

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

To: Appropriations

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..... \$     63,708,351.00.

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.. \$       22,296,035.00

35               Travel and Subsistence.....               1,452,545.00

36               Contractual Services.....               26,976,491.00

37               Commodities.....               3,545,854.00

38       Capital Outlay:

39               Other Than Equipment.....               625,000.00

40               Equipment.....               450,000.00

41               Subsidies, Loans and Grants.....       629,246,751.00

42               Total..... \$       684,592,676.00

43       FUNDING:

44               General Funds..... \$       63,708,351.00

45               Special Funds.....       620,884,325.00

46               Total..... \$       684,592,676.00

47       AUTHORIZED POSITIONS:

48               Permanent:       Full Time.....       433

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



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 Thirty-eight Million Four Hundred Seventy Thousand Seven Hundred Forty-four Dollars (\$38,470,744.00) 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:

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

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."

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:

142		FY03
143	<u>Performance Measures</u>	<u>Target</u>
144	Special Education	
145	Approved Funding for Children (Persons)	907
146	Teacher Units Approved for Funding (Units)	4,350
147	Child Nutrition	
148	Number of Meals Required (Millions)	129
149	Cost per Meal (Dollars)	2.19
150	Special Projects	
151	Building Projects Approved (Projects)	100
152	Project Approval Rate (Percent)	90
153	Mississippi School For Math and Science	
154	Students Enrolled (Persons)	270
155	Cost per Student (Dollars)	14,590
156	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 ..... \$   67,771,637.00.

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>84,643,447.00</u>
210	Total.....	\$ 91,564,283.00

211 FUNDING:

212	General Funds.....	\$ 67,771,637.00
213	Special Funds.....	<u>23,792,646.00</u>
214	Total.....	\$ 91,564,283.00

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



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

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 2004 do not exceed Fiscal Year 2003 funds appropriated for that purpose, unless programs, positions or pay increases are added to the agency's budget by the Mississippi Legislature. Based on data provided by the Legislative Budget Office, the State Personnel Board shall, on July 1, 2002, publish separate annual projection reports, based on July 1, 2002 data, for the period of July 1, 2002 through December 31, 2002, and January 1, 2003 through June 30, 2003, that project the 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 ensure that no single personnel action increases this projected cost and/or the Fiscal Year 2003 appropriation for "Personal Services," as annualized on a semi-annual basis in accordance with the provisions of this act. 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 2003 "Personal Services" appropriated level, when annualized in compliance with the provisions of this act, 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.





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

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

**SECTION 19.** 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 20.** 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 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



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 26.** 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 27.** Of the funds appropriated in Section 1, an amount not to exceed One Million Six Hundred Eighty-nine Thousand Nine Hundred Fifty-eight Dollars (\$1,689,958.00) shall be transferred from the State Department of Education to the Mississippi National Guard for the support of the Youth Challenge Program at Camp Shelby.

**SECTION 28.** 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 29.** This act shall take effect and be in force from and after July 1, 2002.

