

By: Representative Moore

To: Education

HOUSE BILL NO. 458

1 AN ACT TO BRING FORWARD SECTIONS 37-151-1, 37-151-5,
 2 37-151-6, 37-151-7, 37-151-9, 37-151-10, 37-151-25, 37-151-59,
 3 37-151-61, 37-151-77, 37-151-79, 37-151-81, 37-151-83, 37-151-85,
 4 37-151-87, 37-151-89, 37-151-91, 37-151-93, 37-151-95, 37-151-97,
 5 37-151-99, 37-151-101, 37-151-103, 37-151-105, 37-151-107 AND
 6 37-152-1, MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE
 7 AMENDMENTS; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 37-151-1, Mississippi Code of 1972, is
 10 brought forward as follows:

11 37-151-1. This chapter shall be known and may be cited as
 12 the "Mississippi Accountability and Adequate Education Program Act
 13 of 1997."

14 **SECTION 2.** Section 37-151-5, Mississippi Code of 1972, is
 15 brought forward as follows:

16 37-151-5. As used in Sections 37-151-5 and 37-151-7:

17 (a) "Adequate program" or "adequate education program"
 18 or "Mississippi Adequate Education Program (MAEP)" shall mean the
 19 program to establish adequate current operation funding levels
 20 necessary for the programs of such school district to meet at



21 least a successful Level III rating of the accreditation system as
22 established by the State Board of Education using current
23 statistically relevant state assessment data.

24 (b) "Educational programs or elements of programs not
25 included in the adequate education program calculations, but which
26 may be included in appropriations and transfers to school
27 districts" shall mean:

28 (i) "Capital outlay" shall mean those funds used
29 for the constructing, improving, equipping, renovating or major
30 repairing of school buildings or other school facilities, or the
31 cost of acquisition of land whereon to construct or establish such
32 school facilities.

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

37 (iii) "Adult education" shall mean public
38 education dealing primarily with students above eighteen (18)
39 years of age not enrolled as full-time public school students and
40 not classified as students of technical schools, colleges or
41 universities of the state.

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



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

49 (d) "Base student cost" shall mean the funding level
50 necessary for providing an adequate education program for one (1)
51 base student, subject to any minimum amounts prescribed in Section
52 37-151-7(1).

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

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

59 (ii) "Vocational or technical education program"
60 shall mean a secondary vocational or technical program approved by
61 the State Department of Education and provided for from state
62 funds.

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

67 (iv) "Gifted education program" shall mean those
68 programs for the instruction of intellectually or academically



69 gifted children as defined and provided for in Section 37-23-175
70 et seq.

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

74 (vi) "Extended school year programs" shall mean
75 those programs authorized by law which extend beyond the normal
76 school year.

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

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

82 (f) "Teacher" shall include any employee of a local
83 school who is required by law to obtain a teacher's license from
84 the State Board of Education and who is assigned to an
85 instructional area of work as defined by the State Department of
86 Education.

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

89 (h) "Superintendent" shall mean the head of a school
90 district.

91 (i) "School district" shall mean any type of school
92 district in the State of Mississippi, and shall include
93 agricultural high schools.



94 (j) "Minimum school term" shall mean a term of at least
95 one hundred eighty (180) days of school in which both teachers and
96 pupils are in regular attendance for scheduled classroom
97 instruction for not less than sixty-three percent (63%) of the
98 instructional day, as fixed by the local school board for each
99 school in the school district. It is the intent of the
100 Legislature that any tax levies generated to produce additional
101 local funds required by any school district to operate school
102 terms in excess of one hundred seventy-five (175) days shall not
103 be construed to constitute a new program for the purposes of
104 exemption from the limitation on tax revenues as allowed under
105 Sections 27-39-321 and 37-57-107 for new programs mandated by the
106 Legislature.

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

111 (l) The term "transported children" shall mean children
112 being transported to school who live within legal limits for
113 transportation and who are otherwise qualified for being
114 transported to school at public expense as fixed by Mississippi
115 state law.

116 (m) The term "year of teaching experience" shall mean
117 nine (9) months of actual teaching in the public or private
118 schools. In no case shall more than one (1) year of teaching



119 experience be given for all services in one (1) calendar or school
120 year. In determining a teacher's experience, no deduction shall
121 be made because of the temporary absence of the teacher because of
122 illness or other good cause, and the teacher shall be given credit
123 therefor. Beginning with the 2003-2004 school year, the State
124 Board of Education shall fix a number of days, not to exceed
125 forty-five (45) consecutive school days, during which a teacher
126 may not be under contract of employment during any school year and
127 still be considered to have been in full-time employment for a
128 regular scholastic term. If a teacher exceeds the number of days
129 established by the State Board of Education that a teacher may not
130 be under contract but may still be employed, that teacher shall
131 not be credited with a year of teaching experience. In
132 determining the experience of school librarians, each complete
133 year of continuous, full-time employment as a professional
134 librarian in a public library in this or some other state shall be
135 considered a year of teaching experience. If a full-time school
136 administrator returns to actual teaching in the public schools,
137 the term "year of teaching experience" shall include the period of
138 time he or she served as a school administrator. In determining
139 the salaries of teachers who have experience in any branch of the
140 military, the term "year of teaching experience" shall include
141 each complete year of actual classroom instruction while serving
142 in the military. In determining the experience of speech-language
143 pathologists and audiologists, each complete year of continuous



144 full-time post master's degree employment in an educational
145 setting in this or some other state shall be considered a year of
146 teaching experience. Provided, however, that school districts are
147 authorized, in their discretion, to negotiate the salary levels
148 applicable to certificated employees employed after July 1, 2009,
149 who are receiving retirement benefits from the retirement system
150 of another state, and the annual experience increment provided in
151 Section 37-19-7 shall not be applicable to any such retired
152 certificated employee.

153 (n) (i) The term "average daily attendance" shall be
154 the figure which results when the total aggregate full-day
155 attendance during the period or months counted is divided by the
156 number of days during the period or months counted upon which both
157 teachers and pupils are in regular attendance for scheduled
158 classroom instruction, unless a pupil's absence is excused due to
159 participation in an activity authorized by the State Board of
160 Education under subparagraph (ii) of this paragraph, less the
161 average daily attendance for self-contained special education
162 classes. For purposes of determining and reporting attendance, a
163 pupil must be present for at least sixty-three percent (63%) of
164 the instructional day, as fixed by the local school board for each
165 school in the school district, in order to be considered in
166 full-day attendance. Prior to full implementation of the adequate
167 education program the department shall deduct the average daily



168 attendance for the alternative school program provided for in
169 Section 37-19-22.

170 (ii) The State Board of Education shall define
171 those activities necessitating a pupil's absence that, for
172 purposes of determining and reporting attendance for average daily
173 attendance purposes, must be considered an excused absence. Such
174 activities include, but are not limited to: official organized
175 events sponsored by the 4-H or Future Farmers of America (FFA);
176 official organized junior livestock shows and rodeo events;
177 official employment as a page at the State Capitol for the
178 Mississippi House of Representatives or Senate; subject-matter
179 field trips; athletic contests; student conventions; music
180 festivals or contests; and any similar school-related activity
181 designated by the State Board of Education. The State Board of
182 Education shall prescribe the means by which a pupil's absence due
183 to participation in an activity authorized by the board pursuant
184 to this subparagraph must be verified. This subparagraph (ii)
185 shall stand repealed on July 1, 2016.

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

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



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

196 (r) "Department" shall mean the State Department of
197 Education.

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

200 (t) The term "successful school district" shall mean a
201 Level III school district as designated by the State Board of
202 Education using current statistically relevant state assessment
203 data.

204 (u) "Dual enrollment-dual credit programs" shall mean
205 programs for potential or recent high school student dropouts to
206 dually enroll in their home high school and a local community
207 college in a dual credit program consisting of high school
208 completion coursework and a credential, certificate or degree
209 program at the community college, as provided in Section
210 37-15-38(19).

211 (v) "Charter school" means a public school that is
212 established and operating under the terms of a charter contract
213 between the school's governing board and the Mississippi Charter
214 School Authorizer Board.

215 **SECTION 3.** Section 37-151-6, Mississippi Code of 1972, is
216 brought forward as follows:



217 37-151-6. Effective with fiscal year 2007, the Legislature
218 shall fully fund the Mississippi Adequate Education Program.

219 **SECTION 4.** Section 37-151-7, Mississippi Code of 1972, is
220 brought forward as follows:

221 37-151-7. The annual allocation to each school district for
222 the operation of the adequate education program shall be
223 determined as follows:

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

228 (a) **Determination of average daily attendance.**
229 Effective with fiscal year 2011, the State Department of Education
230 shall determine the percentage change from the prior year of each
231 year of each school district's average of months two (2) and three
232 (3) average daily attendance (ADA) for the three (3) immediately
233 preceding school years of the year for which funds are being
234 appropriated. For any school district that experiences a positive
235 growth in the average of months two (2) and three (3) ADA each
236 year of the three (3) years, the average percentage growth over
237 the three-year period shall be multiplied times the school
238 district's average of months two (2) and three (3) ADA for the
239 year immediately preceding the year for which MAEP funds are being
240 appropriated. The resulting amount shall be added to the school
241 district's average of months two (2) and three (3) ADA for the



242 year immediately preceding the year for which MAEP funds are being
243 appropriated to arrive at the ADA to be used in determining a
244 school district's MAEP allocation. Otherwise, months two (2) and
245 three (3) ADA for the year immediately preceding the year for
246 which MAEP funds are being appropriated will be used in
247 determining a school district's MAEP allocation. In any fiscal
248 year prior to 2010 in which the MAEP formula is not fully funded,
249 for those districts that do not demonstrate a three-year positive
250 growth in months two (2) and three (3) ADA, months one (1) through
251 nine (9) ADA of the second preceding year for which funds are
252 being appropriated or months two (2) and three (3) ADA of the
253 preceding year for which funds are being appropriated, whichever
254 is greater, shall be used to calculate the district's MAEP
255 allocation. The district's average daily attendance shall be
256 computed and currently maintained in accordance with regulations
257 promulgated by the State Board of Education. The district's
258 average daily attendance shall include any student enrolled in a
259 Dual Enrollment-Dual Credit Program as defined and provided in
260 Section 37-15-38(19). The State Department of Education shall
261 make payments for Dual Enrollment-Dual Credit Programs to the home
262 school in which the student is enrolled, in accordance with
263 regulations promulgated by the State Board of Education. The
264 community college providing services to students in a Dual
265 Enrollment-Dual Credit Program shall require payment from the home
266 school district for services provided to such students at a rate



267 of one hundred percent (100%) of ADA. All MAEP/state funding
268 shall cease upon completion of high school graduation
269 requirements.

270 (b) **Determination of base student cost.** Effective with
271 fiscal year 2011 and every fourth fiscal year thereafter, the
272 State Board of Education, on or before August 1, with adjusted
273 estimate no later than January 2, shall submit to the Legislative
274 Budget Office and the Governor a proposed base student cost
275 adequate to provide the following cost components of educating a
276 pupil in a successful school district: (i) instructional cost;
277 (ii) administrative cost; (iii) operation and maintenance of
278 plant; and (iv) ancillary support cost. For purposes of these
279 calculations, the Department of Education shall utilize financial
280 data from the second preceding year of the year for which funds
281 are being appropriated.

282 For the instructional cost component, the Department of
283 Education shall select districts that have been identified as
284 instructionally successful and have a ratio of a number of
285 teachers per one thousand (1,000) students that is between one (1)
286 standard deviation above the mean and two (2) standard deviations
287 below the mean of the statewide average of teachers per one
288 thousand (1,000) students. The instructional cost component shall
289 be calculated by dividing the latest available months one (1)
290 through nine (9) ADA into the instructional expenditures of these
291 selected districts. For the purpose of this calculation, the



292 Department of Education shall use the following funds, functions
293 and objects:

294 Fund 1120 Functions 1110-1199 Objects 100-999, Functions
295 1210, 1220, 2150-2159 Objects 210 and 215;

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

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

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

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

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

301 Prior to the calculation of the instructional cost component,
302 there shall be subtracted from the above expenditures any revenue
303 received for Chickasaw Cession payments, Master Teacher
304 Certification payments and the district's portion of state revenue
305 received from the MAEP at-risk allocation.

306 For the administrative cost component, the Department of
307 Education shall select districts that have been identified as
308 instructionally successful and have a ratio of an administrative
309 staff to nonadministrative staff between one (1) standard
310 deviation above the mean and two (2) standard deviations below the
311 mean of the statewide average administrative staff to
312 nonadministrative staff. The administrative cost component shall
313 be calculated by dividing the latest available months one (1)
314 through nine (9) ADA of the selected districts into the
315 administrative expenditures of these selected districts. For the



316 purpose of this calculation, the Department of Education shall use
317 the following funds, functions and objects:

318 Fund 1120 Functions 2300-2599, Functions 2800-2899,
319 Objects 100-999;

320 Fund 2711 Functions 2300-2599, Functions 2800-2899,
321 Objects 100-999.

322 For the plant and maintenance cost component, the Department
323 of Education shall select districts that have been identified as
324 instructionally successful and have a ratio of plant and
325 maintenance expenditures per one hundred thousand (100,000) square
326 feet of building space and a ratio of maintenance workers per one
327 hundred thousand (100,000) square feet of building space that are
328 both between one (1) standard deviation above the mean and two (2)
329 standard deviations below the mean of the statewide average. The
330 plant and maintenance cost component shall be calculated by
331 dividing the latest available months one (1) through nine (9) ADA
332 of the selected districts into the plant and maintenance
333 expenditures of these selected districts. For the purpose of this
334 calculation, the Department of Education shall use the following
335 funds, functions and objects:

336 Fund 1120 Functions 2600-2699, Objects 100-699
337 and Objects 800-999;

338 Fund 2711 Functions 2600-2699, Objects 100-699
339 and Objects 800-999;

340 Fund 2430 Functions 2600-2699, Objects 100-699



341 and Objects 800-999.

342 For the ancillary support cost component, the Department of
343 Education shall select districts that have been identified as
344 instructionally successful and have a ratio of a number of
345 librarians, media specialists, guidance counselors and
346 psychologists per one thousand (1,000) students that is between
347 one (1) standard deviation above the mean and two (2) standard
348 deviations below the mean of the statewide average of librarians,
349 media specialists, guidance counselors and psychologists per one
350 thousand (1,000) students. The ancillary cost component shall be
351 calculated by dividing the latest available months one (1) through
352 nine (9) ADA into the ancillary expenditures instructional
353 expenditures of these selected districts. For the purpose of this
354 calculation, the Department of Education shall use the following
355 funds, functions and objects:

356 Fund 1120 Functions 2110-2129, Objects 100-999;

357 Fund 1120 Functions 2140-2149, Objects 100-999;

358 Fund 1120 Functions 2220-2229, Objects 100-999;

359 Fund 2001 Functions 2100-2129, Objects 100-999;

360 Fund 2001 Functions 2140-2149, Objects 100-999;

361 Fund 2001 Functions 2220-2229, Objects 100-999.

362 The total base cost for each year shall be the sum of the
363 instructional cost component, administrative cost component, plant
364 and maintenance cost component and ancillary support cost
365 component, and any estimated adjustments for additional state



366 requirements as determined by the State Board of Education.
367 Provided, however, that the base student cost in fiscal year 1998
368 shall be Two Thousand Six Hundred Sixty-four Dollars (\$2,664.00).

369 For each of the fiscal years between the recalculation of the
370 base student cost under the provisions of this paragraph (b), the
371 base student cost shall be increased by an amount equal to forty
372 percent (40%) of the base student cost for the previous fiscal
373 year, multiplied by the latest annual rate of inflation for the
374 State of Mississippi as determined by the State Economist, plus
375 any adjustments for additional state requirements such as, but not
376 limited to, teacher pay raises and health insurance premium
377 increases.

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

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

385 (d) **Adjustment to the base student cost for at-risk**
386 **pupils.** The amount to be included for at-risk pupil programs for
387 each school district shall be computed as follows: Multiply the
388 base student cost for the appropriate fiscal year as determined
389 under paragraph (b) by five percent (5%), and multiply that
390 product by the number of pupils participating in the federal free



391 school lunch program in such school district, which yields the
392 total adjustment for at-risk pupil programs for such school
393 district.

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

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

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

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

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

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

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



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

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

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

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

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

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



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

445 (a) The State Department of Education shall certify to
446 each school district that twenty-eight (28) mills, less the
447 estimated amount of the yield of the School Ad Valorem Tax
448 Reduction Fund grants as determined by the State Department of
449 Education, is the millage rate required to provide the district
450 required local effort for that year, or twenty-seven percent (27%)
451 of the basic adequate education program cost for such school
452 district as determined under paragraph (c), whichever is a lesser
453 amount. In the case of an agricultural high school, the millage
454 requirement shall be set at a level which generates an equitable
455 amount per pupil to be determined by the State Board of Education.
456 The local contribution amount for school districts in which there
457 is located one or more charter schools will be calculated using
458 the following methodology: using the adequate education program
459 twenty-eight (28) mill value, or the twenty-seven percent (27%)
460 cap amount (whichever is less) for each school district in which a
461 charter school is located, an average per pupil amount will be
462 calculated. This average per pupil amount will be multiplied
463 times the number of students attending the charter school in that
464 school district. The sum becomes the charter school's local
465 contribution to the adequate education program.



466 (b) The State Department of Education shall determine
467 the following from the annual assessment information submitted to
468 the department by the tax assessors of the various counties: (i)
469 the total assessed valuation of nonexempt property for school
470 purposes in each school district; (ii) assessed value of exempt
471 property owned by homeowners aged sixty-five (65) or older or
472 disabled as defined in Section 27-33-67(2), Mississippi Code of
473 1972; (iii) the school district's tax loss from exemptions
474 provided to applicants under the age of sixty-five (65) and not
475 disabled as defined in Section 27-33-67(1), Mississippi Code of
476 1972; and (iv) the school district's homestead reimbursement
477 revenues.

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

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

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

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



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

499 (b) Provided, however, that in fiscal year 2015, any
500 increase in the said state contribution to any district calculated
501 under this section shall be not less than six percent (6%) in
502 excess of the amount received by said district from state funds
503 for fiscal year 2002; in fiscal year 2016, any increase in the
504 said state contribution to any district calculated under this
505 section shall be not less than four percent (4%) in excess of the
506 amount received by said district from state funds for fiscal year
507 2002; in fiscal year 2017, any increase in the said state
508 contribution to any district calculated under this section shall
509 be not less than two percent (2%) in excess of the amount received
510 by said district from state funds for fiscal year 2002; and in
511 fiscal year 2018 and thereafter, any increase in the said state
512 contribution to any district calculated under this section shall
513 be zero percent (0%). For purposes of this paragraph (b), state
514 funds shall include minimum program funds less the add-on



515 programs, State Uniform Millage Assistance Grant Funds, Education
516 Enhancement Funds appropriated for Uniform Millage Assistance
517 Grants and state textbook allocations, and State General Funds
518 allocated for textbooks.

519 (c) If the school board of any school district shall
520 determine that it is not economically feasible or practicable to
521 operate any school within the district for the full one hundred
522 eighty (180) days required for a school term of a scholastic year
523 as required in Section 37-13-63, Mississippi Code of 1972, due to
524 an enemy attack, a man-made, technological or natural disaster in
525 which the Governor has declared a disaster emergency under the
526 laws of this state or the President of the United States has
527 declared an emergency or major disaster to exist in this state,
528 said school board may notify the State Department of Education of
529 such disaster and submit a plan for altering the school term. If
530 the State Board of Education finds such disaster to be the cause
531 of the school not operating for the contemplated school term and
532 that such school was in a school district covered by the
533 Governor's or President's disaster declaration, it may permit said
534 school board to operate the schools in its district for less than
535 one hundred eighty (180) days and, in such case, the State
536 Department of Education shall not reduce the state contributions
537 to the adequate education program allotment for such district,
538 because of the failure to operate said schools for one hundred
539 eighty (180) days.



540 (4) The Interim School District Capital Expenditure Fund is
541 hereby established in the State Treasury which shall be used to
542 distribute any funds specifically appropriated by the Legislature
543 to such fund to school districts entitled to increased allocations
544 of state funds under the adequate education program funding
545 formula prescribed in Sections 37-151-3 through 37-151-7,
546 Mississippi Code of 1972, until such time as the said adequate
547 education program is fully funded by the Legislature. The
548 following percentages of the total state cost of increased
549 allocations of funds under the adequate education program funding
550 formula shall be appropriated by the Legislature into the Interim
551 School District Capital Expenditure Fund to be distributed to all
552 school districts under the formula: Nine and two-tenths percent
553 (9.2%) shall be appropriated in fiscal year 1998, twenty percent
554 (20%) shall be appropriated in fiscal year 1999, forty percent
555 (40%) shall be appropriated in fiscal year 2000, sixty percent
556 (60%) shall be appropriated in fiscal year 2001, eighty percent
557 (80%) shall be appropriated in fiscal year 2002, and one hundred
558 percent (100%) shall be appropriated in fiscal year 2003 into the
559 State Adequate Education Program Fund. Until July 1, 2002, such
560 money shall be used by school districts for the following
561 purposes:

562 (a) Purchasing, erecting, repairing, equipping,
563 remodeling and enlarging school buildings and related facilities,
564 including gymnasiums, auditoriums, lunchrooms, vocational training



565 buildings, libraries, school barns and garages for transportation
566 vehicles, school athletic fields and necessary facilities
567 connected therewith, and purchasing land therefor. Any such
568 capital improvement project by a school district shall be approved
569 by the State Board of Education, and based on an approved
570 long-range plan. The State Board of Education shall promulgate
571 minimum requirements for the approval of school district capital
572 expenditure plans.

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

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

580 (d) From and after October 1, 1997, through June 30,
581 1998, pursuant to a school district capital expenditure plan
582 approved by the State Department of Education, a school district
583 may pledge such funds until July 1, 2002, plus funds provided for
584 in paragraph (e) of this subsection (4) that are not otherwise
585 permanently pledged under such paragraph (e) to pay all or a
586 portion of the debt service on debt issued by the school district
587 under Sections 37-59-1 through 37-59-45, 37-59-101 through
588 37-59-115, 37-7-351 through 37-7-359, 37-41-89 through 37-41-99,
589 37-7-301, 37-7-302 and 37-41-81, Mississippi Code of 1972, or debt



590 issued by boards of supervisors for agricultural high schools
591 pursuant to Section 37-27-65, Mississippi Code of 1972, or
592 lease-purchase contracts entered into pursuant to Section 31-7-13,
593 Mississippi Code of 1972, or to retire or refinance outstanding
594 debt of a district, if such pledge is accomplished pursuant to a
595 written contract or resolution approved and spread upon the
596 minutes of an official meeting of the district's school board or
597 board of supervisors. It is the intent of this provision to allow
598 school districts to irrevocably pledge their Interim School
599 District Capital Expenditure Fund allotments as a constant stream
600 of revenue to secure a debt issued under the foregoing code
601 sections. To allow school districts to make such an irrevocable
602 pledge, the state shall take all action necessary to ensure that
603 the amount of a district's Interim School District Capital
604 Expenditure Fund allotments shall not be reduced below the amount
605 certified by the department or the district's total allotment
606 under the Interim Capital Expenditure Fund if fully funded, so
607 long as such debt remains outstanding.

608 (e) [Repealed]

609 (f) [Repealed]

610 (g) The State Board of Education may authorize the
611 school district to expend not more than twenty percent (20%) of
612 its annual allotment of such funds or Twenty Thousand Dollars
613 (\$20,000.00), whichever is greater, for technology needs of the
614 school district, including computers, software,



615 telecommunications, cable television, interactive video, film,
616 low-power television, satellite communications, microwave
617 communications, technology-based equipment installation and
618 maintenance, and the training of staff in the use of such
619 technology-based instruction. Any such technology expenditure
620 shall be reflected in the local district technology plan approved
621 by the State Board of Education under Section 37-151-17,
622 Mississippi Code of 1972.

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

633 (i) The State Department of Education or the State
634 Board of Education may require that any project commenced under
635 this section with an estimated project cost of not less than Five
636 Million Dollars (\$5,000,000.00) shall be done only pursuant to
637 program management of the process with respect to design and
638 construction. Any individuals, partnerships, companies or other
639 entities acting as a program manager on behalf of a local school



640 district and performing program management services for projects
641 covered under this subsection shall be approved by the State
642 Department of Education.

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

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

650 (5) The State Department of Education shall make payments to
651 charter schools for each student in average daily attendance at
652 the charter school equal to the state share of the adequate
653 education program payments for each student in average daily
654 attendance at the school district in which the public charter
655 school is located. In calculating the local contribution for
656 purposes of determining the state share of the adequate education
657 program payments, the department shall deduct the pro rata local
658 contribution of the school district in which the student resides
659 as determined in subsection (2) (a) of this section.

660 **SECTION 5.** Section 37-151-9, Mississippi Code of 1972, is
661 brought forward as follows:

662 37-151-9. (1) The State Board of Education and State
663 Superintendent of Education shall establish within the State
664 Department of Education a special unit at the division level



665 called the Office of Educational Accountability. The Director of
666 the Office of Educational Accountability shall hold a position
667 comparable to a deputy superintendent and shall be appointed by
668 the State Board of Education with the advice and consent of the
669 Senate. He shall serve at the will and pleasure of the State
670 Board of Education and may employ necessary professional,
671 administrative and clerical staff. The Director of the Office of
672 Educational Accountability shall provide all reports to the
673 Legislature, Governor, Mississippi Commission on School
674 Accreditation and State Board of Education and respond to any
675 inquiries for information.

676 (2) The Office of Educational Accountability is responsible
677 for monitoring and reviewing programs developed under the
678 Education Reform Act, the Mississippi Adequate Education Program
679 Act of 1994, the Education Enhancement Fund, and subsequent
680 education initiatives, and shall provide information,
681 recommendations and an annual assessment to the Legislature,
682 Governor, Mississippi Commission on School Accreditation and the
683 State Board of Education. Commencing in 1995, the annual
684 assessment of education reform programs shall be performed by the
685 Office of Educational Accountability by December 1 of each year.
686 The Office of Educational Accountability shall specifically
687 monitor the implementation of Level III accreditation in all
688 school districts, and shall make an assessment with
689 recommendations to the 1996 Regular Session of the Legislature.



690 (3) In addition, the Office of Educational Accountability
691 shall have the following specific duties and responsibilities:

692 (a) Developing and maintaining a system of
693 communication with school district personnel;

694 (b) Provide opportunities for public comment on the
695 current functions of the State Department of Education's programs,
696 needed public education services and innovative suggestions;

697 (c) Assess both positive and negative impact on school
698 districts of new education programs, including but not limited to
699 The Mississippi Report Card and alternative school programs.

700 **SECTION 6.** Section 37-151-10, Mississippi Code of 1972, is
701 brought forward as follows:

702 37-151-10. (1) There is established a Center for Education
703 Analysis which shall be an advisory group attached to the Public
704 Education Forum of Mississippi. The Center for Education Analysis
705 shall create a structure to systematically collect, compile and
706 coordinate data that can be disseminated to business, legislative
707 and education entities for decision-making purposes relating to
708 public education. The Center for Education Analysis may enter
709 into a contractual agreement with the Public Education Forum of
710 Mississippi in order to place the center within the administrative
711 framework of the Public Education Forum under the following
712 conditions:

713 (a) All new programs authorized in this section are
714 subject to the availability of funds specifically appropriated



715 therefor by the Legislature from the Education Enhancement Fund to
716 the Public Education Forum for the support and maintenance of the
717 programs of the Center for Education Analysis.

718 (b) The Public Education Forum will provide a business
719 framework to coordinate its recommendations and reports with the
720 programs of the Center for Education Analysis.

721 (c) The Public Education Forum shall employ a director
722 for the Center for Education Analysis with appropriate
723 qualifications. Any public funds expended pursuant to this
724 section shall be audited by the Mississippi Department of Audit.

725 There is created in the State Treasury a special fund to be
726 known as the "Center for Education Analysis Fund." Monies may be
727 expended out of such funds pursuant to appropriation by the
728 Legislature, to implement the public education analysis program
729 established under the provisions of this section. Disbursements
730 from such fund shall be made only upon requisition of the Director
731 for the Center for Education Analysis.

732 (2) The Center for Education Analysis established in
733 subsection (1) shall develop and submit to the Legislature and the
734 Governor an annual report on the implementation of the Mississippi
735 Adequate Education Program funding formula and the Interim School
736 District Capital Expenditure Fund program. The first report shall
737 be submitted on January 1, 1999, relating to implementation of the
738 adequate education program and interim capital expenditure program
739 activities during the preceding fiscal year, and shall be



740 submitted annually on January 1 of each subsequent year until
741 January 1, 2003, at which time the report shall become a distinct
742 part of the Mississippi Report Card describing the one hundred
743 percent (100%) implementation of the Mississippi Adequate
744 Education Program funding formula. The annual report shall
745 include the following:

746 (a) A description of the amount of Mississippi Adequate
747 Education Program funds available to each school district during
748 the phase-in period compared to the amount of funds available upon
749 full implementation of the funding formula;

750 (b) A description of each school district's capital
751 expenditure plan, including:

752 (i) A listing of the school district facilities to
753 be constructed, purchased, repaired, renovated, remodeled or
754 enlarged, with designation of the nature of each such project as
755 new construction, retrofitting/renovation, or site work and/or
756 preparation;

757 (ii) For each completed capital improvement
758 project and upon the completion of any approved capital
759 expenditure plan, a listing by individual project of:

760 (A) The total dimensions of each
761 construction, renovation or site preparation project;

762 (B) The total project cost in dollars;



763 (C) The project cost per square foot of newly
764 constructed space or, in the case of renovation, per square foot
765 of the principal structure affected by such renovation;

766 (D) The total cost of all furniture and
767 equipment per project;

768 (E) The total amount of nonconstruction fees
769 per project;

770 (F) The total of other costs associated with
771 the project not otherwise included in items (A) through (E) above;
772 and

773 (G) The number of classrooms created and/or
774 affected by the project;

775 (iii) A listing of all school district State Aid
776 Capital Improvement Bonds secured by Mississippi Adequate
777 Education Program funds issued by school districts and the capital
778 improvements funded through such bond issue;

779 (iv) A description of any other local bond issue
780 proceeds combined with such funds for capital improvement
781 purposes; and

782 (v) Any other appropriate information relating to
783 capital improvements by school districts as determined by the
784 State Board of Education;

785 (c) An annual assessment of the impact of additional
786 funding under the Mississippi Adequate Education Program on such
787 school districts with less than a Level III accreditation; and



788 (d) An annual assessment of the impact of teacher
789 recruitment incentives on the employment of licensed teachers in
790 critical teacher shortage geographic areas, including, but not
791 limited to, all incentive programs authorized under House Bill No.
792 609, 1998 Regular Session [Laws, 1998, Chapter 544].

793 **SECTION 7.** Section 37-151-25, Mississippi Code of 1972, is
794 brought forward as follows:

795 37-151-25. There is hereby created in the State Treasury a
796 special fund to be designated as the "Tech-Prep Fund." Any
797 unexpended balance in said fund at the end of the fiscal year
798 shall carry over to the succeeding fiscal year and shall not lapse
799 into the State General Fund. The fund shall be credited with any
800 funds appropriated by the Legislature for the implementation of
801 the Tech-Prep program in Grades 7-12 and in the public community
802 colleges and junior colleges through approved programs and from
803 the proceeds of bonds issued under Sections 31 through 51 of Laws,
804 1997, Chapter 612, and shall be allocated to school districts by
805 the State Board of Education for the following purposes:

806 (a) Equip labs for hands-on: Career Discovery Course
807 in the 7th grade, Computer Discovery Course in the 8th grade, and
808 Technology Discovery Course in the 9th grade;

809 (b) Implement application based teaching methodology in
810 existing academic courses;

811 (c) Develop and implement articulation, integration and
812 sequential course study plans in Vocational and Academic courses;



- 813 (d) Administer Occupational Tests;
- 814 (e) Implement and Update Career/Educational Plans for
815 each student;
- 816 (f) Implement Career Centers for each school;
- 817 (g) To provide equipment upgrades to meet technology
818 demands, staff development and teaching materials to implement
819 application based methodology for each of the community college
820 sites.

821 The State Department of Education is authorized to escalate
822 spending authority based upon the proceeds of bonds issued under
823 Sections 31 through 51 of Laws, 1997, Chapter 612.

824 No community or junior college shall deny admittance into its
825 Tech-Prep program funded under this section to any student who has
826 graduated from high school with a qualifying grade point average,
827 regardless of the curriculum or course work completed by the
828 student.

829 **SECTION 8.** Section 37-151-59, Mississippi Code of 1972, is
830 brought forward as follows:

831 37-151-59. Nothing in this chapter shall be construed to
832 prohibit a school district from issuing its bonds, negotiable
833 notes or certificates of indebtedness for the purposes, in the
834 manner, to the extent and subject to the limitations provided by
835 Sections 37-59-1 through 37-59-45, Mississippi Code of 1972, or
836 any other applicable sections, and the authority granted by this
837 article shall be construed as being additional, supplemental and



838 cumulative thereto. The proceeds of the sale of any such bonds,
839 negotiable notes or certificates of indebtedness so issued by any
840 such school district may be used for the purpose for which they
841 were issued and may be expended in conjunction with funds provided
842 by the Council for Education Technology under the provisions of
843 this article, or may be expended without such funds, if same be
844 not available.

845 **SECTION 9.** Section 37-151-61, Mississippi Code of 1972, is
846 brought forward as follows:

847 37-151-61. Any school board of any school district which may
848 be aggrieved by any final rule, regulation or order of the State
849 Board of Education adopted under the provisions of this chapter
850 shall have the right to appeal therefrom to the chancery court of
851 the county in which the school district involved or any part
852 thereof is located in like manner, within the same time, with like
853 effect, and subject in all other respects to appeals from orders,
854 rules and regulations of the State Board of Education, the
855 provisions of which are hereby made applicable in all respects to
856 appeals from orders, rules and regulations of the commission under
857 the provisions of this chapter.

858 **SECTION 10.** Section 37-151-77, Mississippi Code of 1972, is
859 brought forward as follows:

860 37-151-77. To qualify for funds provided in this chapter,
861 each school district shall not exceed a pupil-teacher ratio based
862 on enrollment in Grades 1, 2, 3 and 4 as follows: 27:1.



863 For Grades Kindergarten and 5 through 12, pupil-teacher ratio
864 shall be determined based on appropriate accreditation standards
865 developed by the Mississippi Commission on School Accreditation.

866 Any local district may apply to the State Board of Education
867 for approval of a waiver to this section by submitting and
868 justifying an alternative educational program to serve the needs
869 of enrollment in Grades Kindergarten and 1 through 4. The State
870 Board of Education shall approve or disapprove of such waiver
871 forty-five (45) days after receipt of such application. If a
872 school district violates the provisions of this section, the state
873 aid for the ensuing fiscal year to such school district shall be
874 reduced by the percentage variance that the actual pupil-teacher
875 ratios in such school district has to the required pupil-teacher
876 ratios mandated in this section. Provided, that notwithstanding
877 the provisions of this section, the State Board of Education is
878 authorized to waive the pupil-teacher requirements specified
879 herein upon a finding that a good faith effort is being made by
880 the school district concerned to comply with the ratio provisions
881 but that for lack of classroom space which was beyond its control
882 it is physically impossible for the district to comply, and the
883 cost of temporary classroom space cannot be justified. In the
884 event any school district meets the highest levels of
885 accreditation standards as determined by the State Board of
886 Education in the state's accountability system, the State Board of
887 Education may, in its discretion, exempt such school district from



888 the maximum pupil-teacher ratio in Grades 1, 2, 3 and 4 prescribed
889 herein.

890 **SECTION 11.** Section 37-151-79, Mississippi Code of 1972, is
891 brought forward as follows:

892 37-151-79. In addition to other funds provided for in this
893 chapter, there shall be added to the allotment for each school
894 district for each vocational teacher employed full time during the
895 regular school term in a vocational education program approved by
896 the State Department of Education the value of one-half (1/2) of
897 the adequate education program salary schedule provided in Section
898 37-19-7, Mississippi Code of 1972, based on the type of
899 certificate and number of years' teaching experience held by each
900 approved vocational teacher plus one hundred percent (100%) of the
901 applicable employer's rate for social security and state
902 retirement.

903 **SECTION 12.** Section 37-151-81, Mississippi Code of 1972, is
904 brought forward as follows:

905 37-151-81. (1) In addition to other funds provided for in
906 this chapter, there shall be added to the allotment for each
907 school district for each teacher employed in a State Department of
908 Education approved program for exceptional children as defined in
909 Section 37-23-3, Mississippi Code of 1972, the value of one
910 hundred percent (100%) of the adequate education program salary
911 schedule prescribed in Section 37-19-7, Mississippi Code of 1972,
912 based on the type of certificate and number of years' teaching



913 experience held by each approved special education teacher plus
914 one hundred percent (100%) of the applicable employer's rate for
915 social security and state retirement, except that only seventy
916 percent (70%) of the value will be added for the program for
917 three- and four-year old exceptional children.

918 (2) In addition to the allowances provided above, for each
919 handicapped child who is being educated by a public school
920 district or is placed in accord with Section 37-23-77, Mississippi
921 Code of 1972, and whose individualized educational program (IEP)
922 requires an extended school year in accord with the State
923 Department of Education criteria, a sufficient amount of funds
924 shall be allocated for the purpose of providing the educational
925 services the student requires. The State Board of Education shall
926 promulgate such regulations as are required to insure the
927 equitable distribution of these funds. All costs for the extended
928 school year for a particular summer shall be reimbursed from funds
929 appropriated for the fiscal year beginning July 1 of that summer.
930 If sufficient funds are not made available to finance all of the
931 required educational services, the State Department of Education
932 shall expend available funds in such a manner that it does not
933 limit the availability of appropriate education to handicapped
934 students more severely than it does to nonhandicapped students.

935 (3) The State Department of Education is hereby authorized
936 to match adequate education program and other funds allocated for
937 provision of services to handicapped children with Division of



938 Medicaid funds to provide language-speech services, physical
939 therapy and occupational therapy to handicapped students who meet
940 State Department of Education or Division of Medicaid standards
941 and who are Medicaid eligible. Provided further, that the State
942 Department of Education is authorized to pay such funds as may be
943 required as a match directly to the Division of Medicaid pursuant
944 to an agreement to be developed between the State Department of
945 Education and the Division of Medicaid.

946 (4) In addition to other funds provided for in this chapter,
947 there shall be added to the allotment for each school district for
948 each teacher employed in a State Department of Education approved
949 program for gifted education as defined in Sections 37-23-173
950 through 37-23-181, Mississippi Code of 1972, the value of one
951 hundred percent (100%) of the adequate education program salary
952 schedule prescribed in Section 37-19-7, Mississippi Code of 1972,
953 based on the type of certificate and number of years' teaching
954 experience held by each approved gifted education teacher plus one
955 hundred percent (100%) of the applicable employer's rate for
956 social security and state retirement.

957 (5) When any children who are residents of the State of
958 Mississippi and qualify under the provisions of Section 37-23-31,
959 Mississippi Code of 1972, shall be provided a program of
960 education, instruction and training within a school under the
961 provisions of said section, the State Department of Education
962 shall allocate the value of one hundred percent (100%) of the



963 adequate education program salary schedule prescribed in Section
964 37-19-7, Mississippi Code of 1972, for each approved program based
965 on the type of certificate and number of years' teaching
966 experience held by each approved teacher plus one hundred percent
967 (100%) of the applicable employer's rate for social security and
968 state retirement. The university or college shall be eligible for
969 state and federal funds for such programs on the same basis as
970 local school districts. The university or college shall be
971 responsible for providing for the additional costs of the program.

972 (6) In addition to the allotments provided above, a school
973 district may provide a program of education and instruction to
974 children ages five (5) years through twenty-one (21) years, who
975 are resident citizens of the State of Mississippi, who cannot have
976 their educational needs met in a regular public school program and
977 who have not finished or graduated from high school, if those
978 children are determined by competent medical authorities and
979 psychologists to need placement in a state licensed facility for
980 inpatient treatment, day treatment or residential treatment or a
981 therapeutic group home. Such program shall operate under rules,
982 regulations, policies and standards of school districts as
983 determined by the State Board of Education. If a private school
984 approved by the State Board of Education is operated as an
985 integral part of the state licensed facility that provides for the
986 treatment of such children, the private school within the facility
987 may provide a program of education, instruction and training to



988 such children by requesting the State Department of Education to
989 allocate one (1) teacher unit or a portion of a teacher unit for
990 each approved class. The facility shall be responsible for
991 providing any additional costs of the program.

992 Such funds will be allotted based on the type of certificate
993 and number of years' teaching experience held by each approved
994 teacher. Such children shall not be counted in average daily
995 attendance when determining regular teacher unit allocation.

996 **SECTION 13.** Section 37-151-83, Mississippi Code of 1972, is
997 brought forward as follows:

998 37-151-83. (1) In addition to other funds allowed under the
999 Adequate Education Program, each school district shall receive a
1000 grant for the support of alternative school programs established
1001 under Section 37-13-92, Mississippi Code of 1972, in accordance
1002 with the following: Three-fourths of one percent (.75%) of the
1003 school district's average daily attendance or twelve (12) pupils,
1004 whichever is greater, multiplied by the average expenditure of
1005 public monies per pupil in the State of Mississippi, as determined
1006 by the State Board of Education.

1007 (2) An alternative school advisory board may be created
1008 within each school district maintaining a freestanding alternative
1009 school or two (2) or more adjacent school districts operating a
1010 freestanding alternative school pursuant to a contract approved by
1011 the State Board of Education. The advisory board shall meet no
1012 less than two (2) times during each school year to study the



1013 alternative school program and to make recommendations for
1014 improvements to the superintendent of the local school board or
1015 boards, as the case may be, and the State Superintendent of
1016 Education. The alternative school advisory board shall consist of
1017 the following members: one (1) school administrator to be
1018 appointed by each local school board of the school district or
1019 districts operating the alternative school; one (1) school board
1020 member and one (1) parent to be appointed by each superintendent
1021 of the school district or districts operating the alternative
1022 school; one (1) classroom teacher to be appointed by the classroom
1023 teachers in each school district operating the alternative school;
1024 one (1) individual to be appointed by the local youth court judge,
1025 or if there is no such court the chancery court judge; and one (1)
1026 law enforcement officer to be appointed by the local sheriff. The
1027 initial members of the advisory board shall serve as follows:
1028 One-third (1/3) of the members shall serve two (2) years;
1029 one-third (1/3) of the members shall serve three (3) years; and
1030 one-third (1/3) of the members shall serve four (4) years, to be
1031 designated by the appointing authority at the time of appointment.
1032 Thereafter, the term of each member shall be for a period of four
1033 (4) years.

1034 An alternative school advisory board shall have no governing
1035 authority over the alternative school program, and not in any
1036 manner shall an advisory board's authority supersede the authority



1037 of the school district or lead district in those alternative
1038 school programs operated jointly by two (2) or more districts.

1039 **SECTION 14.** Section 37-151-85, Mississippi Code of 1972, is
1040 brought forward as follows:

1041 37-151-85. (1) The amount to be allotted by the State Board
1042 of Education for transportation shall be determined as follows:

1043 The State Department of Education shall calculate the cost of
1044 transportation in school districts by ascertaining the average
1045 cost per pupil in average daily attendance of transported pupils
1046 in school districts classified in different density groups as
1047 determined by the State Department of Education. Based on these
1048 calculations, the State Department of Education shall develop a
1049 scale for determining the allowable cost per pupil in different
1050 density groups, which scale shall provide greatest allowance per
1051 pupil transported in school districts with lowest densities and
1052 smallest allowance per pupil in school districts with highest
1053 densities. The total allowance in the adequate education program
1054 for transported children for any school district for the current
1055 year shall be the average daily attendance of the transported
1056 children for the nine (9) months of the prior year, multiplied by
1057 the allowance per transported pupil as provided herein. However,
1058 the State Department of Education is hereby authorized and
1059 empowered to make proper adjustments in allotments, under rules
1060 and regulations of the State Board of Education, in cases where
1061 major changes in the number of children in average daily



1062 attendance transported occur from one (1) year to another as a
1063 result of changes or alterations in the boundaries of school
1064 districts, a change in or relocation of attendance centers, or for
1065 other reasons which would result in major decrease or increase in
1066 the number of children in average daily attendance transported
1067 during the current school year as compared with the preceding
1068 year. Moreover, the State Board of Education is hereby authorized
1069 and empowered to make such payments to all districts and/or
1070 university-based programs as deemed necessary in connection with
1071 transporting exceptional children as defined in Section 37-23-3.
1072 The State Board of Education shall establish and implement all
1073 necessary rules and regulations to allot transportation payments
1074 to university-based programs. In developing density
1075 classifications under the provisions hereof, the State Department
1076 of Education may give consideration to the length of the route,
1077 the sparsity of the population, the lack of adequate roads,
1078 highways and bridges, and the presence of large streams or other
1079 geographic obstacles. In addition to funds allotted under the
1080 above provisions, funds shall be allotted to each school district
1081 that transports students from their assigned school or attendance
1082 center to classes in an approved vocational-technical center at a
1083 rate per mile not to exceed the average statewide cost per mile of
1084 school bus transportation during the preceding year exclusive of
1085 bus replacement. All such transportation must have prior approval
1086 by the State Department of Education.



1087 (2) The average daily attendance of transported children
1088 shall be reported by the school district in which such children
1089 attend school. If children living in a school district are
1090 transported at the expense of such school district to another
1091 school district, the average daily attendance of such transported
1092 children shall be deducted by the State Department of Education
1093 from the aggregate average daily attendance of transported
1094 children in the school district in which they attend school and
1095 shall be added to the aggregate average daily attendance of
1096 transported children of the school district from which they come
1097 for the purpose of calculating transportation allotments.
1098 However, such deduction shall not be made for the purpose of
1099 calculating adequate education program pupil-based funding.

1100 (3) The State Department of Education shall include in the
1101 allowance for transportation for each school district an amount
1102 for the replacement of school buses or the purchase of new buses,
1103 which amount shall be calculated upon the estimated useful life of
1104 all school buses being used for the transportation of children in
1105 such school district, whether such buses be publicly or privately
1106 owned.

1107 (4) The school boards of all districts operating school bus
1108 transportation are authorized and directed to establish a salary
1109 schedule for school bus drivers. No school district shall be
1110 entitled to receive the funds herein allotted for transportation
1111 unless it pays each of its nonstudent adult school bus drivers



1112 paid from such transportation allotments a minimum of One Hundred
1113 Ninety Dollars (\$190.00) per month. In addition, local school
1114 boards may compensate school bus drivers, to include temporary or
1115 substitute bus drivers, for actual expenses incurred when
1116 acquiring an initial commercial license or any renewal of a
1117 commercial license in order to drive a school bus. In addition,
1118 local school boards may compensate school bus drivers, to include
1119 temporary or substitute bus drivers, for expenses, not to exceed
1120 One Hundred Dollars (\$100.00), when acquiring an initial medical
1121 exam or any renewal of a medical exam, in order to qualify for a
1122 commercial driver's license.

1123 (5) The State Board of Education shall be authorized and
1124 empowered to use such part of the funds appropriated for
1125 transportation in the adequate education fund as may be necessary
1126 to finance driver training courses as provided for in Section
1127 37-41-1, Mississippi Code of 1972.

1128 (6) The State Board of Education, acting through the
1129 Department of Education, may compensate school bus drivers, to
1130 include temporary or substitute bus drivers, who are providing
1131 driving services to the various state operated schools, such as
1132 the Mississippi School for the Deaf, the Mississippi School for
1133 the Blind, the Mississippi School of the Arts, the Mississippi
1134 School for Math and Science and any other similar state operated
1135 schools, for actual expenses incurred when acquiring an initial
1136 commercial license or any renewal of a commercial license in order



1137 to drive a school bus, to include the expense, not to exceed One
1138 Hundred Dollars (\$100.00), of acquiring an initial medical exam or
1139 any renewal of a medical exam in order to qualify for a commercial
1140 driver's license.

1141 **SECTION 15.** Section 37-151-87, Mississippi Code of 1972, is
1142 brought forward as follows:

1143 37-151-87. No school district shall pay any teacher less
1144 than the state minimum salary. Provided, however, that school
1145 districts are authorized to reduce the state minimum salary by a
1146 pro rata daily amount in order to comply with the school district
1147 employee furlough provisions of Section 37-7-308. From and after
1148 July 1, 2012, no school district shall receive any funds under the
1149 provisions of this chapter for any school year during which the
1150 aggregate amount of local supplement as defined in Section
1151 37-151-5 shall have been reduced below such amount for the
1152 previous year. However, (a) where there has been a reduction in
1153 adequate education program allocations for such district in such
1154 year, (b) where there has been a reduction in the amount of
1155 federal funds to such district below the previous year, or (c)
1156 where there has been a reduction in ad valorem taxes to such
1157 school district for the 1986-1987 school year below the amount for
1158 the previous year due to the exemption of nuclear generating
1159 plants from ad valorem taxation pursuant to Section 27-35-309,
1160 Mississippi Code of 1972, the aggregate amount of local supplement
1161 in such district may be reduced in the discretion of the local



1162 school board without loss of funds under this chapter. No school
1163 district may receive any funds under the provisions of this
1164 chapter for any school year if the aggregate amount of support
1165 from ad valorem taxation shall be reduced during such school year
1166 below such amount for the previous year; however, where there is a
1167 loss in adequate education program allocations, or where there is
1168 or heretofore has been a decrease in the total assessed value of
1169 taxable property within a school district, the aggregate amount of
1170 such support may be reduced proportionately. Nothing herein
1171 contained shall prohibit any school district from adopting or
1172 continuing a program or plan whereby teachers are paid varying
1173 salaries according to the teaching ability, classroom performance
1174 and other similar standards.

1175 **SECTION 16.** Section 37-151-89, Mississippi Code of 1972, is
1176 brought forward as follows:

1177 37-151-89. The minimum base pay for all classroom teachers
1178 may be increased by the district from any funds available to it;
1179 and those districts which have not prior to July 1, 1978, so
1180 increased said base pay, shall increase the minimum base pay for
1181 classroom teachers as fixed by this chapter and as authorized by
1182 any of the provisions of or standards set forth in this chapter.

1183 **SECTION 17.** Section 37-151-91, Mississippi Code of 1972, is
1184 brought forward as follows:

1185 37-151-91. The school boards of all school districts may
1186 establish salary schedules based on training, experience and other



1187 such factors as may be incorporated therein, including student
1188 progress and performance as developed by the State Board of
1189 Education, paying teachers greater amounts than the scale provided
1190 herein, but no teacher may be paid less than the amount based upon
1191 the minimum scale of pay provided in the adequate education
1192 program as prescribed in Section 37-19-7, Mississippi Code of
1193 1972, and all supplements paid from local funds shall be based
1194 upon the salary schedules so established. The school boards may
1195 call upon the State Department of Education for aid and assistance
1196 in formulating and establishing such salary schedules, and it
1197 shall be the duty of the State Department of Education, when so
1198 called upon, to render such aid and assistance. The amount
1199 actually paid to each teacher shall be based upon and determined
1200 by the type of certificate held by such teacher.

1201 **SECTION 18.** Section 37-151-93, Mississippi Code of 1972, is
1202 brought forward as follows:

1203 37-151-93. (1) Legally transferred students going from one
1204 school district to another shall be counted for adequate education
1205 program allotments by the school district wherein the pupils
1206 attend school, but shall be counted for transportation allotment
1207 purposes in the school district which furnishes or provides the
1208 transportation. The school boards of the school districts which
1209 approve the transfer of a student under the provisions of Section
1210 37-15-31 shall enter into an agreement and contract for the
1211 payment or nonpayment of any portion of their local maintenance



1212 funds which they deem fair and equitable in support of any
1213 transferred student. Except as provided in subsection (2) of this
1214 section, local maintenance funds shall be transferred only to the
1215 extent specified in the agreement and contract entered into by the
1216 affected school districts. The terms of any local maintenance
1217 fund payment transfer contract shall be spread upon the minutes of
1218 both of the affected school district school boards. The school
1219 district accepting any transfer students shall be authorized to
1220 accept tuition from such students under the provisions of Section
1221 37-15-31(1) and such agreement may remain in effect for any length
1222 of time designated in the contract. The terms of such student
1223 transfer contracts and the amounts of any tuition charged any
1224 transfer student shall be spread upon the minutes of both of the
1225 affected school boards. No school district accepting any transfer
1226 students under the provisions of Section 37-15-31(2), which
1227 provides for the transfer of certain school district employee
1228 dependents, shall be authorized to charge such transfer students
1229 any tuition fees.

1230 (2) Local maintenance funds shall be paid by the home school
1231 district to the transferee school district for students granted
1232 transfers under the provisions of Sections 37-15-29(3) and
1233 37-15-31(3), Mississippi Code of 1972, not to exceed the "base
1234 student cost" as defined in Section 37-151-5, Mississippi Code of
1235 1972, multiplied by the number of such legally transferred
1236 students.



1237 **SECTION 19.** Section 37-151-95, Mississippi Code of 1972, is
1238 brought forward as follows:

1239 37-151-95. Adequate education program funds shall include
1240 one hundred percent (100%) of the cost of the State and School
1241 Employees' Life and Health Insurance Plan created under Article 7,
1242 Chapter 15, Title 25, Mississippi Code of 1972, for all district
1243 employees who work no less than twenty (20) hours during each week
1244 and regular nonstudent school bus drivers employed by the
1245 district.

1246 Where the use of federal funding is allowable to defray, in
1247 full or in part, the cost of participation in the insurance plan
1248 by district employees who work no less than twenty (20) hours
1249 during each week and regular nonstudent school bus drivers, whose
1250 salaries are paid, in full or in part, by federal funds, the
1251 allowance under this section shall be reduced to the extent of the
1252 federal funding. Where the use of federal funds is allowable but
1253 not available, it is the intent of the Legislature that school
1254 districts contribute the cost of participation for such employees
1255 from local funds, except that parent fees for child nutrition
1256 programs shall not be increased to cover such cost.

1257 The State Department of Education, in accordance with rules
1258 and regulations established by the State Board of Education, may
1259 withhold a school district's adequate education program funds for
1260 failure of the district to timely report student, fiscal and
1261 personnel data necessary to meet state and/or federal



1262 requirements. The rules and regulations promulgated by the State
1263 Board of Education shall require the withholding of adequate
1264 education program funds for those districts that fail to remit
1265 premiums, interest penalties and/or late charges under the State
1266 and School Employees' Life and Health Insurance Plan.
1267 Noncompliance with such rules and regulations shall result in a
1268 violation of compulsory accreditation standards as established by
1269 the State Board of Education and Commission on School
1270 Accreditation.

1271 **SECTION 20.** Section 37-151-97, Mississippi Code of 1972, is
1272 brought forward as follows:

1273 37-151-97. The State Department of Education shall develop
1274 an annual reporting process to inform the Legislature, local
1275 district personnel and the general public as to the ongoing and
1276 future plans for the state's educational programs. The annual
1277 reporting process will include those vital statistics that are
1278 commonly reported by schools and districts and that can provide
1279 clear demographic, strategic and educational information to
1280 constituencies such as, but not limited to, the following
1281 information:

- 1282 (a) Student enrollment, attendance, drop-out and
1283 graduation;
- 1284 (b) Overall student and district achievement;
- 1285 (c) Budget, administrative costs and other pertinent
1286 fiscal information, including:



1287 (i) The receipts and disbursements of all school
1288 funds handled by the board;

1289 (ii) Reports of expenditures for public schools,
1290 which, upon request must be made available on an individual
1291 district basis by the State Department of Education;

1292 1. Total Student Expenditures:
1293 a. Instruction (1000s);
1294 b. Other Student Instructional
1295 Expenditures (2100s, 2200s);

1296 2. General Administration (2300s and 2500s);
1297 3. School Administration (2400s);
1298 4. Other Expenditures (2600s, 2700s, 2800s,
1299 3100s, 3200s); and
1300 5. Nonoperational Expenditures (4000s, 5000s,
1301 6000s);

1302 (iii) The number of school districts,
1303 schoolteachers employed, school administrators employed, pupils
1304 taught and the attendance record of pupils therein;

1305 (iv) County and district levies for each school
1306 district and agricultural high school;

1307 (v) The condition of vocational education, a list
1308 of schools to which federal and state aid has been given, and a
1309 detailed statement of the expenditures of federal funds and the
1310 state funds that may be provided, and the ranking of subjects
1311 taught as compared with the state's needs.



1312 (d) Other as directed by the State Board of Education.
1313 Further, the reporting process will include an annual report
1314 developed specifically to relate the mission and goals of the
1315 State Board of Education, state superintendent and departments.
1316 This document will become the method through which the strategic
1317 planning and management process of the department is articulated
1318 to the public. It will explain and inform the public of the major
1319 initiatives of the department and clearly identify rationale for
1320 program development and/or elimination. The report will establish
1321 benchmarks, future plans and discuss the effectiveness of
1322 educational programs.

1323 In addition to the information specified herein, the State
1324 Board of Education shall have full and plenary authority and power
1325 to require the furnishing of such further, additional and
1326 supplementary information as it may deem necessary for the purpose
1327 of determining the cost of the adequate education program in such
1328 school district for the succeeding fiscal year, the amount of the
1329 adequate education program funds to be allotted to each school
1330 district for the succeeding fiscal year, and for any other purpose
1331 authorized by law or deemed necessary by said State Board of
1332 Education.

1333 It shall be the duty of the State Department of Education to
1334 prescribe the forms for the reports provided for in this section.

1335 **SECTION 21.** Section 37-151-99, Mississippi Code of 1972, is
1336 brought forward as follows:



1337 37-151-99. Based upon the information obtained pursuant to
1338 Section 37-151-97 and upon such other and further information as
1339 provided by law, the State Department of Education shall, on or
1340 before June 1 of each year, or as soon thereafter as is practical,
1341 furnish each school board the preliminary estimate of the amount
1342 each will receive from the common school fund and the adequate
1343 education program fund for the succeeding scholastic year, and at
1344 the same time shall furnish each such school board with a
1345 tentative estimate of the cost of the adequate education program
1346 in the school district for such succeeding fiscal year.

1347 **SECTION 22.** Section 37-151-101, Mississippi Code of 1972, is
1348 brought forward as follows:

1349 37-151-101. It shall be the duty of the State Department of
1350 Education to file with the State Treasurer and the State Fiscal
1351 Officer such data and information as may be required to enable the
1352 said State Treasurer and State Fiscal Officer to distribute the
1353 common school funds and adequate education program funds by
1354 electronic funds transfer to the several school districts and
1355 charter schools at the time required and provided under the
1356 provisions of this chapter. Such data and information so filed
1357 shall show in detail the amount of funds to which each school
1358 district and charter school is entitled from such common school
1359 fund and adequate education program fund. Such data and
1360 information so filed may be revised from time to time as
1361 necessitated by law. At the time provided by law, the State



1362 Treasurer and the State Fiscal Officer shall distribute to the
1363 several school districts and charter schools the amounts to which
1364 they are entitled from the common school fund and the adequate
1365 education program fund as provided by this chapter. Such
1366 distribution shall be made by electronic funds transfer to the
1367 depositories of the several school districts and charter schools
1368 designated in writing to the State Treasurer based upon the data
1369 and information supplied by the State Department of Education for
1370 such distribution. In such instances, the State Treasurer shall
1371 submit a request for an electronic funds transfer to the State
1372 Fiscal Officer, which shall set forth the purpose, amount and
1373 payees, and shall be in such form as may be approved by the State
1374 Fiscal Officer so as to provide the necessary information as would
1375 be required for a requisition and issuance of a warrant. A copy
1376 of the record of said electronic funds transfers shall be
1377 transmitted by the school district and charter school depositories
1378 to the Treasurer, who shall file duplicates with the State Fiscal
1379 Officer. The Treasurer and State Fiscal Officer shall jointly
1380 promulgate regulations for the utilization of electronic funds
1381 transfers to school districts and charter schools.

1382 **SECTION 23.** Section 37-151-103, Mississippi Code of 1972, is
1383 brought forward as follows:

1384 37-151-103. (1) Funds due each school district and charter
1385 school under the terms of this chapter from the Adequate Education
1386 Program Fund shall be paid in the following manner: Two (2)



1387 business days prior to the last working day of each month there
1388 shall be paid to each school district and charter school, by
1389 electronic funds transfer, one-twelfth (1/12) of the funds to
1390 which the district or charter school is entitled from funds
1391 appropriated for the Adequate Education Program Fund. However, in
1392 December those payments shall be made on December 15th or the next
1393 business day after that date. All school districts shall process
1394 a single monthly payroll for licensed employees and may process a
1395 single monthly or a semimonthly payroll for nonlicensed employees,
1396 in the discretion of the local school board, with electronic
1397 settlement of payroll checks secured through direct deposit of net
1398 pay for all school district employees. In addition, the State
1399 Department of Education may pay school districts and charter
1400 schools from the common school fund and the Adequate Education
1401 Program Fund on a date earlier than provided for by this section
1402 if it is determined that it is in the best interest of school
1403 districts and charter schools to do so.

1404 Provided, however, that if the cash balance in the State
1405 General Fund is not adequate on the due date to pay the amounts
1406 due to all school districts and charter schools in the state as
1407 determined by the State Superintendent of Education, the State
1408 Fiscal Officer shall not transfer said funds payable to any school
1409 district or districts or charter schools until money is available
1410 to pay the amount due to all districts and charter schools.



1411 (2) Notwithstanding any provision of this chapter or any
1412 other law requiring the number of children in average daily
1413 attendance or the average daily attendance of transported children
1414 to be determined on the basis of the preceding year, the State
1415 Board of Education is hereby authorized and empowered to make
1416 proper adjustments in allotments in cases where major changes in
1417 the number of children in average daily attendance or the average
1418 daily attendance of transported children occurs from one year to
1419 another as a result of changes or alterations in the boundaries of
1420 school districts, the sending of children from one county or
1421 district to another upon a contract basis, the termination or
1422 discontinuance of a contract for the sending of children from one
1423 county or district to another, a change in or relocation of
1424 attendance centers, or for any other reason which would result in
1425 a major decrease or increase in the number of children in average
1426 daily attendance or the average daily attendance of transported
1427 children during the current school year as compared with the
1428 preceding year.

1429 (3) In the event of an inordinately large number of
1430 absentees in any school district or charter school as a result of
1431 epidemic, natural disaster, or any concerted activity discouraging
1432 school attendance, then in such event school attendance for the
1433 purposes of determining average daily attendance under the
1434 adequate education program shall be based upon the average daily



1435 attendance for the preceding school year for such school district
1436 or charter school.

1437 **SECTION 24.** Section 37-151-105, Mississippi Code of 1972, is
1438 brought forward as follows:

1439 37-151-105. The State Board of Education shall have the
1440 authority to make such regulations not inconsistent with law which
1441 it deems necessary for the administration of this chapter. The
1442 State Board of Education, if it deems such practice necessary, may
1443 use reports of the first six (6) months of school for the purpose
1444 of determining average daily attendance and the number of pupils
1445 transported for that year.

1446 **SECTION 25.** Section 37-151-107, Mississippi Code of 1972, is
1447 brought forward as follows:

1448 37-151-107. Any superintendent of education, member of the
1449 local school board of any school district, superintendent,
1450 principal, teacher, carrier, bus driver or member or employee of
1451 the State Department of Education or State Board of Education, or
1452 any other person, who shall willfully violate any of the
1453 provisions of this chapter, or who shall willfully make any false
1454 report, list or record, or who shall willfully make use of any
1455 false report, list or record, concerning the number of school
1456 children in average daily attendance or the number of children
1457 being transported or entitled to be transported in any county or
1458 school district, shall be guilty of a misdemeanor and upon
1459 conviction shall be punished by imprisonment in the county jail



1460 for a period not to exceed sixty (60) days or by a fine of not
1461 less than One Hundred Dollars (\$100.00), nor more than Three
1462 Hundred Dollars (\$300.00), or by both such fine and imprisonment,
1463 in the discretion of the court. In addition, any such person
1464 shall be civilly liable for all amounts of public funds which are
1465 illegally, unlawfully or wrongfully expended or paid out by virtue
1466 of or pursuant to such false report, list or record, and upon
1467 conviction or adjudication of civil liability hereunder, such
1468 person shall forfeit his license to teach for a period of three
1469 (3) years, if such person is the holder of such a license. Any
1470 suit to recover such funds illegally, unlawfully or wrongfully
1471 expended or paid out may be brought in the name of the State of
1472 Mississippi by the Attorney General or the proper district
1473 attorney or county attorney, and, in the event such suit be
1474 brought against a person who is under bond, the sureties upon such
1475 bond shall likewise be liable for such amount illegally,
1476 unlawfully or wrongfully expended or paid out.

1477 **SECTION 26.** Section 37-152-1, Mississippi Code of 1972, is
1478 brought forward as follows:

1479 37-152-1. (1) There is created a Commission on
1480 Restructuring the Mississippi Adequate Education Program (MAEP).
1481 The commission shall, at a minimum, study and report on the
1482 following factors related to MAEP:

- 1483 (a) Efficiency;
- 1484 (b) Local contributions to MAEP;



1485 (c) Base student cost;

1486 (d) Selection of school districts for funding

1487 calculations;

1488 (e) The factors that contribute to high performing

1489 schools;

1490 (f) Add-on programs;

1491 (g) High growth districts;

1492 (h) At-risk student funds; and

1493 (i) Determination of average daily attendance.

1494 (2) The State Board of Education shall contract with a

1495 consulting firm that has expertise in public school funding

1496 formulas to assist the commission with the study. The commission

1497 shall make a report of its findings and recommendations to the

1498 Legislature by November 1, 2005, including any recommended

1499 legislation. The commission shall continue in existence and shall

1500 conduct a periodic study to update its recommendations relative to

1501 MAEP and make a report by November 1 in the first year of every

1502 four-year term of office of statewide officials and legislators.

1503 (3) The commission shall be composed of the following

1504 seventeen (17) members:

1505 (a) The Chairmen of the House and Senate Education

1506 Committees;

1507 (b) The Chairmen of the House and Senate Appropriation

1508 Committees;



1509 (c) Three (3) representatives to be appointed by the
1510 Speaker of the House, at least one (1) of which shall be a member
1511 of the Joint Legislative Budget Committee;

1512 (d) Three (3) Senators to be appointed by the
1513 Lieutenant Governor, at least one (1) of which shall be a member
1514 of the Joint Legislative Budget Committee;

1515 (e) The State Superintendent of Education, or his
1516 designee;

1517 (f) The Associate State Superintendent of Education for
1518 Accountability;

1519 (g) The State Auditor, or his designee;

1520 (h) A local school superintendent appointed by the
1521 Governor;

1522 (i) A local school business administrator designated by
1523 the Mississippi School Boards Association;

1524 (j) A member of the State Board of Education appointed
1525 by the Chairman of the board; and

1526 (k) The Executive Director of the Legislative Budget
1527 Office.

1528 (4) Appointments shall be made within thirty (30) days after
1529 July 1, 2005. The commission shall hold its first meeting before
1530 August 1, 2005. The Chairman of the House Education Committee and
1531 the Chairman of the Senate Education Committee shall serve as
1532 co-chairmen of the commission.



1533 (5) A majority of the members of the task force shall
1534 constitute a quorum. In the adoption of rules, resolutions and
1535 reports, an affirmative vote of a majority of the task force shall
1536 be required. All members shall be notified in writing of all
1537 meetings, such notices to be mailed at least five (5) days prior
1538 to the date on which a meeting is to be held.

1539 (6) Members of the commission may not be compensated for the
1540 performance of their duties. Any incidental costs associated with
1541 conducting the study shall be paid by the State Department of
1542 Education.

1543 (7) The commission is authorized to accept money from any
1544 source, public or private, to be expended in implementing its
1545 duties under this section.

1546 (8) To effectuate the purposes of this section, any
1547 department, division, board, bureau, commission or agency of the
1548 state or of any political subdivision thereof shall, at the
1549 request of the chairperson of the task force, provide to the
1550 commission such facilities, assistance and data as will enable the
1551 commission to properly carry out its duties.

1552 **SECTION 27.** This act shall take effect and be in force from
1553 and after July 1, 2016.

