SENATE BILL NO. 2871

AN ACT TO AMEND SECTION 37-61-33, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT UNTIL JULY 1, 2004, CERTAIN EDUCATION ENHANCEMENT FUNDS ALLOCATED FOR SCHOOL BUILDING AND TRANSPORTATION PURPOSES MAY BE EXPENDED FOR THE SUPPORT OF ANY EDUCATIONAL PROGRAM AUTHORIZED BY LAW, TO DIVERT UNTIL JULY 1, 2004, EDUCATION ENHANCEMENT FUNDS THAT ARE ALLOCATED FOR THE FUNDING OF SCHOOL TRANSPORTATION AND CLASSROOM SUPPLIES TO THE SUPPORT OF EDUCATIONAL PROGRAMS AUTHORIZED BY LAW; TO BRING FORWARD SECTION 37-151-7, MISSISSIPPI CODE OF 1972, WHICH PROVIDES THE FORMULA FOR DETERMINATION OF ANNUAL ALLOCATIONS FOR CURRENT OPERATIONS OF SCHOOLS UNDER THE MISSISSIPPI ADEQUATE EDUCATION PROGRAM; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 37-61-33, Mississippi Code of 1972, is amended as follows:

[Until July 1, 2004, this section shall read as follows:]

37-61-33. (1) There is created within the State Treasury a special fund to be designated the "Education Enhancement Fund" into which shall be deposited all the revenues collected pursuant to Sections 27-65-75(7) and (8) and 27-67-31(a) and (b).

(2) Of the amount deposited into the Education Enhancement Fund, Sixteen Million Dollars ($16,000,000.00) shall be appropriated each fiscal year to the State Department of Education to be distributed to all school districts. Such money shall be distributed to all school districts in the proportion that the average daily attendance of each school district bears to the average daily attendance of all school districts within the state for the following purposes:

(a) Purchasing, erecting, repairing, equipping, remodeling and enlarging school buildings and related facilities, including gymnasiums, auditoriums, lunchrooms, vocational training buildings, libraries, teachers' homes, school barns,
transportation vehicles (which shall include new and used
transportation vehicles) and garages for transportation vehicles,
and purchasing land therefor;

(b) Establishing and equipping school athletic fields
and necessary facilities connected therewith, and purchasing land
therefor;

(c) Providing necessary water, light, heating, air
conditioning and sewerage facilities for school buildings, and
purchasing land therefor;

(d) As a pledge to pay all or a portion of the debt
service on debt issued by the school district under Sections
through 37-7-359, 37-41-89 through 37-41-99, 37-7-301, 37-7-302
and 37-41-81, or debt issued by boards of supervisors for
agricultural high schools pursuant to Section 37-27-65, if such
pledge is accomplished pursuant to a written contract or
resolution approved and spread upon the minutes of an official
meeting of the district's school board or board of supervisors.
The annual grant to such district in any subsequent year during
the term of the resolution or contract shall not be reduced below
an amount equal to the district's grant amount for the year in
which the contract or resolution was adopted. The intent of this
provision is to allow school districts to irrevocably pledge a
certain, constant stream of revenue as security for long-term
obligations issued under the code sections enumerated in this
paragraph or as otherwise allowed by law. It is the intent of the
Legislature that the provisions of this paragraph shall be
cumulative and supplemental to any existing funding programs or
other authority conferred upon school districts or school boards.
Debt of a district secured by a pledge of sales tax revenue
pursuant to this paragraph shall not be subject to any debt
limitation contained in the foregoing enumerated code sections; or
(e) Providing support for any educational program authorized by law.

(3) The remainder of the money deposited into the Education Enhancement Fund shall be appropriated as follows:

(a) To the State Department of Education as follows:

(i) Sixteen and sixty-one one-hundredths percent (16.61%) to the cost of the adequate education program determined under Section 37-151-7; of the funds generated by the percentage set forth in this section for the support of the adequate education program, one and one hundred seventy-eight one-thousandths percent (1.178%) of the funds shall be appropriated to be used by the State Department of Education for the purchase of textbooks to be loaned under Sections 37-43-1 through 37-43-59 to approved nonpublic schools, as described in Section 37-43-1. The funds to be distributed to each nonpublic school shall be in the proportion that the average daily attendance of each nonpublic school bears to the total average daily attendance of all nonpublic schools;

(ii) Seven and ninety-seven one-hundredths percent (7.97%) to be distributed to the public school districts in the proportion that the average daily attendance of each school district bears to the average daily attendance of all school districts in the state for the support of educational programs authorized by law; and

(iii) Nine and sixty-one one-hundredths percent (9.61%) to be distributed to the public school districts in the proportion that the average daily attendance of each school district bears to the average daily attendance of all school districts in the state for the support of educational programs authorized by law; * * *

(b) Twenty-two and nine one-hundredths percent (22.09%) to the Board of Trustees of State Institutions of Higher Learning for the purpose of supporting institutions of higher learning; and
(c) Fourteen and forty-one one-hundredths percent (14.41%) to the State Board for Community and Junior Colleges for the purpose of providing support to community and junior colleges.

(4) The amount remaining in the Education Enhancement Fund after funds are distributed as provided in subsections (2) and (3) of this section shall be disbursed as follows:

(a) Twenty-five Million Dollars ($25,000,000.00) shall be deposited into the Working Cash-Stabilization Reserve Fund created pursuant to Section 27-103-203(1), until the balance in such fund reaches the maximum balance of seven and one-half percent (7-1/2%) of the General Fund appropriations in the appropriate fiscal year. After the maximum balance in the Working Cash-Stabilization Reserve Fund is reached, such money shall remain in the Education Enhancement Fund to be appropriated in the manner provided for in paragraph (b) of this subsection.

(b) The remainder shall be appropriated for other educational needs.

(5) None of the funds appropriated pursuant to subsection (3)(a) of this section shall be used to reduce the state's General Fund appropriation for the categories listed in an amount below the following amount:

(a) ***

(b) For the aggregate of minimum program allotments in the 1997 fiscal year, formerly provided for in Chapter 19, Title 37, Mississippi Code of 1972, as amended ***.

[From and after July 1, 2004, this section shall read as follows:]
appropriated each fiscal year to the State Department of Education to be distributed to all school districts. Such money shall be distributed to all school districts in the proportion that the average daily attendance of each school district bears to the average daily attendance of all school districts within the state for the following purposes:

(a) Purchasing, erecting, repairing, equipping, remodeling and enlarging school buildings and related facilities, including gymnasiums, auditoriums, lunchrooms, vocational training buildings, libraries, teachers' homes, school barns, transportation vehicles (which shall include new and used transportation vehicles) and garages for transportation vehicles, and purchasing land therefor.

(b) Establishing and equipping school athletic fields and necessary facilities connected therewith, and purchasing land therefor.

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

(d) As a pledge to pay all or a portion of the debt service on debt issued by the school district under Sections 37-59-1 through 37-59-45, 37-59-101 through 37-59-115, 37-7-351 through 37-7-359, 37-41-89 through 37-41-99, 37-7-301, 37-7-302 and 37-41-81, or debt issued by boards of supervisors for agricultural high schools pursuant to Section 37-27-65, if such pledge is accomplished pursuant to a written contract or resolution approved and spread upon the minutes of an official meeting of the district's school board or board of supervisors. The annual grant to such district in any subsequent year during the term of the resolution or contract shall not be reduced below an amount equal to the district's grant amount for the year in which the contract or resolution was adopted. The intent of this provision is to allow school districts to irrevocably pledge a
certain, constant stream of revenue as security for long-term
obligations issued under the code sections enumerated in this
paragraph or as otherwise allowed by law. It is the intent of the
Legislature that the provisions of this paragraph shall be
cumulative and supplemental to any existing funding programs or
other authority conferred upon school districts or school boards.
Debt of a district secured by a pledge of sales tax revenue
pursuant to this paragraph shall not be subject to any debt
limitation contained in the foregoing enumerated code sections.
(3) The remainder of the money deposited into the Education
Enhancement Fund shall be appropriated as follows:
(a) To the State Department of Education as follows:
   (i) Sixteen and sixty-one one-hundredths percent
   (16.61%) to the cost of the adequate education program determined
   under Section 37-151-7; of the funds generated by the percentage
   set forth in this section for the support of the adequate
   education program, one and one hundred seventy-eight
   one-thousandths percent (1.178%) of the funds shall be
   appropriated to be used by the State Department of Education for
   the purchase of textbooks to be loaned under Sections 37-43-1
   through 37-43-59 to approved nonpublic schools, as described in
   Section 37-43-1. The funds to be distributed to each nonpublic
   school shall be in the proportion that the average daily
   attendance of each nonpublic school bears to the total average
   daily attendance of all nonpublic schools;
   (ii) Seven and ninety-seven one-hundredths percent
   (7.97%) to assist the funding of transportation operations and
   maintenance pursuant to Section 37-19-23; and
   (iii) Nine and sixty-one one-hundredths percent
   (9.61%) for classroom supplies, instructional materials and
equipment, including computers and computer software, to be
distributed to all school districts in the proportion that the
average daily attendance of each school district bears to the
average daily attendance of all school districts within the state. It is the intent of the Legislature that all classroom teachers shall be involved in the development of a spending plan that addresses individual classroom needs and supports the overall goals of the school regarding supplies, instructional materials, equipment, computers or computer software under the provisions of this subparagraph, including the type, quantity and quality of such supplies, materials and equipment. This plan shall be submitted to the school principal for approval. School districts need not fully expend the funds received under this subparagraph in the year in which they are received, but such funds may be carried forward for expenditure in any succeeding school year;

(b) Twenty-two and nine one-hundredths percent (22.09%) to the Board of Trustees of State Institutions of Higher Learning for the purpose of supporting institutions of higher learning; and

(c) Fourteen and forty-one one-hundredths percent (14.41%) to the State Board for Community and Junior Colleges for the purpose of providing support to community and junior colleges.

(4) The amount remaining in the Education Enhancement Fund after funds are distributed as provided in subsections (2) and (3) of this section shall be disbursed as follows:

(a) Twenty-five Million Dollars ($25,000,000.00) shall be deposited into the Working Cash-Stabilization Reserve Fund created pursuant to Section 27-103-203(1), until the balance in such fund reaches the maximum balance of seven and one-half percent (7-1/2%) of the General Fund appropriations in the appropriate fiscal year. After the maximum balance in the Working Cash-Stabilization Reserve Fund is reached, such money shall remain in the Education Enhancement Fund to be appropriated in the manner provided for in paragraph (b) of this subsection.

(b) The remainder shall be appropriated for other educational needs.
(5) None of the funds appropriated pursuant to subsection 
(3)(a) of this section shall be used to reduce the state's General 
Fund appropriation for the categories listed in an amount below 
the following amounts:

(a) For subsection (3)(a)(ii) of this section,
Thirty-six Million Seven Hundred Thousand Dollars
($36,700,000.00);

(b) For the aggregate of minimum program allotments in 
the 1997 fiscal year, formerly provided for in Chapter 19, Title 
37, Mississippi Code of 1972, as amended, excluding those funds 
for transportation as provided for in subsection (5)(a) in this 
section.

SECTION 2. Section 37-151-7, Mississippi Code of 1972, is 
brought forward as follows:

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

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

(a) **Determination of average daily attendance.** During 
months two (2) and three (3) of the current school year, the 
average daily attendance of a school district shall be computed, 
or the average daily attendance for the prior school year shall be 
used, whichever is greater. The district's average daily 
attendance shall be computed and currently maintained in 
accordance with regulations promulgated by the State Board of 
Education.

(b) **Determination of base student cost.** The State 
Board of Education, on or before August 1, with adjusted estimate 
no later than January 2, shall annually submit to the Legislative 
Budget Office and the Governor a proposed base student cost
adequate to provide the following cost components of educating a pupil in an average school district meeting Level III accreditation standards required by the Commission on School Accreditation: (i) Instructional Cost; (ii) Administrative Cost; (iii) Operation and Maintenance of Plant; and (iv) Ancillary Support Cost. The department shall utilize a statistical methodology which considers such factors as, but not limited to, (i) school size; (ii) assessed valuation per pupil; (iii) the percentage of students receiving free lunch; (iv) the local district maintenance tax levy; (v) other local school district revenues; and (vi) the district's accreditation level, in the selection of the representative Mississippi school districts for which cost information shall be obtained for each of the above listed cost areas.

For the instructional cost component, the department shall determine the instructional cost of each of the representative school districts selected above, excluding instructional cost of self-contained special education programs and vocational education programs, and the average daily attendance in the selected school districts. The instructional cost is then totaled and divided by the total average daily attendance for the selected school districts to yield the instructional cost component. For the administrative cost component, the department shall determine the administrative cost of each of the representative school districts selected above, excluding administrative cost of self-contained special education programs and vocational education programs, and the average daily attendance in the selected school districts. The administrative cost is then totaled and divided by the total average daily attendance for the selected school districts to yield the administrative cost component. For the plant and maintenance cost component, the department shall determine the plant and maintenance cost of each of the representative school districts selected above, excluding plant and maintenance cost of
self-contained special education programs and vocational education programs, and the average daily attendance in the selected school districts. The plant and maintenance cost is then totaled and divided by the total average daily attendance for the selected school districts to yield the plant and maintenance cost component. For the ancillary support cost component, the department shall determine the ancillary support cost of each of the representative school districts selected above, excluding ancillary support cost of self-contained special education programs and vocational education programs, and the average daily attendance in the selected school districts. The ancillary support cost is then totaled and divided by the total average daily attendance for the selected school districts to yield the ancillary support cost component. The total base cost for each year shall be the sum of the instructional cost component, administrative cost component, plant and maintenance cost component and ancillary support cost component, and any estimated adjustments for additional state requirements as determined by the State Board of Education. Provided, however, that the base student cost in fiscal year 1998 shall be Two Thousand Six Hundred Sixty-four Dollars ($2,664.00).

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

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

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

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

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

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

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

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

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

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

(vii) University-based programs shall be the
amount allocated to school districts for those university-based
programs for handicapped children as defined and provided for in

(viii) Bus driver training programs shall be the
amount provided for those driver training programs as provided for
in Section 37-41-1, Mississippi Code of 1972.
The sum of the items listed above (i) transportation, (ii) vocational or technical education, (iii) special education, (iv) gifted education, (v) alternative school, (vi) extended school year, (vii) university-based, and (viii) bus driver training shall yield the add-on cost for each school district.

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

The total Mississippi Adequate Education Program Cost shall be the sum of the total basic adequate education program cost (paragraph (c)), and the adjustment to the base student cost for at-risk pupils (paragraph (d)) for each school district.

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

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

(a) The State Board of Education shall certify to each school district that twenty-eight (28) mills, less the estimated amount of the yield of the School Ad Valorem Tax Reduction Fund grants as determined by the State Department of Education, is the millage rate required to provide the district required local effort for that year, or twenty-seven percent (27%) of the basic adequate education program cost for such school district as determined under subsection (c), whichever is a lesser amount. In the case of an agricultural high school the millage requirement shall be set at a level which generates an equitable amount per pupil to be determined by the State Board of Education.
(b) The State Board of Education shall determine (i) the total assessed valuation of nonexempt property for school purposes in each school district; (ii) assessed value of exempt property owned by homeowners aged sixty-five (65) or older or disabled as defined in Section 27-33-67(2), Mississippi Code of 1972; (iii) the school district's tax loss from exemptions provided to applicants under the age of sixty-five (65) and not disabled as defined in Section 27-33-67(1), Mississippi Code of 1972; and (iv) the school district's homestead reimbursement revenues.

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

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

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

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

(b) Provided, however, that in fiscal year 1998 and in the fiscal year in which the adequate education program is fully funded by the Legislature, any increase in the said state contribution, including the supplemental grant to school districts
provided under subsection (1)(g), to any district calculated under this section shall be not less than eight percent (8%) in excess of the amount received by said district from state funds for the fiscal year immediately preceding. For purposes of this paragraph (b), state funds shall include minimum program funds less the add-on programs, state Uniform Millage Assistance Grant funds, Education Enhancement Funds appropriated for Uniform Millage Assistance Grants and state textbook allocations, and State General Funds allocated for textbooks.

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

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

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

(iii) The portion of any district's allocation calculated in item (i) of this paragraph which exceeds amounts as calculated in item (ii) shall be reduced by an amount not to exceed twenty-one percent (21%). The amount of funds generated by this reduction of funds shall be redistributed proportionately among those districts receiving insufficient funds to meet the amount calculated in item (ii). In no case may any district receive funds in an amount greater than the amount that the district would have received under full funding of the program for fiscal year 2003.

(4) The State Adequate Education Program Fund is hereby established in the State Treasury which shall be used to distribute any funds specifically appropriated by the Legislature to such fund, to school districts entitled to increased allocations of state funds under the adequate education program funding formula prescribed in Sections 37-151-3, 37-151-5 and 37-151-7 of this article. If the Legislature provides less funds than the total state funds needed for support of such increased allocations under the adequate education program, the State Department of Education shall reduce all elements of the cost of the adequate education program proportionately. Any such adequate education program funds shall be transferred to the school district maintenance fund of such district in the manner prescribed in Section 37-19-47, Mississippi Code of 1972, and shall be expended in the manner provided by law.

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

(a) Purchasing, erecting, repairing, equipping, remodeling and enlarging school buildings and related facilities, including gymnasiums, auditoriums, lunchrooms, vocational training buildings, libraries, school barns and garages for transportation vehicles, school athletic fields and necessary facilities connected therewith, and purchasing land therefor. Any such capital improvement project by a school district shall be approved by the State Board of Education, and based on an approved long-range plan. The State Board of Education shall promulgate minimum requirements for the approval of school district capital expenditure plans.

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

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

(d) From and after October 1, 1997, through June 30, 1998, pursuant to a school district capital expenditure plan approved by the State Department of Education, a school district may pledge such funds until July 1, 2002, plus funds provided for in paragraph (e) of this subsection (5) that are not otherwise permanently pledged under such paragraph (e) to pay all or a portion of the debt service on debt issued by the school district under Sections 37-59-1 through 37-59-45, 37-59-101 through 37-59-115, 37-7-351 through 37-7-359, 37-41-89 through 37-41-99,
37-7-301, 37-7-302 and 37-41-81, Mississippi Code of 1972, or debt issued by boards of supervisors for agricultural high schools pursuant to Section 37-27-65, Mississippi Code of 1972, or lease-purchase contracts entered into pursuant to Section 31-7-13, Mississippi Code of 1972, or to retire or refinance outstanding debt of a district, if such pledge is accomplished pursuant to a written contract or resolution approved and spread upon the minutes of an official meeting of the district's school board or board of supervisors. It is the intent of this provision to allow school districts to irrevocably pledge their Interim School District Capital Expenditure Fund allotments as a constant stream of revenue to secure a debt issued under the foregoing code sections. To allow school districts to make such an irrevocable pledge, the state shall take all action necessary to ensure that the amount of a district's Interim School District Capital Expenditure Fund allotments shall not be reduced below the amount certified by the department or the district's total allotment under the Interim Capital Expenditure Fund if fully funded, so long as such debt remains outstanding.

(e) From and after October 1, 1997, through June 30, 1998, in addition to any other authority a school district may have, any school district may issue State Aid Capital Improvement
Bonds secured in whole by a continuing annual pledge of any Mississippi Adequate Education Program funds available to the district, in an amount not to exceed One Hundred Sixty Dollars ($160.00) per pupil based on the latest completed average daily attendance count certified by the department prior to the issuance of the bonds. Such State Aid Capital Improvement Bonds may be issued for the purposes enumerated in subsections (a), (b), (c) and (g) of this section. Prior to issuing such bonds, the school board of the district shall adopt a resolution declaring the necessity for and its intention of issuing such bonds and borrowing such money, specifying the approximate amount to be so borrowed, how such money is to be used and how such indebtedness is to be evidenced. Any capital improvement project financed with State Aid Capital Improvement Bonds shall be approved by the department, and based on an approved long-range plan. The State Board of Education shall promulgate minimum requirements for the approval of such school district capital expenditure plans. The State Board of Education shall not approve any capital expenditure plan for a pledge of funds under this paragraph unless it determines (i) that the quality of instruction in such district will not be reduced as a result of this pledge, and (ii) the district has other revenue available to attain and maintain at least Level III accreditation.

A district issuing State Aid Capital Improvement Bonds may pledge for the repayment of such bonds all funds received by the district from the state, in an amount not to exceed One Hundred Sixty Dollars ($160.00) per pupil in average daily attendance in the school district as set forth above, and not otherwise permanently pledged under paragraph (d) of this subsection or under Section 37-61-33(2)(d), Mississippi Code of 1972. The district's school board shall specify by resolution the amount of state funds, which are being pledged by the district for the repayment of the State Aid Capital Improvement Bonds. Once such a
pledge is made to secure the bonds, the district shall notify the
department of such pledge. Upon making such a pledge, the school
district may request the department which may agree to irrevocably
transfer a specified amount or percentage of the district's state
revenue pledged to repay the district's State Aid Capital
Improvement Bonds directly to a state or federally chartered bank
serving as a trustee or paying agent on such bonds for the payment
of all or portion of such State Aid Capital Improvement Bonds.
Such instructions shall be incorporated into a resolution by the
school board for the benefit of holders of the bonds and may
provide that such withholding and transfer of such other available
funds shall be made only upon notification by a trustee or paying
agent on such bonds that the amounts available to pay such bonds
on any payment date will not be sufficient. It is the intent of
this provision to allow school districts to irrevocably pledge a
certain, constant stream of revenue as security for State Aid
Capital Improvement Bonds issued hereunder. To allow school
districts to make such an irrevocable pledge, the state shall take
all action necessary to ensure that the amount of a district's
state revenues up to an amount equal to One Hundred Sixty Dollars
($160.00) per pupil as set forth above which have been pledged to
repay debt as set forth herein shall not be reduced so long as any
State Aid Capital Improvement Bonds are outstanding.

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

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

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

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

(f) As an alternative to the authority granted under
paragraph (e), a school district, in its discretion, may authorize
the State Board of Education to withhold an amount of the
district's adequate education program allotment equal to up to One
Hundred Sixty Dollars ($160.00) per student in average daily
attendance in the district to be allocated to the State Public
School Building Fund to the credit of such school district. A
school district may choose the option provided under this
paragraph (e) or paragraph (f), but not both. In addition to the
grants made by the state pursuant to Section 37-47-9, a school
district shall be entitled to grants based on the allotments to
the State Public School Building Fund credited to such school
district under this paragraph. This paragraph (f) shall stand
repealed from and after June 30, 1998.

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


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

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

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

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

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