

By: Senator(s) Harden

To: Education;  
Appropriations

SENATE BILL NO. 2404  
(As Passed the Senate)

1 AN ACT TO AMEND SECTIONS 37-13-63 AND 37-151-7, MISSISSIPPI  
2 CODE OF 1972, TO CLARIFY THE AUTHORITY OF THE STATE BOARD OF  
3 EDUCATION TO EXEMPT SCHOOLS FROM THE REQUIRED 180-DAY MINIMUM  
4 SCHOOL CALENDAR FOR TIME MISSED DUE TO EMERGENCIES AND TO CONTINUE  
5 TO PAY SCHOOL DISTRICTS FULL ADEQUATE EDUCATION PROGRAM  
6 ALLOTMENTS; TO CLARIFY THE DETERMINATION OF AVERAGE DAILY  
7 ATTENDANCE OF STUDENTS FOR PURPOSES OF THE MISSISSIPPI ADEQUATE  
8 EDUCATION PROGRAM FUNDING FORMULA; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** Section 37-13-63, Mississippi Code of 1972, is  
11 amended as follows:

12 37-13-63. (1) All public schools in the state shall be kept  
13 in session for at least one hundred eighty (180) days in each  
14 scholastic year.

15 (2) If the school board of any school district shall  
16 determine that it is not economically feasible or practicable to  
17 operate any school within the district for the full one hundred  
18 eighty (180) days required for a scholastic year as contemplated  
19 due to an enemy attack, a manmade, technological or natural  
20 disaster in which the Governor has declared a disaster emergency  
21 under the laws of this state or the President of the United States  
22 has declared an emergency or major disaster to exist in this  
23 state, said school board may notify the State Department of  
24 Education of such disaster and submit a plan for altering the  
25 school term. If the State Board of Education finds such disaster  
26 to be the cause of the school not operating for the contemplated  
27 school term and that such school was in a school district covered  
28 by the Governor's or President's disaster declaration, it may  
29 permit said school board to operate the schools in its district  
30 for less than one hundred eighty (180) days.



31           **SECTION 2.** Section 37-151-7, Mississippi Code of 1972, is  
32 amended as follows:

33           37-151-7. The annual allocation to each school district for  
34 the operation of the adequate education program shall be  
35 determined as follows:

36           (1) Computation of the basic amount to be included for  
37 current operation in the adequate education program. The  
38 following procedure shall be followed in determining the annual  
39 allocation to each school district:

40           (a) **Determination of average daily attendance.** During  
41 months two (2) and three (3) of the current school year, the  
42 average daily attendance of a school district shall be computed,  
43 or the average daily attendance for the prior school year shall be  
44 used, whichever is greater. For purposes of this calculation,  
45 "current" school year shall mean the school year for which  
46 appropriations are made by the Legislature, and "prior" school  
47 year shall mean the school year immediately preceding the year for  
48 which appropriations are made by the Legislature. The district's  
49 average daily attendance shall be computed and currently  
50 maintained in accordance with regulations promulgated by the State  
51 Board of Education.

52           (b) **Determination of base student cost.** The State  
53 Board of Education, on or before August 1, with adjusted estimate  
54 no later than January 2, shall annually submit to the Legislative  
55 Budget Office and the Governor a proposed base student cost  
56 adequate to provide the following cost components of educating a  
57 pupil in an average school district meeting Level III  
58 accreditation standards required by the Commission on School  
59 Accreditation: (i) Instructional Cost; (ii) Administrative Cost;  
60 (iii) Operation and Maintenance of Plant; and (iv) Ancillary  
61 Support Cost. The department shall utilize a statistical  
62 methodology which considers such factors as, but not limited to,  
63 (i) school size; (ii) assessed valuation per pupil; (iii) the



64 percentage of students receiving free lunch; (iv) the local  
65 district maintenance tax levy; (v) other local school district  
66 revenues; and (vi) the district's accreditation level, in the  
67 selection of the representative Mississippi school districts for  
68 which cost information shall be obtained for each of the above  
69 listed cost areas.

70 For the instructional cost component, the department shall  
71 determine the instructional cost of each of the representative  
72 school districts selected above, excluding instructional cost of  
73 self-contained special education programs and vocational education  
74 programs, and the average daily attendance in the selected school  
75 districts. The instructional cost is then totaled and divided by  
76 the total average daily attendance for the selected school  
77 districts to yield the instructional cost component. For the  
78 administrative cost component, the department shall determine the  
79 administrative cost of each of the representative school districts  
80 selected above, excluding administrative cost of self-contained  
81 special education programs and vocational education programs, and  
82 the average daily attendance in the selected school districts.  
83 The administrative cost is then totaled and divided by the total  
84 average daily attendance for the selected school districts to  
85 yield the administrative cost component. For the plant and  
86 maintenance cost component, the department shall determine the  
87 plant and maintenance cost of each of the representative school  
88 districts selected above, excluding plant and maintenance cost of  
89 self-contained special education programs and vocational education  
90 programs, and the average daily attendance in the selected school  
91 districts. The plant and maintenance cost is then totaled and  
92 divided by the total average daily attendance for the selected  
93 school districts to yield the plant and maintenance cost  
94 component. For the ancillary support cost component, the  
95 department shall determine the ancillary support cost of each of  
96 the representative school districts selected above, excluding



97 ancillary support cost of self-contained special education  
98 programs and vocational education programs, and the average daily  
99 attendance in the selected school districts. The ancillary  
100 support cost is then totaled and divided by the total average  
101 daily attendance for the selected school districts to yield the  
102 ancillary support cost component. The total base cost for each  
103 year shall be the sum of the instructional cost component,  
104 administrative cost component, plant and maintenance cost  
105 component and ancillary support cost component, and any estimated  
106 adjustments for additional state requirements as determined by the  
107 State Board of Education. Provided, however, that the base  
108 student cost in fiscal year 1998 shall be Two Thousand Six Hundred  
109 Sixty-four Dollars (\$2,664.00).

110 (c) **Determination of the basic adequate education**  
111 **program cost.** The basic amount for current operation to be  
112 included in the Mississippi Adequate Education Program for each  
113 school district shall be computed as follows:

114 Multiply the average daily attendance of the district by the  
115 base student cost as established by the Legislature, which yields  
116 the total base program cost for each school district.

117 (d) **Adjustment to the base student cost for at-risk**  
118 **pupils.** The amount to be included for at-risk pupil programs for  
119 each school district shall be computed as follows: Multiply the  
120 base student cost for the appropriate fiscal year as determined  
121 under paragraph (b) by five percent (5%), and multiply that  
122 product by the number of pupils participating in the federal free  
123 school lunch program in such school district, which yields the  
124 total adjustment for at-risk pupil programs for such school  
125 district.

126 (e) **Add-on program cost.** The amount to be allocated to  
127 school districts in addition to the adequate education program  
128 cost for add-on programs for each school district shall be  
129 computed as follows:



130 (i) Transportation cost shall be the amount  
131 allocated to such school district for the operational support of  
132 the district transportation system from state funds.

133 (ii) Vocational or technical education program  
134 cost shall be the amount allocated to such school district from  
135 state funds for the operational support of such programs.

136 (iii) Special education program cost shall be the  
137 amount allocated to such school district from state funds for the  
138 operational support of such programs.

139 (iv) Gifted education program cost shall be the  
140 amount allocated to such school district from state funds for the  
141 operational support of such programs.

142 (v) Alternative school program cost shall be the  
143 amount allocated to such school district from state funds for the  
144 operational support of such programs.

145 (vi) Extended school year programs shall be the  
146 amount allocated to school districts for those programs authorized  
147 by law which extend beyond the normal school year.

148 (vii) University-based programs shall be the  
149 amount allocated to school districts for those university-based  
150 programs for handicapped children as defined and provided for in  
151 Section 37-23-131 et seq., Mississippi Code of 1972.

152 (viii) Bus driver training programs shall be the  
153 amount provided for those driver training programs as provided for  
154 in Section 37-41-1, Mississippi Code of 1972.

155 The sum of the items listed above (i) transportation, (ii)  
156 vocational or technical education, (iii) special education, (iv)  
157 gifted education, (v) alternative school, (vi) extended school  
158 year, (vii) university-based, and (viii) bus driver training shall  
159 yield the add-on cost for each school district.

160 (f) **Total projected adequate education program cost.**

161 The total Mississippi Adequate Education Program Cost shall be the  
162 sum of the total basic adequate education program cost (paragraph



163 (c)), and the adjustment to the base student cost for at-risk  
164 pupils (paragraph (d)) for each school district.

165 (g) **Supplemental grant to school districts.** In  
166 addition to the adequate education program grant, the State  
167 Department of Education shall annually distribute an additional  
168 amount as follows: Multiply the base student cost for the  
169 appropriate fiscal year as determined under paragraph (b) by .13%  
170 and multiply that product by the average daily attendance of each  
171 school district. Such grant shall not be subject to the local  
172 revenue requirement provided in subsection (2).

173 (2) **Computation of the required local revenue in support of**  
174 **the adequate education program.** The amount that each district  
175 shall provide toward the cost of the adequate education program  
176 shall be calculated as follows:

177 (a) The State Board of Education shall certify to each  
178 school district that twenty-eight (28) mills, less the estimated  
179 amount of the yield of the School Ad Valorem Tax Reduction Fund  
180 grants as determined by the State Department of Education, is the  
181 millage rate required to provide the district required local  
182 effort for that year, or twenty-seven percent (27%) of the basic  
183 adequate education program cost for such school district as  
184 determined under subsection (c), whichever is a lesser amount. In  
185 the case of an agricultural high school the millage requirement  
186 shall be set at a level which generates an equitable amount per  
187 pupil to be determined by the State Board of Education.

188 (b) The State Board of Education shall determine (i)  
189 the total assessed valuation of nonexempt property for school  
190 purposes in each school district; (ii) assessed value of exempt  
191 property owned by homeowners aged sixty-five (65) or older or  
192 disabled as defined in Section 27-33-67(2), Mississippi Code of  
193 1972; (iii) the school district's tax loss from exemptions  
194 provided to applicants under the age of sixty-five (65) and not  
195 disabled as defined in Section 27-33-67(1), Mississippi Code of



196 1972; and (iv) the school district's homestead reimbursement  
197 revenues.

198 (c) The amount of the total adequate education program  
199 funding which shall be contributed by each school district shall  
200 be the sum of the ad valorem receipts generated by the millage  
201 required under this subsection plus the following local revenue  
202 sources for the appropriate fiscal year which are or may be  
203 available for current expenditure by the school district:

204 One hundred percent (100%) of Grand Gulf income as prescribed  
205 in Section 27-35-309.

206 (3) **Computation of the required state effort in support of**  
207 **the adequate education program.**

208 (a) The required state effort in support of the  
209 adequate education program shall be determined by subtracting the  
210 sum of the required local tax effort as set forth in subsection  
211 (2)(a) of this section and the other local revenue sources as set  
212 forth in subsection (2)(c) of this section in an amount not to  
213 exceed twenty-seven percent (27%) of the total projected adequate  
214 education program cost as set forth in subsection (1)(f) of this  
215 section from the total projected adequate education program cost  
216 as set forth in subsection (1)(f) of this section.

217 (b) Provided, however, that in fiscal year 1998 and in  
218 the fiscal year in which the adequate education program is fully  
219 funded by the Legislature, any increase in the said state  
220 contribution, including the supplemental grant to school districts  
221 provided under subsection (1)(g), to any district calculated under  
222 this section shall be not less than eight percent (8%) in excess  
223 of the amount received by said district from state funds for the  
224 fiscal year immediately preceding. For purposes of this paragraph  
225 (b), state funds shall include minimum program funds less the  
226 add-on programs, state Uniform Millage Assistance Grant funds,



227 Education Enhancement Funds appropriated for Uniform Millage  
228 Assistance Grants and state textbook allocations, and State  
229 General Funds allocated for textbooks.

230 (c) If the appropriation is less than full funding for  
231 fiscal year 2003, allocations for state contributions to school  
232 districts in support of the adequate education program will be  
233 determined by the State Department of Education in the following  
234 manner:

235 (i) Calculation of the full funding amount under  
236 this chapter, with proportionate reductions as required by the  
237 appropriation level.

238 (ii) Calculation of the amount equal to the state  
239 funds allocated to school districts for fiscal year 2002 plus the  
240 estimated amount to fund the adequate education program salary  
241 schedule for fiscal year 2003. For purposes of this item (ii),  
242 state funds shall be those described in paragraph (b) and an  
243 amount equal to the allocation for the adequate education program  
244 in fiscal year 2002, plus any additional amount required to  
245 satisfy fiscal year 2003 pledges in accordance with paragraphs  
246 (d), (e) and (f) of subsection (5) of this section. If a school  
247 district's fiscal year 2003 pledge is different than the pledge  
248 amount for fiscal year 2002, the district shall receive an amount  
249 equal to the fiscal year 2003 pledge or the amount of funds  
250 calculated under the adequate education formula for fiscal year  
251 2002 before any pledge guarantee for fiscal year 2002, whichever  
252 is greater. If the pledge is no longer in effect, the district  
253 shall receive the amount of funds calculated under the formula for  
254 fiscal year 2002 before any pledge guarantee for fiscal year 2002.

255 (iii) The portion of any district's allocation  
256 calculated in item (i) of this paragraph which exceeds amounts as  
257 calculated in item (ii) shall be reduced by an amount not to  
258 exceed twenty-one percent (21%). The amount of funds generated by  
259 this reduction of funds shall be redistributed proportionately





260 among those districts receiving insufficient funds to meet the  
261 amount calculated in item (ii). In no case may any district  
262 receive funds in an amount greater than the amount that the  
263 district would have received under full funding of the program for  
264 fiscal year 2003.

265 (d) If the school board of any school district shall  
266 determine that it is not economically feasible or practicable to  
267 operate any school within the district for the full one hundred  
268 eighty (180) days required for a school term of a scholastic year  
269 as required in Section 37-13-63, Mississippi Code of 1972, due to  
270 an enemy attack, a manmade, technological or natural disaster in  
271 which the Governor has declared a disaster emergency under the  
272 laws of this state or the President of the United States has  
273 declared an emergency or major disaster to exist in this state,  
274 said school board may notify the State Department of Education of  
275 such disaster and submit a plan for altering the school term. If  
276 the State Board of Education finds such disaster to be the cause  
277 of the school not operating for the contemplated school term and  
278 that such school was in a school district covered by the  
279 Governor's or President's disaster declaration, it may permit said  
280 school board to operate the schools in its district for less than  
281 one hundred eighty (180) days and, in such case, the State  
282 Department of Education shall not reduce the state contributions  
283 to the adequate education program allotment for such district,  
284 because of the failure to operate said schools for one hundred  
285 eighty (180) days.

286 (4) The State Adequate Education Program Fund is hereby  
287 established in the State Treasury which shall be used to  
288 distribute any funds specifically appropriated by the Legislature  
289 to such fund, to school districts entitled to increased  
290 allocations of state funds under the adequate education program  
291 funding formula prescribed in Sections 37-151-3, 37-151-5 and  
292 37-151-7 of this article. If the Legislature provides less funds



293 than the total state funds needed for support of such increased  
294 allocations under the adequate education program, the State  
295 Department of Education shall reduce all elements of the cost of  
296 the adequate education program proportionately. Any such adequate  
297 education program funds shall be transferred to the school  
298 district maintenance fund of such district in the manner  
299 prescribed in Section 37-19-47, Mississippi Code of 1972, and  
300 shall be expended in the manner provided by law.

301 (5) The Interim School District Capital Expenditure Fund is  
302 hereby established in the State Treasury which shall be used to  
303 distribute any funds specifically appropriated by the Legislature  
304 to such fund to school districts entitled to increased allocations  
305 of state funds under the adequate education program funding  
306 formula prescribed in Sections 37-151-3 through 37-151-7,  
307 Mississippi Code of 1972, until such time as the said adequate  
308 education program is fully funded by the Legislature. The  
309 following percentages of the total state cost of increased  
310 allocations of funds under the adequate education program funding  
311 formula shall be appropriated by the Legislature into the Interim  
312 School District Capital Expenditure Fund to be distributed to all  
313 school districts under the formula: Nine and two-tenths percent  
314 (9.2%) shall be appropriated in fiscal year 1998, twenty percent  
315 (20%) shall be appropriated in fiscal year 1999, forty percent  
316 (40%) shall be appropriated in fiscal year 2000, sixty percent  
317 (60%) shall be appropriated in fiscal year 2001, eighty percent  
318 (80%) shall be appropriated in fiscal year 2002, and one hundred  
319 percent (100%) shall be appropriated in fiscal year 2003 into the  
320 State Adequate Education Program Fund created in subsection (4).  
321 Until July 1, 2002, such money shall be used by school districts  
322 for the following purposes:

323 (a) Purchasing, erecting, repairing, equipping,  
324 remodeling and enlarging school buildings and related facilities,  
325 including gymnasiums, auditoriums, lunchrooms, vocational training



326 buildings, libraries, school barns and garages for transportation  
327 vehicles, school athletic fields and necessary facilities  
328 connected therewith, and purchasing land therefor. Any such  
329 capital improvement project by a school district shall be approved  
330 by the State Board of Education, and based on an approved  
331 long-range plan. The State Board of Education shall promulgate  
332 minimum requirements for the approval of school district capital  
333 expenditure plans.

334 (b) Providing necessary water, light, heating, air  
335 conditioning, and sewerage facilities for school buildings, and  
336 purchasing land therefor.

337 (c) Paying debt service on existing capital improvement  
338 debt of the district or refinancing outstanding debt of a district  
339 if such refinancing will result in an interest cost savings to the  
340 district.

341 (d) From and after October 1, 1997, through June 30,  
342 1998, pursuant to a school district capital expenditure plan  
343 approved by the State Department of Education, a school district  
344 may pledge such funds until July 1, 2002, plus funds provided for  
345 in paragraph (e) of this subsection (5) that are not otherwise  
346 permanently pledged under such paragraph (e) to pay all or a  
347 portion of the debt service on debt issued by the school district  
348 under Sections 37-59-1 through 37-59-45, 37-59-101 through  
349 37-59-115, 37-7-351 through 37-7-359, 37-41-89 through 37-41-99,  
350 37-7-301, 37-7-302 and 37-41-81, Mississippi Code of 1972, or debt  
351 issued by boards of supervisors for agricultural high schools  
352 pursuant to Section 37-27-65, Mississippi Code of 1972, or  
353 lease-purchase contracts entered into pursuant to Section 31-7-13,  
354 Mississippi Code of 1972, or to retire or refinance outstanding  
355 debt of a district, if such pledge is accomplished pursuant to a  
356 written contract or resolution approved and spread upon the  
357 minutes of an official meeting of the district's school board or  
358 board of supervisors. It is the intent of this provision to allow



359 school districts to irrevocably pledge their Interim School  
360 District Capital Expenditure Fund allotments as a constant stream  
361 of revenue to secure a debt issued under the foregoing code  
362 sections. To allow school districts to make such an irrevocable  
363 pledge, the state shall take all action necessary to ensure that  
364 the amount of a district's Interim School District Capital  
365 Expenditure Fund allotments shall not be reduced below the amount  
366 certified by the department or the district's total allotment  
367 under the Interim Capital Expenditure Fund if fully funded, so  
368 long as such debt remains outstanding.

369 (e) From and after October 1, 1997, through June 30,  
370 1998, in addition to any other authority a school district may  
371 have, any school district may issue State Aid Capital Improvement  
372 Bonds secured in whole by a continuing annual pledge of any  
373 Mississippi Adequate Education Program funds available to the  
374 district, in an amount not to exceed One Hundred Sixty Dollars  
375 (\$160.00) per pupil based on the latest completed average daily  
376 attendance count certified by the department prior to the issuance  
377 of the bonds. Such State Aid Capital Improvement Bonds may be  
378 issued for the purposes enumerated in subsections (a), (b), (c)  
379 and (g) of this section. Prior to issuing such bonds, the school  
380 board of the district shall adopt a resolution declaring the  
381 necessity for and its intention of issuing such bonds and  
382 borrowing such money, specifying the approximate amount to be so  
383 borrowed, how such money is to be used and how such indebtedness  
384 is to be evidenced. Any capital improvement project financed with  
385 State Aid Capital Improvement Bonds shall be approved by the  
386 department, and based on an approved long-range plan. The State  
387 Board of Education shall promulgate minimum requirements for the  
388 approval of such school district capital expenditure plans. The  
389 State Board of Education shall not approve any capital expenditure  
390 plan for a pledge of funds under this paragraph unless it  
391 determines (i) that the quality of instruction in such district



392 will not be reduced as a result of this pledge, and (ii) the  
393 district has other revenue available to attain and maintain at  
394 least Level III accreditation.

395 A district issuing State Aid Capital Improvement Bonds may  
396 pledge for the repayment of such bonds all funds received by the  
397 district from the state, in an amount not to exceed One Hundred  
398 Sixty Dollars (\$160.00) per pupil in average daily attendance in  
399 the school district as set forth above, and not otherwise  
400 permanently pledged under paragraph (d) of this subsection or  
401 under Section 37-61-33(2)(d), Mississippi Code of 1972. The  
402 district's school board shall specify by resolution the amount of  
403 state funds, which are being pledged by the district for the  
404 repayment of the State Aid Capital Improvement Bonds. Once such a  
405 pledge is made to secure the bonds, the district shall notify the  
406 department of such pledge. Upon making such a pledge, the school  
407 district may request the department which may agree to irrevocably  
408 transfer a specified amount or percentage of the district's state  
409 revenue pledged to repay the district's State Aid Capital  
410 Improvement Bonds directly to a state or federally chartered bank  
411 serving as a trustee or paying agent on such bonds for the payment  
412 of all or portion of such State Aid Capital Improvement Bonds.  
413 Such instructions shall be incorporated into a resolution by the  
414 school board for the benefit of holders of the bonds and may  
415 provide that such withholding and transfer of such other available  
416 funds shall be made only upon notification by a trustee or paying  
417 agent on such bonds that the amounts available to pay such bonds  
418 on any payment date will not be sufficient. It is the intent of  
419 this provision to allow school districts to irrevocably pledge a  
420 certain, constant stream of revenue as security for State Aid  
421 Capital Improvement Bonds issued hereunder. To allow school  
422 districts to make such an irrevocable pledge, the state shall take  
423 all action necessary to ensure that the amount of a district's  
424 state revenues up to an amount equal to One Hundred Sixty Dollars



425 (\$160.00) per pupil as set forth above which have been pledged to  
426 repay debt as set forth herein shall not be reduced so long as any  
427 State Aid Capital Improvement Bonds are outstanding.

428 Any such State Aid Capital Improvement bonds shall mature as  
429 determined by the district's school bond over a period not to  
430 exceed twenty (20) years. Such bonds shall not bear a greater  
431 overall maximum interest rate to maturity than that allowed in  
432 Section 75-17-101, Mississippi Code of 1972. The further details  
433 and terms of such bonds shall be as determined by the school board  
434 of the district.

435 The provisions of this subsection shall be cumulative and  
436 supplemental to any existing funding programs or other authority  
437 conferred upon school districts or school boards. Debt of a  
438 school district secured in whole by a pledge of revenue pursuant  
439 to this section shall not be subject to any debt limitation.

440 For purposes of this paragraph (e), "State Aid Capital  
441 Improvement Bond" shall mean any bond, note, or other certificate  
442 of indebtedness issued by a school district under the provisions  
443 hereof.

444 This paragraph (e) shall stand repealed from and after June  
445 30, 1998.

446 (f) As an alternative to the authority granted under  
447 paragraph (e), a school district, in its discretion, may authorize  
448 the State Board of Education to withhold an amount of the  
449 district's adequate education program allotment equal to up to One  
450 Hundred Sixty Dollars (\$160.00) per student in average daily  
451 attendance in the district to be allocated to the State Public  
452 School Building Fund to the credit of such school district. A  
453 school district may choose the option provided under this  
454 paragraph (e) or paragraph (f), but not both. In addition to the  
455 grants made by the state pursuant to Section 37-47-9, a school  
456 district shall be entitled to grants based on the allotments to  
457 the State Public School Building Fund credited to such school



458 district under this paragraph. This paragraph (f) shall stand  
459 repealed from and after June 30, 1998.

460 (g) The State Board of Education may authorize the  
461 school district to expend not more than twenty percent (20%) of  
462 its annual allotment of such funds or Twenty Thousand Dollars  
463 (\$20,000.00), whichever is greater, for technology needs of the  
464 school district, including computers, software,  
465 telecommunications, cable television, interactive video, film  
466 low-power television, satellite communications, microwave  
467 communications, technology-based equipment installation and  
468 maintenance, and the training of staff in the use of such  
469 technology-based instruction. Any such technology expenditure  
470 shall be reflected in the local district technology plan approved  
471 by the State Board of Education under Section 37-151-17,  
472 Mississippi Code of 1972.

473 (h) To the extent a school district has not utilized  
474 twenty percent (20%) of its annual allotment for technology  
475 purposes under paragraph (g), a school district may expend not  
476 more than twenty percent (20%) of its annual allotment or Twenty  
477 Thousand Dollars (\$20,000.00), whichever is greater, for  
478 instructional purposes. The State Board of Education may  
479 authorize a school district to expend more than said twenty  
480 percent (20%) of its annual allotment for instructional purposes  
481 if it determines that such expenditures are needed for  
482 accreditation purposes.

483 (i) The State Department of Education or the State  
484 Board of Education may require that any project commenced pursuant  
485 to this act with an estimated project cost of not less than Five  
486 Million Dollars (\$5,000,000.00) shall be done only pursuant to  
487 program management of the process with respect to design and  
488 construction. Any individuals, partnerships, companies or other  
489 entities acting as a program manager on behalf of a local school  
490 district and performing program management services for projects



491 covered under this subsection shall be approved by the State  
492 Department of Education.

493 Any interest accruing on any unexpended balance in the  
494 Interim School District Capital Expenditure Fund shall be invested  
495 by the State Treasurer and placed to the credit of each school  
496 district participating in such fund in its proportionate share.

497 The provisions of this subsection (5) shall be cumulative and  
498 supplemental to any existing funding programs or other authority  
499 conferred upon school districts or school boards.

500 **SECTION 3.** This act shall take effect and be in force from  
501 and after its passage.

