

**Lost
SUBSTITUTE NO 1 FOR COMMITTEE AMENDMENT NO 1 PROPOSED
TO**

House Bill No. 1646

**BY: Senator(s) Bryan, Dearing, Jackson (11th),
Dawkins, Lee (47th), Cuevas, Albritton, Harden,
Walls, Walley, Turner, Jordan, Williamson,
Tollison, Thomas, Horhn, Butler**

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

3 **SECTION 1.** The following sums, or so much thereof as may be
4 necessary, are hereby appropriated out of any money in the State
5 General Fund not otherwise appropriated, for the purpose of
6 funding K-12 and other related educational activities, including
7 certain agencies and programs, in the State of Mississippi, for
8 the fiscal year beginning July 1, 2005, and ending June 30, 2006,
9 as follows:

10 (a) To the State Board of Education for the purpose of
11 defraying the expenses of the State Department of Education, and
12 excluding the expenses of the Vocational and Technical Education
13 Division..... \$ 67,630,892.00.

14 (b) To the State Board of Education for the purpose of
15 defraying the expenses of the Vocational and Technical Education
16 Division of the State Department of Education.....
17 \$ 70,614,652.00.

18 (c) To the State Board of Education for the purpose of
19 paying annual compensation to the Chickasaw Cession counties for

20 sixteenth section lands which they lost through sale by the state,
21 as provided in Section 29-3-137 through 29-3-141, Mississippi Code
22 of 1972..... \$ 13,864,410.00.

23 (d) To the State Board of Education for defraying the
24 expenses of the Mississippi Adequate Education Program.....
25 \$ 1,853,548,020.00.

26 (e) To the State Board of Education for the purpose of
27 defraying the expenses of the Mississippi School for the Blind and
28 the Mississippi School for the Deaf..... \$ 10,829,819.00.

29 TOTAL AMOUNT OF STATE GENERAL FUNDS APPROPRIATED
30 BY THIS SECTION BEING..... \$ 2,016,487,793.00.

31 **SECTION 2.** The following sums, or so much thereof as may be
32 necessary, are hereby appropriated out of any money in any special
33 fund in the State Treasury to the credit of the proper fund or
34 funds of the agencies or programs specified in the following
35 paragraphs for the fiscal year beginning July 1, 2005, and ending
36 June 30, 2006, as follows:

37 (a) To the State Board of Education for the purpose of
38 defraying the expenses of the State Department of Education, and
39 excluding the expenses of the Vocational and Technical Education
40 Division..... \$ 671,347,308.00.

41 (b) To the State Board of Education for the purpose of
42 defraying the expenses of the Vocational and Technical Education
43 Division of the State Department of Education.....
44 \$ 24,073,829.00.

45 (c) To the State Board of Education for the purpose of
46 defraying the expenses of the Mississippi Adequate Education
47 Program..... \$ 189,516,708.00.

48 (d) To the State Board of Education for the purpose of
49 defraying the expenses of the Mississippi School for the Blind and
50 the Mississippi School for the Deaf..... \$ 994,031.00.

51 TOTAL AMOUNT OF SPECIAL FUNDS APPROPRIATED

52 BY THIS SECTION BEING..... \$ 885,931,876.00.

53 **SECTION 3.** Of the funds appropriated in Section (1)(d) to
54 the Mississippi Adequate Education Program, the amount of Eight
55 Million Twenty-seven Thousand Two Hundred Eighty-two Dollars
56 (\$8,027,282.00) shall be used to the fund the national Board
57 Certification Program and Two Million Four Hundred Fifty-one
58 Thousand Seven Hundred Eighty-two Dollars (\$2,451,782.00) shall be
59 used to fund the Educable Child Program. In addition, it is the
60 intent of the Legislature that the Mississippi Adequate Education
61 Program shall be fully funded during the 2006 Legislative Session.
62 Of the funds appropriated in Section 1(a) to the State Board of
63 Education the amount of Two Million Six Hundred Seventy-two
64 Thousand One Hundred Fifty-three Dollars (\$2,672,153.00) shall be
65 used to fund the Mississippi School for the Arts.

66 **SECTION 4.** Of the funds appropriated under the provisions of
67 Section 2 to the State Board of Education, Two Hundred Twenty-one
68 Thousand Nine Hundred Fifty-four Dollars (\$221,954.00), or so much
69 thereof as may be necessary, is appropriated out of any money in
70 the State Treasury to the credit of the Health Care Expendable
71 Fund to the State Department of Education for the purpose of
72 defraying the expenses of the department for the Mississippi Eye
73 Screening Program for providing vision safety services.

74 **SECTION 5.** Of the funds appropriated under the provisions of
75 Section 2 to the State Board of Education, the following sums, or
76 so much thereof as may be necessary, are derived out of any money
77 in the State Treasury to the credit of the Education Enhancement
78 Fund pursuant to Sections 27-65-75 and 27-67-31, Mississippi Code
79 of 1972, as follows:

80 (a) To the State Department of Education, and excluding
81 the expenses of the Vocational and Technical Education Division,
82 for the following purposes:

83 Grants to school districts for capital

84 facilities and buses.....\$ 16,000,000.00.
85 Instructional materials.....\$ 21,826,648.00.
86 Tech prep bond service.....\$ 3,221,400.00.
87 Implementing Performance Based Data
88 Collection and Accreditation
89 Model.....\$ 274,937.00.
90 World Class Teacher Program.....\$ 125,000.00.
91 Testing.....\$ 226,413.00.
92 Education Technology Council.....\$ 94,082.00.
93 TOTAL.....\$ 41,768,480.00.

94 (b) To the State Department of Education to defray the
95 expenses of the Vocational and Technical Education Division.....
96 \$ 7,863,746.00.

97 (c) To the State Department of Education to provide
98 funding for the Mississippi Adequate Education Program.....
99 \$119,516,708.00.

100 **SECTION 6.** With the funds appropriated under the provisions
101 of this act to the State Board of Education, the following
102 positions are authorized to the State Department of Education, and
103 excluding the expenses of the Vocational and Technical Education
104 Division:

105 AUTHORIZED POSITIONS:

106	Permanent:	Full Time.....	465
107		Part Time.....	3
108	Time-Limited:	Full Time.....	69
109		Part Time.....	0

110 **SECTION 7.** In compliance with the "Mississippi Performance
111 Budget and Strategic Planning Act of 1994," it is the intent of
112 the Legislature that the funds provided herein shall be utilized
113 in the most efficient and effective manner possible to achieve the
114 intended mission of the State Department of Education, and
115 excluding the expenses of the Vocational and Technical Education

116 Division. Based on the funding authorized, this agency shall make
 117 every effort to attain the targeted performance measures provided
 118 below:

119		FY2006
120	<u>Performance Measures</u>	<u>Target</u>
121	Special Education	
122	Approved Funding for Children (\$)	87,897,368
123	Teacher Units Approved for Funding (Units)	4,672
124	Child Nutrition	
125	Number of Meals Required (Millions)	121
126	Cost per Meal (\$)	2.28
127	Special Projects	
128	Building Projects Approved (Projects)	0
129	Project Approval Rate (%)	0
130	MS School For Math & Science	
131	Students Enrolled (Persons)	270
132	Cost per Student (\$)	15,717
133	Educational Accountability	
134	Performance Accreditation Visits (Visits)	30
135	Tests Administered (Persons)	468,115
136	Compliance & Performance Reviews (Actions)	25
137	Educational Training & Development	
138	Administrators Trained (Persons)	1,000
139	Administrators Trained (%)	35
140	Technical Assistance to School Districts (%)	92
141	Compensatory Education	
142	Title I Projects Awarded (Programs)	152
143	Average Expenditure per Child (\$)	612
144	Review & Approve Delinquent Prgs (Programs)	5
145	Community & Outreach Services	
146	Requested Available Federal Funding (%)	100
147	MS School Attendance Officers	

148 Resolutions to Referrals (%) 86
 149 School Visits (Number of) 25,000

150 MS Teacher Center

151 Teachers Recruited in Shortage Areas (Number) 1,800

152 A reporting of the degree to which the performance targets
 153 set above have been or are being achieved shall be provided in the
 154 agency's budget request submitted to the Joint Legislative Budget
 155 Committee for Fiscal Year 2007.

156 **SECTION 8.** In compliance with the "Mississippi Performance
 157 Budget and Strategic Planning Act of 1994," it is the intent of
 158 the Legislature that the funds provided herein shall be utilized
 159 in the most efficient and effective manner possible to achieve the
 160 intended mission of the Mississippi Adequate Education Program.
 161 Based on the funding authorized, this agency shall make every
 162 effort to attain the targeted performance measures provided below:

163 FY2006
 164 Performance Measures Target

165 Basic Program

166 Increase the number of students scoring basic
 167 & above on the MS Curriculum Test in
 168 grades 2-8, reading, language & math (%) 2

169 Increase the number of students achieving
 170 the passing score on the History test (%) 8

171 Increase the number of students achieving
 172 the passing score on the Biology test (%) 2

173 Increase the number of students achieving
 174 the passing score on the Algebra test (%) 2

175 Provide 100% funding of the base student cost 100

176 A reporting of the degree to which the performance targets
 177 set above have been or are being achieved shall be provided in the
 178 agency's budget request submitted to the Joint Legislative Budget
 179 Committee for Fiscal Year 2007.

180 **SECTION 9.** Of the funds appropriated in Section 2, Forty-six
181 Million Dollars (\$46,000,000.00) shall be derived from the School
182 Ad Valorem Reduction Fund.

183 No school district shall expend any funds, received under the
184 School Ad Valorem Reduction Grant, unless such school district has
185 specifically identified the amount of said grant within the
186 published budget as required by Section 37-61-9, Mississippi Code
187 of 1972. The published budget shall include the following
188 statement: "Ad Valorem taxes will be \$_____ less as a result
189 of the Ad Valorem Reduction Grants enacted by the Mississippi
190 Legislature in 1992."

191 **SECTION 10.** Of the funds appropriated in Section 2 to the
192 State Board of Education, Two Million One Hundred Thousand Dollars
193 (\$2,100,000.00) shall be derived from the Technology in Classroom
194 Fund 3203 for the purpose of defraying the expenses of the State
195 Department of Education, and excluding the expenses of the
196 Vocational and Technical Education Division.

197 **SECTION 11.** Of the funds appropriated under the provisions
198 of Section 2 to the State Board of Education, funds in the amount
199 of One Million Nine Hundred Eighty-five Thousand Six Hundred
200 Fifty-three Dollars (\$1,985,653.00) shall come from income derived
201 from the principal of the Education Improvement Trust Fund created
202 by Section 206A, Mississippi Constitution of 1890, and One Million
203 Nine Hundred Eighty-five Thousand Six Hundred Fifty-three Dollars
204 (\$1,985,653.00) shall be used for the School for Math and Science.

205 **SECTION 12.** With the funds appropriated under the provisions
206 of this act to the State Board of Education, the following
207 positions are authorized to the Vocational and Technical Education
208 Division of the State Department of Education:

209 AUTHORIZED POSITIONS:

210 Permanent:	Full Time.....	59
211	Part Time.....	0

212 Time-Limited: Full Time..... 3
 213 Part Time..... 0

214 **SECTION 13.** In compliance with the "Mississippi Performance
 215 Budget and Strategic Planning Act of 1994," it is the intent of
 216 the Legislature that the funds provided herein shall be utilized
 217 in the most efficient and effective manner possible to achieve the
 218 intended mission of the Vocational and Technical Education
 219 Division of the State Department of Education. Based on the
 220 funding authorized, this agency shall make every effort to attain
 221 the targeted performance measures provided below:

	FY2006
<u>Performance Measures</u>	<u>Target</u>
224 Secondary Programs	
225 Increase in Students Served (%)	1
226 LEAs Served (Sites)	144
227 Post-secondary Programs	
228 Short-Term Students Served (Persons)	679
229 Short-Term Adult Program Classes (Classes)	80
230 Short-Term Cost per Student (\$)	45.00

231 A reporting of the degree to which the performance targets
 232 set above have been or are being achieved shall be provided in the
 233 agency's budget request submitted to the Joint Legislative Budget
 234 Committee for Fiscal Year 2007.

235 **SECTION 14.** Of the funds appropriated under the provisions
 236 of this act to the State Board of Education, an amount not to
 237 exceed Two Hundred Twenty-nine Thousand Six Hundred Eighty-four
 238 Dollars (\$229,684.00) is authorized for the support of vocational
 239 and technical education programs as authorized in Section
 240 37-31-13, Mississippi Code of 1972, for a period in excess of ten
 241 (10) months in a calendar year.

242 **SECTION 15.** It is the intention of the Legislature that the
 243 Vocational and Technical Education Division of the State

244 Department of Education shall, with the funds appropriated in
245 Section 1 to the State Board of Education, transfer no more than
246 One Hundred Thousand Dollars (\$100,000.00) to the Mississippi Soil
247 and Water Conservation Commission for the purpose of providing
248 matching funds to purchase soil conservation equipment.

249 **SECTION 16.** Of the funds appropriated in this act to the
250 State Board of Education, no more than One Hundred Thousand
251 Dollars (\$100,000.00) is provided for the purpose of supporting
252 the Future Farmers of America Center.

253 **SECTION 17.** Of the funds provided in Section 1 to the State
254 Board of Education for the purpose of providing financial
255 assistance for the education of exceptional children as determined
256 under Section 37-23-63, Mississippi Code of 1972, children who are
257 certified by the designated authority as requiring inpatient care
258 in a private intermediate care facility for the mentally retarded
259 or psychiatric residential treatment facility, with Medicaid
260 reimbursement, shall be eligible and entitled to receive state
261 financial assistance under the provisions of Section 37-23-69, in
262 an amount not to exceed Five Thousand Dollars (\$5,000.00) from
263 state funds, per child per school year, if an approved private
264 school is operated as an integral part of the facility which
265 provides twenty-four (24) hours a day monitoring, treatment and
266 education, except that the State Department of Education is
267 authorized to pilot a fee-for-service based cost system for
268 children served through Millcreek Schools, Inc.

269 **SECTION 18.** Of the funds provided in Section 1 to the State
270 Board of Education, Two Hundred Seven Thousand Fifty Dollars
271 (\$207,050.00) shall be used to provide for a Director of School
272 Nurses in the State Department of Education and the implementation
273 of three (3) pilot projects for a variety of school health
274 programs in an elementary school setting. Evaluations shall be

275 developed to determine the program's effect to drop-out rates,
276 suspensions, expulsions, attendance and test scores.

277 Income generated by the school-based clinics shall remain
278 available for expenditure by the programs utilizing any special
279 fund authority provided in Section 2 for use by the State
280 Department of Education and the pilots shall remain the same as in
281 Fiscal Year 2005.

282 **SECTION 19.** It is the intention of the Legislature that the
283 State Department of Education shall have the authority to accept,
284 budget and expend any source funds not to exceed Thirty Million
285 Dollars (\$30,000,000.00), that become available to the department
286 to carry out the provisions of those funds in a manner consistent
287 with the rules and regulations of the Department of Finance and
288 Administration.

289 **SECTION 20.** The State Department of Education shall transfer
290 the designated amounts to the appropriate entities, which shall
291 assume full responsibility for the expenditure of these funds in
292 accordance with state laws and accept all responsibility for any
293 improper expenditure. For the following: National Guard Youth
294 Challenge Program, World Class Teacher Programs, USM Special
295 Education Program, Soil and Water Conservation Commission,
296 Mississippi School Boards Association, Mississippi Eye Screening
297 Program-Vision Research Corporation and Very Special Arts, Arts
298 Institute, Jobs for Mississippi Graduates, and Mississippi
299 Symphony, University of Southern Mississippi Safe Schools Program,
300 Mississippi State University Center for Education Design, Writing
301 and Thinking Institute and Greater Columbus Early Learning Center.

302 **SECTION 21.** Of the funds appropriated under the provisions
303 of this act to the State Board of Education, the amount of Two
304 Hundred Forty-one Thousand Five Hundred Sixty-eight Dollars
305 (\$241,568.00) is provided for the Walnut Grove Correctional
306 Facility.

307 **SECTION 22.** Of the funds appropriated in Section 1 to the
308 State Board of Education, the amounts of Two Hundred Forty-one
309 Thousand Five Hundred Sixty-eight Dollars (\$241,568.00) is
310 provided for the Writing and Thinking Institute and Sixty-four
311 Thousand Three Hundred Thirty-eight Dollars (\$64,338.00) is
312 provided for the Very Special Arts Program.

313 **SECTION 23.** Of the funds appropriated in this act to the
314 State Board of Education, an amount not to exceed Six Hundred
315 Fifty Thousand Dollars (\$650,000.00) shall be used for
316 technological methods for agricultural programs from the
317 Vocational and Technical Education Division of the State
318 Department of Education.

319 **SECTION 24.** Of the funds appropriated in Section 1 to the
320 State Board of Education, an amount not to exceed Two Million
321 Sixty-four Thousand Five Hundred Sixteen Dollars (\$2,064,516.00)
322 shall be transferred from the State Department of Education to the
323 Mississippi National Guard for the support of the Youth Challenge
324 Program at Camp Shelby.

325 **SECTION 25.** Of the funds appropriated under Section 1 to the
326 State Board of Education, the sum of Sixty-two Thousand One
327 Hundred Ninety-one Dollars (\$62,191.00), which is the aggregate
328 sum that the school districts in the Chickasaw Cession receive
329 annually from interest payments from the Chickasaw School Fund
330 under Section 212, Mississippi Constitution of 1890, shall be
331 deducted from the allocations to the school districts as provided
332 in Section 29-3-137, Mississippi Code of 1972, and shall be
333 distributed among the school districts in the Chickasaw Cession by
334 the State Department of Education in the manner that such interest
335 payments were distributed during Fiscal Year 1985.

336 **SECTION 26.** Of the funds provided in this act to the State
337 Board of Education for the purpose of funding the Mississippi
338 Adequate Education Program as determined under Section 37-151-7,

339 Mississippi Code of 1972, the base student cost in Fiscal Year
340 2006 shall be Four Thousand One Hundred Sixty-three Dollars
341 (\$4,163.00).

342 **SECTION 27.** Of the funds appropriated in this act to the
343 State Board of Education, an amount not more than Fifty Million
344 Dollars (\$50,000,000.00) shall be derived from the Interim School
345 District Capital Expenditure Fund for the benefit of the school
346 districts as authorized in Mississippi Code Annotated, Section
347 37-151-7 (5).

348 **SECTION 28.** Of the funds appropriated in this act to the
349 State Board of Education, it is the intention of the Legislature
350 that Twenty Million Dollars (\$20,000,000.00) from the Public
351 School Building Fund shall be used for the Mississippi Adequate
352 Education Program.

353 **SECTION 29.** With the funds appropriated under the provisions
354 of this act to the State Board of Education, the following
355 positions are authorized for the Mississippi School for the Blind
356 and the Mississippi School for the Deaf:

357 AUTHORIZED POSITIONS:

358	Permanent:	Full Time.....	200
359		Part Time.....	32
360	Time-Limited:	Full Time.....	1
361		Part Time.....	0

362 None of the funds provided in this act to the State Board of
363 Education shall be expended to hire any person on a contractual
364 basis, for any period for any purpose, without the express prior
365 approval of the State Personnel Director. The State Personnel
366 Director shall consider, in approving such contracts, the
367 availability of funds, the need for services, compliance with the
368 State Compensation Plan and the qualifications of the persons
369 offering to perform the services. The State Fiscal Officer shall
370 not pay any warrant that is in violation of this section.

371 **SECTION 30.** With the funds provided in this act to the State
372 Board of Education, it is the intention of the Legislature that
373 the academic teachers at the Mississippi School for the Deaf and
374 the Mississippi School for the Blind shall receive their annual
375 increment.

376 **SECTION 31.** It is the intention of the Legislature that the
377 State Department of Education is authorized to escalate or
378 reescalate for Time-Limited positions where federal or special
379 fund grants are available to fund such positions.

380 **SECTION 32.** It is the intention of the Legislature that no
381 State General Funds authorized to be expended in this act shall be
382 used to replace federal funds and/or other special funds which are
383 being used for salaries authorized under the provisions of this
384 act and which are withdrawn and no longer available.

385 With respect to agency programs whose operation is dependent
386 on the receipt of federal funds, it is the intent of the
387 Legislature, except as hereinafter provided, that no funds from
388 the State General Fund be expended to administer, support or in
389 any way continue such programs should federal funds for their
390 operation be reduced or become unavailable and that no funds from
391 the State General Fund available for expenditure under this act
392 shall be used to replace federal funds in any major object of
393 expenditure.

394 With the funds herein appropriated to the State Board of
395 Education, it is the intention of the Legislature that it shall be
396 the agency's responsibility to make certain that funds required to
397 be appropriated for "Personal Services" for Fiscal Year 2007 do
398 not exceed Fiscal Year 2006 funds appropriated for that purpose,
399 unless programs or positions are added to the agency's Fiscal Year
400 2007 budget by the Mississippi Legislature. Based on data
401 provided by the Legislative Budget Office, the State Personnel
402 Board shall determine and publish the projected annual cost to

403 fully fund all appropriated positions in compliance with the
404 provisions of this act. It shall be the responsibility of the
405 agency head to insure that no single personnel action increases
406 this projected annual cost and/or the Fiscal Year 2006
407 appropriation for "Personal Services" when annualized, with the
408 exception of escalated funds. If, at the time the agency takes
409 any action to change "Personal Services," the State Personnel
410 Board determines that the agency has taken an action which would
411 cause the agency to exceed this projected annual cost or the
412 Fiscal Year 2006 "Personal Services" appropriated level, when
413 annualized, then only those actions which reduce the projected
414 annual cost and/or the appropriation requirement will be processed
415 by the State Personnel Board until such time as the requirements
416 of this provision are met.

417 Any transfers or escalations shall be made in accordance with
418 the terms, conditions and procedures established by law or
419 allowable under the terms set forth within this act. The State
420 Personnel Board shall not escalate positions without written
421 approval from the Department of Finance and Administration. The
422 Department of Finance and Administration shall not provide written
423 approval to escalate any funds for salaries and/or positions
424 without proof of availability of new or additional funds above the
425 appropriated level.

426 **SECTION 33.** It is the intention of the Legislature that the
427 State Board of Education shall maintain complete accounting and
428 personnel records related to the expenditure of all funds
429 appropriated under the provisions of this act and that such
430 records shall be in the same format and level of details as
431 maintained for Fiscal Year 2005. It is further the intention of
432 the Legislature that the budget requests for Fiscal Year 2007
433 shall be submitted to the Joint Legislative Budget Committee in a
434 format and level of detail comparable to the format and level of

435 detail provided during the Fiscal Year 2006 budget request process
436 for each agency and institution appropriated funds within the
437 provisions of this act.

438 **SECTION 34.** The public school districts of the state are
439 authorized at their discretion to pay with local funds one hundred
440 percent (100%) of the cost of the health insurance premiums of the
441 State and School Employees Health Insurance Plan for all retired
442 members of the Public Employees' Retirement System who are
443 employed as school bus drivers by the school districts. It is the
444 intention of the Legislature that no state funds shall be used for
445 this purpose.

446 **SECTION 35.** The money herein appropriated shall be paid by
447 the State Treasurer out of any money in the proper fund or funds
448 as set forth in this act, upon warrants issued by the State Fiscal
449 Officer; and the State Fiscal Officer shall issue his warrants
450 upon requisitions signed by the proper person, officer or officers
451 in the manner provided by law.

452 **SECTION 36.** This act shall take effect and be in force from
453 and after July 1, 2005.