

By: Senator(s) DeBar

To: Education;  
Appropriations

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



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

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



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

174 (ii) [Repealed]

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

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

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

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

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

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

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





196 college in a dual credit program consisting of high school  
197 completion coursework and a credential, certificate or degree  
198 program at the community college, as provided in Section  
199 37-15-38(19).

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

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

206 37-151-6. Effective with fiscal year 2007, the Legislature  
207 shall fully fund the Mississippi Adequate Education Program.

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

210 37-151-7. The annual allocation to each school district for  
211 the operation of the adequate education program shall be  
212 determined as follows:

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

217 (a) **Determination of average daily attendance.**

218 Effective with fiscal year 2011, the State Department of Education  
219 shall determine the percentage change from the prior year of each  
220 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



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

259 (b) **Determination of base student cost.** Effective with  
260 fiscal year 2011 and every fourth fiscal year thereafter, the  
261 State Board of Education, on or before August 1, with adjusted  
262 estimate no later than January 2, shall submit to the Legislative  
263 Budget Office and the Governor a proposed base student cost  
264 adequate to provide the following cost components of educating a  
265 pupil in a successful school district: (i) instructional cost;  
266 (ii) administrative cost; (iii) operation and maintenance of  
267 plant; and (iv) ancillary support cost. For purposes of these  
268 calculations, the Department of Education shall utilize financial  
269 data from the second preceding year of the year for which funds  
270 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.



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

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

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

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



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

325 Fund 1120 Functions 2600-2699, Objects 100-699  
326 and Objects 800-999;

327 Fund 2711 Functions 2600-2699, Objects 100-699  
328 and Objects 800-999;

329 Fund 2430 Functions 2600-2699, Objects 100-699  
330 and Objects 800-999.

331 For the ancillary support cost component, the Department of  
332 Education shall select districts that have been identified as  
333 instructionally successful and have a ratio of a number of  
334 librarians, media specialists, guidance counselors and  
335 psychologists per one thousand (1,000) students that is between  
336 one (1) standard deviation above the mean and two (2) standard  
337 deviations below the mean of the statewide average of librarians,  
338 media specialists, guidance counselors and psychologists per one  
339 thousand (1,000) students. The ancillary cost component shall be  
340 calculated by dividing the latest available months one (1) through  
341 nine (9) ADA into the ancillary expenditures instructional  
342 expenditures of these selected districts. For the purpose of this  
343 calculation, the Department of Education shall use the following  
344 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



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

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

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

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

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

390 (ii) Vocational or technical education program  
391 cost shall be the amount allocated to such school district from  
392 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



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

455 (b) The State Department of Education shall determine  
456 the following from the annual assessment information submitted to  
457 the department by the tax assessors of the various counties: (i)  
458 the total assessed valuation of nonexempt property for school  
459 purposes in each school district; (ii) assessed value of exempt  
460 property owned by homeowners aged sixty-five (65) or older or  
461 disabled as defined in Section 27-33-67(2), Mississippi Code of  
462 1972; (iii) the school district's tax loss from exemptions  
463 provided to applicants under the age of sixty-five (65) and not  
464 disabled as defined in Section 27-33-67(1), Mississippi Code of  
465 1972; and (iv) the school district's homestead reimbursement  
466 revenues.



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

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

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

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

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

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



492 for fiscal year 2002; in fiscal year 2016, any increase in the  
493 said state contribution to any district calculated under this  
494 section shall be not less than four percent (4%) in excess of the  
495 amount received by said district from state funds for fiscal year  
496 2002; in fiscal year 2017, any increase in the said state  
497 contribution to any district calculated under this section shall  
498 be not less than two percent (2%) in excess of the amount received  
499 by said district from state funds for fiscal year 2002; and in  
500 fiscal year 2018 and thereafter, any increase in the said state  
501 contribution to any district calculated under this section shall  
502 be zero percent (0%). For purposes of this paragraph (b), state  
503 funds shall include minimum program funds less the add-on  
504 programs, State Uniform Millage Assistance Grant Funds, Education  
505 Enhancement Funds appropriated for Uniform Millage Assistance  
506 Grants and state textbook allocations, and State General Funds  
507 allocated for textbooks.

508 (c) If the school board of any school district shall  
509 determine that it is not economically feasible or practicable to  
510 operate any school within the district for the full one hundred  
511 eighty (180) days required for a school term of a scholastic year  
512 as required in Section 37-13-63, Mississippi Code of 1972, due to  
513 an enemy attack, a man-made, technological or natural disaster in  
514 which the Governor has declared a disaster emergency under the  
515 laws of this state or the President of the United States has  
516 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



542 (9.2%) shall be appropriated in fiscal year 1998, twenty percent  
543 (20%) shall be appropriated in fiscal year 1999, forty percent  
544 (40%) shall be appropriated in fiscal year 2000, sixty percent  
545 (60%) shall be appropriated in fiscal year 2001, eighty percent  
546 (80%) shall be appropriated in fiscal year 2002, and one hundred  
547 percent (100%) shall be appropriated in fiscal year 2003 into the  
548 State Adequate Education Program Fund. Until July 1, 2002, such  
549 money shall be used by school districts for the following  
550 purposes:

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

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

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



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

569 (d) From and after October 1, 1997, through June 30,  
570 1998, pursuant to a school district capital expenditure plan  
571 approved by the State Department of Education, a school district  
572 may pledge such funds until July 1, 2002, plus funds provided for  
573 in paragraph (e) of this subsection (4) that are not otherwise  
574 permanently pledged under such paragraph (e) to pay all or a  
575 portion of the debt service on debt issued by the school district  
576 under Sections 37-59-1 through 37-59-45, 37-59-101 through  
577 37-59-115, 37-7-351 through 37-7-359, 37-41-89 through 37-41-99,  
578 37-7-301, 37-7-302 and 37-41-81, Mississippi Code of 1972, or debt  
579 issued by boards of supervisors for agricultural high schools  
580 pursuant to Section 37-27-65, Mississippi Code of 1972, or  
581 lease-purchase contracts entered into pursuant to Section 31-7-13,  
582 Mississippi Code of 1972, or to retire or refinance outstanding  
583 debt of a district, if such pledge is accomplished pursuant to a  
584 written contract or resolution approved and spread upon the  
585 minutes of an official meeting of the district's school board or  
586 board of supervisors. It is the intent of this provision to allow  
587 school districts to irrevocably pledge their Interim School  
588 District Capital Expenditure Fund allotments as a constant stream  
589 of revenue to secure a debt issued under the foregoing code  
590 sections. To allow school districts to make such an irrevocable  
591 pledge, the state shall take all action necessary to ensure that





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

597 (e) [Repealed]

598 (f) [Repealed]

599 (g) The State Board of Education may authorize the  
600 school district to expend not more than twenty percent (20%) of  
601 its annual allotment of such funds or Twenty Thousand Dollars  
602 (\$20,000.00), whichever is greater, for technology needs of the  
603 school district, including computers, software,  
604 telecommunications, cable television, interactive video, film,  
605 low-power television, satellite communications, microwave  
606 communications, technology-based equipment installation and  
607 maintenance, and the training of staff in the use of such  
608 technology-based instruction. Any such technology expenditure  
609 shall be reflected in the local district technology plan approved  
610 by the State Board of Education under Section 37-151-17,  
611 Mississippi Code of 1972.

612 (h) To the extent a school district has not utilized  
613 twenty percent (20%) of its annual allotment for technology  
614 purposes under paragraph (g), a school district may expend not  
615 more than twenty percent (20%) of its annual allotment or Twenty  
616 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



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

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

651 37-151-7.1. (1) Before February 1 of each year, the tax  
652 assessor of each county shall file a report or reports with the  
653 State Department of Education which provide information essential  
654 to the department in determining the amount that each school  
655 district shall be required to provide toward the cost of the  
656 Adequate Education Program Fund. A separate report must be filed  
657 for each school district or part of a school district situated in  
658 the county and must include the following information:

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

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

664 (c) The school district's tax loss from exemptions  
665 provided to applicants under the age of sixty-five (65) and not  
666 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.



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

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

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

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

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

728 37-151-10. (1) There is established a Center for Education  
729 Analysis which shall be an advisory group attached to the Public  
730 Education Forum of Mississippi. The Center for Education Analysis  
731 shall create a structure to systematically collect, compile and  
732 coordinate data that can be disseminated to business, legislative  
733 and education entities for decision-making purposes relating to  
734 public education. The Center for Education Analysis may enter  
735 into a contractual agreement with the Public Education Forum of  
736 Mississippi in order to place the center within the administrative  
737 framework of the Public Education Forum under the following  
738 conditions:

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



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

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

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

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

758 (2) The Center for Education Analysis established in  
759 subsection (1) shall develop and submit to the Legislature and the  
760 Governor an annual report on the implementation of the Mississippi  
761 Adequate Education Program funding formula and the Interim School  
762 District Capital Expenditure Fund program. The first report shall  
763 be submitted on January 1, 1999, relating to implementation of the  
764 adequate education program and interim capital expenditure program  
765 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



864 shall carry over to the succeeding fiscal year and shall not lapse  
865 into the State General Fund. The fund shall be credited with any  
866 funds appropriated by the Legislature for the implementation of  
867 the Tech-Prep program in Grades 7-12 and in the public community  
868 colleges and junior colleges through approved programs and from  
869 the proceeds of bonds issued under Sections 31 through 51 of Laws,  
870 1997, Chapter 612, and shall be allocated to school districts by  
871 the State Board of Education for the following purposes:

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

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

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

879           (d) Administer Occupational Tests;

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

882           (f) Implement Career Centers for each school;

883           (g) To provide equipment upgrades to meet technology  
884 demands, staff development and teaching materials to implement  
885 application based methodology for each of the community college  
886 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



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

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

942             37-151-67. For purposes of Sections 37-151-63 through  
943 37-151-75, the following words and phrases shall have the meanings  
944 respectively ascribed in this section unless the context clearly  
945 indicates otherwise:

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

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

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

952             37-151-75. The Mississippi Community College Board is  
953 designated as the primary support agency to the career centers and  
954 district councils. The state board may exercise the following  
955 powers:

956             (a) To provide the career centers the assistance  
957 necessary to accomplish the purposes of Sections 37-151-63 through  
958 37-151-75;

959             (b) To provide the career centers consistent standards  
960 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





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

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

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

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

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

998 37-151-77. To qualify for funds provided in this chapter,  
999 each school district shall not exceed a pupil-teacher ratio based  
1000 on enrollment in Grades 1, 2, 3 and 4 as follows: 27:1.

1001 For Grades Kindergarten and 5 through 12, pupil-teacher ratio  
1002 shall be determined based on appropriate accreditation standards  
1003 developed by the Mississippi Commission on School Accreditation.

1004 Any local district may apply to the State Board of Education  
1005 for approval of a waiver to this section by submitting and  
1006 justifying an alternative educational program to serve the needs  
1007 of enrollment in Grades Kindergarten and 1 through 4. The State  
1008 Board of Education shall approve or disapprove of such waiver  
1009 forty-five (45) days after receipt of such application. If a  
1010 school district violates the provisions of this section, the state



1011 aid for the ensuing fiscal year to such school district shall be  
1012 reduced by the percentage variance that the actual pupil-teacher  
1013 ratios in such school district has to the required pupil-teacher  
1014 ratios mandated in this section. Provided, that notwithstanding  
1015 the provisions of this section, the State Board of Education is  
1016 authorized to waive the pupil-teacher requirements specified  
1017 herein upon a finding that a good faith effort is being made by  
1018 the school district concerned to comply with the ratio provisions  
1019 but that for lack of classroom space which was beyond its control  
1020 it is physically impossible for the district to comply, and the  
1021 cost of temporary classroom space cannot be justified. In the  
1022 event any school district meets the highest levels of  
1023 accreditation standards as determined by the State Board of  
1024 Education in the state's accountability system, the State Board of  
1025 Education may, in its discretion, exempt such school district from  
1026 the maximum pupil-teacher ratio in Grades 1, 2, 3 and 4 prescribed  
1027 herein.

1028       **SECTION 19.** Section 37-151-79, Mississippi Code of 1972, is  
1029 brought forward as follows:

1030       37-151-79. In addition to other funds provided for in this  
1031 chapter, there shall be added to the allotment for each school  
1032 district for each vocational teacher employed full time during the  
1033 regular school term in a vocational education program approved by  
1034 the State Department of Education the value of one-half (1/2) of  
1035 the adequate education program salary schedule provided in Section



1036 37-19-7, Mississippi Code of 1972, based on the type of  
1037 certificate and number of years' teaching experience held by each  
1038 approved vocational teacher plus one hundred percent (100%) of the  
1039 applicable employer's rate for social security and state  
1040 retirement.

1041       **SECTION 20.** Section 37-151-81, Mississippi Code of 1972, is  
1042 brought forward as follows:

1043       37-151-81. (1) In addition to other funds provided for in  
1044 this chapter, there shall be added to the allotment for each  
1045 school district for each teacher employed in a State Department of  
1046 Education approved program for exceptional children as defined in  
1047 Section 37-23-3, Mississippi Code of 1972, the value of one  
1048 hundred percent (100%) of the adequate education program salary  
1049 schedule prescribed in Section 37-19-7, Mississippi Code of 1972,  
1050 based on the type of certificate and number of years' teaching  
1051 experience held by each approved special education teacher plus  
1052 one hundred percent (100%) of the applicable employer's rate for  
1053 social security and state retirement, except that only seventy  
1054 percent (70%) of the value will be added for the program for  
1055 three- and four-year old exceptional children.

1056       (2) In addition to the allowances provided above, for each  
1057 handicapped child who is being educated by a public school  
1058 district or is placed in accord with Section 37-23-77, Mississippi  
1059 Code of 1972, and whose individualized educational program (IEP)  
1060 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.

