

**REPORT OF CONFERENCE COMMITTEE**

**MR. SPEAKER AND MADAM PRESIDENT:**

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

H. B. No. 1609: Appropriation; State Department of Education - General Programs, Education Reform Act and Vocational Education.

We, therefore, respectfully submit the following report and recommendation:

1. That the Senate recede from its Amendment No. 1.
  
2. That the House and Senate adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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  
25 the 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  
28 July 1, 2001, and ending June 30, 2002..... \$ 250,000.00.

29 SECTION 4. Of the funds appropriated under the provisions  
30 of 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  
54 which 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  
58 with 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  
61 are being used for salaries authorized under the provisions of  
62 this 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  
67 the beginning of the legislative session and once at the end of  
68 the 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,  
71 Forty-six Million Dollars (\$46,000,000.00) shall be derived from  
72 the School Ad Valorem Reduction Fund and Sixty-four Million Three  
73 Hundred 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		
92	Adequate Education Program.....	\$ 9,378,126.00
93		
94	World Class Teacher Program.....	\$ 125,000.00
95		
96	Mississippi School Boards	
97	Continuing Training .....	\$ 47,041.00
98	School Board Training .....	\$ 58,697.00
99	Education Technology Council .....	\$ <u>94,082.00</u>
100	TOTAL .....	\$ 110,392,195.00

101 No school district shall expend any funds, received under  
102 the School Ad Valorem Reduction Grant, unless such school

103 district has specifically identified the amount of said grant  
104 within the published budget as required by Section 37-61-9,  
105 Mississippi Code of 1972. The published budget shall include the  
106 following statement: "Ad Valorem taxes will be \$\_\_\_\_\_ less as  
107 a result of the Ad Valorem Reduction Grants enacted by the  
108 Mississippi Legislature in 1992."

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

112 SECTION 7. Of the funds appropriated under the provisions  
113 of Section 2, funds in the amount of One Million Five Hundred  
114 Eighty-five Thousand Six Hundred Fifty-three Dollars  
115 (\$1,585,653.00) shall come from income derived from the principal  
116 of the Education Improvement Trust Fund created by Section 206A,  
117 Mississippi Constitution of 1890, and One Million Five Hundred  
118 Eighty-five Thousand Six Hundred Fifty-three Dollars  
119 (\$1,585,653.00) shall be used for the School for Math and  
120 Science.

121 SECTION 8. In compliance with the "Mississippi Performance  
122 Budget and Strategic Planning Act of 1994," it is the intent of  
123 the Legislature that the funds provided in Sections 1 and 2 shall  
124 be utilized in the most efficient and effective manner possible

125 to achieve the intended mission of this agency. Based on the  
126 funding authorized, this agency shall make every effort to attain  
127 the targeted performance measures provided below:

128		FY02
129	<u>Performance Measures</u>	<u>Target</u>
130	Special Education	
131	Approved Funding for Children (Persons)	907
132	Teacher Units Approved for Funding (Units)	4,190
133	Child Nutrition	
134	Number of Meals Required (Millions)	129
135	Cost per Meal (Dollars)	2.19
136	Special Projects	
137	Building Projects Approved (Projects)	100
138	Project Approval Rate (Percent)	90
139	MS School For Math & Science	
140	Students Enrolled (Persons)	270
141	Cost per Student (Dollars)	14,590
142	Educational Accountability	
143	Performance Accreditation Visits (Visits)	30
144	Tests Administered (Persons)	453,341
145	Compliance & Performance Reviews (Actions)	70
146	Educ Training & Development	

147	Administrators Trained (Persons)	1,200
148	Administrators Trained (Percent)	35
149	Technical Assistance to School Districts (Percent)	90
150	Compensatory Education	
151	Title I Projects Awarded (Programs)	152
152	Review and Approve Delinquent Programs (Programs)	4
153	Average Expenditure per Child (Dollars)	612
154	Community & Outreach Services	
155	Requested Available Federal Funding (%)	100
156	MAEP Interim Capital Expenditure Fund	
157	Building Projects Begun (Number)	73
158	MS School Attendance Officers	
159	Resolutions to Referrals (Percent)	0.85
160	School Visits (Number)	50,000
161	MS Teacher Center	
162	Teachers Recruited in Shortage Areas (Number)	450
163	A reporting of the degree to which the performance targets	
164	set above have been or are being achieved shall be provided in	
165	the agency's budget request submitted to the Joint Legislative	
166	Budget Committee for Fiscal Year 2003.	
167	SECTION 9. In addition to any other funds herein	
168	appropriated, the following sum, or so much thereof as may be	

169 necessary, is hereby appropriated out of any money in the State  
170 General Fund not otherwise appropriated, for the purpose of  
171 defraying the expenses of the Vocational and Technical Education  
172 Division of the State Department of Education for the fiscal year  
173 beginning July 1, 2001, and ending June 30, 2002.....  
174 ..... \$ 68,103,090.00.

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

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

186 AUTHORIZED POSITIONS:

187	Permanent:	Full Time	66
188		Part Time	0
189	Time-Limited:	Full Time	0
190		Part Time	0

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

212           Any transfers or escalations shall be made in accordance

213 with the terms, conditions and procedures established by law.

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

218 SECTION 12. Of the funds appropriated under the provisions  
219 of Sections 9 and 10, an amount not to exceed Two Hundred  
220 Twenty-nine Thousand Six Hundred Eighty-four Dollars  
221 (\$229,684.00) is authorized for the support of Vocational and  
222 Technical Education Programs as authorized in Section 37-31-13,  
223 Mississippi Code of 1972, for a period in excess of ten (10)  
224 months in a calendar year.

225 SECTION 13. Of the funds appropriated under the provisions  
226 of Section 10, Seven Million Eight Hundred Sixty-three Thousand  
227 Seven Hundred Forty-six Dollars (\$7,863,746.00) shall be derived  
228 from the Education Enhancement Fund pursuant to Sections 27-65-75  
229 and 27-67-31, Mississippi Code of 1972.

230 SECTION 14. It is the intention of the Legislature that the  
231 Vocational and Technical Education Division of the State  
232 Department of Education shall, with the funds appropriated in  
233 Section 9, transfer no more than One Hundred Thousand Dollars  
234 (\$100,000.00) to the Mississippi Soil and Water Conservation

235 Commission for the purpose of providing matching funds to  
236 purchase soil conservation equipment.

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

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

248		FY02
249	<u>Performance Measures</u>	<u>Target</u>
250	Vocational - Secondary Programs	
251	Increase in students served (Percent)	0
252		
253	LEAs served (Sites)	152
254		
255	Vocational - Post Secondary Programs	
256	Short-term students served (Persons)	4,000

257	Short-term Adult Prog Classes (Classes)	450
258	Short-term cost per student (Dollars)	70

259

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

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

273 SECTION 18. In addition to all other sums herein  
 274 appropriated, the following sum, or so much thereof as may be  
 275 necessary, is hereby appropriated out of any money in the  
 276 Education Enhancement Fund pursuant to Sections 27-65-75 and  
 277 27-67-31, Mississippi Code of 1972, not otherwise appropriated,  
 278 to the State Department of Education, for the purpose of

279 providing funding for the Uniform Millage Assistance Grant  
280 Program, the Second Level Funding Program and the Emergency Loss  
281 Assistance Program for the fiscal year beginning July 1, 2001,  
282 and ending June 30, 2002..... \$ 16,132,278.00.

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

292 SECTION 20. It is the intention of the Legislature that the  
293 State Department of Education and Vocational and Technical  
294 Education Division shall maintain complete accounting and  
295 personnel records related to the expenditure of all funds  
296 appropriated under this act and that such records shall be in the  
297 same format and level of detail as maintained for Fiscal Year  
298 2001. The Department of Finance and Administration shall insure  
299 that financial controls comparable to those utilized for Fiscal  
300 Year 2001 are maintained throughout Fiscal Year 2002 for this

301 agency. The State Personnel Board shall insure that personnel  
302 controls and records comparable to those utilized for Fiscal Year  
303 2001 are maintained throughout Fiscal Year 2002 for this agency.  
304 It is further the intention of the Legislature that the agency's  
305 budget request for Fiscal Year 2003 shall be submitted to the  
306 Joint Legislative Budget Committee in a format and level of  
307 detail comparable to the format and level of detail provided  
308 during the Fiscal Year 2002 budget request process.

309 SECTION 21. Should revenues generated and deposited to the  
310 Education Enhancement Fund pursuant to Section 27-103-203 (1),  
311 Mississippi Code of 1972, and apportioned pursuant to Section  
312 37-61-33 (6), Mississippi Code of 1972, fall below funds  
313 appropriated herein from said source, the State Department of  
314 Education shall notify the Department of Finance and  
315 Administration as to which allotments shall be reduced to insure  
316 expenditures do not exceed actual revenues.

317 SECTION 22. Of the funds provided in Section 1 for the  
318 purpose of providing financial assistance for the education of  
319 exceptional children as determined under Section 37-23-63,  
320 Mississippi Code of 1972, children who are certified by the  
321 designated authority as requiring inpatient care in a private  
322 intermediate care facility for the mentally retarded or

323 psychiatric residential treatment facility, with Medicaid  
324 reimbursement, shall be eligible and entitled to receive state  
325 financial assistance under the provisions of Section 37-23-69, in  
326 an amount not to exceed Five Thousand Dollars (\$5,000.00) from  
327 state funds, per child per school year, if an approved private  
328 school is operated as an integral part of the facility which  
329 provides twenty-four (24) hours a day monitoring, treatment and  
330 education, except that the State Department of Education is  
331 authorized to pilot a fee-for-service based cost system for  
332 children served through Millcreek Schools, Inc.

333 SECTION 23. Of the funds appropriated under the provisions  
334 of Sections 1 and 2, the amount of One Hundred Forty-Six Million  
335 Four Hundred Six Thousand Nine Hundred Fifty-eight Dollars  
336 (

7

\$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.

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

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

21 SECTION 25. It is the intention of the Legislature that the State  
22 Department of Education shall have the authority to accept, budget and  
23 expend any source funds not to exceed Thirty Million Dollars  
24 (\$30,000,000.00), that become available to the department to carry out the  
25 provisions of those funds in a manner consistent with the rules and  
26 regulations of the Department of Finance and Administration.

27 SECTION 26. The State Department of Education shall transfer the  
28 designated amounts to the appropriate entities, which shall assume full  
29 responsibility for the expenditure of these funds in accordance with state  
30 laws and accept all responsibility for any improper expenditure. For the  
31 following: National Guard Youth Challenge Program, World Class Teacher  
32 Programs, USM Special Education Program, Soil and Water Conservation

33 Commission, Mississippi School Boards Association, Mississippi Eye  
34 Screening Program and Very Special Arts, Arts Institute, Jackson State  
35 University Media Center, Jobs for Mississippi Graduates, and Mississippi  
36 Symphony, University of Southern Mississippi Safe Schools Program,  
37 Mississippi State University Center for Education Design, Writing and  
38 Thinking Institute and Greater Columbus Early Learning Center.

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

43 SECTION 28. It is the intention of the Legislature that the Department  
44 of Education shall conduct a study comparing the average administrative  
45 cost for Mississippi school districts, and also the ratio of administrative staff  
46 to the number of students, to the contiguous southeastern states. This  
47 study shall be concluded and presented to the Governor and the Legislature  
48 by November 15, 2001.

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

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

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

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

72 SECTION 33. Of the funds appropriated in Sections 9 and 10, an  
73 amount not to exceed One Million Three Hundred Thousand Dollars  
74 (\$1,300,000.00) shall be used for technological methods for agricultural  
75 programs.

76 SECTION 34. Of the funds appropriated under the provisions of  
77 Section 2, Twenty-two Million Eight Hundred Seventy-five Thousand Dollars  
78 (\$22,875,000.00) shall be derived from the Budget Contingency Fund  
79 created in Senate Bill No. 2680, 2001 Regular Session.

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

86 SECTION 36. This act shall take effect and be in force from and after

CONFEREES FOR THE HOUSE

CONFEREES FOR THE SENATE

X \_\_\_\_\_

X \_\_\_\_\_

—

Charlie Capps, Jr.

Jack Gordon

X \_\_\_\_\_

X \_\_\_\_\_

—

Joseph L. Warren

Mike Chaney

X \_\_\_\_\_

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—

Herb Frierson

Alice Harden

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