

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

To: Appropriations

HOUSE BILL NO. 1609
(As Sent to Governor)

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..... \$ 150,557,448.00.

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 \$ 729,724,472.00.

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.....	480
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, Two
107 Million One Hundred Thousand Dollars (\$2,100,000.00) 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.....	66
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 10, 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 Forty-Six Million
328 Four Hundred Six Thousand Nine Hundred Fifty-eight Dollars
329 (\$146,406,958.00) 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 Twenty-one Thousand Five Hundred Seventeen Dollars (\$521,517.00)
335 shall be used to provide for a Director of School Nurses in the
336 State Department of Education and the implementation of three (3)
337 pilot projects for a variety of school health programs in an
338 elementary school setting. Evaluations shall be developed to
339 determine the program's effect to drop-out rates, suspensions,
340 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, University of Southern Mississippi Safe
364 Schools Program, Mississippi State University Center for Education
365 Design, Writing and Thinking Institute and Greater Columbus Early
366 Learning Center.

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

371 SECTION 28. It is the intention of the Legislature that the
372 Department of Education shall conduct a study comparing the
373 average administrative cost for Mississippi school districts, and
374 also the ratio of administrative staff to the number of students,
375 to the contiguous southeastern states. This study shall be
376 concluded and presented to the Governor and the Legislature by
377 November 15, 2001.

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

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

386 SECTION 31. With the funds appropriated herein, the State
387 Department of Education is authorized to make payment for expenses
388 incurred during the previous Fiscal Years 1998 and 1999 to

389 Fleetsmart in an amount not to exceed Eight Hundred Nineteen
390 Dollars (\$819.00).

391 SECTION 32. Of the funds appropriated herein and contingent
392 on the passage of Senate Bill No. 2239, 2001 Regular Session, the
393 State Department of Education shall expend an amount not to exceed
394 Three Hundred Thousand Dollars (\$300,000.00) for the purpose of
395 providing technical assistance and training to local school
396 districts in the development of behavior modification plans and to
397 provide funding to defray the costs of psychological evaluations
398 performed upon a child in compliance with the Mississippi School
399 Safety Act of 2001. Local school districts shall be required to
400 report to the State Department of Education all expulsions of
401 students as authorized under Section 6 of Senate Bill No. 2239,
402 2001 Regular Session. The State Department of Education shall
403 annually report to the Legislature by January of each year.

404 SECTION 33. Of the funds appropriated in Sections 9 and 10,
405 an amount not to exceed One Million Three Hundred Thousand Dollars
406 (\$1,300,000.00) shall be used for technological methods for
407 agricultural programs.

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

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

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