</th>
<th>FY02</th>
</tr>
</thead>
<tbody>
<tr>
<td>Performance Measures</td>
<td>Target</td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>127</td>
<td>Approved Funding for Children (Persons)</td>
<td>907</td>
</tr>
<tr>
<td>128</td>
<td>Teacher Units Approved for Funding (Units)</td>
<td>4,190</td>
</tr>
<tr>
<td>129</td>
<td>Child Nutrition</td>
<td></td>
</tr>
<tr>
<td>130</td>
<td>Number of Meals Required (Millions)</td>
<td>129</td>
</tr>
<tr>
<td>131</td>
<td>Cost per Meal (Dollars)</td>
<td>2.19</td>
</tr>
<tr>
<td>132</td>
<td>Special Projects</td>
<td></td>
</tr>
<tr>
<td>133</td>
<td>Building Projects Approved (Projects)</td>
<td>100</td>
</tr>
<tr>
<td>134</td>
<td>Project Approval Rate (Percent)</td>
<td>90</td>
</tr>
<tr>
<td>135</td>
<td>MS School For Math &amp; Science</td>
<td></td>
</tr>
<tr>
<td>136</td>
<td>Students Enrolled (Persons)</td>
<td>270</td>
</tr>
<tr>
<td>137</td>
<td>Cost per Student (Dollars)</td>
<td>14,590</td>
</tr>
<tr>
<td>138</td>
<td>Educational Accountability</td>
<td></td>
</tr>
<tr>
<td>139</td>
<td>Performance Accreditation Visits (Visits)</td>
<td>30</td>
</tr>
<tr>
<td>140</td>
<td>Tests Administered (Persons)</td>
<td>453,341</td>
</tr>
<tr>
<td>141</td>
<td>Compliance &amp; Performance Reviews (Actions)</td>
<td>70</td>
</tr>
<tr>
<td>142</td>
<td>Educ Training &amp; Development</td>
<td></td>
</tr>
<tr>
<td>143</td>
<td>Administrators Trained (Persons)</td>
<td>1,200</td>
</tr>
<tr>
<td>144</td>
<td>Administrators Trained (Percent)</td>
<td>35</td>
</tr>
<tr>
<td>145</td>
<td>Technical Assistance to School Districts (Percent)</td>
<td>90</td>
</tr>
<tr>
<td>146</td>
<td>Compensatory Education</td>
<td></td>
</tr>
<tr>
<td>147</td>
<td>Title I Projects Awarded (Programs)</td>
<td>152</td>
</tr>
<tr>
<td>148</td>
<td>Review and Approve Delinquent Programs (Programs)</td>
<td>4</td>
</tr>
<tr>
<td>149</td>
<td>Average Expenditure per Child (Dollars)</td>
<td>612</td>
</tr>
<tr>
<td>150</td>
<td>Community &amp; Outreach Services</td>
<td></td>
</tr>
<tr>
<td>151</td>
<td>Requested Available Federal Funding (%)</td>
<td>100</td>
</tr>
<tr>
<td>152</td>
<td>MAEP Interim Capital Expenditure Fund</td>
<td></td>
</tr>
<tr>
<td>153</td>
<td>Building Projects Begun (Number)</td>
<td>73</td>
</tr>
<tr>
<td>154</td>
<td>MS School Attendance Officers</td>
<td></td>
</tr>
<tr>
<td>155</td>
<td>Resolutions to Referrals (Percent)</td>
<td>0.85</td>
</tr>
<tr>
<td>156</td>
<td>School Visits (Number)</td>
<td>50,000</td>
</tr>
<tr>
<td>157</td>
<td>MS Teacher Center</td>
<td></td>
</tr>
<tr>
<td>158</td>
<td>Teachers Recruited in Shortage Areas (Number)</td>
<td>450</td>
</tr>
</tbody>
</table>
A reporting of the degree to which the performance targets set above have been or are being achieved shall be provided in the agency's budget request submitted to the Joint Legislative Budget Committee for Fiscal Year 2003.

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

... $ 68,103,090.00.

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

... $ 23,648,692.00.

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

AUTHORIZED POSITIONS:

Permanent: Full Time............ 66
Part Time............ 0
Time-Limited: Full Time............ 0
Part Time............ 0

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

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

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

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

SECTION 13. Of the funds appropriated under the provisions of Section 10, Seven Million Eight Hundred Sixty-three Thousand Seven Hundred Forty-six Dollars ($7,863,746.00) shall be derived

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

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

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

<table>
<thead>
<tr>
<th>Performance Measures</th>
<th>Target</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY02 Vocational - Secondary Programs</td>
<td></td>
</tr>
<tr>
<td>Increase in students served (Percent)</td>
<td>0</td>
</tr>
<tr>
<td>LEAs served (Sites)</td>
<td>152</td>
</tr>
<tr>
<td>Vocational - Post Secondary Programs</td>
<td></td>
</tr>
<tr>
<td>Short-term students served (Persons)</td>
<td>4,000</td>
</tr>
<tr>
<td>Short-term Adult Prog Classes (Classes)</td>
<td>450</td>
</tr>
<tr>
<td>Short-term cost per student (Dollars)</td>
<td>70</td>
</tr>
</tbody>
</table>

A reporting of the degree to which the performance targets set above have been or are being achieved shall be provided in the agency's budget request submitted to the Joint Legislative Budget Committee for Fiscal Year 2003.
SECTION 17. In addition to any other funds herein appropriated, the following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the State General Fund not otherwise appropriated, to the State Department of Education, for the purpose of providing funding for the Mississippi School District Uniform Millage Assistance Grant Program, the Second Level Funding Program and the Emergency Fund Loss Assistance Program for the fiscal year beginning July 1, 2001, and ending June 30, 2002........... $ 21,400,000.00.

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

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

SECTION 20. It is the intention of the Legislature that the State Department of Education and Vocational and Technical Education Division shall maintain complete accounting and personnel records related to the expenditure of all funds appropriated under this act and that such records shall be in the
same format and level of detail as maintained for Fiscal Year 2001. The Department of Finance and Administration shall insure that financial controls comparable to those utilized for Fiscal Year 2001 are maintained throughout Fiscal Year 2002 for this agency. The State Personnel Board shall insure that personnel controls and records comparable to those utilized for Fiscal Year 2001 are maintained throughout Fiscal Year 2002 for this agency.

It is further the intention of the Legislature that the agency's budget request for Fiscal Year 2003 shall be submitted to the Joint Legislative Budget Committee in a format and level of detail comparable to the format and level of detail provided during the Fiscal Year 2002 budget request process.

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

SECTION 22. Of the funds provided in Section 1 for the purpose of providing financial assistance for the education of exceptional children as determined under Section 37-23-63, Mississippi Code of 1972, children who are certified by the designated authority as requiring inpatient care in a private intermediate care facility for the mentally retarded or psychiatric residential treatment facility, with Medicaid reimbursement, shall be eligible and entitled to receive state financial assistance under the provisions of Section 37-23-69, in an amount not to exceed Five Thousand Dollars ($5,000.00) from state funds, per child per school year, if an approved private school is operated as an integral part of the facility which provides twenty-four (24) hours a day monitoring, treatment and
education, except that the State Department of Education is
authorized to pilot a fee-for-service based cost system for
children served through Millcreek Schools, Inc.

SECTION 23. Of the funds appropriated under the provisions
of Sections 1 and 2, the amount of One Hundred Forty-Six Million
Four Hundred Six Thousand Nine Hundred Fifty-eight Dollars
($146,406,958.00) shall be derived from the Interim School
District Capital Expenditure Fund for the benefit of the school
districts as authorized in Senate Bill No. 2649, 1997 Regular
Session.

SECTION 24. Of the funds provided in Section 1, Five Hundred
Twenty-one Thousand Five Hundred Seventeen Dollars ($521,517.00)
shall be used to provide for a Director of School Nurses in the
State Department of Education and the implementation of three (3)
pilot projects for a variety of school health programs in an
elementary school setting. Evaluations shall be developed to
determine the program's effect to drop-out rates, suspensions,
expulsions, attendance and test scores.

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

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

SECTION 26. The State Department of Education shall transfer
the designated amounts to the appropriate entities, which shall
assume full responsibility for the expenditure of these funds in
accordance with state laws and accept all responsibility for any
improper expenditure. For the following: National Guard Youth
Challenge Program, World Class Teacher Programs, USM Special
Education Program, Soil and Water Conservation Commission,
Mississippi School Boards Association, Mississippi Eye Screening
Program and Very Special Arts, Arts Institute, Jackson State
University Media Center, Jobs for Mississippi Graduates, and
Mississippi Symphony, University of Southern Mississippi Safe
Schools Program, Mississippi State University Center for Education
Design, Writing and Thinking Institute and Greater Columbus Early
Learning Center.

SECTION 27. Of the funds appropriated in Section 2, it is
the intention of the Legislature that Twenty Million Four Hundred
Thousand Dollars ($20,400,000.00) from the Public School Building
Fund shall be used for the Mississippi Adequate Education Program.

SECTION 28. It is the intention of the Legislature that the
Department of Education shall conduct a study comparing the
average administrative cost for Mississippi school districts, and
also the ratio of administrative staff to the number of students,
to the contiguous southeastern states. This study shall be
concluded and presented to the Governor and the Legislature by

SECTION 29. Of the funds appropriated in Sections 1 and 2,
the amount of Eight Hundred Thousand Dollars ($800,000.00) is
provided for the Walnut Grove Correctional Facility.

SECTION 30. Of the funds appropriated in Section 2, the
amounts of Three Hundred Thousand Dollars ($300,000.00) is
provided for the Writing and Thinking Institute and Seventy-five
Thousand ($75,000.00) is provided for the Very Special Arts
Program.

SECTION 31. With the funds appropriated herein, the State
Department of Education is authorized to make payment for expenses
incurred during the previous Fiscal Years 1998 and 1999 to
Fleetsmart in an amount not to exceed Eight Hundred Nineteen Dollars ($819.00).

SECTION 32. Of the funds appropriated herein and contingent on the passage of Senate Bill No. 2239, 2001 Regular Session, the State Department of Education shall expend an amount not to exceed Three Hundred Thousand Dollars ($300,000.00) for the purpose of providing technical assistance and training to local school districts in the development of behavior modification plans and to provide funding to defray the costs of psychological evaluations performed upon a child in compliance with the Mississippi School Safety Act of 2001. Local school districts shall be required to report to the State Department of Education all expulsions of students as authorized under Section 6 of Senate Bill No. 2239, 2001 Regular Session. The State Department of Education shall annually report to the Legislature by January of each year.

SECTION 33. Of the funds appropriated in Sections 9 and 10, an amount not to exceed One Million Three Hundred Thousand Dollars ($1,300,000.00) shall be used for technological methods for agricultural programs.

SECTION 34. Of the funds appropriated under the provisions of Section 2, Twenty-two Million Eight Hundred Seventy-five Thousand Dollars ($22,875,000.00) shall be derived from the Budget Contingency Fund created in Senate Bill No. 2680, 2001 Regular Session.

SECTION 35. The money herein appropriated shall be paid by the State Treasurer out of any money in the State Treasury to the credit of the proper fund or funds as set forth in this act, upon warrants issued by the State Fiscal Officer; and the State Fiscal Officer shall issue his warrants upon requisitions signed by the proper person, officer or officers, in the manner provided by law.

SECTION 36. This act shall take effect and be in force from and after July 1, 2001.