

By: Senator(s) DeBar

To: Education;
Appropriations

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2415

1 AN ACT TO BRING FORWARD SECTIONS 37-151-1, 37-151-5,
2 37-151-6, 37-151-7, 37-151-7.1, 37-151-8, 37-151-9, 37-151-10,
3 37-151-11, 37-151-13, 37-151-25, 37-151-59, 37-151-61, 37-151-63,
4 37-151-65, 37-151-67, 37-151-75, 37-151-77, 37-151-79, 37-151-81,
5 37-151-83, 37-151-85, 37-151-87, 37-151-89, 37-151-91, 37-151-93,
6 37-151-95, 37-151-97, 37-151-99, 37-151-101, 37-151-103,
7 37-151-105 AND 37-151-107, MISSISSIPPI CODE OF 1972, WHICH PROVIDE
8 FOR THE MISSISSIPPI ADEQUATE EDUCATION PROGRAM, FOR THE PURPOSE OF
9 POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

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

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

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

18 37-151-5. As used in Sections 37-151-5 and 37-151-7:

19 (a) "Adequate program" or "adequate education program"
20 or "Mississippi Adequate Education Program (MAEP)" shall mean the
21 program to establish adequate current operation funding levels



22 necessary for the programs of such school district to meet at
23 least a successful Level III rating of the accreditation system as
24 established by the State Board of Education using current
25 statistically relevant state assessment data.

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

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

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

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

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



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

51 (d) "Base student cost" shall mean the funding level
52 necessary for providing an adequate education program for one (1)
53 base student, subject to any minimum amounts prescribed in Section
54 37-151-7(1).

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

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

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

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

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



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

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

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

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

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

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

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

91 (h) "Superintendent" shall mean the head of a school
92 district.

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



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

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

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

118 (m) The term "year of teaching experience" shall mean
119 nine (9) months of actual teaching in the public or private
120 elementary and secondary schools and shall also include nine (9)



121 months of actual teaching at postsecondary institutions accredited
122 by the Southern Association of Colleges and Schools (SACS) or
123 equivalent regional accrediting body for degree-granting
124 postsecondary institutions. In no case shall more than one (1)
125 year of teaching experience be given for all services in one (1)
126 calendar or school year. In determining a teacher's experience,
127 no deduction shall be made because of the temporary absence of the
128 teacher because of illness or other good cause, and the teacher
129 shall be given credit therefor. Beginning with the 2003-2004
130 school year, the State Board of Education shall fix a number of
131 days, not to exceed forty-five (45) consecutive school days,
132 during which a teacher may not be under contract of employment
133 during any school year and still be considered to have been in
134 full-time employment for a regular scholastic term. If a teacher
135 exceeds the number of days established by the State Board of
136 Education that a teacher may not be under contract but may still
137 be employed, that teacher shall not be credited with a year of
138 teaching experience. In determining the experience of school
139 librarians, each complete year of continuous, full-time employment
140 as a professional librarian in a public library in this or some
141 other state shall be considered a year of teaching experience. If
142 a full-time school administrator returns to actual teaching in the
143 public schools, the term "year of teaching experience" shall
144 include the period of time he or she served as a school
145 administrator. In determining the salaries of teachers who have



experience in any branch of the military, the term "year of teaching experience" shall include each complete year of actual classroom instruction while serving in the military. In determining the experience of speech-language pathologists and audiologists, each complete year of continuous full-time post master's degree employment in an educational setting in this or some other state shall be considered a year of teaching experience. Provided, however, that school districts are authorized, in their discretion, to negotiate the salary levels applicable to certificated employees employed after July 1, 2009, who are receiving retirement benefits from the retirement system of another state, and the annual experience increment provided in Section 37-19-7 shall not be applicable to any such retired certificated employee.

(n) (i) The term "average daily attendance" shall be the figure which results when the total aggregate full-day attendance during the period or months counted is divided by the number of days during the period or months counted upon which both teachers and pupils are in regular attendance for scheduled classroom instruction, * * * less the average daily attendance for self-contained special education classes. For purposes of determining and reporting attendance, a pupil must be present for at least sixty-three percent (63%) of the instructional day, as fixed by the local school board for each school in the school district, in order to be considered in full-day attendance. Prior



to full implementation of the adequate education program the department shall deduct the average daily attendance for the alternative school program provided for in Section 37-19-22.

(ii) [Repealed]

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

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

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

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

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

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

(u) "Dual enrollment-dual credit programs" shall mean programs for potential or recent high school student dropouts to dually enroll in their home high school and a local community



college in a dual credit program consisting of high school completion coursework and a credential, certificate or degree program at the community college, as provided in Section 37-15-38(19).

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

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

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

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

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

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

(a) **Determination of average daily attendance.** Effective with fiscal year 2011, the State Department of Education shall determine the percentage change from the prior year of each year of each school district's average of months two (2) and three



221 (3) average daily attendance (ADA) for the three (3) immediately
222 preceding school years of the year for which funds are being
223 appropriated. For any school district that experiences a positive
224 growth in the average of months two (2) and three (3) ADA each
225 year of the three (3) years, the average percentage growth over
226 the three-year period shall be multiplied times the school
227 district's average of months two (2) and three (3) ADA for the
228 year immediately preceding the year for which MAEP funds are being
229 appropriated. The resulting amount shall be added to the school
230 district's average of months two (2) and three (3) ADA for the
231 year immediately preceding the year for which MAEP funds are being
232 appropriated to arrive at the ADA to be used in determining a
233 school district's MAEP allocation. Otherwise, months two (2) and
234 three (3) ADA for the year immediately preceding the year for
235 which MAEP funds are being appropriated will be used in
236 determining a school district's MAEP allocation. In any fiscal
237 year prior to 2010 in which the MAEP formula is not fully funded,
238 for those districts that do not demonstrate a three-year positive
239 growth in months two (2) and three (3) ADA, months one (1) through
240 nine (9) ADA of the second preceding year for which funds are
241 being appropriated or months two (2) and three (3) ADA of the
242 preceding year for which funds are being appropriated, whichever
243 is greater, shall be used to calculate the district's MAEP
244 allocation. The district's average daily attendance shall be
245 computed and currently maintained in accordance with regulations



promulgated by the State Board of Education. The district's average daily attendance shall include any student enrolled in a Dual Enrollment-Dual Credit Program as defined and provided in Section 37-15-38(19). The State Department of Education shall make payments for Dual Enrollment-Dual Credit Programs to the home school in which the student is enrolled, in accordance with regulations promulgated by the State Board of Education. The community college providing services to students in a Dual Enrollment-Dual Credit Program shall require payment from the home school district for services provided to such students at a rate of one hundred percent (100%) of ADA. All MAEP/state funding shall cease upon completion of high school graduation requirements.

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



271 For the instructional cost component, the Department of
272 Education shall select districts that have been identified as
273 instructionally successful and have a ratio of a number of
274 teachers per one thousand (1,000) students that is between one (1)
275 standard deviation above the mean and two (2) standard deviations
276 below the mean of the statewide average of teachers per one
277 thousand (1,000) students. The instructional cost component shall
278 be calculated by dividing the latest available months one (1)
279 through nine (9) ADA into the instructional expenditures of these
280 selected districts. For the purpose of this calculation, the
281 Department of Education shall use the following funds, functions
282 and objects:

283 Fund 1120 Functions 1110-1199 Objects 100-999, Functions
284 1210, 1220, 2150-2159 Objects 210 and 215;

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

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

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

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

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

290 Prior to the calculation of the instructional cost component,
291 there shall be subtracted from the above expenditures any revenue
292 received for Chickasaw Cession payments, Master Teacher
293 Certification payments and the district's portion of state revenue
294 received from the MAEP at-risk allocation.



For the administrative cost component, the Department of Education shall select districts that have been identified as instructionally successful and have a ratio of an administrative staff to nonadministrative staff between one (1) standard deviation above the mean and two (2) standard deviations below the mean of the statewide average administrative staff to nonadministrative staff. The administrative cost component shall be calculated by dividing the latest available months one (1) through nine (9) ADA of the selected districts into the administrative expenditures of these selected districts. For the purpose of this calculation, the Department of Education shall use the following funds, functions and objects:

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

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

For the plant and maintenance cost component, the Department of Education shall select districts that have been identified as instructionally successful and have a ratio of plant and maintenance expenditures per one hundred thousand (100,000) square feet of building space and a ratio of maintenance workers per one hundred thousand (100,000) square feet of building space that are both between one (1) standard deviation above the mean and two (2) standard deviations below the mean of the statewide average. The plant and maintenance cost component shall be calculated by



dividing the latest available months one (1) through nine (9) ADA of the selected districts into the plant and maintenance expenditures of these selected districts. For the purpose of this calculation, the Department of Education shall use the following funds, functions and objects:

Fund 1120 Functions 2600-2699, Objects 100-699

and Objects 800-999;

Fund 2711 Functions 2600-2699, Objects 100-699

and Objects 800-999;

Fund 2430 Functions 2600-2699, Objects 100-699

and Objects 800-999.

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



345 Fund 1120 Functions 2110-2129, Objects 100-999;
346 Fund 1120 Functions 2140-2149, Objects 100-999;
347 Fund 1120 Functions 2220-2229, Objects 100-999;
348 Fund 2001 Functions 2100-2129, Objects 100-999;
349 Fund 2001 Functions 2140-2149, Objects 100-999;
350 Fund 2001 Functions 2220-2229, Objects 100-999.

351 The total base cost for each year shall be the sum of the
352 instructional cost component, administrative cost component, plant
353 and maintenance cost component and ancillary support cost
354 component, and any estimated adjustments for additional state
355 requirements as determined by the State Board of Education.
356 Provided, however, that the base student cost in fiscal year 1998
357 shall be Two Thousand Six Hundred Sixty-four Dollars (\$2,664.00).

358 For each of the fiscal years between the recalculation of the
359 base student cost under the provisions of this paragraph (b), the
360 base student cost shall be increased by an amount equal to forty
361 percent (40%) of the base student cost for the previous fiscal
362 year, multiplied by the latest annual rate of inflation for the
363 State of Mississippi as determined by the State Economist, plus
364 any adjustments for additional state requirements such as, but not
365 limited to, teacher pay raises and health insurance premium
366 increases.

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



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

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

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

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

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

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



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

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

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

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

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

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

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



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

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

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

430 (2) **Computation of the required local revenue in support of**
431 **the adequate education program.** The amount that each district
432 shall provide toward the cost of the adequate education program
433 shall be calculated as follows:

434 (a) The State Department of Education shall certify to
435 each school district that twenty-eight (28) mills, less the
436 estimated amount of the yield of the School Ad Valorem Tax
437 Reduction Fund grants as determined by the State Department of
438 Education, is the millage rate required to provide the district
439 required local effort for that year, or twenty-seven percent (27%)
440 of the basic adequate education program cost for such school
441 district as determined under paragraph (c), whichever is a lesser



amount. In the case of an agricultural high school, the millage requirement shall be set at a level which generates an equitable amount per pupil to be determined by the State Board of Education. The local contribution amount for school districts in which there is located one or more charter schools will be calculated using the following methodology: using the adequate education program twenty-eight (28) mill value, or the twenty-seven percent (27%) cap amount (whichever is less) for each school district in which a charter school is located, an average per pupil amount will be calculated. This average per pupil amount will be multiplied times the number of students attending the charter school in that school district. The sum becomes the charter school's local contribution to the adequate education program.

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



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

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

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

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

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

(b) Provided, however, that in fiscal year 2015, any increase in the said state contribution to any district calculated under this section shall be not less than six percent (6%) in excess of the amount received by said district from state funds



for fiscal year 2002; in fiscal year 2016, any increase in the said state contribution to any district calculated under this section shall be not less than four percent (4%) in excess of the amount received by said district from state funds for fiscal year 2002; in fiscal year 2017, any increase in the said state contribution to any district calculated under this section shall be not less than two percent (2%) in excess of the amount received by said district from state funds for fiscal year 2002; and in fiscal year 2018 and thereafter, any increase in the said state contribution to any district calculated under this section shall be zero percent (0%). For purposes of this paragraph (b), state funds shall include minimum program funds less the add-on programs, State Uniform Millage Assistance Grant Funds, Education Enhancement Funds appropriated for Uniform Millage Assistance Grants and state textbook allocations, and State General Funds allocated for textbooks.

(c) If the school board of any school district shall determine that it is not economically feasible or practicable to operate any school within the district for the full one hundred eighty (180) days required for a school term of a scholastic year as required in Section 37-13-63, Mississippi Code of 1972, due to an enemy attack, a man-made, technological or natural disaster in which the Governor has declared a disaster emergency under the laws of this state or the President of the United States has declared an emergency or major disaster to exist in this state,



517 said school board may notify the State Department of Education of
518 such disaster and submit a plan for altering the school term. If
519 the State Board of Education finds such disaster to be the cause
520 of the school not operating for the contemplated school term and
521 that such school was in a school district covered by the
522 Governor's or President's disaster declaration, it may permit said
523 school board to operate the schools in its district for less than
524 one hundred eighty (180) days and, in such case, the State
525 Department of Education shall not reduce the state contributions
526 to the adequate education program allotment for such district,
527 because of the failure to operate said schools for one hundred
528 eighty (180) days.

529 (4) The Interim School District Capital Expenditure Fund is
530 hereby established in the State Treasury which shall be used to
531 distribute any funds specifically appropriated by the Legislature
532 to such fund to school districts entitled to increased allocations
533 of state funds under the adequate education program funding
534 formula prescribed in Sections 37-151-3 through 37-151-7,
535 Mississippi Code of 1972, until such time as the said adequate
536 education program is fully funded by the Legislature. The
537 following percentages of the total state cost of increased
538 allocations of funds under the adequate education program funding
539 formula shall be appropriated by the Legislature into the Interim
540 School District Capital Expenditure Fund to be distributed to all
541 school districts under the formula: Nine and two-tenths percent



(9.2%) shall be appropriated in fiscal year 1998, twenty percent (20%) shall be appropriated in fiscal year 1999, forty percent (40%) shall be appropriated in fiscal year 2000, sixty percent (60%) shall be appropriated in fiscal year 2001, eighty percent (80%) shall be appropriated in fiscal year 2002, and one hundred percent (100%) shall be appropriated in fiscal year 2003 into the State Adequate Education Program Fund. Until July 1, 2002, such money shall be used by school districts for the following purposes:

(a) Purchasing, erecting, repairing, equipping, remodeling and enlarging school buildings and related facilities, including gymnasiums, auditoriums, lunchrooms, vocational training buildings, libraries, school barns and garages for transportation vehicles, school athletic fields and necessary facilities connected therewith, and purchasing land therefor. Any such capital improvement project by a school district shall be approved by the State Board of Education, and based on an approved long-range plan. The State Board of Education shall promulgate minimum requirements for the approval of school district capital expenditure plans.

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

(c) Paying debt service on existing capital improvement debt of the district or refinancing outstanding debt of a district



if such refinancing will result in an interest cost savings to the district.

(d) From and after October 1, 1997, through June 30, 1998, pursuant to a school district capital expenditure plan approved by the State Department of Education, a school district may pledge such funds until July 1, 2002, plus funds provided for in paragraph (e) of this subsection (4) that are not otherwise permanently pledged under such paragraph (e) to pay all or a portion of the debt service on debt issued by the school district under Sections 37-59-1 through 37-59-45, 37-59-101 through 37-59-115, 37-7-351 through 37-7-359, 37-41-89 through 37-41-99, 37-7-301, 37-7-302 and 37-41-81, Mississippi Code of 1972, or debt issued by boards of supervisors for agricultural high schools pursuant to Section 37-27-65, Mississippi Code of 1972, or lease-purchase contracts entered into pursuant to Section 31-7-13, Mississippi Code of 1972, or to retire or refinance outstanding debt of a district, if such pledge is accomplished pursuant to a written contract or resolution approved and spread upon the minutes of an official meeting of the district's school board or board of supervisors. It is the intent of this provision to allow school districts to irrevocably pledge their Interim School District Capital Expenditure Fund allotments as a constant stream of revenue to secure a debt issued under the foregoing code sections. To allow school districts to make such an irrevocable pledge, the state shall take all action necessary to ensure that



the amount of a district's Interim School District Capital Expenditure Fund allotments shall not be reduced below the amount certified by the department or the district's total allotment under the Interim Capital Expenditure Fund if fully funded, so long as such debt remains outstanding.

(e) [Repealed]

(f) [Repealed]

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

(h) To the extent a school district has not utilized twenty percent (20%) of its annual allotment for technology purposes under paragraph (g), a school district may expend not more than twenty percent (20%) of its annual allotment or Twenty Thousand Dollars (\$20,000.00), whichever is greater, for



617 instructional purposes. The State Board of Education may
618 authorize a school district to expend more than said twenty
619 percent (20%) of its annual allotment for instructional purposes
620 if it determines that such expenditures are needed for
621 accreditation purposes.

622 (i) The State Department of Education or the State
623 Board of Education may require that any project commenced under
624 this section with an estimated project cost of not less than Five
625 Million Dollars (\$5,000,000.00) shall be done only pursuant to
626 program management of the process with respect to design and
627 construction. Any individuals, partnerships, companies or other
628 entities acting as a program manager on behalf of a local school
629 district and performing program management services for projects
630 covered under this subsection shall be approved by the State
631 Department of Education.

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

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

639 (5) The State Department of Education shall make payments to
640 charter schools for each student in average daily attendance at
641 the charter school equal to the state share of the adequate



education program payments for each student in average daily attendance at the school district in which the public charter school is located. In calculating the local contribution for purposes of determining the state share of the adequate education program payments, the department shall deduct the pro rata local contribution of the school district in which the student resides as determined in subsection (2)(a) of this section.

SECTION 5. Section 37-151-7.1, Mississippi Code of 1972, is brought forward as follows:

37-151-7.1. (1) Before February 1 of each year, the tax assessor of each county shall file a report or reports with the State Department of Education which provide information essential to the department in determining the amount that each school district shall be required to provide toward the cost of the Adequate Education Program Fund. A separate report must be filed for each school district or part of a school district situated in the county and must include the following information:

(a) The total assessed valuation of nonexempt property for school purposes in the school district;

(b) The assessed value of exempt property owned by homeowners aged sixty-five (65) or older or disabled, as defined in Section 27-33-67(2), in the school district;

(c) The school district's tax loss from exemptions provided to applicants under the age of sixty-five (65) and not disabled, as defined in Section 27-33-67(1); and



667 (d) The school district's homestead reimbursement
668 revenues.

669 (2) The State Department of Education shall prepare and make
670 available to the tax assessor of each county a form for the
671 reports required under this section.

672 **SECTION 6.** Section 37-151-8, Mississippi Code of 1972, is
673 brought forward as follows:

674 37-151-8. The State Board of Education shall adopt rules and
675 regulations that:

676 (a) Require school districts that receive allocations
677 of Mississippi Adequate Education Program at-risk funds, as
678 prescribed by Section 37-151-7(1)(d), to specifically target the
679 expenditure of those funds to implement effective programs, as
680 determined by the State Department of Education, to serve at-risk
681 students; and

682 (b) Provide the methods by which school districts will
683 be expected to account for all expenditures of at-risk funds and
684 how school districts will be held accountable for the expenditure
685 of at-risk funds.

686 **SECTION 7.** Section 37-151-9, Mississippi Code of 1972, is
687 brought forward as follows:

688 37-151-9. (1) The State Board of Education and State
689 Superintendent of Education shall establish within the State
690 Department of Education a special unit at the division level
691 called the Office of Educational Accountability. The Director of



692 the Office of Educational Accountability shall hold a position
693 comparable to a deputy superintendent and shall be appointed by
694 the State Board of Education with the advice and consent of the
695 Senate. He shall serve at the will and pleasure of the State
696 Board of Education and may employ necessary professional,
697 administrative and clerical staff. The Director of the Office of
698 Educational Accountability shall provide all reports to the
699 Legislature, Governor, Mississippi Commission on School
700 Accreditation and State Board of Education and respond to any
701 inquiries for information.

702 (2) The Office of Educational Accountability is responsible
703 for monitoring and reviewing programs developed under the
704 Education Reform Act, the Mississippi Adequate Education Program
705 Act of 1994, the Education Enhancement Fund, and subsequent
706 education initiatives, and shall provide information,
707 recommendations and an annual assessment to the Legislature,
708 Governor, Mississippi Commission on School Accreditation and the
709 State Board of Education. Commencing in 1995, the annual
710 assessment of education reform programs shall be performed by the
711 Office of Educational Accountability by December 1 of each year.
712 The Office of Educational Accountability shall specifically
713 monitor the implementation of Level III accreditation in all
714 school districts, and shall make an assessment with
715 recommendations to the 1996 Regular Session of the Legislature.



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

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

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

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

SECTION 8. Section 37-151-10, Mississippi Code of 1972, is brought forward as follows:

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

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



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

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

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

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

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



766 submitted annually on January 1 of each subsequent year until
767 January 1, 2003, at which time the report shall become a distinct
768 part of the Mississippi Report Card describing the one hundred
769 percent (100%) implementation of the Mississippi Adequate
770 Education Program funding formula. The annual report shall
771 include the following:

772 (a) A description of the amount of Mississippi Adequate
773 Education Program funds available to each school district during
774 the phase-in period compared to the amount of funds available upon
775 full implementation of the funding formula;

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

778 (i) A listing of the school district facilities to
779 be constructed, purchased, repaired, renovated, remodeled or
780 enlarged, with designation of the nature of each such project as
781 new construction, retrofitting/renovation, or site work and/or
782 preparation;

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

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

788 (B) The total project cost in dollars;



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

792 (D) The total cost of all furniture and
793 equipment per project;

794 (E) The total amount of nonconstruction fees
795 per project;

796 (F) The total of other costs associated with
797 the project not otherwise included in items (A) through (E) above;
798 and

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

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

805 (iv) A description of any other local bond issue
806 proceeds combined with such funds for capital improvement
807 purposes; and

808 (v) Any other appropriate information relating to
809 capital improvements by school districts as determined by the
810 State Board of Education;

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



814 (d) An annual assessment of the impact of teacher
815 recruitment incentives on the employment of licensed teachers in
816 critical teacher shortage geographic areas, including, but not
817 limited to, all incentive programs authorized under House Bill No.
818 609, 1998 Regular Session [Laws, 1998, Chapter 544].

819 **SECTION 9.** Section 37-151-11, Mississippi Code of 1972, is
820 brought forward as follows:

821 37-151-11. The State Board of Education shall establish and
822 design an annual program of awards for exemplary performing
823 teachers in Mississippi's public school districts, to be called
824 the "Mississippi Teacher of the Year" Award Program.

825 The board shall establish criteria and guidelines for making
826 the annual award to one (1) exemplary performing teacher in
827 Mississippi, which shall include a cash award of Five Thousand
828 Dollars (\$5,000.00) to be paid by the State Department of
829 Education pursuant to appropriation therefor and shall be
830 unrestricted as to its use by the recipient. Such award shall be
831 paid as a supplement to such teacher's contracted salary in the
832 year subsequent to receiving the recognition.

833 The State Board of Education shall utilize such awards to
834 bring the best teaching practices to the attention of other
835 schools. The awards shall include public recognition by the local
836 school board and the State Board of Education and the awarding of
837 plaques, certificates and the monetary award for teachers that
838 perform well.



839 **SECTION 10.** Section 37-151-13, Mississippi Code of 1972, is
840 brought forward as follows:

841 37-151-13. The State Board of Education shall establish and
842 design an annual program of awards for exemplary performing
843 administrators in Mississippi's public school districts, to be
844 called the "Mississippi Administrator of the Year" Award Program.

845 The board shall establish criteria and guidelines for making
846 the annual award to one (1) exemplary performing administrator in
847 Mississippi, which shall include a cash award of Five Thousand
848 Dollars (\$5,000.00) to be paid by the State Department of
849 Education pursuant to appropriation therefor and shall be
850 unrestricted as to its use by the recipient. Such award shall be
851 paid as a supplement to such administrator's contracted salary in
852 the year subsequent to receiving the recognition.

853 The State Board of Education shall utilize such awards to
854 bring the best administrative practices to the attention of other
855 schools. The awards shall include public recognition by the local
856 school board and the State Board of Education and the awarding of
857 plaques, certificates and the monetary award for administrators
858 that perform well.

859 **SECTION 11.** Section 37-151-25, Mississippi Code of 1972, is
860 brought forward as follows:

861 37-151-25. There is hereby created in the State Treasury a
862 special fund to be designated as the "Tech-Prep Fund." Any
863 unexpended balance in said fund at the end of the fiscal year



shall carry over to the succeeding fiscal year and shall not lapse into the State General Fund. The fund shall be credited with any funds appropriated by the Legislature for the implementation of the Tech-Prep program in Grades 7-12 and in the public community colleges and junior colleges through approved programs and from the proceeds of bonds issued under Sections 31 through 51 of Laws, 1997, Chapter 612, and shall be allocated to school districts by the State Board of Education for the following purposes:

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

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

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

(d) Administer Occupational Tests;

(e) Implement and Update Career/Educational Plans for each student;

(f) Implement Career Centers for each school;

(g) To provide equipment upgrades to meet technology demands, staff development and teaching materials to implement application based methodology for each of the community college sites.



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

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

895 **SECTION 12.** Section 37-151-59, Mississippi Code of 1972, is
896 brought forward as follows:

897 37-151-59. Nothing in this chapter shall be construed to
898 prohibit a school district from issuing its bonds, negotiable
899 notes or certificates of indebtedness for the purposes, in the
900 manner, to the extent and subject to the limitations provided by
901 Sections 37-59-1 through 37-59-45, Mississippi Code of 1972, or
902 any other applicable sections, and the authority granted by this
903 article shall be construed as being additional, supplemental and
904 cumulative thereto. The proceeds of the sale of any such bonds,
905 negotiable notes or certificates of indebtedness so issued by any
906 such school district may be used for the purpose for which they
907 were issued and may be expended in conjunction with funds provided
908 by the Council for Education Technology under the provisions of
909 this article, or may be expended without such funds, if same be
910 not available.



911 **SECTION 13.** Section 37-151-61, Mississippi Code of 1972, is
912 brought forward as follows:

913 37-151-61. Any school board of any school district which may
914 be aggrieved by any final rule, regulation or order of the State
915 Board of Education adopted under the provisions of this chapter
916 shall have the right to appeal therefrom to the chancery court of
917 the county in which the school district involved or any part
918 thereof is located in like manner, within the same time, with like
919 effect, and subject in all other respects to appeals from orders,
920 rules and regulations of the State Board of Education, the
921 provisions of which are hereby made applicable in all respects to
922 appeals from orders, rules and regulations of the commission under
923 the provisions of this chapter.

924 **SECTION 14.** Section 37-151-63, Mississippi Code of 1972, is
925 brought forward as follows:

926 37-151-63. Sections 37-151-63 through 37-151-75 of this
927 article shall be known and may be cited as the "Work Force
928 Education Act of 1994."

929 **SECTION 15.** Section 37-151-65, Mississippi Code of 1972, is
930 brought forward as follows:

931 37-151-65. It is the intent of the Legislature by the
932 passage of Sections 37-151-63 through 37-151-75 to provide for the
933 creation and development of a regionally based system in
934 Mississippi for education and training which: responds to the
935 needs of Mississippi's work force and employers; is driven by the



demands of industry and a competitive economy; makes maximum use of limited resources; and provides for continuing improvement through constant assessment of the results of education and training for individual workers and employers.

SECTION 16. Section 37-151-67, Mississippi Code of 1972, is brought forward as follows:

37-151-67. For purposes of Sections 37-151-63 through 37-151-75, the following words and phrases shall have the meanings respectively ascribed in this section unless the context clearly indicates otherwise:

(a) "State council" means the Mississippi Work Force Development Advisory Council; and

(b) "District councils" means the District Work Force Development Councils.

SECTION 17. Section 37-151-75, Mississippi Code of 1972, is brought forward as follows:

37-151-75. The Mississippi Community College Board is designated as the primary support agency to the career centers and district councils. The state board may exercise the following powers:

(a) To provide the career centers the assistance necessary to accomplish the purposes of Sections 37-151-63 through 37-151-75;

(b) To provide the career centers consistent standards and benchmarks to guide development of the local workforce



961 development system and to provide a means by which the outcomes of
962 local services can be measured;

963 (c) To develop the staff capacity to provide, broker or
964 contract for the provision of technical assistance to the career
965 centers, including, but not limited to:

966 (i) Training local staff in methods of recruiting,
967 assessment and career counseling;

968 (ii) Establishing rigorous and comprehensive local
969 pre-employment training programs;

970 (iii) Developing local institutional capacity to
971 deliver Total Quality Management training;

972 (iv) Developing local institutional capacity to
973 transfer new technologists into the marketplace;

974 (v) Expanding the Skills Enhancement Program and
975 improving the quality of adult literacy programs; and

976 (vi) Developing data for strategic planning;

977 (d) To collaborate with the * * * Mississippi
978 Development Authority and other economic development organizations
979 to increase the community college systems' economic development
980 potential;

981 (e) To administer presented and approved certification
982 programs by the community colleges for tax credits and partnership
983 funding for corporate training;

984 (f) To create and maintain an evaluation team that
985 examines which kinds of curricula and programs and what forms of



quality control of training are most productive so that the knowledge developed at one (1) institution of education can be transferred to others;

(g) To develop internal capacity to provide services and to contract for services from universities and other providers directly to local institutions;

(h) To develop and administer an incentive certification program; and

(i) To develop and hire staff and purchase equipment necessary to accomplish the goals set forth in this section.

SECTION 18. Section 37-151-77, Mississippi Code of 1972, is brought forward as follows:

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

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

Any local district may apply to the State Board of Education for approval of a waiver to this section by submitting and justifying an alternative educational program to serve the needs of enrollment in Grades Kindergarten and 1 through 4. The State Board of Education shall approve or disapprove of such waiver forty-five (45) days after receipt of such application. If a school district violates the provisions of this section, the state



aid for the ensuing fiscal year to such school district shall be reduced by the percentage variance that the actual pupil-teacher ratios in such school district has to the required pupil-teacher ratios mandated in this section. Provided, that notwithstanding the provisions of this section, the State Board of Education is authorized to waive the pupil-teacher requirements specified herein upon a finding that a good faith effort is being made by the school district concerned to comply with the ratio provisions but that for lack of classroom space which was beyond its control it is physically impossible for the district to comply, and the cost of temporary classroom space cannot be justified. In the event any school district meets the highest levels of accreditation standards as determined by the State Board of Education in the state's accountability system, the State Board of Education may, in its discretion, exempt such school district from the maximum pupil-teacher ratio in Grades 1, 2, 3 and 4 prescribed herein.

SECTION 19. Section 37-151-79, Mississippi Code of 1972, is brought forward as follows:

37-151-79. In addition to other funds provided for in this chapter, there shall be added to the allotment for each school district for each vocational teacher employed full time during the regular school term in a vocational education program approved by the State Department of Education the value of one-half (1/2) of the adequate education program salary schedule provided in Section



37-19-7, Mississippi Code of 1972, based on the type of certificate and number of years' teaching experience held by each approved vocational teacher plus one hundred percent (100%) of the applicable employer's rate for social security and state retirement.

SECTION 20. Section 37-151-81, Mississippi Code of 1972, is brought forward as follows:

37-151-81. (1) In addition to other funds provided for in this chapter, there shall be added to the allotment for each school district for each teacher employed in a State Department of Education approved program for exceptional children as defined in Section 37-23-3, Mississippi Code of 1972, the value of one hundred percent (100%) of the adequate education program salary schedule prescribed in Section 37-19-7, Mississippi Code of 1972, based on the type of certificate and number of years' teaching experience held by each approved special education teacher plus one hundred percent (100%) of the applicable employer's rate for social security and state retirement, except that only seventy percent (70%) of the value will be added for the program for three- and four-year old exceptional children.

(2) In addition to the allowances provided above, for each handicapped child who is being educated by a public school district or is placed in accord with Section 37-23-77, Mississippi Code of 1972, and whose individualized educational program (IEP) requires an extended school year in accord with the State



1061 Department of Education criteria, a sufficient amount of funds
1062 shall be allocated for the purpose of providing the educational
1063 services the student requires. The State Board of Education shall
1064 promulgate such regulations as are required to insure the
1065 equitable distribution of these funds. All costs for the extended
1066 school year for a particular summer shall be reimbursed from funds
1067 appropriated for the fiscal year beginning July 1 of that summer.
1068 If sufficient funds are not made available to finance all of the
1069 required educational services, the State Department of Education
1070 shall expend available funds in such a manner that it does not
1071 limit the availability of appropriate education to handicapped
1072 students more severely than it does to nonhandicapped students.

1073 (3) The State Department of Education is hereby authorized
1074 to match adequate education program and other funds allocated for
1075 provision of services to handicapped children with Division of
1076 Medicaid funds to provide language-speech services, physical
1077 therapy and occupational therapy to handicapped students who meet
1078 State Department of Education or Division of Medicaid standards
1079 and who are Medicaid eligible. Provided further, that the State
1080 Department of Education is authorized to pay such funds as may be
1081 required as a match directly to the Division of Medicaid pursuant
1082 to an agreement to be developed between the State Department of
1083 Education and the Division of Medicaid.

1084 (4) In addition to other funds provided for in this chapter,
1085 there shall be added to the allotment for each school district for



1086 each teacher employed in a State Department of Education approved
1087 program for gifted education as defined in Sections 37-23-173
1088 through 37-23-181, Mississippi Code of 1972, the value of one
1089 hundred percent (100%) of the adequate education program salary
1090 schedule prescribed in Section 37-19-7, Mississippi Code of 1972,
1091 based on the type of certificate and number of years' teaching
1092 experience held by each approved gifted education teacher plus one
1093 hundred percent (100%) of the applicable employer's rate for
1094 social security and state retirement.

1095 (5) When any children who are residents of the State of
1096 Mississippi and qualify under the provisions of Section 37-23-31,
1097 Mississippi Code of 1972, shall be provided a program of
1098 education, instruction and training within a school under the
1099 provisions of said section, the State Department of Education
1100 shall allocate the value of one hundred percent (100%) of the
1101 adequate education program salary schedule prescribed in Section
1102 37-19-7, Mississippi Code of 1972, for each approved program based
1103 on the type of certificate and number of years' teaching
1104 experience held by each approved teacher plus one hundred percent
1105 (100%) of the applicable employer's rate for social security and
1106 state retirement. The university or college shall be eligible for
1107 state and federal funds for such programs on the same basis as
1108 local school districts. The university or college shall be
1109 responsible for providing for the additional costs of the program.



1110 (6) In addition to the allotments provided above, a school
1111 district may provide a program of education and instruction to
1112 children ages five (5) years through twenty-one (21) years, who
1113 are resident citizens of the State of Mississippi, who cannot have
1114 their educational needs met in a regular public school program and
1115 who have not finished or graduated from high school, if those
1116 children are determined by competent medical authorities and
1117 psychologists to need placement in a state licensed facility for
1118 inpatient treatment, day treatment or residential treatment or a
1119 therapeutic group home. Such program shall operate under rules,
1120 regulations, policies and standards of school districts as
1121 determined by the State Board of Education. If a private school
1122 approved by the State Board of Education is operated as an
1123 integral part of the state licensed facility that provides for the
1124 treatment of such children, the private school within the facility
1125 may provide a program of education, instruction and training to
1126 such children by requesting the State Department of Education to
1127 allocate one (1) teacher unit or a portion of a teacher unit for
1128 each approved class. The facility shall be responsible for
1129 providing any additional costs of the program.

1130 Such funds will be allotted based on the type of certificate
1131 and number of years' teaching experience held by each approved
1132 teacher. Such children shall not be counted in average daily
1133 attendance when determining regular teacher unit allocation.



1134 **SECTION 21.** Section 37-151-83, Mississippi Code of 1972, is
1135 brought forward as follows:

1136 37-151-83. (1) In addition to other funds allowed under the
1137 Adequate Education Program, each school district shall receive a
1138 grant for the support of alternative school programs established
1139 under Section 37-13-92, Mississippi Code of 1972, in accordance
1140 with the following: Three-fourths of one percent (.75%) of the
1141 school district's average daily attendance or twelve (12) pupils,
1142 whichever is greater, multiplied by the average expenditure of
1143 public monies per pupil in the State of Mississippi, as determined
1144 by the State Board of Education.

1145 (2) An alternative school advisory board may be created
1146 within each school district maintaining a freestanding alternative
1147 school or two (2) or more adjacent school districts operating a
1148 freestanding alternative school pursuant to a contract approved by
1149 the State Board of Education. The advisory board shall meet no
1150 less than two (2) times during each school year to study the
1151 alternative school program and to make recommendations for
1152 improvements to the superintendent of the local school board or
1153 boards, as the case may be, and the State Superintendent of
1154 Education. The alternative school advisory board shall consist of
1155 the following members: one (1) school administrator to be
1156 appointed by each local school board of the school district or
1157 districts operating the alternative school; one (1) school board
1158 member and one (1) parent to be appointed by each superintendent



1159 of the school district or districts operating the alternative
1160 school; one (1) classroom teacher to be appointed by the classroom
1161 teachers in each school district operating the alternative school;
1162 one (1) individual to be appointed by the local youth court judge,
1163 or if there is no such court the chancery court judge; and one (1)
1164 law enforcement officer to be appointed by the local sheriff. The
1165 initial members of the advisory board shall serve as follows:
1166 One-third (1/3) of the members shall serve two (2) years;
1167 one-third (1/3) of the members shall serve three (3) years; and
1168 one-third (1/3) of the members shall serve four (4) years, to be
1169 designated by the appointing authority at the time of appointment.
1170 Thereafter, the term of each member shall be for a period of four
1171 (4) years.

1172 An alternative school advisory board shall have no governing
1173 authority over the alternative school program, and not in any
1174 manner shall an advisory board's authority supersede the authority
1175 of the school district or lead district in those alternative
1176 school programs operated jointly by two (2) or more districts.

1177 **SECTION 22.** Section 37-151-85, Mississippi Code of 1972, is
1178 brought forward as follows:

1179 37-151-85. (1) The amount to be allotted by the State Board
1180 of Education for transportation shall be determined as follows:

1181 The State Department of Education shall calculate the cost of
1182 transportation in school districts by ascertaining the average
1183 cost per pupil in average daily attendance of transported pupils



1184 in school districts classified in different density groups as
1185 determined by the State Department of Education. Based on these
1186 calculations, the State Department of Education shall develop a
1187 scale for determining the allowable cost per pupil in different
1188 density groups, which scale shall provide greatest allowance per
1189 pupil transported in school districts with lowest densities and
1190 smallest allowance per pupil in school districts with highest
1191 densities. The total allowance in the adequate education program
1192 for transported children for any school district for the current
1193 year shall be the average daily attendance of the transported
1194 children for the nine (9) months of the prior year, multiplied by
1195 the allowance per transported pupil as provided herein. However,
1196 the State Department of Education is hereby authorized and
1197 empowered to make proper adjustments in allotments, under rules
1198 and regulations of the State Board of Education, in cases where
1199 major changes in the number of children in average daily
1200 attendance transported occur from one (1) year to another as a
1201 result of changes or alterations in the boundaries of school
1202 districts, a change in or relocation of attendance centers, or for
1203 other reasons which would result in major decrease or increase in
1204 the number of children in average daily attendance transported
1205 during the current school year as compared with the preceding
1206 year. Moreover, the State Board of Education is hereby authorized
1207 and empowered to make such payments to all districts and/or
1208 university-based programs as deemed necessary in connection with



1209 transporting exceptional children as defined in Section 37-23-3.
1210 The State Board of Education shall establish and implement all
1211 necessary rules and regulations to allot transportation payments
1212 to university-based programs. In developing density
1213 classifications under the provisions hereof, the State Department
1214 of Education may give consideration to the length of the route,
1215 the sparsity of the population, the lack of adequate roads,
1216 highways and bridges, and the presence of large streams or other
1217 geographic obstacles. In addition to funds allotted under the
1218 above provisions, funds shall be allotted to each school district
1219 that transports students from their assigned school or attendance
1220 center to classes in an approved vocational-technical center at a
1221 rate per mile not to exceed the average statewide cost per mile of
1222 school bus transportation during the preceding year exclusive of
1223 bus replacement. All such transportation must have prior approval
1224 by the State Department of Education.

1225 (2) The average daily attendance of transported children
1226 shall be reported by the school district in which such children
1227 attend school. If children living in a school district are
1228 transported at the expense of such school district to another
1229 school district, the average daily attendance of such transported
1230 children shall be deducted by the State Department of Education
1231 from the aggregate average daily attendance of transported
1232 children in the school district in which they attend school and
1233 shall be added to the aggregate average daily attendance of



1234 transported children of the school district from which they come
1235 for the purpose of calculating transportation allotments.

1236 However, such deduction shall not be made for the purpose of
1237 calculating adequate education program pupil-based funding.

1238 (3) The State Department of Education shall include in the
1239 allowance for transportation for each school district an amount
1240 for the replacement of school buses or the purchase of new buses,
1241 which amount shall be calculated upon the estimated useful life of
1242 all school buses being used for the transportation of children in
1243 such school district, whether such buses be publicly or privately
1244 owned.

1245 (4) The school boards of all districts operating school bus
1246 transportation are authorized and directed to establish a salary
1247 schedule for school bus drivers. No school district shall be
1248 entitled to receive the funds herein allotted for transportation
1249 unless it pays each of its nonstudent adult school bus drivers
1250 paid from such transportation allotments a minimum of One Hundred
1251 Ninety Dollars (\$190.00) per month. In addition, local school
1252 boards may compensate school bus drivers, to include temporary or
1253 substitute bus drivers, for actual expenses incurred when
1254 acquiring an initial commercial license or any renewal of a
1255 commercial license in order to drive a school bus. In addition,
1256 local school boards may compensate school bus drivers, to include
1257 temporary or substitute bus drivers, for expenses, not to exceed
1258 One Hundred Dollars (\$100.00), when acquiring an initial medical



1259 exam or any renewal of a medical exam, in order to qualify for a
1260 commercial driver's license.

1261 (5) The State Board of Education shall be authorized and
1262 empowered to use such part of the funds appropriated for
1263 transportation in the adequate education fund as may be necessary
1264 to finance driver training courses as provided for in Section
1265 37-41-1, Mississippi Code of 1972.

1266 (6) The State Board of Education, acting through the
1267 Department of Education, may compensate school bus drivers, to
1268 include temporary or substitute bus drivers, who are providing
1269 driving services to the various state operated schools, such as
1270 the Mississippi School for the Deaf, the Mississippi School for
1271 the Blind, the Mississippi School of the Arts, the Mississippi
1272 School for Math and Science and any other similar state operated
1273 schools, for actual expenses incurred when acquiring an initial
1274 commercial license or any renewal of a commercial license in order
1275 to drive a school bus, to include the expense, not to exceed One
1276 Hundred Dollars (\$100.00), of acquiring an initial medical exam or
1277 any renewal of a medical exam in order to qualify for a commercial
1278 driver's license.

1279 **SECTION 23.** Section 37-151-87, Mississippi Code of 1972, is
1280 brought forward as follows:

1281 37-151-87. No school district shall pay any teacher less
1282 than the state minimum salary. Provided, however, that school
1283 districts are authorized to reduce the state minimum salary by a



1284 pro rata daily amount in order to comply with the school district
1285 employee furlough provisions of Section 37-7-308. From and after
1286 July 1, 2012, no school district shall receive any funds under the
1287 provisions of this chapter for any school year during which the
1288 aggregate amount of local supplement as defined in Section
1289 37-151-5 shall have been reduced below such amount for the
1290 previous year. However, (a) where there has been a reduction in
1291 adequate education program allocations for such district in such
1292 year, (b) where there has been a reduction in the amount of
1293 federal funds to such district below the previous year, or (c)
1294 where there has been a reduction in ad valorem taxes to such
1295 school district for the 1986-1987 school year below the amount for
1296 the previous year due to the exemption of nuclear generating
1297 plants from ad valorem taxation pursuant to Section 27-35-309,
1298 Mississippi Code of 1972, the aggregate amount of local supplement
1299 in such district may be reduced in the discretion of the local
1300 school board without loss of funds under this chapter. No school
1301 district may receive any funds under the provisions of this
1302 chapter for any school year if the aggregate amount of support
1303 from ad valorem taxation shall be reduced during such school year
1304 below such amount for the previous year; however, where there is a
1305 loss in adequate education program allocations, or where there is
1306 or heretofore has been a decrease in the total assessed value of
1307 taxable property within a school district, the aggregate amount of
1308 such support may be reduced proportionately. Nothing herein



1309 contained shall prohibit any school district from adopting or
1310 continuing a program or plan whereby teachers are paid varying
1311 salaries according to the teaching ability, classroom performance
1312 and other similar standards.

1313 **SECTION 24.** Section 37-151-89, Mississippi Code of 1972, is
1314 brought forward as follows:

1315 37-151-89. The minimum base pay for all classroom teachers
1316 may be increased by the district from any funds available to it;
1317 and those districts which have not prior to July 1, 1978, so
1318 increased said base pay, shall increase the minimum base pay for
1319 classroom teachers as fixed by this chapter and as authorized by
1320 any of the provisions of or standards set forth in this chapter.

1321 **SECTION 25.** Section 37-151-91, Mississippi Code of 1972, is
1322 brought forward as follows:

1323 37-151-91. The school boards of all school districts may
1324 establish salary schedules based on training, experience and other
1325 such factors as may be incorporated therein, including student
1326 progress and performance as developed by the State Board of
1327 Education, paying teachers greater amounts than the scale provided
1328 herein, but no teacher may be paid less than the amount based upon
1329 the minimum scale of pay provided in the adequate education
1330 program as prescribed in Section 37-19-7, Mississippi Code of
1331 1972, and all supplements paid from local funds shall be based
1332 upon the salary schedules so established. The school boards may
1333 call upon the State Department of Education for aid and assistance



1334 in formulating and establishing such salary schedules, and it
1335 shall be the duty of the State Department of Education, when so
1336 called upon, to render such aid and assistance. The amount
1337 actually paid to each teacher shall be based upon and determined
1338 by the type of certificate held by such teacher.

1339 **SECTION 26.** Section 37-151-93, Mississippi Code of 1972, is
1340 brought forward as follows:

1341 37-151-93. (1) Legally transferred students going from one
1342 school district to another shall be counted for adequate education
1343 program allotments by the school district wherein the pupils
1344 attend school, but shall be counted for transportation allotment
1345 purposes in the school district which furnishes or provides the
1346 transportation. The school boards of the school districts which
1347 approve the transfer of a student under the provisions of Section
1348 37-15-31 shall enter into an agreement and contract for the
1349 payment or nonpayment of any portion of their local maintenance
1350 funds which they deem fair and equitable in support of any
1351 transferred student. Except as provided in subsection (2) of this
1352 section, local maintenance funds shall be transferred only to the
1353 extent specified in the agreement and contract entered into by the
1354 affected school districts. The terms of any local maintenance
1355 fund payment transfer contract shall be spread upon the minutes of
1356 both of the affected school district school boards. The school
1357 district accepting any transfer students shall be authorized to
1358 accept tuition from such students under the provisions of Section



1359 37-15-31(1) and such agreement may remain in effect for any length
1360 of time designated in the contract. The terms of such student
1361 transfer contracts and the amounts of any tuition charged any
1362 transfer student shall be spread upon the minutes of both of the
1363 affected school boards. No school district accepting any transfer
1364 students under the provisions of Section 37-15-31(2), which
1365 provides for the transfer of certain school district employee
1366 dependents, shall be authorized to charge such transfer students
1367 any tuition fees.

1368 (2) Local maintenance funds shall be paid by the home school
1369 district to the transferee school district for students granted
1370 transfers under the provisions of Sections 37-15-29(3) and
1371 37-15-31(3), Mississippi Code of 1972, not to exceed the "base
1372 student cost" as defined in Section 37-151-5, Mississippi Code of
1373 1972, multiplied by the number of such legally transferred
1374 students.

1375 **SECTION 27.** Section 37-151-95, Mississippi Code of 1972, is
1376 brought forward as follows:

1377 37-151-95. Adequate education program funds shall include
1378 one hundred percent (100%) of the cost of the State and School
1379 Employees' Life and Health Insurance Plan created under Article 7,
1380 Chapter 15, Title 25, Mississippi Code of 1972, for all district
1381 employees who work no less than twenty (20) hours during each week
1382 and regular nonstudent school bus drivers employed by the
1383 district.



1384 Where the use of federal funding is allowable to defray, in
1385 full or in part, the cost of participation in the insurance plan
1386 by district employees who work no less than twenty (20) hours
1387 during each week and regular nonstudent school bus drivers, whose
1388 salaries are paid, in full or in part, by federal funds, the
1389 allowance under this section shall be reduced to the extent of the
1390 federal funding. Where the use of federal funds is allowable but
1391 not available, it is the intent of the Legislature that school
1392 districts contribute the cost of participation for such employees
1393 from local funds, except that parent fees for child nutrition
1394 programs shall not be increased to cover such cost.

1395 The State Department of Education, in accordance with rules
1396 and regulations established by the State Board of Education, may
1397 withhold a school district's adequate education program funds for
1398 failure of the district to timely report student, fiscal and
1399 personnel data necessary to meet state and/or federal
1400 requirements. The rules and regulations promulgated by the State
1401 Board of Education shall require the withholding of adequate
1402 education program funds for those districts that fail to remit
1403 premiums, interest penalties and/or late charges under the State
1404 and School Employees' Life and Health Insurance Plan.
1405 Noncompliance with such rules and regulations shall result in a
1406 violation of compulsory accreditation standards as established by
1407 the State Board of Education and Commission on School
1408 Accreditation.



1409 **SECTION 28.** Section 37-151-97, Mississippi Code of 1972, is
1410 brought forward as follows:

1411 37-151-97. The State Department of Education shall develop
1412 an annual reporting process to inform the Legislature, local
1413 district personnel and the general public as to the ongoing and
1414 future plans for the state's educational programs. The annual
1415 reporting process will include those vital statistics that are
1416 commonly reported by schools and districts and that can provide
1417 clear demographic, strategic and educational information to
1418 constituencies such as, but not limited to, the following
1419 information:

1420 (a) Student enrollment, attendance, drop-out and
1421 graduation;

1422 (b) Overall student and district achievement;

1423 (c) Budget, administrative costs and other pertinent
1424 fiscal information, including:

1425 (i) The receipts and disbursements of all school
1426 funds handled by the board;

1427 (ii) Reports of expenditures for public schools,
1428 which, upon request must be made available on an individual
1429 district basis by the State Department of Education;

1430 1. Total Student Expenditures:

1431 a. Instruction (1000s);

1432 b. Other Student Instructional

1433 Expenditures (2100s, 2200s);



- 1434 2. General Administration (2300s and 2500s);
1435 3. School Administration (2400s);
1436 4. Other Expenditures (2600s, 2700s, 2800s,
1437 3100s, 3200s); and
1438 5. Nonoperational Expenditures (4000s, 5000s,
1439 6000s);

1440 (iii) The number of school districts,
1441 schoolteachers employed, school administrators employed, pupils
1442 taught and the attendance record of pupils therein;

1443 (iv) County and district levies for each school
1444 district and agricultural high school;

1445 (v) The condition of vocational education, a list
1446 of schools to which federal and state aid has been given, and a
1447 detailed statement of the expenditures of federal funds and the
1448 state funds that may be provided, and the ranking of subjects
1449 taught as compared with the state's needs.

1450 (d) Other as directed by the State Board of Education.

1451 Further, the reporting process will include an annual report
1452 developed specifically to relate the mission and goals of the
1453 State Board of Education, state superintendent and departments.
1454 This document will become the method through which the strategic
1455 planning and management process of the department is articulated
1456 to the public. It will explain and inform the public of the major
1457 initiatives of the department and clearly identify rationale for
1458 program development and/or elimination. The report will establish



1459 benchmarks, future plans and discuss the effectiveness of
1460 educational programs.

1461 In addition to the information specified herein, the State
1462 Board of Education shall have full and plenary authority and power
1463 to require the furnishing of such further, additional and
1464 supplementary information as it may deem necessary for the purpose
1465 of determining the cost of the adequate education program in such
1466 school district for the succeeding fiscal year, the amount of the
1467 adequate education program funds to be allotted to each school
1468 district for the succeeding fiscal year, and for any other purpose
1469 authorized by law or deemed necessary by said State Board of
1470 Education.

1471 It shall be the duty of the State Department of Education to
1472 prescribe the forms for the reports provided for in this section.

1473 **SECTION 29.** Section 37-151-99, Mississippi Code of 1972, is
1474 brought forward as follows:

1475 37-151-99. Based upon the information obtained pursuant to
1476 Section 37-151-97 and upon such other and further information as
1477 provided by law, the State Department of Education shall, on or
1478 before June 1 of each year, or as soon thereafter as is practical,
1479 furnish each school board the preliminary estimate of the amount
1480 each will receive from the common school fund and the adequate
1481 education program fund for the succeeding scholastic year, and at
1482 the same time shall furnish each such school board with a



1483 tentative estimate of the cost of the adequate education program
1484 in the school district for such succeeding fiscal year.

1485 **SECTION 30.** Section 37-151-101, Mississippi Code of 1972, is
1486 brought forward as follows:

1487 37-151-101. It shall be the duty of the State Department of
1488 Education to file with the State Treasurer and the State Fiscal
1489 Officer such data and information as may be required to enable the
1490 said State Treasurer and State Fiscal Officer to distribute the
1491 common school funds and adequate education program funds by
1492 electronic funds transfer to the several school districts and
1493 charter schools at the time required and provided under the
1494 provisions of this chapter. Such data and information so filed
1495 shall show in detail the amount of funds to which each school
1496 district and charter school is entitled from such common school
1497 fund and adequate education program fund. Such data and
1498 information so filed may be revised from time to time as
1499 necessitated by law. At the time provided by law, the State
1500 Treasurer and the State Fiscal Officer shall distribute to the
1501 several school districts and charter schools the amounts to which
1502 they are entitled from the common school fund and the adequate
1503 education program fund as provided by this chapter. Such
1504 distribution shall be made by electronic funds transfer to the
1505 depositories of the several school districts and charter schools
1506 designated in writing to the State Treasurer based upon the data
1507 and information supplied by the State Department of Education for



1508 such distribution. In such instances, the State Treasurer shall
1509 submit a request for an electronic funds transfer to the State
1510 Fiscal Officer, which shall set forth the purpose, amount and
1511 payees, and shall be in such form as may be approved by the State
1512 Fiscal Officer so as to provide the necessary information as would
1513 be required for a requisition and issuance of a warrant. A copy
1514 of the record of said electronic funds transfers shall be
1515 transmitted by the school district and charter school depositories
1516 to the Treasurer, who shall file duplicates with the State Fiscal
1517 Officer. The Treasurer and State Fiscal Officer shall jointly
1518 promulgate regulations for the utilization of electronic funds
1519 transfers to school districts and charter schools.

1520 **SECTION 31.** Section 37-151-103, Mississippi Code of 1972, is
1521 brought forward as follows:

1522 37-151-103. (1) Funds due each school district and charter
1523 school under the terms of this chapter from the Adequate Education
1524 Program Fund shall be paid in the following manner: Two (2)
1525 business days prior to the last working day of each month there
1526 shall be paid to each school district and charter school, by
1527 electronic funds transfer, one-twelfth (1/12) of the funds to
1528 which the district or charter school is entitled from funds
1529 appropriated for the Adequate Education Program Fund. However, in
1530 December those payments shall be made on December 15th or the next
1531 business day after that date. All school districts shall process
1532 a single monthly payroll for licensed employees and may process a



1533 single monthly or a semimonthly payroll for nonlicensed employees,
1534 in the discretion of the local school board, with electronic
1535 settlement of payroll checks secured through direct deposit of net
1536 pay for all school district employees. In addition, the State
1537 Department of Education may pay school districts and charter
1538 schools from the common school fund and the Adequate Education
1539 Program Fund on a date earlier than provided for by this section
1540 if it is determined that it is in the best interest of school
1541 districts and charter schools to do so.

1542 Provided, however, that if the cash balance in the State
1543 General Fund is not adequate on the due date to pay the amounts
1544 due to all school districts and charter schools in the state as
1545 determined by the State Superintendent of Education, the State
1546 Fiscal Officer shall not transfer said funds payable to any school
1547 district or districts or charter schools until money is available
1548 to pay the amount due to all districts and charter schools.

1549 (2) Notwithstanding any provision of this chapter or any
1550 other law requiring the number of children in average daily
1551 attendance or the average daily attendance of transported children
1552 to be determined on the basis of the preceding year, the State
1553 Board of Education is hereby authorized and empowered to make
1554 proper adjustments in allotments in cases where major changes in
1555 the number of children in average daily attendance or the average
1556 daily attendance of transported children occurs from one year to
1557 another as a result of changes or alterations in the boundaries of



1558 school districts, the sending of children from one county or
1559 district to another upon a contract basis, the termination or
1560 discontinuance of a contract for the sending of children from one
1561 county or district to another, a change in or relocation of
1562 attendance centers, or for any other reason which would result in
1563 a major decrease or increase in the number of children in average
1564 daily attendance or the average daily attendance of transported
1565 children during the current school year as compared with the
1566 preceding year.

1567 (3) In the event of an inordinately large number of
1568 absentees in any school district or charter school as a result of
1569 epidemic, natural disaster, or any concerted activity discouraging
1570 school attendance, then in such event school attendance for the
1571 purposes of determining average daily attendance under the
1572 adequate education program shall be based upon the average daily
1573 attendance for the preceding school year for such school district
1574 or charter school.

1575 (4) The State Department of Education shall hold school
1576 districts harmless for each school district's average daily
1577 attendance calculation for the 2020-2021 scholastic year. For
1578 purposes of determining average daily attendance for the 2020-2021
1579 scholastic year, the State Department of Education shall use each
1580 school district's average daily attendance for the 2019-2020
1581 scholastic year if it is greater than the school's average daily
1582 attendance for the 2020-2021 scholastic year.



1583 **SECTION 32.** Section 37-151-105, Mississippi Code of 1972, is
1584 brought forward as follows:

1585 37-151-105. The State Board of Education shall have the
1586 authority to make such regulations not inconsistent with law which
1587 it deems necessary for the administration of this chapter. The
1588 State Board of Education, if it deems such practice necessary, may
1589 use reports of the first six (6) months of school for the purpose
1590 of determining average daily attendance and the number of pupils
1591 transported for that year.

1592 **SECTION 33.** Section 37-151-107, Mississippi Code of 1972, is
1593 brought forward as follows:

1594 37-151-107. Any superintendent of education, member of the
1595 local school board of any school district, superintendent,
1596 principal, teacher, carrier, bus driver or member or employee of
1597 the State Department of Education or State Board of Education, or
1598 any other person, who shall willfully violate any of the
1599 provisions of this chapter, or who shall willfully make any false
1600 report, list or record, or who shall willfully make use of any
1601 false report, list or record, concerning the number of school
1602 children in average daily attendance or the number of children
1603 being transported or entitled to be transported in any county or
1604 school district, shall be guilty of a misdemeanor and upon
1605 conviction shall be punished by imprisonment in the county jail
1606 for a period not to exceed sixty (60) days or by a fine of not
1607 less than One Hundred Dollars (\$100.00), nor more than Three



1608 Hundred Dollars (\$300.00), or by both such fine and imprisonment,
1609 in the discretion of the court. In addition, any such person
1610 shall be civilly liable for all amounts of public funds which are
1611 illegally, unlawfully or wrongfully expended or paid out by virtue
1612 of or pursuant to such false report, list or record, and upon
1613 conviction or adjudication of civil liability hereunder, such
1614 person shall forfeit his license to teach for a period of three
1615 (3) years, if such person is the holder of such a license. Any
1616 suit to recover such funds illegally, unlawfully or wrongfully
1617 expended or paid out may be brought in the name of the State of
1618 Mississippi by the Attorney General or the proper district
1619 attorney or county attorney, and, in the event such suit be
1620 brought against a person who is under bond, the sureties upon such
1621 bond shall likewise be liable for such amount illegally,
1622 unlawfully or wrongfully expended or paid out.

1623 **SECTION 34.** This act shall take effect and be in force from
1624 and after July 1, 2022, and shall stand repealed on June 30, 2022.

