### Senate Amendments to House Bill No. 741

### TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

## AMENDMENT NO. 1

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

- Section 37-151-7, Mississippi Code of 1972, is 8
- 9 amended as follows:
- 37-151-7. The annual allocation to each school district for 10
- 11 the operation of the adequate education program shall be
- determined as follows: 12
- 13 Computation of the basic amount to be included for
- 14 current operation in the adequate education program.
- following procedure shall be followed in determining the annual 15
- 16 allocation to each school district:
- 17 (a) Determination of average daily attendance. During
- months two (2) and three (3) of the current school year, the 18
- average daily attendance of a school district shall be computed, 19
- 20 or the average daily attendance for the prior school year shall be
- 21 used, whichever is greater. \* \* \* The district's average daily
- 22 attendance shall be computed and currently maintained in
- 23 accordance with regulations promulgated by the State Board of
- 24 Education.
- Determination of base student cost. 25 (b) The State
- Board of Education, on or before August 1, with adjusted estimate 26
- 27 no later than January 2, shall annually submit to the Legislative
- Budget Office and the Governor a proposed base student cost 28
- adequate to provide the following cost components of educating a 29
- 30 pupil in an average school district meeting Level III
- accreditation standards required by the Commission on School 31
- Accreditation: (i) Instructional Cost; (ii) Administrative Cost; 32
- 33 (iii) Operation and Maintenance of Plant; and (iv) Ancillary

34 Support Cost. The department shall utilize a statistical 35 methodology which considers such factors as, but not limited to, (i) school size; (ii) assessed valuation per pupil; (iii) the 36 37 percentage of students receiving free lunch; (iv) the local district maintenance tax levy; (v) other local school district 38 39 revenues; and (vi) the district's accreditation level, in the selection of the representative Mississippi school districts for 40 41 which cost information shall be obtained for each of the above 42 listed cost areas. For the instructional cost component, the department shall 43 44 determine the instructional cost of each of the representative school districts selected above, excluding instructional cost of 45 46 self-contained special education programs and vocational education programs, and the average daily attendance in the selected school 47 48 districts. The instructional cost is then totaled and divided by 49 the total average daily attendance for the selected school districts to yield the instructional cost component. For the 50 administrative cost component, the department shall determine the 51 52 administrative cost of each of the representative school districts selected above, excluding administrative cost of self-contained 53 54 special education programs and vocational education programs, and 55 the average daily attendance in the selected school districts. 56 The administrative cost is then totaled and divided by the total average daily attendance for the selected school districts to 57 58 yield the administrative cost component. For the plant and maintenance cost component, the department shall determine the 59 plant and maintenance cost of each of the representative school 60 districts selected above, excluding plant and maintenance cost of 61 62 self-contained special education programs and vocational education 63 programs, and the average daily attendance in the selected school The plant and maintenance cost is then totaled and 64 districts. 65 divided by the total average daily attendance for the selected 66 school districts to yield the plant and maintenance cost 67 component. For the ancillary support cost component, the 68 department shall determine the ancillary support cost of each of

- 69 the representative school districts selected above, excluding
- 70 ancillary support cost of self-contained special education
- 71 programs and vocational education programs, and the average daily
- 72 attendance in the selected school districts. The ancillary
- 73 support cost is then totaled and divided by the total average
- 74 daily attendance for the selected school districts to yield the
- 75 ancillary support cost component. The total base cost for each
- 76 year shall be the sum of the instructional cost component,
- 77 administrative cost component, plant and maintenance cost
- 78 component and ancillary support cost component, and any estimated
- 79 adjustments for additional state requirements as determined by the
- 80 State Board of Education. Provided, however, that the base
- 81 student cost in fiscal year 1998 shall be Two Thousand Six Hundred
- 82 Sixty-four Dollars (\$2,664.00).
- 83 (c) Determination of the basic adequate education
- 84 program cost. The basic amount for current operation to be
- 85 included in the Mississippi Adequate Education Program for each
- 86 school district shall be computed as follows:
- 87 Multiply the average daily attendance of the district by the
- 88 base student cost as established by the Legislature, which yields
- 89 the total base program cost for each school district.
- 90 (d) Adjustment to the base student cost for at-risk
- 91 **pupils.** The amount to be included for at-risk pupil programs for
- 92 each school district shall be computed as follows: Multiply the
- 93 base student cost for the appropriate fiscal year as determined
- 94 under paragraph (b) by five percent (5%), and multiply that
- 95 product by the number of pupils participating in the federal free
- 96 school lunch program in such school district, which yields the
- 97 total adjustment for at-risk pupil programs for such school
- 98 district.
- 99 (e) Add-on program cost. The amount to be allocated to
- 100 school districts in addition to the adequate education program
- 101 cost for add-on programs for each school district shall be
- 102 computed as follows:

- Transportation cost shall be the amount 103 (i)
- 104 allocated to such school district for the operational support of
- the district transportation system from state funds. 105
- 106 (ii) Vocational or technical education program
- 107 cost shall be the amount allocated to such school district from
- 108 state funds for the operational support of such programs.
- 109 (iii) Special education program cost shall be the
- 110 amount allocated to such school district from state funds for the
- 111 operational support of such programs.
- (iv) Gifted education program cost shall be the 112
- 113 amount allocated to such school district from state funds for the
- 114 operational support of such programs.
- Alternative school program cost shall be the 115
- amount allocated to such school district from state funds for the 116
- 117 operational support of such programs.
- 118 (vi) Extended school year programs shall be the
- amount allocated to school districts for those programs authorized 119
- 120 by law which extend beyond the normal school year.
- 121 (vii) University-based programs shall be the
- amount allocated to school districts for those university-based 122
- 123 programs for handicapped children as defined and provided for in
- 124 Section 37-23-131 et seq., Mississippi Code of 1972.
- 125 (viii) Bus driver training programs shall be the
- 126 amount provided for those driver training programs as provided for
- 127 in Section 37-41-1, Mississippi Code of 1972.
- The sum of the items listed above (i) transportation, (ii) 128
- vocational or technical education, (iii) special education, (iv) 129
- gifted education, (v) alternative school, (vi) extended school 130
- 131 year, (vii) university-based, and (viii) bus driver training shall
- 132 yield the add-on cost for each school district.
- Total projected adequate education program cost. 133
- 134 The total Mississippi Adequate Education Program Cost shall be the
- 135 sum of the total basic adequate education program cost (paragraph
- 136 (c)), and the adjustment to the base student cost for at-risk
- pupils (paragraph (d)) for each school district. 137

Supplemental grant to school districts. 138 139 addition to the adequate education program grant, the State Department of Education shall annually distribute an additional 140 141 amount as follows: Multiply the base student cost for the appropriate fiscal year as determined under paragraph (b) by 142 143 thirteen one-hundredths percent (.13%) and multiply that product by the average daily attendance of each school district. 144 145 grant shall not be subject to the local revenue requirement

- (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.
- The State Board of Education shall determine (i) 162 (b) the total assessed valuation of nonexempt property for school 163 purposes in each school district; (ii) assessed value of exempt 164 property owned by homeowners aged sixty-five (65) or older or 165 disabled as defined in Section 27-33-67(2), Mississippi Code of 166 167 1972; (iii) the school district's tax loss from exemptions provided to applicants under the age of sixty-five (65) and not 168 169 disabled as defined in Section 27-33-67(1), Mississippi Code of 170 1972; and (iv) the school district's homestead reimbursement 171 revenues.

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provided in subsection (2).

The amount of the total adequate education program 172 (c)

173 funding which shall be contributed by each school district shall

be the sum of the ad valorem receipts generated by the millage 174

175 required under this subsection plus the following local revenue

sources for the appropriate fiscal year which are or may be 176

177 available for current expenditure by the school district:

One hundred percent (100%) of Grand Gulf income as prescribed 178

179 in Section 27-35-309.

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# (3) Computation of the required state effort in support of

181 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
- Provided, however, that in fiscal year 1998 and in 191 192 the fiscal year in which the adequate education program is fully 193 funded by the Legislature, any increase in the said state 194 contribution, including the supplemental grant to school districts 195 provided under subsection (1)(g), to any district calculated under 196 this section shall be not less than eight percent (8%) in excess 197 of the amount received by said district from state funds for the 198 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,

as set forth in subsection (1)(f) of this section.

- 201 Education Enhancement Funds appropriated for Uniform Millage
- 202 Assistance Grants and state textbook allocations, and State
- 203 General Funds allocated for textbooks.
- If the appropriation is less than full funding for 204

fiscal year 2003, allocations for state contributions to school 205

206 districts in support of the adequate education program will be 207 determined by the State Department of Education in the following 208 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

(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.

fiscal year 2002 before any pledge guarantee for fiscal year 2002.

239 (d) If the school board of any school district shall
240 determine that it is not economically feasible or practicable to
241 operate any school within the district for the full one hundred

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eighty (180) days required for a school term of a scholastic year as required in Section 37-13-63, Mississippi Code of 1972, due to an enemy attack, a manmade, technological or natural disaster in which the Governor has declared a disaster emergency under the laws of this state or the President of the United States has declared an emergency or major disaster to exist in this state, said school board may notify the State Department of Education of such disaster and submit a plan for altering the school term. the State Board of Education finds such disaster to be the cause of the school not operating for the contemplated school term and that such school was in a school district covered by the Governor's or President's disaster declaration, it may permit said school board to operate the schools in its district for less than one hundred eighty (180) days and, in such case, the State Department of Education shall not reduce the state contributions to the adequate education program allotment for such district, because of the failure to operate said schools for one hundred eighty (180) days.

(4) If during the year for which adequate education program funds are appropriated, any school district experiences a three percent (3%) or greater increase in average daily attendance during the second and third month over the preceding year's second and third month and the school district has requested a minimum increase of four percent (4%) in local ad valorem revenues over the previous year as authorized in Sections 37-57-104 and 37-57-105, an additional allocation of adequate education program funds calculated in the following manner shall be granted to that district, using any additional funds available to the Department of Education that exceed the amount of funds due to the school districts under the basic adequate education program distribution as provided for in this chapter:

(a) Determine the percentage increase in average daily attendance for the second and third months of the year for which adequate education program funds are appropriated over the preceding year's second and third month average daily attendance.

- 277 (b) For those districts that have a three percent (3%)
  278 or greater increase as calculated in paragraph (a) of this
  279 subsection, multiply the total increase in students in average
  280 daily attendance for the second and third months of the year for
  281 which adequate education program funds are appropriated over the
  282 preceding year's second and third month average daily attendance
  283 times the base student cost used in the appropriation.
- (c) Subtract the percentage of the district's local contribution arrived at in subsection (2) of this section from the amount calculated in paragraph (b) of this subsection. The remainder is the additional allocation in adequate education program funds for that district.
- If the funds available to the Department of Education are not sufficient to fully fund the additional allocations to school districts eligible for those allocations, then the department shall prorate the available funds among the eligible school districts, using the same percentage of the total funds that the school district would have received if the allocations were fully funded.

This subsection (4) shall stand repealed on July 1, 2005.

297 The Interim School District Capital Expenditure Fund is 298 hereby established in the State Treasury which shall be used to 299 distribute any funds specifically appropriated by the Legislature 300 to such fund to school districts entitled to increased allocations 301 of state funds under the adequate education program funding 302 formula prescribed in Sections 37-151-3 through 37-151-7, 303 Mississippi Code of 1972, until such time as the said adequate 304 education program is fully funded by the Legislature. following percentages of the total state cost of increased 305 306 allocations of funds under the adequate education program funding formula shall be appropriated by the Legislature into the Interim 307 308 School District Capital Expenditure Fund to be distributed to all 309 school districts under the formula: Nine and two-tenths percent (9.2%) shall be appropriated in fiscal year 1998, twenty percent 310 (20%) shall be appropriated in fiscal year 1999, forty percent 311

- 312 (40%) shall be appropriated in fiscal year 2000, sixty percent
- 313 (60%) shall be appropriated in fiscal year 2001, eighty percent
- (80%) shall be appropriated in fiscal year 2002, and one hundred 314
- 315 percent (100%) shall be appropriated in fiscal year 2003 into the
- State Adequate Education Program Fund created in subsection (4). 316
- Until July 1, 2002, such money shall be used by school districts 317
- for the following purposes: 318
- 319 (a) Purchasing, erecting, repairing, equipping,
- 320 remodeling and enlarging school buildings and related facilities,
- including gymnasiums, auditoriums, lunchrooms, vocational training 321
- 322 buildings, libraries, school barns and garages for transportation
- vehicles, school athletic fields and necessary facilities 323
- 324 connected therewith, and purchasing land therefor. Any such
- 325 capital improvement project by a school district shall be approved
- 326 by the State Board of Education, and based on an approved
- 327 long-range plan. The State Board of Education shall promulgate
- minimum requirements for the approval of school district capital 328
- 329 expenditure plans.
- 330 (b) Providing necessary water, light, heating, air
- 331 conditioning, and sewerage facilities for school buildings, and
- 332 purchasing land therefor.
- 333 Paying debt service on existing capital improvement
- 334 debt of the district or refinancing outstanding debt of a district
- 335 if such refinancing will result in an interest cost savings to the
- 336 district.
- 337 From and after October 1, 1997, through June 30, (d)
- 338 1998, pursuant to a school district capital expenditure plan
- approved by the State Department of Education, a school district 339
- 340 may pledge such funds until July 1, 2002, plus funds provided for
- 341 in paragraph (e) of this subsection (5) that are not otherwise
- permanently pledged under such paragraph (e) to pay all or a 342
- 343 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 344
- 37-59-115, 37-7-351 through 37-7-359, 37-41-89 through 37-41-99, 345
- 37-7-301, 37-7-302 and 37-41-81, Mississippi Code of 1972, or debt 346

347 issued by boards of supervisors for agricultural high schools 348 pursuant to Section 37-27-65, Mississippi Code of 1972, or lease-purchase contracts entered into pursuant to Section 31-7-13, 349 350 Mississippi Code of 1972, or to retire or refinance outstanding debt of a district, if such pledge is accomplished pursuant to a 351 352 written contract or resolution approved and spread upon the minutes of an official meeting of the district's school board or 353 354 board of supervisors. It is the intent of this provision to allow 355 school districts to irrevocably pledge their Interim School District Capital Expenditure Fund allotments as a constant stream 356 357 of revenue to secure a debt issued under the foregoing code sections. To allow school districts to make such an irrevocable 358 359 pledge, the state shall take all action necessary to ensure that 360 the amount of a district's Interim School District Capital 361 Expenditure Fund allotments shall not be reduced below the amount 362 certified by the department or the district's total allotment under the Interim Capital Expenditure Fund if fully funded, so 363 364 long as such debt remains outstanding. 365 (e) From and after October 1, 1997, through June 30, 366 1998, in addition to any other authority a school district may 367 have, any school district may issue State Aid Capital Improvement 368 Bonds secured in whole by a continuing annual pledge of any 369 Mississippi Adequate Education Program funds available to the 370 district, in an amount not to exceed One Hundred Sixty Dollars 371 (\$160.00) per pupil based on the latest completed average daily attendance count certified by the department prior to the issuance 372 of the bonds. Such State Aid Capital Improvement Bonds may be 373 374 issued for the purposes enumerated in subsections (a), (b), (c) 375 and (g) of this section. Prior to issuing such bonds, the school 376 board of the district shall adopt a resolution declaring the 377 necessity for and its intention of issuing such bonds and 378 borrowing such money, specifying the approximate amount to be so borrowed, how such money is to be used and how such indebtedness 379 380 is to be evidenced. Any capital improvement project financed with

State Aid Capital Improvement Bonds shall be approved by the

382 department, and based on an approved long-range plan. 383 Board of Education shall promulgate minimum requirements for the approval of such school district capital expenditure plans. 384 385 State Board of Education shall not approve any capital expenditure plan for a pledge of funds under this paragraph unless it 386 387 determines (i) that the quality of instruction in such district 388 will not be reduced as a result of this pledge, and (ii) the 389 district has other revenue available to attain and maintain at 390 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. 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

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417 Capital Improvement Bonds issued hereunder. To allow school

418 districts to make such an irrevocable pledge, the state shall take

- 419 all action necessary to ensure that the amount of a district's
- 420 state revenues up to an amount equal to One Hundred Sixty Dollars
- 421 (\$160.00) per pupil as set forth above which have been pledged to
- 422 repay debt as set forth herein shall not be reduced so long as any
- 423 State Aid Capital Improvement Bonds are outstanding.
- 424 Any such State Aid Capital Improvement bonds shall mature as
- 425 determined by the district's school bond over a period not to
- 426 exceed twenty (20) years. Such bonds shall not bear a greater
- 427 overall maximum interest rate to maturity than that allowed in
- Section 75-17-101, Mississippi Code of 1972. The further details 428
- 429 and terms of such bonds shall be as determined by the school board
- 430 of the district.
- The provisions of this subsection shall be cumulative and 431
- 432 supplemental to any existing funding programs or other authority
- conferred upon school districts or school boards. Debt of a 433
- 434 school district secured in whole by a pledge of revenue pursuant
- 435 to this section shall not be subject to any debt limitation.
- For purposes of this paragraph (e), "State Aid Capital 436
- 437 Improvement Bond" shall mean any bond, note, or other certificate
- 438 of indebtedness issued by a school district under the provisions
- 439 hereof.
- This paragraph (e) shall stand repealed from and after June 440
- 441 30, 1998.
- 442 As an alternative to the authority granted under (f)
- 443 paragraph (e), a school district, in its discretion, may authorize
- 444 the State Board of Education to withhold an amount of the
- 445 district's adequate education program allotment equal to up to One
- 446 Hundred Sixty Dollars (\$160.00) per student in average daily
- 447 attendance in the district to be allocated to the State Public
- 448 School Building Fund to the credit of such school district. A
- school district may choose the option provided under this 449
- 450 paragraph (e) or paragraph (f), but not both. In addition to the
- 451 grants made by the state pursuant to Section 37-47-9, a school

452 district shall be entitled to grants based on the allotments to

453 the State Public School Building Fund credited to such school

454 district under this paragraph. This paragraph (f) shall stand

455 repealed from and after June 30, 1998.

456 The State Board of Education may authorize the (g)

school district to expend not more than twenty percent (20%) of 457

458 its annual allotment of such funds or Twenty Thousand Dollars

459 (\$20,000.00), whichever is greater, for technology needs of the

460 school district, including computers, software,

telecommunications, cable television, interactive video, film 461

462 low-power television, satellite communications, microwave

463 communications, technology-based equipment installation and

464 maintenance, and the training of staff in the use of such

465 technology-based instruction. Any such technology expenditure

466 shall be reflected in the local district technology plan approved

467 by the State Board of Education under Section 37-151-17,

468 Mississippi Code of 1972.

469 (h) To the extent a school district has not utilized

470 twenty percent (20%) of its annual allotment for technology

471 purposes under paragraph (g), a school district may expend not

472 more than twenty percent (20%) of its annual allotment or Twenty

473 Thousand Dollars (\$20,000.00), whichever is greater, for

474 instructional purposes. The State Board of Education may

475 authorize a school district to expend more than said twenty

476 percent (20%) of its annual allotment for instructional purposes

if it determines that such expenditures are needed for

478 accreditation purposes.

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479 The State Department of Education or the State (i)

480 Board of Education may require that any project commenced pursuant

481 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 482

483 program management of the process with respect to design and

484 construction. Any individuals, partnerships, companies or other

485 entities acting as a program manager on behalf of a local school

486 district and performing program management services for projects

- covered under this subsection shall be approved by the State 487 488 Department of Education.
- 489 Any interest accruing on any unexpended balance in the
- 490 Interim School District Capital Expenditure Fund shall be invested
- 491 by the State Treasurer and placed to the credit of each school
- 492 district participating in such fund in its proportionate share.
- The provisions of this subsection (5) shall be cumulative and 493
- supplemental to any existing funding programs or other authority 494
- 495 conferred upon school districts or school boards.
- 496 SECTION 2. This act shall take effect and be in force from
- 497 and after June 30, 2004.

# Further, amend by striking the title in its entirety and inserting in lieu thereof the following:

AN ACT TO AMEND SECTION 37-151-7, MISSISSIPPI CODE OF 1972, TO DELETE THE DEFINITION OF CURRENT SCHOOL YEAR IN DETERMINING THE

3 AVERAGE DAILY ATTENDANCE UNDER THE ADEQUATE EDUCATION PROGRAM; TO

EXTEND THE REPEALER ON THE PROVISION OF LAW THAT ESTABLISHES THE

5 HIGH-GROWTH SCHOOL DISTRICT FORMULA UNDER THE ADEQUATE EDUCATION

PROGRAM; AND FOR RELATED PURPOSES.

SS01\HB741A.J

John O. Gilbert Secretary of the Senate