

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

To: Appropriations

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1801

1 AN ACT MAKING AN APPROPRIATION FOR THE PURPOSE OF DEFRAYING
2 THE EXPENSES OF THE GENERAL EDUCATION PROGRAMS AND THE VOCATIONAL
3 AND TECHNICAL EDUCATION DIVISION OF THE STATE DEPARTMENT OF
4 EDUCATION FOR THE FISCAL YEAR 2003.

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

6 **SECTION 1.** The following sum, or so much thereof as may be
7 necessary, is hereby appropriated out of any money in the State
8 General Fund not otherwise appropriated, for the purpose of
9 defraying the expenses of the State Department of Education, and
10 excluding the expenses of the Vocational and Technical Education
11 Division, for the fiscal year beginning July 1, 2002, and ending
12 June 30, 2003..... \$ 71,058,166.00.

13 **SECTION 2.** The following sum, or so much thereof as may be
14 necessary, is hereby appropriated out of any money in any special
15 fund in the State Treasury to the credit of the State Department
16 of Education which is comprised of special source funds collected
17 by or otherwise available to the department, for the purpose of
18 defraying the expenses of the department for the fiscal year
19 beginning July 1, 2002, and ending June 30, 2003.....
20 \$ 620,634,325.00.

21 **SECTION 3.** The following sum, or so much thereof as may be
22 necessary, is hereby appropriated out of any money in the State
23 Treasury to the credit of the Health Care Expendable Fund, for the
24 purpose of defraying the expenses of the State Department of
25 Education for the Mississippi Eye Screening Program for providing
26 vision safety services for the fiscal year beginning July 1, 2002,
27 and ending June 30, 2003..... \$ 250,000.00.



28 **SECTION 4.** Of the funds appropriated under the provisions of
 29 Sections 1, 2 and 3, not more than the amounts set forth below
 30 shall be expended for the respective major objects or purposes of
 31 expenditure:

32 **MAJOR OBJECTS OF EXPENDITURE:**

33 Personal Services:

34	Salaries, Wages and Fringe Benefits.. \$	24,263,431.00
35	Travel and Subsistence.....	2,320,037.00
36	Contractual Services.....	28,524,270.00
37	Commodities.....	4,384,271.00
38	Capital Outlay:	
39	Other Than Equipment.....	994,350.00
40	Equipment.....	2,209,381.00
41	Subsidies, Loans and Grants.....	<u>629,246,751.00</u>
42	Total..... \$	691,942,491.00

43 **FUNDING:**

44	General Funds..... \$	71,058,166.00
45	Special Funds.....	<u>620,884,325.00</u>
46	Total..... \$	691,942,491.00

47 **AUTHORIZED POSITIONS:**

48	Permanent: Full Time.....	469
49	Part Time.....	0
50	Time-Limited: Full Time.....	48
51	Part Time.....	1

52 Funds are provided herein to adjust the Variable Compensation
 53 Plan to ensure that all full-time employees receive a pay increase
 54 equal to fifty percent (50%) of the realignment component of the
 55 Variable Compensation Plan or Six Hundred Dollars (\$600.00),
 56 whichever is greater, beginning on January 1, 2003.

57 With the funds herein appropriated, it is the intention of
 58 the Legislature that it shall be the agency's responsibility to
 59 make certain that funds required to be appropriated for "Personal
 60 Services" for Fiscal Year 2004 do not exceed Fiscal Year 2003



61 funds appropriated for that purpose, unless programs, positions or
62 pay increases are added to the agency's budget by the Mississippi
63 Legislature. Based on data provided by the Legislative Budget
64 Office, the State Personnel Board shall, on July 1, 2002, publish
65 separate annual projection reports, based on July 1, 2002 data,
66 for the period of July 1, 2002 through December 31, 2002, and
67 January 1, 2003 through June 30, 2003, that project the annual
68 cost to fully fund all appropriated positions in compliance with
69 the provisions of this act. It shall be the responsibility of the
70 agency head to ensure that no single personnel action increases
71 this projected cost and/or the Fiscal Year 2003 appropriation for
72 "Personal Services," as annualized on a semi-annual basis in
73 accordance with the provisions of this act. If, at the end of any
74 calendar month, the State Personnel Board determines that the
75 agency has taken action(s) which would cause the agency to exceed
76 this projected annual cost or the Fiscal Year 2003 "Personal
77 Services" appropriated level, when annualized in compliance with
78 the provisions of this act, then only those actions which reduce
79 the projected annual cost and/or the appropriation requirement
80 will be processed by the State Personnel Board until such time as
81 the requirements of this provision are met.

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

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

88 The State Department of Education shall prepare and present
89 to the Joint Legislative Budget Committee and the Department of
90 Finance and Administration and make available to the Legislature
91 an accounting of program expenditures for all programs once at the
92 beginning of the legislative session and once at the end of the



93 fiscal year. The department at the same time shall present a
94 summary report for each program.

95 **SECTION 5.** Of the funds appropriated in Section 2, Forty-six
96 Million Dollars (\$46,000,000.00) shall be derived from the School
97 Ad Valorem Reduction Fund and Thirty-eight Million Four Hundred
98 Seventy Thousand Seven Hundred Forty-four Dollars (\$38,470,744.00)
99 shall be derived from the Education Enhancement Fund deposited
100 pursuant to Sections 27-65-75 and 27-67-31, Mississippi Code of
101 1972, for the following purposes:

102	School Ad Valorem Reduction	\$ 46,000,000.00
103	Grants to school districts for capital	
104	facilities and buses	\$ 16,000,000.00
105	Instructional Materials	\$ 18,533,637.00
106	Tech Prep Bond Service.....	\$ 3,216,675.00
107	Implementing Performance Based Data	
108	Collection and Accreditation Model	\$ 274,937.00
109	Administrator Training.....	\$ 120,675.00
110	World Class Teacher Program.....	\$ 125,000.00
111	Mississippi School Boards	
112	Continuing Training	\$ 47,041.00
113	School Board Training	\$ 58,697.00
114	Education Technology Council	\$ <u>94,082.00</u>
115	TOTAL	\$ 84,470,744.00

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



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

127 **SECTION 7.** Of the funds appropriated under the provisions of
128 Section 2, funds in the amount of One Million Five Hundred
129 Eighty-five Thousand Six Hundred Fifty-three Dollars
130 (\$1,585,653.00) shall come from income derived from the principal
131 of the Education Improvement Trust Fund created by Section 206A,
132 Mississippi Constitution of 1890, and One Million Five Hundred
133 Eighty-five Thousand Six Hundred Fifty-three Dollars
134 (\$1,585,653.00) shall be used for the School for Math and Science.

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

	FY03
<u>Performance Measures</u>	<u>Target</u>
Special Education	
Approved Funding for Children (Persons)	907
Teacher Units Approved for Funding (Units)	4,350
Child Nutrition	
Number of Meals Required (Millions)	129
Cost per Meal (Dollars)	2.19
Special Projects	
Building Projects Approved (Projects)	100
Project Approval Rate (Percent)	90
Mississippi School For Math and Science	
Students Enrolled (Persons)	270
Cost per Student (Dollars)	14,590
Educational Accountability	



157	Performance Accreditation Visits (Visits)	30
158	Tests Administered (Persons)	453,341
159	Compliance & Performance Reviews (Actions)	70
160	Education Training & Development	
161	Administrators Trained (Persons)	1,200
162	Administrators Trained (Percent)	35
163	Technical Assistance to School Districts (Percent)	90
164	Compensatory Education	
165	Title I Projects Awarded (Programs)	152
166	Review and Approve Delinquent Programs (Programs)	4
167	Average Expenditure per Child (Dollars)	612
168	Community & Outreach Services	
169	Requested Available Federal Funding (percent)	100
170	Mississippi School Attendance Officers	
171	Resolutions to Referrals (Percent)	0.85
172	School Visits (Number)	50,000
173	Mississippi Teacher Center	
174	Teachers Recruited in Shortage Areas (Number)	450

175 A reporting of the degree to which the performance targets
176 set above have been or are being achieved shall be provided in the
177 agency's budget request submitted to the Joint Legislative Budget
178 Committee for Fiscal Year 2004.

179 **SECTION 9.** In addition to any other funds herein
180 appropriated, the following sum, or so much thereof as may be
181 necessary, is hereby appropriated out of any money in the State
182 General Fund not otherwise appropriated, for the purpose of
183 defraying the expenses of the Vocational and Technical Education
184 Division of the State Department of Education for the fiscal year
185 beginning July 1, 2002, and ending June 30, 2003.....
186 \$ 68,171,637.00.

187 **SECTION 10.** In addition to any other funds herein
188 appropriated, the following sum, or so much thereof as may be
189 necessary, is hereby appropriated out of any money in any special



190 fund in the State Treasury to the credit of the Vocational and
 191 Technical Education Division of the State Department of Education
 192 which is comprised of special source funds collected by or
 193 otherwise available to the division, for the purpose of defraying
 194 the expenses of the division for the fiscal year beginning July 1,
 195 2002, and ending June 30, 2003..... \$ 23,792,646.00.

196 **SECTION 11.** Of the funds appropriated under the provisions
 197 of Sections 9 and 10, not more than the amounts set forth below
 198 shall be expended for the respective major objects or purposes of
 199 expenditure:

200 MAJOR OBJECTS OF EXPENDITURE:

201 Personal Services:

202	Salaries, Wages and Fringe Benefits..	\$	2,881,004.00
203	Travel and Subsistence.....		250,000.00
204	Contractual Services.....		3,149,832.00
205	Commodities.....		540,000.00
206	Capital Outlay:		
207	Other Than Equipment.....		0.00
208	Equipment.....		100,000.00
209	Subsidies, Loans and Grants.....		<u>85,043,447.00</u>
210	Total.....	\$	91,964,283.00

211 FUNDING:

212	General Funds.....	\$	68,171,637.00
213	Special Funds.....		<u>23,792,646.00</u>
214	Total.....	\$	91,964,283.00

215 AUTHORIZED POSITIONS:

216	Permanent:	Full Time.....	63
217		Part Time.....	0
218	Time-Limited:	Full Time.....	0
219		Part Time.....	0

220 Funds are provided herein to adjust the Variable Compensation
 221 Plan to ensure that all full-time employees receive a pay increase
 222 equal to fifty percent (50%) of the realignment component of the



223 Variable Compensation Plan or Six Hundred Dollars (\$600.00),
224 whichever is greater, beginning on January 1, 2003.

225 With the funds herein appropriated, it is the intention of
226 the Legislature that it shall be the agency's responsibility to
227 make certain that funds required to be appropriated for "Personal
228 Services" for Fiscal Year 2004 do not exceed Fiscal Year 2003
229 funds appropriated for that purpose, unless programs, positions or
230 pay increases are added to the agency's budget by the Mississippi
231 Legislature. Based on data provided by the Legislative Budget
232 Office, the State Personnel Board shall, on July 1, 2002, publish
233 separate annual projection reports, based on July 1, 2002 data,
234 for the period of July 1, 2002 through December 31, 2002, and
235 January 1, 2003 through June 30, 2003, that project the annual
236 cost to fully fund all appropriated positions in compliance with
237 the provisions of this act. It shall be the responsibility of the
238 agency head to ensure that no single personnel action increases
239 this projected cost and/or the Fiscal Year 2003 appropriation for
240 "Personal Services," as annualized on a semi-annual basis in
241 accordance with the provisions of this act. If, at the end of any
242 calendar month, the State Personnel Board determines that the
243 agency has taken action(s) which would cause the agency to exceed
244 this projected annual cost or the Fiscal Year 2003 "Personal
245 Services" appropriated level, when annualized in compliance with
246 the provisions of this act, then only those actions which reduce
247 the projected annual cost and/or the appropriation requirement
248 will be processed by the State Personnel Board until such time as
249 the requirements of this provision are met.

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

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



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

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

268 **SECTION 14.** It is the intention of the Legislature that the
269 Vocational and Technical Education Division of the State
270 Department of Education shall, with the funds appropriated in
271 Section 9, transfer no more than One Hundred Thousand Dollars
272 (\$100,000.00) to the Mississippi Soil and Water Conservation
273 Commission for the purpose of providing matching funds to purchase
274 soil conservation equipment.

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

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

286		FY03
287	<u>Performance Measures</u>	<u>Target</u>
288	Vocational - Secondary Programs	



289	Increase in students served (Percent)	0
290	LEAs served (Sites)	152
291	Vocational - Post Secondary Programs	
292	Short-term students served (Persons)	4,000
293	Short-term Adult Prog Classes (Classes)	450
294	Short-term cost per student (Dollars)	70

295 A reporting of the degree to which the performance targets
 296 set above have been or are being achieved shall be provided in the
 297 agency's budget request submitted to the Joint Legislative Budget
 298 Committee for Fiscal Year 2004.

299 **SECTION 17.** With respect to agency programs whose operation
 300 is dependent on the receipt of federal funds, it is the intent of
 301 the Legislature, except as hereinafter provided, that no funds
 302 from the State General Fund be expended to administer, support or
 303 in any way continue such programs should federal funds for their
 304 operation be reduced or become unavailable and that no funds from
 305 the State General Fund available for expenditure under this act
 306 shall be used to replace federal funds in any major object of
 307 expenditure.

308 **SECTION 18.** It is the intention of the Legislature that the
 309 State Department of Education and Vocational and Technical
 310 Education Division shall maintain complete accounting and
 311 personnel records related to the expenditure of all funds
 312 appropriated under this act and that such records shall be in the
 313 same format and level of detail as maintained for Fiscal Year
 314 2002. The Department of Finance and Administration shall insure
 315 that financial controls comparable to those utilized for Fiscal
 316 Year 2002 are maintained throughout Fiscal Year 2003 for this
 317 agency. The State Personnel Board shall insure that personnel
 318 controls and records comparable to those utilized for Fiscal Year
 319 2002 are maintained throughout Fiscal Year 2003 for this agency.
 320 It is further the intention of the Legislature that the agency's
 321 budget request for Fiscal Year 2004 shall be submitted to the



322 Joint Legislative Budget Committee in a format and level of detail
323 comparable to the format and level of detail provided during the
324 Fiscal Year 2003 budget request process.

325 **SECTION 19.** Of the funds provided in Section 1 for the
326 purpose of providing financial assistance for the education of
327 exceptional children as determined under Section 37-23-63,
328 Mississippi Code of 1972, children who are certified by the
329 designated authority as requiring inpatient care in a private
330 intermediate care facility for the mentally retarded or
331 psychiatric residential treatment facility, with Medicaid
332 reimbursement, shall be eligible and entitled to receive state
333 financial assistance under the provisions of Section 37-23-69, in
334 an amount not to exceed Five Thousand Dollars (\$5,000.00) from
335 state funds, per child per school year, if an approved private
336 school is operated as an integral part of the facility which
337 provides twenty-four (24) hours a day monitoring, treatment and
338 education, except that the State Department of Education is
339 authorized to pilot a fee-for-service based cost system for
340 children served through Millcreek Schools, Inc.

341 **SECTION 20.** Of the funds provided in Section 1, Five Hundred
342 Twenty-one Thousand Five Hundred Seventeen Dollars (\$521,517.00)
343 shall be used to provide for a Director of School Nurses in the
344 State Department of Education and the implementation of three (3)
345 pilot projects for a variety of school health programs in an
346 elementary school setting. Evaluations shall be developed to
347 determine the program's effect to drop-out rates, suspensions,
348 expulsions, attendance and test scores.

349 Income generated by the school-based clinics shall remain
350 available for expenditure by the programs utilizing any special
351 fund authority provided in Section 2 for use by the State
352 Department of Education and the pilots shall remain the same as in
353 Fiscal Year 2002.



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

361 **SECTION 22.** The State Department of Education shall transfer
362 the designated amounts to the appropriate entities, which shall
363 assume full responsibility for the expenditure of these funds in
364 accordance with state laws and accept all responsibility for any
365 improper expenditure. For the following: National Guard Youth
366 Challenge Program, World Class Teacher Programs, USM Special
367 Education Program, Soil and Water Conservation Commission,
368 Mississippi School Boards Association, Mississippi Eye Screening
369 Program and Very Special Arts, Arts Institute, Jackson State
370 University Media Center, Jobs for Mississippi Graduates, and
371 Mississippi Symphony, University of Southern Mississippi Safe
372 Schools Program, Mississippi State University Center for Education
373 Design, Writing and Thinking Institute and Greater Columbus Early
374 Learning Center.

375 **SECTION 23.** Of the funds appropriated in Sections 1 and 2,
376 the amount of Two Hundred Thousand Dollars (\$200,000.00) is
377 provided for the Walnut Grove Correctional Facility.

378 **SECTION 24.** Of the funds appropriated in Section 1, the
379 amounts of Three Hundred Thousand Dollars (\$300,000.00) is
380 provided for the Writing and Thinking Institute and Seventy-five
381 Thousand (\$75,000.00) is provided for the Very Special Arts
382 Program.

383 **SECTION 25.** Of the funds appropriated herein, the State
384 Department of Education shall expend an amount not to exceed Three
385 Hundred Thousand Dollars (\$300,000.00) for the purpose of
386 providing technical assistance and training to local school



387 districts in the development of behavior modification plans and to
388 provide funding to defray the costs of psychological evaluations
389 performed upon a child in compliance with the Mississippi School
390 Safety Act of 2001. Local school districts shall be required to
391 report to the State Department of Education all expulsions of
392 students as authorized under Section 6 of Senate Bill No. 2239,
393 2001 Regular Session. The State Department of Education shall
394 annually report to the Legislature by January of each year.

395 **SECTION 26.** Of the funds appropriated in Sections 9 and 10,
396 an amount not to exceed One Million Three Hundred Thousand Dollars
397 (\$1,300,000.00) shall be used for technological methods for
398 agricultural programs.

399 **SECTION 27.** Of the funds appropriated in Section 1, an
400 amount not to exceed One Million Eight Hundred Seventy-six
401 Thousand Sixty-four Dollars (\$1,876,064.00) shall be transferred
402 from the State Department of Education to the Mississippi National
403 Guard for the support of the Youth Challenge Program at Camp
404 Shelby.

405 **SECTION 28.** Of the funds appropriated in Section 1, the
406 amount of Seven Million Three Hundred Forty-nine Thousand Eight
407 Hundred Fifteen Dollars (\$7,349,815.00) is made available to
408 General Education subject to the passage of House Bill No. 1379,
409 2002 Regular Session. In the event that House Bill No. 1379 is
410 not enacted into law, then this appropriation shall be reduced by
411 Seven Million Three Hundred Forty-nine Thousand Eight Hundred
412 Fifteen Dollars (\$7,349,815.00) in General Funds.

413 **SECTION 29.** Of the funds appropriated in Section 9, the
414 amount of Four Hundred Thousand Dollars (\$400,000.00) is made
415 available to Vocational Education subject to the passage of House
416 Bill No. 1379, 2002 Regular Session. In the event that House Bill
417 No. 1379 is not enacted into law, then this appropriation shall be
418 reduced by Four Hundred Thousand Dollars (\$400,000.00) in General
419 Funds.



420 **SECTION 30.** The money herein appropriated shall be paid by
421 the State Treasurer out of any money in the State Treasury to the
422 credit of the proper fund or funds as set forth in this act, upon
423 warrants issued by the State Fiscal Officer; and the State Fiscal
424 Officer shall issue his warrants upon requisitions signed by the
425 proper person, officer or officers, in the manner provided by law.

426 **SECTION 31.** This act shall take effect and be in force from
427 and after July 1, 2002.

