

By: Senator(s) Tollison, Burton, Hill, Blount, Browning, Butler (36th), Butler (38th), Clarke, Doty, Gandy, Gollott, Hale, Hopson, Hudson, Jackson (15th), Jackson (11th), Jordan, Longwitz, Massey, McDaniel, Montgomery, Moran, Parks, Simmons (12th), Smith, Sojourner, Stone, Tindell, Ward, Watson, Wiggins

To: Education; Appropriations

SENATE BILL NO. 2792

1 AN ACT TO AMEND SECTION 37-15-38, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE STUDENTS TO DUALY ENROLL IN THEIR HOME HIGH SCHOOL
3 AND A LOCAL COMMUNITY COLLEGE IN A DUAL CREDIT PROGRAM CONSISTING
4 OF HIGH SCHOOL COMPLETION COURSES AND A WORK SKILLS CERTIFICATE
5 PROGRAM; TO ESTABLISH THIS DUAL CREDIT OPTION ON A PILOT PROGRAM
6 BASIS TO BE IMPLEMENTED STATEWIDE IN THE 2013-2014 SCHOOL YEAR; TO
7 PRESCRIBE THE COMPONENTS OF THE DUAL CREDIT OPTION PROGRAM; TO
8 AMEND SECTIONS 37-151-5 AND 37-151-7, MISSISSIPPI CODE OF 1972, TO
9 PROVIDE STATE FUNDING UNDER THE MISSISSIPPI ADEQUATE EDUCATION
10 PROGRAM FOR THE DUAL CREDIT PROGRAM; AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** Section 37-15-38, Mississippi Code of 1972, is
13 amended as follows:

14 37-15-38. (1) The following phrases have the meanings
15 ascribed in this section unless the context clearly requires
16 otherwise:

17 (a) A dual enrolled student is a student who is
18 enrolled in a community or junior college or state institution of
19 higher learning while enrolled in high school.

20 (b) A dual credit student is a student who is enrolled
21 in a community or junior college or state institution of higher
22 learning while enrolled in high school and who is receiving high
23 school and college credit for postsecondary coursework.

24 (2) A local school board, the Board of Trustees of State
25 Institutions of Higher Learning and the State Board for
26 Community * * * Colleges shall establish a dual enrollment system
27 under which students in the school district who meet the
28 prescribed criteria of this section may be enrolled in a
29 postsecondary institution in Mississippi while they are still in
30 school.



31 (3) **Dual credit eligibility.** Before credits earned by a
32 qualified high school student from a community or junior college
33 or state institution of higher learning may be transferred to the
34 student's home school district, the student must be properly
35 enrolled in a dual enrollment program.

36 (4) **Admission criteria for dual enrollment in community and**
37 **junior college or university programs.** The boards of trustees of
38 the community and junior college districts and the Board of
39 Trustees of State Institutions of Higher Learning may recommend to
40 the State Board of Education admission criteria for dual
41 enrollment programs under which high school students may enroll at
42 a community or junior college or university while they are still
43 attending high school and enrolled in high school courses.
44 Students may be admitted to enroll in community or junior college
45 courses under the dual enrollment programs if they meet that
46 individual institution's stated dual enrollment admission
47 requirements.

48 (5) **Tuition and cost responsibility.** Tuition and costs for
49 university-level courses and community and junior college courses
50 offered under a dual enrollment program may be paid for by the
51 postsecondary institution, the local school district, the parents
52 or legal guardians of the student, or by grants, foundations or
53 other private or public sources. Payment for tuition and any
54 other costs must be made directly to the credit-granting
55 institution.

56 (6) **Transportation responsibility.** Any transportation
57 required by a student to participate in the dual enrollment
58 program is the responsibility of the parent, custodian or legal
59 guardian of the student. Transportation costs may be paid from
60 any available public or private sources, including the local
61 school district.

62 (7) **School district average daily attendance credit.** When
63 dually enrolled, the student may be counted, for adequate



64 education program funding purposes, in the average daily
65 attendance of the public school district in which the student
66 attends high school.

67 (8) **High school student transcript transfer requirements.**

68 Grades and college credits earned by a student admitted to a dual
69 credit program must be recorded on the high school student record
70 and on the college transcript at the university or community or
71 junior college and high school where the student attends classes.
72 The transcript of the university or community or junior college
73 coursework may be released to another institution or applied
74 toward college graduation requirements.

75 (9) **Determining factor of prerequisites for dual enrollment**

76 **courses.** Each university and community or junior college
77 participating in a dual enrollment program shall determine course
78 prerequisites. Course prerequisites shall be the same for dual
79 enrolled students as for regularly enrolled students at that
80 university or community or junior college.

81 (10) **Process for determining articulation of curriculum**
82 **between high school, university, and community and junior college**

83 **courses.** Postsecondary curricula for eligible courses currently
84 offered through Mississippi Curriculum Frameworks must meet the
85 prescribed competencies requirements. Eligible courses not
86 offered in Mississippi Curriculum Frameworks must meet the
87 standards established at the postsecondary level. Postsecondary
88 level developmental courses may not be considered as meeting the
89 requirements of the dual credit program. Dual credit memorandum
90 of understandings must be established between each postsecondary
91 institution and the school district implementing a dual credit
92 program.

93 (11) **Ineligible courses for dual credit programs.** Any

94 course that is required for subject area testing as a requirement
95 for graduation from a public school in Mississippi is not eligible
96 for dual credit.



97 (12) **Eligible courses for dual credit programs.** Courses
98 eligible for dual credit include, but are not necessarily limited
99 to, foreign languages, advanced math courses, advanced science
100 courses, performing arts, advanced business and technology, and
101 career and technical courses. All courses being considered for
102 dual credit must receive unconditional approval from the
103 superintendent of the local school district and the chief
104 instructional officer at the participating community or junior
105 college or university in order for college credit to be awarded.
106 A university or community or junior college shall make the final
107 decision on what courses are eligible for semester hour credits.
108 The local school superintendent shall make the final decision on
109 the transfer of college or university courses credited to the
110 student's high school transcript.

111 (13) **High school Carnegie unit equivalency.** One (1)
112 three-hour university or community or junior college course is
113 equal to one-half (1/2) high school Carnegie unit. A full
114 Carnegie unit may be awarded for a three-hour university or
115 college course upon approval of the local superintendent. Partial
116 credit agreements for postsecondary courses that are less than
117 three (3) hours may be developed between a local school district
118 and the participating postsecondary institution.

119 (14) **Course alignment.** Once alignment is achieved between
120 university courses, community and junior college courses and the
121 State Board of Education approved high school courses, the
122 universities, community and junior colleges and high schools shall
123 periodically review their respective policies and assess the place
124 of dual credit courses within the context of their traditional
125 offerings.

126 (15) **Maximum dual credits allowed.** It is the intent of the
127 dual enrollment program to make it possible for every eligible
128 student who desires to earn a semester's worth of college credit
129 in high school to do so. A qualified dually enrolled high school



130 student must be allowed to earn an unlimited number of college or
131 university credits for dual credit.

132 (16) **Dual credit program allowances.** A student may be
133 granted credit delivered through the following means:

134 (a) Examination preparation taught at a high school by
135 a qualified teacher. A student may receive credit at the
136 secondary level after completion of an approved course and passing
137 the standard examination, such as an Advanced Placement or
138 International Baccalaureate course through which a high school
139 student is allowed CLEP credit by making a three (3) or higher on
140 the end-of-course examination.

141 (b) College or university courses taught at a high
142 school or designated postsecondary site by a qualified teacher who
143 is an employee of the school district and approved as an
144 instructor by the collaborating college or university.

145 (c) College or university courses taught at a college,
146 university or high school by an instructor employed by the college
147 or university and approved by the collaborating school district.

148 (d) Online courses, including eligible courses offered
149 by the Mississippi Virtual Public School or any postsecondary
150 institution.

151 (17) **Qualifications of dual credit instructors.** A dual
152 credit academic instructor must meet the requirements set forth by
153 the regional accrediting association (Southern Association of
154 College and Schools). University and community and junior college
155 personnel have the sole authority in the selection of dual credit
156 instructors.

157 A dual credit career and technical education instructor must
158 meet the requirements set forth by the State Board for Community
159 and Junior Colleges in the qualifications manual for postsecondary
160 career and technical personnel.

161 (18) **Guidance on local agreements.** The Chief Academic
162 Officer of the State Board of Trustees of State Institutions of



163 Higher Learning and the Chief Instructional Officers of the State
164 Board for Community and Junior Colleges and the State Department
165 of Education, working collaboratively, shall develop a template to
166 be used by the individual community and junior colleges and
167 institutions of higher learning for consistent implementation of
168 the dual enrollment program throughout the State of Mississippi.

169 (19) **Mississippi Works Dual Enrollment-Dual Credit Option.**

170 A local school board and the State Board for Community Colleges
171 shall establish a Mississippi Works Dual Enrollment-Dual Credit
172 Option Program under which students at-risk or recent student
173 dropouts may dually enroll in their home school and a local
174 community college in a dual credit program consisting of high
175 school completion coursework and a work skills certificate
176 program. Students completing the dual enrollment-credit option
177 may obtain their high school diploma while obtaining a certificate
178 in a career-technical program or a community college Associate of
179 Applied Science degree. The Mississippi Department of Employment
180 Security shall assist students who have successfully completed the
181 Mississippi Works Dual Enrollment-Dual Credit Option in securing a
182 job upon the application of the student or the participating
183 school or community college. The State Board of Education and the
184 State Board for Community Colleges shall jointly designate five
185 (5) pilot school districts in the state for participation in the
186 Mississippi Works Dual Enrollment-Dual Credit Option Program
187 effective in the 2012-2013 school year, and shall notify the
188 appropriate local school board and community college board of
189 trustees of this designation. The Mississippi Works Dual
190 Enrollment-Dual Credit Option Program will be implemented
191 statewide in the 2013-2014 school year and thereafter. The State
192 Board of Education and the State Board for Community Colleges
193 shall establish criteria for the Dual Enrollment-Dual Credit
194 Program, and students may be admitted to enroll in the appropriate
195 community college courses if they meet the stated dual



196 enrollment-credit admission requirements. Tuition and costs for
197 community college courses offered under the Dual Enrollment-Dual
198 Credit Program shall not be charged to the student, parents or
199 legal guardians. When dually enrolled, the student shall be
200 counted for adequate education program funding purposes, in the
201 average daily attendance of the public school district in which
202 the student attends high school, as provided in Section
203 37-151-7(1) (a). Any transportation required by the student to
204 participate in the Dual Enrollment-Dual Credit Program is the
205 responsibility of the parent or legal guardian of the student, and
206 transportation costs may be paid from any available public or
207 private sources, including the local school district. Grades and
208 college credits earned by a student admitted to this Dual
209 Enrollment-Dual Credit Program shall be recorded on the high
210 school student record and on the college transcript at the
211 community college and high school where the student attends
212 classes. The transcript of the community college coursework may
213 be released to another institution or applied toward college
214 graduation requirements. Any course that is required for subject
215 area testing as a requirement for graduation from a public school
216 in Mississippi is eligible for dual credit, and courses eligible
217 for dual credit shall also include career and technical courses.
218 All courses eligible for dual credit shall be approved by the
219 superintendent of the local school district and the chief
220 instructional officer at the participating community college in
221 order for college credit to be awarded. A community college shall
222 make the final decision on what courses are eligible for semester
223 hour credits and the local school superintendent shall make the
224 final decision on the transfer of college courses credited to the
225 student's high school transcript.

226 **SECTION 2.** Section 37-151-5, Mississippi Code of 1972, is
227 amended as follows:

228 37-151-5. As used in Sections 37-151-5 and 37-151-7:



229 (a) "Adequate program" or "adequate education program"
230 or "Mississippi Adequate Education Program (MAEP)" shall mean the
231 program to establish adequate current operation funding levels
232 necessary for the programs of such school district to meet at
233 least a successful Level III rating of the accreditation system as
234 established by the State Board of Education using current
235 statistically relevant state assessment data.

236 (b) "Educational programs or elements of programs not
237 included in the adequate education program calculations, but which
238 may be included in appropriations and transfers to school
239 districts" shall mean:

240 (i) "Capital outlay" shall mean those funds used
241 for the constructing, improving, equipping, renovating or major
242 repairing of school buildings or other school facilities, or the
243 cost of acquisition of land whereon to construct or establish such
244 school facilities.

245 (ii) "Pilot programs" shall mean programs of a
246 pilot or experimental nature usually designed for special purposes
247 and for a specified period of time other than those included in
248 the adequate education program.

249 (iii) "Adult education" shall mean public
250 education dealing primarily with students above eighteen (18)
251 years of age not enrolled as full-time public school students and
252 not classified as students of technical schools, colleges or
253 universities of the state.

254 (iv) "Food service programs" shall mean those
255 programs dealing directly with the nutritional welfare of the
256 student, such as the school lunch and school breakfast programs.

257 (c) "Base student" shall mean that student
258 classification that represents the most economically educated
259 pupil in a school system meeting the definition of successful, as
260 determined by the State Board of Education.



261 (d) "Base student cost" shall mean the funding level
262 necessary for providing an adequate education program for one (1)
263 base student, subject to any minimum amounts prescribed in Section
264 37-151-7(1).

265 (e) "Add-on program costs" shall mean those items which
266 are included in the adequate education program appropriations and
267 are outside of the program calculations:

268 (i) "Transportation" shall mean transportation to
269 and from public schools for the students of Mississippi's public
270 schools provided for under law and funded from state funds.

271 (ii) "Vocational or technical education program"
272 shall mean a secondary vocational or technical program approved by
273 the State Department of Education and provided for from state
274 funds.

275 (iii) "Special education program" shall mean a
276 program for exceptional children as defined and authorized by
277 Sections 37-23-1 through 37-23-9, and approved by the State
278 Department of Education and provided from state funds.

279 (iv) "Gifted education program" shall mean those
280 programs for the instruction of intellectually or academically
281 gifted children as defined and provided for in Section 37-23-175
282 et seq.

283 (v) "Alternative school program" shall mean those
284 programs for certain compulsory-school-age students as defined and
285 provided for in Sections 37-13-92 and 37-19-22.

286 (vi) "Extended school year programs" shall mean
287 those programs authorized by law which extend beyond the normal
288 school year.

289 (vii) "University-based programs" shall mean those
290 university-based programs for handicapped children as defined and
291 provided for in Section 37-23-131 et seq.

292 (viii) "Bus driver training" programs shall mean
293 those driver training programs as provided for in Section 37-41-1.



294 (f) "Teacher" shall include any employee of a local
295 school who is required by law to obtain a teacher's license from
296 the State Board of Education and who is assigned to an
297 instructional area of work as defined by the State Department of
298 Education.

299 (g) "Principal" shall mean the head of an attendance
300 center or division thereof.

301 (h) "Superintendent" shall mean the head of a school
302 district.

303 (i) "School district" shall mean any type of school
304 district in the State of Mississippi, and shall include
305 agricultural high schools.

306 (j) "Minimum school term" shall mean a term of at least
307 one hundred eighty (180) days of school in which both teachers and
308 pupils are in regular attendance for scheduled classroom
309 instruction for not less than sixty percent (60%) of the normal
310 school day. It is the intent of the Legislature that any tax
311 levies generated to produce additional local funds required by any
312 school district to operate school terms in excess of one hundred
313 seventy-five (175) days shall not be construed to constitute a new
314 program for the purposes of exemption from the limitation on tax
315 revenues as allowed under Sections 27-39-321 and 37-57-107 for new
316 programs mandated by the Legislature.

317 (k) The term "transportation density" shall mean the
318 number of transported children in average daily attendance per
319 square mile of area served in a school district, as determined by
320 the State Department of Education.

321 (l) The term "transported children" shall mean children
322 being transported to school who live within legal limits for
323 transportation and who are otherwise qualified for being
324 transported to school at public expense as fixed by Mississippi
325 state law.



326 (m) The term "year of teaching experience" shall mean
327 nine (9) months of actual teaching in the public or private
328 schools. In no case shall more than one (1) year of teaching
329 experience be given for all services in one (1) calendar or school
330 year. In determining a teacher's experience, no deduction shall
331 be made because of the temporary absence of the teacher because of
332 illness or other good cause, and the teacher shall be given credit
333 therefor. Beginning with the 2003-2004 school year, the State
334 Board of Education shall fix a number of days, not to exceed
335 forty-five (45) consecutive school days, during which a teacher
336 may not be under contract of employment during any school year and
337 still be considered to have been in full-time employment for a
338 regular scholastic term. If a teacher exceeds the number of days
339 established by the State Board of Education that a teacher may not
340 be under contract but may still be employed, that teacher shall
341 not be credited with a year of teaching experience. In
342 determining the experience of school librarians, each complete
343 year of continuous, full-time employment as a professional
344 librarian in a public library in this or some other state shall be
345 considered a year of teaching experience. If a full-time school
346 administrator returns to actual teaching in the public schools,
347 the term "year of teaching experience" shall include the period of
348 time he or she served as a school administrator. In determining
349 the salaries of teachers who have experience in any branch of the
350 military, the term "year of teaching experience" shall include
351 each complete year of actual classroom instruction while serving
352 in the military. In determining the experience of speech-language
353 pathologists and audiologists, each complete year of continuous
354 full-time post master's degree employment in an educational
355 setting in this or some other state shall be considered a year of
356 teaching experience. Provided, however, that school districts are
357 authorized, in their discretion, to negotiate the salary levels
358 applicable to certificated employees employed after July 1, 2009,



359 who are receiving retirement benefits from the retirement system
360 of another state, and the annual experience increment provided in
361 Section 37-19-7 shall not be applicable to any such retired
362 certificated employee.

363 (n) The term "average daily attendance" shall be the
364 figure which results when the total aggregate attendance during
365 the period or months counted is divided by the number of days
366 during the period or months counted upon which both teachers and
367 pupils are in regular attendance for scheduled classroom
368 instruction less the average daily attendance for self-contained
369 special education classes and, prior to full implementation of the
370 adequate education program the department shall deduct the average
371 daily attendance for the alternative school program provided for
372 in Section 37-19-22.

373 (o) The term "local supplement" shall mean the amount
374 paid to an individual teacher over and above the adequate
375 education program salary schedule for regular teaching duties.

376 (p) The term "aggregate amount of support from ad
377 valorem taxation" shall mean the amounts produced by the
378 district's total tax levies for operations.

379 (q) The term "adequate education program funds" shall
380 mean all funds, both state and local, constituting the
381 requirements for meeting the cost of the adequate program as
382 provided for in Section 37-151-7.

383 (r) "Department" shall mean the State Department of
384 Education.

385 (s) "Commission" shall mean the Mississippi Commission
386 on School Accreditation created under Section 37-17-3.

387 (t) The term "successful school district" shall mean a
388 Level III school district as designated by the State Board of
389 Education using current statistically relevant state assessment
390 data.



391 (u) "Dual enrollment-dual credit programs" shall mean
392 programs for potential or recent high school student dropouts to
393 dually enroll in their home high school and a local community
394 college in a dual credit program consisting of high school
395 completion coursework and a work skills certificate program at the
396 community college, as provided in Section 37-15-38(19).

397 **SECTION 3.** Section 37-151-7, Mississippi Code of 1972, is
398 amended as follows:

399 37-151-7. The annual allocation to each school district for
400 the operation of the adequate education program shall be
401 determined as follows:

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

406 (a) **Determination of average daily attendance.**
407 Effective with fiscal year 2011, the State Department of Education
408 shall determine the percentage change from the prior year of each
409 year of each school district's average of months two (2) and three
410 (3) average daily attendance (ADA) for the three (3) immediately
411 preceding school years of the year for which funds are being
412 appropriated. For any school district that experiences a positive
413 growth in the average of months two (2) and three (3) ADA each
414 year of the three (3) years, the average percentage growth over
415 the three-year period shall be multiplied times the school
416 district's average of months two (2) and three (3) ADA for the
417 year immediately preceding the year for which MAEP funds are being
418 appropriated. The resulting amount shall be added to the school
419 district's average of months two (2) and three (3) ADA for the
420 year immediately preceding the year for which MAEP funds are being
421 appropriated to arrive at the ADA to be used in determining a
422 school district's MAEP allocation. Otherwise, months two (2) and
423 three (3) ADA for the year immediately preceding the year for



424 which MAEP funds are being appropriated will be used in
425 determining a school district's MAEP allocation. In any fiscal
426 year prior to 2010 in which the MAEP formula is not fully funded,
427 for those districts that do not demonstrate a three-year positive
428 growth in months two (2) and three (3) ADA, months one (1) through
429 nine (9) ADA of the second preceding year for which funds are
430 being appropriated or months two (2) and three (3) ADA of the
431 preceding year for which funds are being appropriated, whichever
432 is greater, shall be used to calculate the district's MAEP
433 allocation. The district's average daily attendance shall be
434 computed and currently maintained in accordance with regulations
435 promulgated by the State Board of Education. The district's
436 average daily attendance shall include any student enrolled in a
437 Dual Enrollment-Dual Credit Program as defined and provided in
438 Section 37-15-38(19). The State Department of Education shall
439 make payments for Dual Enrollment-Dual Credit Programs to the home
440 school in which the student is enrolled, in accordance with
441 regulations promulgated by the State Board of Education. The
442 community college providing services to students in a Dual
443 Enrollment-Dual Credit Program may request payment from the home
444 school district for services provided to such students.

445 (b) **Determination of base student cost.** Effective with
446 fiscal year 2011 and every fourth fiscal year thereafter, the
447 State Board of Education, on or before August 1, with adjusted
448 estimate no later than January 2, shall submit to the Legislative
449 Budget Office and the Governor a proposed base student cost
450 adequate to provide the following cost components of educating a
451 pupil in a successful school district: (i) Instructional Cost;
452 (ii) Administrative Cost; (iii) Operation and Maintenance of
453 Plant; and (iv) Ancillary Support Cost. For purposes of these
454 calculations, the Department of Education shall utilize financial
455 data from the second preceding year of the year for which funds
456 are being appropriated.



457 For the instructional cost component, the Department of
458 Education shall select districts that have been identified as
459 instructionally successful and have a ratio of a number of
460 teachers per one thousand (1,000) students that is between one (1)
461 standard deviation above the mean and two (2) standard deviations
462 below the mean of the statewide average of teachers per one
463 thousand (1,000) students. The instructional cost component shall
464 be calculated by dividing the latest available months one (1)
465 through nine (9) ADA into the instructional expenditures of these
466 selected districts. For the purpose of this calculation, the
467 Department of Education shall use the following funds, functions
468 and objects:

469 Fund 1120 Functions 1110-1199 Objects 100-999, Functions
470 1210, 1220, 2150-2159 Objects 210 and 215;

471 Fund 1130 All Functions, Object Code 210 and 215;

472 Fund 2001 Functions 1110-1199 Objects 100-999;

473 Fund 2070 Functions 1110-1199 Objects 100-999;

474 Fund 2420 Functions 1110-1199 Objects 100-999;

475 Fund 2711 All Functions, Object Code 210 and 215.

476 Prior to the calculation of the instructional cost component,
477 there shall be subtracted from the above expenditures any revenue
478 received for Chickasaw Cession payments, Master Teacher
479 Certification payments and the district's portion of state revenue
480 received from the MAEP at-risk allocation.

481 For the administrative cost component, the Department of
482 Education shall select districts that have been identified as
483 instructionally successful and have a ratio of an administrative
484 staff to nonadministrative staff between one (1) standard
485 deviation above the mean and two (2) standard deviations below the
486 mean of the statewide average administrative staff to
487 nonadministrative staff. The administrative cost component shall
488 be calculated by dividing the latest available months one (1)
489 through nine (9) ADA of the selected districts into the



490 administrative expenditures of these selected districts. For the
491 purpose of this calculation, the Department of Education shall use
492 the following funds, functions and objects:

493 Fund 1120 Functions 2300-2599, Functions 2800-2899,
494 Objects 100-999;

495 Fund 2711 Functions 2300-2599, Functions 2800-2899,
496 Objects 100-999.

497 For the plant and maintenance cost component, the Department
498 of Education shall select districts that have been identified as
499 instructionally successful and have a ratio of plant and
500 maintenance expenditures per one hundred thousand (100,000) square
501 feet of building space and a ratio of maintenance workers per one
502 hundred thousand (100,000) square feet of building space that are
503 both between one (1) standard deviation above the mean and two (2)
504 standard deviations below the mean of the statewide average. The
505 plant and maintenance cost component shall be calculated by
506 dividing the latest available months one (1) through nine (9) ADA
507 of the selected districts into the plant and maintenance
508 expenditures of these selected districts. For the purpose of this
509 calculation, the Department of Education shall use the following
510 funds, functions and objects:

511 Fund 1120 Functions 2600-2699, Objects 100-699
512 and Objects 800-999;

513 Fund 2711 Functions 2600-2699, Objects 100-699
514 and Objects 800-999;

515 Fund 2430 Functions 2600-2699, Objects 100-699
516 and Objects 800-999.

517 For the ancillary support cost component, the Department of
518 Education shall select districts that have been identified as
519 instructionally successful and have a ratio of a number of
520 librarians, media specialists, guidance counselors and
521 psychologists per one thousand (1,000) students that is between
522 one (1) standard deviation above the mean and two (2) standard



523 deviations below the mean of the statewide average of librarians,
524 media specialists, guidance counselors and psychologists per one
525 thousand (1,000) students. The ancillary cost component shall be
526 calculated by dividing the latest available months one (1) through
527 nine (9) ADA into the ancillary expenditures instructional
528 expenditures of these selected districts. For the purpose of this
529 calculation, the Department of Education shall use the following
530 funds, functions and objects:

531 Fund 1120 Functions 2110-2129, Objects 100-999;
532 Fund 1120 Functions 2140-2149, Objects 100-999;
533 Fund 1120 Functions 2220-2229, Objects 100-999;
534 Fund 2001 Functions 2100-2129, Objects 100-999;
535 Fund 2001 Functions 2140-2149, Objects 100-999;
536 Fund 2001 Functions 2220-2229, Objects 100-999.

537 The total base cost for each year shall be the sum of the
538 instructional cost component, administrative cost component, plant
539 and maintenance cost component and ancillary support cost
540 component, and any estimated adjustments for additional state
541 requirements as determined by the State Board of Education.

542 Provided, however, that the base student cost in fiscal year 1998
543 shall be Two Thousand Six Hundred Sixty-four Dollars (\$2,664.00).

544 For each of the fiscal years between the recalculation of the
545 base student cost under the provisions of this paragraph (b), the
546 base student cost shall be increased by an amount equal to forty
547 percent (40%) of the base student cost for the previous fiscal
548 year, multiplied by the latest annual rate of inflation for the
549 State of Mississippi as determined by the State Economist, plus
550 any adjustments for additional state requirements such as, but not
551 limited to, teacher pay raises and health insurance premium
552 increases.

553 (c) **Determination of the basic adequate education**
554 **program cost.** The basic amount for current operation to be



555 included in the Mississippi Adequate Education Program for each
556 school district shall be computed as follows:

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

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

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

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

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

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

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

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



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

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

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

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

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

604 The total Mississippi Adequate Education Program cost shall be the
605 sum of the total basic adequate education program cost (paragraph
606 (c)), and the adjustment to the base student cost for at-risk
607 pupils (paragraph (d)) for each school district. In any year in
608 which the MAEP is not fully funded, the Legislature shall direct
609 the Department of Education in the K-12 appropriation bill as to
610 how to allocate MAEP funds to school districts for that year.

611 (g) The State Auditor shall annually verify the State
612 Board of Education's estimated calculations for the Mississippi
613 Adequate Education Program that are submitted each year to the
614 Legislative Budget Office on August 1 and the final calculation
615 that is submitted on January 2.

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



620 (a) The State Department of Education shall certify to
621 each school district that twenty-eight (28) mills, less the
622 estimated amount of the yield of the School Ad Valorem Tax
623 Reduction Fund grants as determined by the State Department of
624 Education, is the millage rate required to provide the district
625 required local effort for that year, or twenty-seven percent (27%)
626 of the basic adequate education program cost for such school
627 district as determined under paragraph (c), whichever is a lesser
628 amount. In the case of an agricultural high school, the millage
629 requirement shall be set at a level which generates an equitable
630 amount per pupil to be determined by the State Board of Education.

631 (b) The State Department of Education shall determine
632 (i) the total assessed valuation of nonexempt property for school
633 purposes in each school district; (ii) assessed value of exempt
634 property owned by homeowners aged sixty-five (65) or older or
635 disabled as defined in Section 27-33-67(2), Mississippi Code of
636 1972; (iii) the school district's tax loss from exemptions
637 provided to applicants under the age of sixty-five (65) and not
638 disabled as defined in Section 27-33-67(1), Mississippi Code of
639 1972; and (iv) the school district's homestead reimbursement
640 revenues.

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

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

649 One hundred percent (100%) of any fees in lieu of taxes as
650 prescribed in Section 27-31-104.

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



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

662 (b) Provided, however, that in fiscal year 1998 and in
663 the fiscal year in which the adequate education program is fully
664 funded by the Legislature, any increase in the said state
665 contribution to any district calculated under this section shall
666 be not less than eight percent (8%) in excess of the amount
667 received by said district from state funds for the fiscal year
668 immediately preceding. For purposes of this paragraph (b), state
669 funds shall include minimum program funds less the add-on
670 programs, State Uniform Millage Assistance Grant Funds, Education
671 Enhancement Funds appropriated for Uniform Millage Assistance
672 Grants and state textbook allocations, and State General Funds
673 allocated for textbooks.

674 (c) If the school board of any school district shall
675 determine that it is not economically feasible or practicable to
676 operate any school within the district for the full one hundred
677 eighty (180) days required for a school term of a scholastic year
678 as required in Section 37-13-63, Mississippi Code of 1972, due to
679 an enemy attack, a man-made, technological or natural disaster in
680 which the Governor has declared a disaster emergency under the
681 laws of this state or the President of the United States has
682 declared an emergency or major disaster to exist in this state,
683 said school board may notify the State Department of Education of
684 such disaster and submit a plan for altering the school term. If
685 the State Board of Education finds such disaster to be the cause



686 of the school not operating for the contemplated school term and
687 that such school was in a school district covered by the
688 Governor's or President's disaster declaration, it may permit said
689 school board to operate the schools in its district for less than
690 one hundred eighty (180) days and, in such case, the State
691 Department of Education shall not reduce the state contributions
692 to the adequate education program allotment for such district,
693 because of the failure to operate said schools for one hundred
694 eighty (180) days.

695 (4) The Interim School District Capital Expenditure Fund is
696 hereby established in the State Treasury which shall be used to
697 distribute any funds specifically appropriated by the Legislature
698 to such fund to school districts entitled to increased allocations
699 of state funds under the adequate education program funding
700 formula prescribed in Sections 37-151-3 through 37-151-7,
701 Mississippi Code of 1972, until such time as the said adequate
702 education program is fully funded by the Legislature. The
703 following percentages of the total state cost of increased
704 allocations of funds under the adequate education program funding
705 formula shall be appropriated by the Legislature into the Interim
706 School District Capital Expenditure Fund to be distributed to all
707 school districts under the formula: Nine and two-tenths percent
708 (9.2%) shall be appropriated in fiscal year 1998, twenty percent
709 (20%) shall be appropriated in fiscal year 1999, forty percent
710 (40%) shall be appropriated in fiscal year 2000, sixty percent
711 (60%) shall be appropriated in fiscal year 2001, eighty percent
712 (80%) shall be appropriated in fiscal year 2002, and one hundred
713 percent (100%) shall be appropriated in fiscal year 2003 into the
714 State Adequate Education Program Fund. Until July 1, 2002, such
715 money shall be used by school districts for the following
716 purposes:

717 (a) Purchasing, erecting, repairing, equipping,
718 remodeling and enlarging school buildings and related facilities,



719 including gymnasiums, auditoriums, lunchrooms, vocational training
720 buildings, libraries, school barns and garages for transportation
721 vehicles, school athletic fields and necessary facilities
722 connected therewith, and purchasing land therefor. Any such
723 capital improvement project by a school district shall be approved
724 by the State Board of Education, and based on an approved
725 long-range plan. The State Board of Education shall promulgate
726 minimum requirements for the approval of school district capital
727 expenditure plans.

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

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

735 (d) From and after October 1, 1997, through June 30,
736 1998, pursuant to a school district capital expenditure plan
737 approved by the State Department of Education, a school district
738 may pledge such funds until July 1, 2002, plus funds provided for
739 in paragraph (e) of this subsection (4) that are not otherwise
740 permanently pledged under such paragraph (e) to pay all or a
741 portion of the debt service on debt issued by the school district
742 under Sections 37-59-1 through 37-59-45, 37-59-101 through
743 37-59-115, 37-7-351 through 37-7-359, 37-41-89 through 37-41-99,
744 37-7-301, 37-7-302 and 37-41-81, Mississippi Code of 1972, or debt
745 issued by boards of supervisors for agricultural high schools
746 pursuant to Section 37-27-65, Mississippi Code of 1972, or
747 lease-purchase contracts entered into pursuant to Section 31-7-13,
748 Mississippi Code of 1972, or to retire or refinance outstanding
749 debt of a district, if such pledge is accomplished pursuant to a
750 written contract or resolution approved and spread upon the
751 minutes of an official meeting of the district's school board or



752 board of supervisors. It is the intent of this provision to allow
753 school districts to irrevocably pledge their Interim School
754 District Capital Expenditure Fund allotments as a constant stream
755 of revenue to secure a debt issued under the foregoing code
756 sections. To allow school districts to make such an irrevocable
757 pledge, the state shall take all action necessary to ensure that
758 the amount of a district's Interim School District Capital
759 Expenditure Fund allotments shall not be reduced below the amount
760 certified by the department or the district's total allotment
761 under the Interim Capital Expenditure Fund if fully funded, so
762 long as such debt remains outstanding.

763 (e) [Repealed]

764 (f) [Repealed]

765 (g) The State Board of Education may authorize the
766 school district to expend not more than twenty percent (20%) of
767 its annual allotment of such funds or Twenty Thousand Dollars
768 (\$20,000.00), whichever is greater, for technology needs of the
769 school district, including computers, software,
770 telecommunications, cable television, interactive video, film,
771 low-power television, satellite communications, microwave
772 communications, technology-based equipment installation and
773 maintenance, and the training of staff in the use of such
774 technology-based instruction. Any such technology expenditure
775 shall be reflected in the local district technology plan approved
776 by the State Board of Education under Section 37-151-17,
777 Mississippi Code of 1972.

778 (h) To the extent a school district has not utilized
779 twenty percent (20%) of its annual allotment for technology
780 purposes under paragraph (g), a school district may expend not
781 more than twenty percent (20%) of its annual allotment or Twenty
782 Thousand Dollars (\$20,000.00), whichever is greater, for
783 instructional purposes. The State Board of Education may
784 authorize a school district to expend more than said twenty



785 percent (20%) of its annual allotment for instructional purposes
786 if it determines that such expenditures are needed for
787 accreditation purposes.

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

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

802 The provisions of this subsection (4) shall be cumulative and
803 supplemental to any existing funding programs or other authority
804 conferred upon school districts or school boards.

805 **SECTION 4.** This act shall take effect and be in force from
806 and after July 1, 2012.

