

By: Representatives Brown,
Straughter, Arinder, Coleman
(29th), Frierson, Jennings

To: Appropriations

HOUSE BILL NO. 49

1 AN ACT MAKING AN APPROPRIATION FOR THE PURPOSE OF FUNDING
2 K-12 AND OTHER RELATED EDUCATIONAL ACTIVITIES, INCLUDING CERTAIN
3 AGENCIES AND PROGRAMS, IN THE STATE OF MISSISSIPPI, FOR THE FISCAL
4 YEAR 2010.

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

6 **SECTION 1.** The following sums, or so much of those sums as
7 may be necessary, are appropriated out of any money in the State
8 General Fund not otherwise appropriated, for the purpose of
9 funding K-12 and other related educational activities, including
10 certain agencies and programs, in the State of Mississippi, for
11 the fiscal year beginning July 1, 2009, and ending June 30, 2010,
12 as follows:

13 (a) To the State Board of Education for the purpose of
14 defraying the expenses of the State Department of Education, and
15 excluding the expenses of the Vocational and Technical Education
16 Division.....\$ 104,417,354.00.

17 (b) To the State Board of Education for the purpose of
18 defraying the expenses of the Vocational and Technical Education
19 Division of the State Department of Education.....
20\$ 76,377,835.00.

21 (c) To the State Board of Education for the purpose of
22 paying annual compensation to the Chickasaw Cession counties for
23 sixteenth section lands which they lost through sale by the state,
24 as provided in Section 29-3-137 through 29-3-141, Mississippi Code
25 of 1972.....\$ 13,004,818.00.

26 (d) To the State Board of Education for defraying the
27 expenses of the Mississippi Adequate Education Program.....
28\$ 1,903,186,090.00.



29 (e) To the State Board of Education for the purpose of
30 defraying the expenses of the Mississippi School for the Blind and
31 the Mississippi School for the Deaf.....\$ 12,163,010.00.

32 TOTAL AMOUNT OF STATE GENERAL FUNDS APPROPRIATED
33 BY THIS SECTION BEING.....\$ 2,109,149,107.00.

34 **SECTION 2.** The following sums, or so much of those sums as
35 may be necessary, are appropriated out of any money in any special
36 fund in the State Treasury to the credit of the proper fund or
37 funds of the agencies or programs specified in the following
38 paragraphs for the fiscal year beginning July 1, 2009, and ending
39 June 30, 2010, as follows:

40 (a) To the State Board of Education for the purpose of
41 defraying the expenses of the State Department of Education,
42 excluding the expenses of the Vocational and Technical Education
43 Division.....\$ 889,914,867.00.

44 (b) To the State Board of Education for the purpose of
45 defraying the expenses of the Vocational and Technical Education
46 Division of the State Department of Education.....
47\$ 23,880,616.00.

48 (c) To the State Board of Education for the purpose of
49 defraying the expenses of the Mississippi Adequate Education
50 Program.....\$ 338,951,422.00.

51 (d) To the State Board of Education for the purpose of
52 defraying the expenses of the Mississippi School for the Blind and
53 the Mississippi School for the Deaf.....\$ 716,559.00.

54 TOTAL AMOUNT OF SPECIAL FUNDS APPROPRIATED
55 BY THIS SECTION BEING.....\$ 1,253,463,464.00.

56 **SECTION 3.** Of the funds appropriated in Section 2, One
57 Hundred Twenty-six Thousand Four Hundred Seventy-two Dollars
58 (\$126,472.00), or so much of that sum as may be necessary, is
59 appropriated out of any money in the State Treasury to the credit
60 of the Health Care Expendable Fund to the State Department of
61 Education for the purpose of defraying the expenses of the



62 department for the Mississippi Eye Screening Program for providing
63 vision safety services.

64 **SECTION 4.** Of the funds appropriated in Section 2, the
65 following sums, or so much of those sums as may be necessary, are
66 derived out of any money in the State Treasury to the credit of
67 the Education Enhancement Fund pursuant to Sections 27-65-75 and
68 27-67-31, Mississippi Code of 1972, as follows:

69 (a) To the State Department of Education, excluding the
70 expenses of the Vocational and Technical Education Division, for
71 the following purposes:

72	Grants to school districts for capital	
73	facilities and buses.....	\$ 16,000,000.00.
74	Instructional materials.....	\$ 7,292,600.00.
75	Implementing Performance Based Data	
76	Collection and Accreditation	
77	Model.....	\$ 274,937.00.
78	World Class Teacher Program.....	\$ 125,000.00.
79	Testing.....	\$ 226,413.00.
80	Education Technology Council.....	\$ 94,082.00.
81	TOTAL.....	\$ 24,013,032.00.

82 (b) To the State Department of Education to defray the
83 expenses of the Vocational and Technical Education Division.....
84\$ 7,863,746.00.

85 (c) To the State Department of Education to provide
86 funding for the Mississippi Adequate Education Program.....
87\$157,410,671.00.

88 **SECTION 5.** Of the funds appropriated in this act, not more
89 than the amounts set forth below shall be expended for the
90 respective major objects or purposes of expenditure for the State
91 Department of Education, excluding the expenses of the Vocational
92 and Technical Education Division:

93 MAJOR OBJECTS OF EXPENDITURE:

94 Personal Services:



95	Salaries, Wages and Fringe Benefits...\$	32,936,497.00
96	Travel and Subsistence.....	2,064,173.00
97	Contractual Services.....	46,577,467.00
98	Commodities.....	6,898,494.00
99	Capital Outlay:	
100	Other Than Equipment.....	1,519,500.00
101	Equipment.....	2,003,522.00
102	Vehicles.....	65,000.00
103	Wireless Communication Devices.....	15,000.00
104	Subsidies, Loans and Grants.....	<u>902,252,568.00</u>
105	Total.....\$	994,332,221.00

106 FUNDING:

107	General Funds.....\$	104,417,354.00
108	Special Funds.....	<u>889,914,867.00</u>
109	Total.....\$	994,332,221.00

110 AUTHORIZED POSITIONS:

111	Permanent: Full Time.....	471
112	Part Time.....	3
113	Time-Limited: Full Time.....	132
114	Part Time.....	0

115 With the funds herein appropriated, it is the intention of
116 the Legislature that it shall be the agency's responsibility to
117 make certain that funds required to be appropriated for "Personal
118 Services" for Fiscal Year 2011 do not exceed Fiscal Year 2010
119 funds appropriated for that purpose, unless programs or positions
120 are added to the agency's Fiscal Year 2010 budget by the
121 Mississippi Legislature. Based on data provided by the
122 Legislative Budget Office, the State Personnel Board shall
123 determine and publish the projected annual cost to fully fund all
124 appropriated positions in compliance with the provisions of this
125 act. It shall be the responsibility of the agency head to insure
126 that no single personnel action increases this projected annual
127 cost and/or the Fiscal Year 2010 appropriations for "Personal



128 Services" when annualized, with the exception of escalated funds.
129 If, at the time the agency takes any action to change "Personal
130 Services," the State Personnel Board determines that the agency
131 has taken an action which would cause the agency to exceed this
132 projected annual cost or the Fiscal Year 2010 "Personal Services"
133 appropriated level, when annualized, then only those actions which
134 reduce the projected annual cost and/or the appropriation
135 requirement will be processed by the State Personnel Board until
136 such time as the requirements of this provision are met.

137 Unless otherwise authorized in this act, no state agency
138 shall take any action to promote or otherwise award salary
139 increases through reallocation, reclassification, realignment,
140 educational benchmark, career ladder, equity salary adjustment, or
141 any other means to increase salaries of employees or positions
142 unless specifically exempted by the following conditions: the
143 award of teacher salary increments; the advancement of a
144 trainee/cadet to the next level of a bona fide career ladder; the
145 award of an educational benchmark for the attainment of a
146 Certified Public Accountant License or higher level professional
147 certification based on information provided to the State Personnel
148 Board by the Legislative Budget Office; the immediate replacement
149 of a departing employee with an employee from within state service
150 at a salary level of the departing employee or the FY2010
151 promotional formula, whichever is less; the emergency appointment
152 of nurses, pharmacists or other health care and child protection
153 professionals at a salary to be determined by the State Personnel
154 Board; or a new hire associated with the American Recovery and
155 Reinvestment Act of 2009. All positions supported by funds
156 available through the American Recovery and Reinvestment Act of
157 2009 shall be designated as time-limited positions.

158 Any transfers or escalations shall be made in accordance with
159 the terms, conditions and procedures established by law or
160 allowable under the terms set forth within this act. The State



161 Personnel Board shall not escalate positions without written
162 approval from the Department of Finance and Administration. The
163 Department of Finance and Administration shall not provide written
164 approval to escalate any funds for salaries and/or positions
165 without proof of availability of new or additional funds above the
166 appropriated level.

167 No general funds authorized to be expended herein shall be
168 used to replace federal funds and/or other special funds which are
169 being used for salaries authorized under the provisions of this
170 act and which are withdrawn and no longer available.

171 **SECTION 6.** In compliance with the "Mississippi Performance
172 Budget and Strategic Planning Act of 1994," it is the intent of
173 the Legislature that the funds provided in this act shall be
174 utilized in the most efficient and effective manner possible to
175 achieve the intended mission of the State Department of Education,
176 excluding the expenses of the Vocational and Technical Education
177 Division. Based on the funding authorized, this agency shall make
178 every effort to attain the targeted performance measures provided
179 below:

	FY2010
<u>Performance Measures</u>	<u>Target</u>
182 Special Education	
183 Approved Funding for	
184 Children (\$ in Millions)	101.00
185 Teacher Units Approved for Funding (Units)	4,836
186 Child Nutrition	
187 Number of Meals Required (Millions)	124
188 Cost per Meal (\$)	2.47
189 MS School For Math & Science	
190 Students Enrolled (Persons)	260
191 Cost per Student (\$)	19,766.00
192 Educational Accountability	
193 Performance Accreditation	



194	Visits (Visits)	30
195	Tests Administered (Persons)	545,679
196	Compliance & Performance	
197	Reviews (Actions)	40
198	Educ Training & Development	
199	Administrators Trained (Persons)	1,000
200	Administrators Trained (%)	35.00
201	Technical Assistance to School	
202	Districts (%)	95.00
203	Compensatory Education	
204	Title I Projects Awarded (Programs)	152
205	Average Expenditure per Child (\$)	612.00
206	Review & Approve Delinquent	
207	Programs (Programs)	8
208	Community & Outreach Services	
209	Requested Available Federal Funding (%)	100.00
210	MS School Attendance Officers	
211	Resolutions to Referrals (%)	95.00
212	School Visits (Number of)	21,000
213	MS Teacher Center	
214	Teachers Recruited in Shortage	
215	Areas (Number of)	800

216 A reporting of the degree to which the performance targets
217 set above have been or are being achieved shall be provided in the
218 agency's budget request submitted to the Joint Legislative Budget
219 Committee for Fiscal Year 2011.

220 **SECTION 7.** In compliance with the "Mississippi Performance
221 Budget and Strategic Planning Act of 1994," it is the intent of
222 the Legislature that the funds provided in this act shall be
223 utilized in the most efficient and effective manner possible to
224 achieve the intended mission of the Mississippi Adequate Education
225 Program. Based on the funding authorized, this agency shall make



226 every effort to attain the targeted performance measures provided
227 below:

228		FY2010
229	<u>Performance Measures</u>	<u>Target</u>
230	Basic Program	
231	Percentage of students scoring basic &	
232	above on the MS Curriculum Test in grades	
233	2-8 in reading, language & math (%)	86.80
234	Percentage of students achieving the	
235	passing score on the History test (%)	94.30
236	Percentage of students achieving the	
237	passing score on the Biology test (%)	87.90
238	Percentage of students achieving the	
239	passing score on the Algebra test (%)	76.00
240	Provide 100% Funding of the Base	
241	Student Cost (%)	100.00

242 A reporting of the degree to which the performance targets
243 set above have been or are being achieved shall be provided in the
244 agency's budget request submitted to the Joint Legislative Budget
245 Committee for Fiscal Year 2011.

246 **SECTION 8.** Of the funds appropriated in Section 2, Forty-six
247 Million Dollars (\$46,000,000.00) shall be derived from the School
248 Ad Valorem Reduction Fund.

249 No school district shall expend any funds, received under the
250 School Ad Valorem Reduction Grant, unless such school district has
251 specifically identified the amount of the grant within the
252 published budget as required by Section 37-61-9, Mississippi Code
253 of 1972. The published budget shall include the following
254 statement: "Ad Valorem taxes will be \$_____ less as a result
255 of the Ad Valorem Reduction Grants enacted by the Mississippi
256 Legislature in 1992."

257 **SECTION 9.** Of the funds appropriated in Section 2, Two
258 Million One Hundred Thousand Dollars (\$2,100,000.00) shall be



259 derived from the Technology in Classroom Fund 3203 for the purpose
260 of defraying the expenses of the State Department of Education,
261 excluding the expenses of the Vocational and Technical Education
262 Division.

263 **SECTION 10.** Of the funds appropriated in Section 2, funds in
264 the amount of One Million Dollars (\$1,000,000.00) shall come from
265 income derived from the principal of the Education Improvement
266 Trust Fund created by Section 206A, Mississippi Constitution of
267 1890, and One Million Dollars (\$1,000,000.00) shall be used for
268 the School for Math and Science.

269 **SECTION 11.** Of the funds appropriated under the provisions
270 of this act, not more than the following amount shall be expended
271 for Salaries, Wages and Fringe Benefits for the Vocational and
272 Technical Education Division of the State Department of Education
273\$ 3,291,547.00

274 FUNDING:

275 General Funds.....\$ 76,377,835.00
276 Special Funds..... 23,880,616.00
277 Total.....\$ 100,258,451.00

278 AUTHORIZED POSITIONS:

279 Permanent: Full Time..... 59
280 Part Time..... 0
281 Time-Limited: Full Time..... 3
282 Part Time..... 0

283 With the funds herein appropriated, it is the intention of
284 the Legislature that it shall be the agency's responsibility to
285 make certain that funds required to be appropriated for "Personal
286 Services" for Fiscal Year 2011 do not exceed Fiscal Year 2010
287 funds appropriated for that purpose, unless programs or positions
288 are added to the agency's Fiscal Year 2010 budget by the
289 Mississippi Legislature. Based on data provided by the
290 Legislative Budget Office, the State Personnel Board shall
291 determine and publish the projected annual cost to fully fund all



292 appropriated positions in compliance with the provisions of this
293 act. It shall be the responsibility of the agency head to insure
294 that no single personnel action increases this projected annual
295 cost and/or the Fiscal Year 2010 appropriations for "Personal
296 Services" when annualized, with the exception of escalated funds.
297 If, at the time the agency takes any action to change "Personal
298 Services," the State Personnel Board determines that the agency
299 has taken an action which would cause the agency to exceed this
300 projected annual cost or the Fiscal Year 2010 "Personal Services"
301 appropriated level, when annualized, then only those actions which
302 reduce the projected annual cost and/or the appropriation
303 requirement will be processed by the State Personnel Board until
304 such time as the requirements of this provision are met.

305 Unless otherwise authorized in this act, no state agency
306 shall take any action to promote or otherwise award salary
307 increases through reallocation, reclassification, realignment,
308 educational benchmark, career ladder, equity salary adjustment, or
309 any other means to increase salaries of employees or positions
310 unless specifically exempted by the following conditions: the
311 award of teacher salary increments; the advancement of a
312 trainee/cadet to the next level of a bona fide career ladder; the
313 award of an educational benchmark for the attainment of a
314 Certified Public Accountant License or higher level professional
315 certification based on information provided to the State Personnel
316 Board by the Legislative Budget Office; the immediate replacement
317 of a departing employee with an employee from within state service
318 at a salary level of the departing employee or the FY2010
319 promotional formula, whichever is less; the emergency appointment
320 of nurses, pharmacists or other health care and child protection
321 professionals at a salary to be determined by the State Personnel
322 Board; or a new hire associated with the American Recovery and
323 Reinvestment Act of 2009. All positions supported by funds



324 available through the American Recovery and Reinvestment Act of
325 2009 shall be designated as time-limited positions.

326 Any transfers or escalations shall be made in accordance with
327 the terms, conditions and procedures established by law or
328 allowable under the terms set forth within this act. The State
329 Personnel Board shall not escalate positions without written
330 approval from the Department of Finance and Administration. The
331 Department of Finance and Administration shall not provide written
332 approval to escalate any funds for salaries and/or positions
333 without proof of availability of new or additional funds above the
334 appropriated level.

335 No general funds authorized to be expended herein shall be
336 used to replace federal funds and/or other special funds which are
337 being used for salaries authorized under the provisions of this
338 act and which are withdrawn and no longer available.

339 **SECTION 12.** In compliance with the "Mississippi Performance
340 Budget and Strategic Planning Act of 1994," it is the intent of
341 the Legislature that the funds provided in this act shall be
342 utilized in the most efficient and effective manner possible to
343 achieve the intended mission of the Vocational and Technical
344 Education Division of the State Department of Education. Based on
345 the funding authorized, this agency shall make every effort to
346 attain the targeted performance measures provided below:

	FY2010
<u>Performance Measures</u>	<u>Target</u>
349 Secondary Programs	
350 Increase in Students Served (%)	1.00
351 LEAs Served (Sites)	144
352 Post-secondary Programs	
353 Short-Term Students Served (Persons)	2,800
354 Short-Term Adult Program Classes (Classes)	225
355 Short-Term Cost per Student (\$)	65.00



356 A reporting of the degree to which the performance targets
357 set above have been or are being achieved shall be provided in the
358 agency's budget request submitted to the Joint Legislative Budget
359 Committee for Fiscal Year 2011.

360 **SECTION 13.** Of the funds appropriated in this act, an amount
361 not to exceed Two Hundred Twenty-nine Thousand Six Hundred
362 Eighty-four Dollars (\$229,684.00) is authorized for the support of
363 vocational and technical education programs as authorized in
364 Section 37-31-13, Mississippi Code of 1972, for a period in excess
365 of ten (10) months in a calendar year.

366 **SECTION 14.** It is the intention of the Legislature that the
367 Vocational and Technical Education Division of the State
368 Department of Education shall, with the funds appropriated in
369 Section 1, transfer no more than One Hundred Thousand Dollars
370 (\$100,000.00) to the Mississippi Soil and Water Conservation
371 Commission for the purpose of providing matching funds to purchase
372 soil conservation equipment.

373 **SECTION 15.** Of the funds appropriated in this act, no more
374 than One Hundred Thirty-five Thousand Dollars (\$135,000.00) is
375 provided for the purpose of supporting the Future Farmers of
376 America Center.

377 **SECTION 16.** Of the funds provided in Section 1 for the
378 purpose of providing financial assistance for the education of
379 exceptional children as determined under Section 37-23-63,
380 Mississippi Code of 1972, children who are certified by the
381 designated authority as requiring inpatient care in a private
382 intermediate care facility for the mentally retarded or
383 psychiatric residential treatment facility, with Medicaid
384 reimbursement, shall be eligible and entitled to receive state
385 financial assistance under the provisions of Section 37-23-69,
386 Mississippi Code of 1972, for the full regular school year term of
387 such treatment. The State Department of Education shall submit a



388 report to the Legislature with the projected cost per child and
389 the total cost of the program no later than January 30, 2010.

390 **SECTION 17.** It is the intention of the Legislature that the
391 State Department of Education shall have the authority to accept,
392 budget and expend any source funds not to exceed Thirty Million
393 Dollars (\$30,000,000.00), that become available to the department
394 to carry out the provisions of those funds in a manner consistent
395 with the rules and regulations of the Department of Finance and
396 Administration.

397 **SECTION 18.** The State Department of Education shall transfer
398 the designated amounts to the appropriate entities, which shall
399 assume full responsibility for the expenditure of these funds in
400 accordance with state laws and accept all responsibility for any
401 improper expenditure, for the following: World Class Teacher
402 Programs, USM Special Education Program, Soil and Water
403 Conservation Commission, Mississippi School Boards Association,
404 Mississippi Eye Screening Program-Vision Research Corporation and
405 Very Special Arts, Arts Institute, Jobs for Mississippi Graduates,
406 and Mississippi Symphony, University of Southern Mississippi Safe
407 Schools Program, Mississippi State University Center for Education
408 Design, Writing and Thinking Institute, Greater Columbus Early
409 Learning Center and Mississippi Council for Economic Education.

410 **SECTION 19.** Of the funds appropriated in Section 1, Seventy
411 Thousand Dollars (\$70,000.00) is provided for the Very Special
412 Arts Program and One Hundred Thousand Dollars (\$100,000.00) is
413 provided for the Mississippi Council for Economic Education.

414 **SECTION 20.** Of the funds appropriated in this act, an amount
415 not to exceed One Million Three Hundred Thousand Dollars
416 (\$1,300,000.00) shall be used for technological methods for
417 agricultural programs and for robotic engineering programs from
418 the Vocational and Technical Education Division of the State
419 Department of Education.



420 **SECTION 21.** Of the funds appropriated in Section 1, the sum
 421 of Sixty-two Thousand One Hundred Ninety-one Dollars (\$62,191.00),
 422 which is the aggregate sum that the school districts in the
 423 Chickasaw Cession receive annually from interest payments from the
 424 Chickasaw School Fund under Section 212, Mississippi Constitution
 425 of 1890, shall be deducted from the allocations to the school
 426 districts as provided in Section 29-3-137, Mississippi Code of
 427 1972, and shall be distributed among the school districts in the
 428 Chickasaw Cession by the State Department of Education in the
 429 manner that those interest payments were distributed during Fiscal
 430 Year 1985.

431 **SECTION 22.** Of the funds provided in this act for the
 432 purpose of funding the Mississippi Adequate Education Program as
 433 determined under Section 37-151-7, Mississippi Code of 1972, the
 434 base student cost in Fiscal Year 2010 shall be Four Thousand Seven
 435 Hundred Seventy-four Dollars (\$4,774.00).

436 **SECTION 23.** Of the funds appropriated in this act, an amount
 437 not more than Fifty Million Dollars (\$50,000,000.00) shall be
 438 derived from the Interim School District Capital Expenditure Fund
 439 for the benefit of the school districts as authorized in Section
 440 37-151-7(5), Mississippi Code of 1972.

441 **SECTION 24.** Of the funds appropriated under the provisions
 442 of this act, not more than the following amount shall be expended
 443 for Salaries, Wages and Fringe Benefits for the Mississippi School
 444 for the Blind and the Mississippi School for the Deaf.....

445\$ 10,155,922.00

446 FUNDING:

447 General Funds.....\$ 12,163,010.00

448 Special Funds..... 716,559.00

449 Total.....\$ 12,879,569.00

450 AUTHORIZED POSITIONS:

451 Permanent: Full Time..... 194

452 Part Time..... 30



453 Time-Limited: Full Time..... 1
454 Part Time..... 0

455 With the funds herein appropriated, it is the intention of
456 the Legislature that it shall be the agency's responsibility to
457 make certain that funds required to be appropriated for "Personal
458 Services" for Fiscal Year 2011 do not exceed Fiscal Year 2010
459 funds appropriated for that purpose, unless programs or positions
460 are added to the agency's Fiscal Year 2010 budget by the
461 Mississippi Legislature. Based on data provided by the
462 Legislative Budget Office, the State Personnel Board shall
463 determine and publish the projected annual cost to fully fund all
464 appropriated positions in compliance with the provisions of this
465 act. It shall be the responsibility of the agency head to insure
466 that no single personnel action increases this projected annual
467 cost and/or the Fiscal Year 2010 appropriations for "Personal
468 Services" when annualized, with the exception of escalated funds.
469 If, at the time the agency takes any action to change "Personal
470 Services," the State Personnel Board determines that the agency
471 has taken an action which would cause the agency to exceed this
472 projected annual cost or the Fiscal Year 2010 "Personal Services"
473 appropriated level, when annualized, then only those actions which
474 reduce the projected annual cost and/or the appropriation
475 requirement will be processed by the State Personnel Board until
476 such time as the requirements of this provision are met.

477 Unless otherwise authorized in this act, no state agency
478 shall take any action to promote or otherwise award salary
479 increases through reallocation, reclassification, realignment,
480 educational benchmark, career ladder, equity salary adjustment, or
481 any other means to increase salaries of employees or positions
482 unless specifically exempted by the following conditions: the
483 award of teacher salary increments; the advancement of a
484 trainee/cadet to the next level of a bona fide career ladder; the
485 award of an educational benchmark for the attainment of a



486 Certified Public Accountant License or higher level professional
487 certification based on information provided to the State Personnel
488 Board by the Legislative Budget Office; the immediate replacement
489 of a departing employee with an employee from within state service
490 at a salary level of the departing employee or the FY2010
491 promotional formula, whichever is less; the emergency appointment
492 of nurses, pharmacists or other health care and child protection
493 professionals at a salary to be determined by the State Personnel
494 Board; or a new hire associated with the American Recovery and
495 Reinvestment Act of 2009. All positions supported by funds
496 available through the American Recovery and Reinvestment Act of
497 2009 shall be designated as time-limited positions.

498 Any transfers or escalations shall be made in accordance with
499 the terms, conditions and procedures established by law or
500 allowable under the terms set forth within this act. The State
501 Personnel Board shall not escalate positions without written
502 approval from the Department of Finance and Administration. The
503 Department of Finance and Administration shall not provide written
504 approval to escalate any funds for salaries and/or positions
505 without proof of availability of new or additional funds above the
506 appropriated level.

507 No general funds authorized to be expended herein shall be
508 used to replace federal funds and/or other special funds which are
509 being used for salaries authorized under the provisions of this
510 act and which are withdrawn and no longer available.

511 Of the funds appropriated in Section 1 and Section 2 for the
512 Mississippi School for the Blind and the Mississippi School for
513 the Deaf, not more than One Hundred Forty-five Thousand Dollars
514 (\$145,000.00) shall be expended for vehicle purchases.

515 **SECTION 25.** With the funds provided in this act, it is the
516 intention of the Legislature that School Attendance Officers and
517 academic teachers at the Mississippi School for the Deaf and the



518 Mississippi School for the Blind shall receive their annual
519 increment.

520 **SECTION 26.** It is the intention of the Legislature that the
521 State Board of Education shall maintain complete accounting and
522 personnel records related to the expenditure of all funds
523 appropriated in this act and that those records shall be in the
524 same format and level of details as maintained for Fiscal Year
525 2009. It is further the intention of the Legislature that the
526 budget requests for Fiscal Year 2011 shall be submitted to the
527 Joint Legislative Budget Committee in a format and level of detail
528 comparable to the format and level of detail provided during the
529 Fiscal Year 2010 budget request process for each agency and
530 institution appropriated funds within the provisions of this act.

531 **SECTION 27.** Of the funds appropriated in Section 1 to the
532 State Board of Education, not less than Twenty-three Million Five
533 Hundred Thousand Dollars (\$23,500,000.00) shall be used for
534 National Board Certification.

535 **SECTION 28.** Of the funds appropriated in Section 1, not less
536 than Eleven Million Eight Hundred Sixty-Five Thousand Dollars
537 (\$11,865,000.00) shall be used for the Educable Child Program.

538 **SECTION 29.** It is the intention of the Legislature that at
539 least Twenty-one Million Dollars (\$21,000,000.00) be expended for
540 textbooks as defined in Section 37-43-1, Mississippi Code of 1972.
541 No funds shall be expended under authority of this act unless the
542 Mississippi Department of Education surveys each school district
543 to determine the dollar amount and description of its textbook
544 purchases. A report of such findings shall be provided to the
545 Chairmen of the House and Senate Education Committees no later
546 than December 31, 2009.

547 **SECTION 30.** The public school districts of the state are
548 authorized at their discretion to pay with local funds one hundred
549 percent (100%) of the cost of the health insurance premiums of the
550 State and School Employees Health Insurance Plan for all retired



551 members of the Public Employees' Retirement System who are
552 employed as school bus drivers by the school districts. It is the
553 intention of the Legislature that no state funds shall be used for
554 this purpose.

555 **SECTION 31.** Of the funds appropriated for Fiscal Year 2010
556 for the Educable Child Program, the Mississippi Department of
557 Education is authorized to pay the remaining balance up to Two
558 Million Dollars (\$2,000,000.00) for fiscal year 2009 claims.

559 **SECTION 32.** Of the funds appropriated for Orthopedic and
560 Aphasic, Three Hundred Twenty-five Thousand Dollars (\$325,000.00)
561 shall be for the Dubard School at the University of Southern
562 Mississippi.

563 **SECTION 33.** It is the intention of the Legislature that
564 whenever two (2) or more bids are received by this agency for the
565 purchase of commodities or equipment, and whenever all things
566 stated in those received bids are equal with respect to price,
567 quality and service, the Mississippi Industries for the Blind
568 shall be given preference. A similar preference shall be given to
569 the Mississippi Industries for the Blind whenever purchases are
570 made without competitive bids.

571 **SECTION 34.** Of the funds appropriated in Section 1, not less
572 than Seven Million One Hundred Eight Thousand Three Hundred Thirty
573 Dollars (\$7,108,330.00) shall be used for the Compulsory School
574 Attendance Office and School Attendance Officers.

575 **SECTION 35.** Of the funds appropriated in Section 1(a), Two
576 Hundred Thousand Dollars (\$200,000.00) is provided for the
577 Principal Corp.

578 **SECTION 36.** Of the funds appropriated in Section 1(a), Three
579 Hundred Twenty-five Thousand Dollars (\$325,000.00) is provided for
580 the Magnolia Speech School.

581 **SECTION 37.** Of the funds appropriated in Section 1, it is
582 the intention of the Legislature that One Million Eight Hundred



583 Thousand Dollars (\$1,800,000.00) shall be used for a mentoring
584 program.

585 **SECTION 38.** Of the funds appropriated in Section 1, it is
586 the intention of the Legislature that One Million Two Hundred
587 Thousand Dollars (\$1,200,000.00) shall be used for the development
588 of screening instruments and professional development for dyslexia
589 and other related disorders.

590 **SECTION 39.** Of the funds appropriated in this act, it is the
591 intention of the Legislature that Three Million Five Hundred Fifty
592 Thousand Dollars (\$3,550,000.00) shall be used for the Mary
593 Kirkpatrick-Mary Sprayberry Public School Nurse Program. The
594 amount of Three Million Five Hundred Fifty Thousand Dollars
595 (\$3,550,000.00) shall be transferred from the Department of
596 Health.

597 **SECTION 40.** The State Department of Education shall contract
598 with a Certified Public Accountant to calculate components of the
599 Mississippi Adequate Education Program to include the base student
600 cost, school district allocations, total program cost, add-on
601 programs, and any other required components of Section 37-151-7,
602 Mississippi Code of 1972. The contractor shall be responsible for
603 calculating the estimates of these components due to the
604 Legislative Budget Office and the Governor by August 1 and the
605 final estimates due to the Legislative Budget Office and the
606 Governor no later than January 2. A report detailing the funding
607 of this contract shall be submitted by the State Department of
608 Education to the Legislature no later than January 30, 2010.

609 **SECTION 41.** Any school district receiving funds for the Save
610 the Children Program, Learning Through Sports or Kids College
611 shall provide a thirty percent (30%) match from local funds for
612 implementation of the program.

613 **SECTION 42.** Of the funds appropriated in this act, it is the
614 intention of the Legislature that Twenty Million Dollars



615 (\$20,000,000.00) from the Public School Building Fund shall be
616 used for the Mississippi Adequate Education Program.

617 **SECTION 43.** It is the intention of the Legislature that the
618 State Board of Education shall charge a fee for room and board for
619 students who enroll in the Mississippi School for Mathematics and
620 Science and the Mississippi School of Arts. Such fees will be
621 waived for any student enrolled in the State Childrens' Health
622 Insurance Program. The amount of such fees shall be Five Hundred
623 Dollars (\$500.00) for each semester.

624 **SECTION 44.** It is the intention of the Legislature that the
625 State Superintendent for the Department of Education may increase
626 major objects of expenditure in total amounts not to exceed
627 twenty-five percent (25%) of the appropriated amount of each major
628 object of expenditure, provided that other major objects of
629 expenditure are decreased by a corresponding dollar amount and
630 provided the Executive Director of the Mississippi Department of
631 Finance and Administration also approves with written
632 authorization. However, no transfers shall be authorized which
633 increase the major object of expenditure "Salaries, Wages and
634 Fringe Benefits."

635 **SECTION 45.** It is the intent of the Legislature that each
636 eligible employee who meets the National Board requirements under
637 Section 37-19-7(2), Mississippi Code of 1972, shall be paid the
638 full supplement and that such supplement shall be included on a
639 prorated basis in the employee's monthly paycheck.

640 **SECTION 46.** The following sum, or so much thereof as may be
641 necessary, is hereby reappropriated out of any money in the State
642 General Fund not otherwise appropriated, for the State Board of
643 Education excluding Vocational and Technical Education for the
644 purpose of reauthorizing the expenditure of State General Funds,
645 as authorized in House Bill No. 513, Regular Session of 2008, for
646 the fiscal year beginning July 1, 2009, and ending June 30, 2010..
647\$ 7,100,000.00.



648 Notwithstanding the amount reappropriated under the provisions of
649 this section, in no event shall the amount expended exceed the
650 unexpended balance of June 30, 2009.

651 **SECTION 47.** Of the funds appropriated under the provisions
652 of Section 2, One Hundred Eleven Million Five Hundred Forty
653 Thousand Seven Hundred Fifty-one Dollars (\$111,540,751.00) is
654 anticipated to be derived from funds provided pursuant to the
655 American Recovery and Reinvestment Act of 2009.

656 If the amount that ultimately becomes available for this
657 agency from the American Recovery and Reinvestment Act of 2009
658 differs from the above stated amount, the agency shall immediately
659 report the actual amount to the Legislative Budget Office and the
660 agency may use the American Recovery and Reinvestment Act of 2009
661 escalation authorization contained within this act to increase the
662 expenditure authority as necessary.

663 **SECTION 48.** It is the intention of the Legislature that the
664 agency shall compile cell phone usage records of any cellular
665 phone (wireless communication device) that is assigned, issued or
666 made available to any officer or employee in accordance with
667 Section 25-53-191, Mississippi Code of 1972, and these records
668 shall be made publicly available at the expense of the agency.

669 **SECTION 49.** It is legislative intent to ensure beneficial
670 information reaches as many Mississippians as possible. Further,
671 it is legislative intent that the expenditure of public funds for
672 this purpose be accomplished in an efficient and effective manner.

673 Therefore, state agencies as standard procedure will observe
674 the following criteria:

675 (a) Develop goals and desired result for a campaign.

676 (b) Evaluate effectiveness through respected
677 advertising standards, including market reach and cost
678 effectiveness.

679 (c) Seek public service announcements, which would be
680 aired by media without cost.



681 (d) Itemize and justify professional assistance and
682 related expenses for creative and production costs outside of the
683 actual media expenditures.

684 (e) Utilize Mississippi-owned media companies when
685 feasible.

686 **SECTION 50.** It is the intention of the Legislature that this
687 agency shall have the authority to receive, budget and expend
688 funds from any source that may become available to them as a
689 result of the passage of the American Recovery and Reinvestment
690 Act of 2009 in accordance with the rules and regulations of the
691 Department of Finance and Administration in a manner consistent
692 with the escalation of federal funds.

693 The Executive Director of the Department of Finance and
694 Administration shall have the authority to approve escalations of
695 funds and employee positions using funds from any source available
696 due to the passage of the American Recovery and Reinvestment Act
697 of 2009.

698 The Executive Director of the Department of Finance and
699 Administration shall immediately send notice of the approval of
700 such budget escalation to the House of Representatives
701 Appropriations Committee, the Senate Appropriations Committee and
702 the Legislative Budget Office. Within fifteen (15) days of such
703 approval, the Executive Director of the Department of Finance and
704 Administration shall ensure that the Legislative Budget Office
705 receives detailed and accurate information about the amount and
706 use of federal and special source funds by state agencies as a
707 result of the passage of the American Recovery and Reinvestment
708 Act of 2009.

709 **SECTION 51.** No former employee who is receiving State of
710 Mississippi retirement benefits shall be hired under contract for
711 an amount exceeding Twenty Thousand Dollars (\$20,000.00) a year
712 without prior approval by an agency's proper governing board or
713 authority. Upon approval of such contracts, a written report



714 shall be submitted detailing the cost and need of such contract
715 services to the Chairmen and members of the Senate and House
716 Appropriations Committees.

717 **SECTION 52.** In addition to all other sums herein
718 appropriated, the following sum, or so much thereof as may be
719 necessary, is appropriated out of any money in the State Treasury
720 to the credit of the Department of Education, for the purpose of
721 providing authority to expend federal State Fiscal Stabilization
722 Funds made available through the American Recovery and
723 Reinvestment Act to defray the expenses of the Mississippi
724 Adequate Education Program for the period beginning upon passage
725 and through the fiscal year ending June 30, 2010.....
726\$ 49,000,392.00.

727 **SECTION 53.** The money appropriated in this act shall be paid
728 by the State Treasurer out of any money in the proper fund or
729 funds as set forth in this act, upon warrants issued by the State
730 Fiscal Officer; and the State Fiscal Officer shall issue his
731 warrants upon requisitions signed by the proper person, officer or
732 officers in the manner provided by law.

733 **SECTION 54.** This act shall take effect and be in force from
734 and after July 1, 2009, with the exception of Section 52, which
735 shall take effect and be in force from and after its passage.

