

By: Representative Scott

To: Education;
Appropriations

HOUSE BILL NO. 1398

1 AN ACT TO AMEND SECTION 37-9-79, MISSISSIPPI CODE OF 1972, TO
 2 PROVIDE AN ALLOCATION OF FUNDS UNDER THE ADEQUATE EDUCATION
 3 PROGRAM FOR THE PURPOSE OF EMPLOYING ELEMENTARY PROFESSIONAL
 4 SCHOOL COUNSELORS; TO REQUIRE THE FUNDS TO BE ALLOCATED TO THOSE
 5 SCHOOL DISTRICTS HAVING THE HIGHEST DOCUMENTED NEED FOR
 6 COUNSELORS; TO PROVIDE AN ADDITIONAL ALLOCATION OF FUNDS IN EACH
 7 SUBSEQUENT FISCAL YEAR UNTIL EACH ELEMENTARY SCHOOL HAS EMPLOYED
 8 AT LEAST ONE PROFESSIONAL SCHOOL COUNSELOR; TO AUTHORIZE THE STATE
 9 DEPARTMENT OF EDUCATION TO EMPLOY A SUPERVISOR OF PROFESSIONAL
 10 SCHOOL COUNSELORS; TO AMEND SECTION 37-151-7, MISSISSIPPI CODE OF
 11 1972, IN CONFORMITY TO THE PROVISIONS OF THIS ACT; AND FOR RELATED
 12 PURPOSES.

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

14 **SECTION 1.** Section 37-9-79, Mississippi Code of 1972, is
 15 amended as follows:

16 37-9-79. (1) Beginning with the 2023-2024 school year, in
 17 addition to other funds allocated under the adequate education
 18 program, each school district must be allotted sufficient funding
 19 to employ one (1) elementary professional school counselor, with
 20 funding for an additional elementary professional school counselor
 21 to be allocated per fiscal year until each elementary school in
 22 the school district has one (1) state-funded professional school
 23 counselor. If sufficient funding is not appropriated for each



24 school district to employ an elementary school counselor, the
25 State Department of Education shall allocate those funds to school
26 districts accredited at the three (3) lowest levels, as defined by
27 the State Board of Education, which have the greatest need for
28 counselors, as determined by records of the department and the
29 Division of Youth Services of the Department of Human Services
30 which reflect those school districts having the highest incidences
31 of crime and violence, free lunch participation and dropouts.
32 Until the time that there is a professional school counselor in
33 every elementary school at a counselor:student ratio of 1:500 or
34 greater, the annual appropriation for elementary professional
35 school counselors may not be reduced.

36 (2) The State Department of Education may increase the
37 number of positions funded each year beyond the requirements
38 established under subsection (1) as funds for employing elementary
39 professional school counselors are made available.

40 (* * *3) * * * The assignment of * * * professional school
41 counselors to the particular schools within the district shall be
42 at the discretion of the local school board with the following
43 restrictions:

44 (a) The counselor:student ratio in elementary schools
45 may be no less than 1:500, or one (1) professional school
46 counselor per school building, whichever is greater.

47 (* * *b) No individual shall be employed as a
48 professional school counselor without a minimum of a Master's



49 Degree in Guidance and Counseling, or in an emergency situation,
50 an appropriate certification as determined by the Commission on
51 Teacher and Administrator Education, Certification and Licensure
52 and Development; and

53 (* * * c) Professional school counselors shall provide
54 the following comprehensive counseling services:

55 (i) Academic and personal/social counseling;

56 (ii) Use of multiple student data sources to help
57 students make informed academic and career choices;

58 (iii) Career and educational counseling;

59 (iv) Individual and group counseling
60 (large/small);

61 (v) Crisis intervention and preventive counseling;

62 (vi) Referrals to community agencies;

63 (vii) Educational consultations and collaboration
64 with teachers, administrators, parents and community leaders;

65 (viii) Educational and career placement services;

66 (ix) Follow-up counseling services;

67 (x) Conflict resolution; and

68 (xi) Professional school counselors must spend a
69 minimum of eighty percent (80%) of their contractual time to the

70 delivery of services to students as outlined by the American

71 School Counselor Association. Delivery of services is the direct

72 service provided to students, parents, school staff and the

73 community which * * * consists of interaction between professional



74 school counselors and students. These direct services may include
75 the delivery of the following:

76 1. School counseling core curriculum: This
77 curriculum is designed to help students attain the desired
78 competencies and to provide all students with the knowledge,
79 attitudes and skills appropriate for their developmental level.
80 The school counseling core curriculum is delivered throughout the
81 school's overall curriculum and may be presented by professional
82 school counselors in collaboration with other professional
83 educators and other resources. Collaborative efforts may be
84 implemented to enhance the services provided.

85 2. Individual student planning: Professional
86 school counselors coordinate ongoing systemic activities or
87 individual/group sessions designed to assist students in
88 establishing personal/social goals and developing future career
89 plans.

90 3. Responsive services: Responsive services
91 are designed to meet students' immediate needs and concerns in
92 regard to social/personal issues. Responsive services may include
93 counseling in individual, small-group settings, or crisis
94 responses.

95 4. Indirect Student Services: Indirect
96 services are provided on behalf of students as a result of the
97 school counselors' interactions with others including referrals



98 for additional assistance, consultation and collaboration with
99 parents, teachers, other educators and community organizations.

100 (4) To qualify for adequate education program funding,
101 professional school counselors must:

102 (a) Be full-time professional personnel;

103 (b) Spend at least eighty percent (80%) of work time in
104 a direct counseling relationship with students; and

105 (c) Devote no more than one-fifth (1/5) of the work day
106 to administrative activities that are counselor related.

107 (5) This section does not prohibit any school district from
108 employing with local funds more elementary professional school
109 counselors than are provided for in this section.

110 (6) The State Department of Education shall employ a
111 supervisor of professional school counselors who holds
112 certification as a professional school counselor. The
113 supervisor's responsibilities must include the oversight of the
114 new elementary counseling programs as well as existing secondary
115 programs.

116 (* * *7) Professional school counselors shall abide by the
117 American School Counselor Association Code of Ethics.

118 (* * *8) The State * * * Board of Education may adopt
119 regulations regarding the activities of the professional school
120 counselor * * *, and the professional school counselor may perform
121 any services that are not inconsistent with this section and the
122 regulations adopted by the board.



123 **SECTION 2.** Section 37-151-7, Mississippi Code of 1972, is
124 amended as follows:

125 37-151-7. The annual allocation to each school district for
126 the operation of the adequate education program shall be
127 determined as follows:

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

132 (a) **Determination of average daily attendance.**
133 Effective with fiscal year 2011, the State Department of Education
134 shall determine the percentage change from the prior year of each
135 year of each school district's average of months two (2) and three
136 (3) average daily attendance (ADA) for the three (3) immediately
137 preceding school years of the year for which funds are being
138 appropriated. For any school district that experiences a positive
139 growth in the average of months two (2) and three (3) ADA each
140 year of the three (3) years, the average percentage growth over
141 the three-year period shall be multiplied times the school
142 district's average of months two (2) and three (3) ADA for the
143 year immediately preceding the year for which MAEP funds are being
144 appropriated. The resulting amount shall be added to the school
145 district's average of months two (2) and three (3) ADA for the
146 year immediately preceding the year for which MAEP funds are being
147 appropriated to arrive at the ADA to be used in determining a



148 school district's MAEP allocation. Otherwise, months two (2) and
149 three (3) ADA for the year immediately preceding the year for
150 which MAEP funds are being appropriated will be used in
151 determining a school district's MAEP allocation. In any fiscal
152 year prior to 2010 in which the MAEP formula is not fully funded,
153 for those districts that do not demonstrate a three-year positive
154 growth in months two (2) and three (3) ADA, months one (1) through
155 nine (9) ADA of the second preceding year for which funds are
156 being appropriated or months two (2) and three (3) ADA of the
157 preceding year for which funds are being appropriated, whichever
158 is greater, shall be used to calculate the district's MAEP
159 allocation. The district's average daily attendance shall be
160 computed and currently maintained in accordance with regulations
161 promulgated by the State Board of Education. The district's
162 average daily attendance shall include any student enrolled in a
163 Dual Enrollment-Dual Credit Program as defined and provided in
164 Section 37-15-38(19). The State Department of Education shall
165 make payments for Dual Enrollment-Dual Credit Programs to the home
166 school in which the student is enrolled, in accordance with
167 regulations promulgated by the State Board of Education. The
168 community college providing services to students in a Dual
169 Enrollment-Dual Credit Program shall require payment from the home
170 school district for services provided to such students at a rate
171 of one hundred percent (100%) of ADA. All MAEP/state funding



172 shall cease upon completion of high school graduation
173 requirements.

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

186 For the instructional cost component, the State Department of
187 Education shall select districts that have been identified as
188 instructionally successful and have a ratio of a number of
189 teachers per one thousand (1,000) students that is between one (1)
190 standard deviation above the mean and two (2) standard deviations
191 below the mean of the statewide average of teachers per one
192 thousand (1,000) students. The instructional cost component shall
193 be calculated by dividing the latest available months one (1)
194 through nine (9) ADA into the instructional expenditures of these
195 selected districts. For the purpose of this calculation, the



196 State Department of Education shall use the following funds,
197 functions and objects:

198 Fund 1120 Functions 1110-1199 Objects 100-999, Functions
199 1210, 1220, 2150-2159 Objects 210 and 215;

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

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

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

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

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

205 Prior to the calculation of the instructional cost component,
206 there shall be subtracted from the above expenditures any revenue
207 received for Chickasaw Cession payments, Master Teacher
208 Certification payments and the district's portion of state revenue
209 received from the MAEP at-risk allocation.

210 For the administrative cost component, the State Department
211 of Education shall select districts that have been identified as
212 instructionally successful and have a ratio of an administrative
213 staff to nonadministrative staff between one (1) standard
214 deviation above the mean and two (2) standard deviations below the
215 mean of the statewide average administrative staff to
216 nonadministrative staff. The administrative cost component shall
217 be calculated by dividing the latest available months one (1)
218 through nine (9) ADA of the selected districts into the
219 administrative expenditures of these selected districts. For the



220 purpose of this calculation, the State Department of Education
221 shall use the following funds, functions and objects:

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

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

226 For the plant and maintenance cost component, the State
227 Department of Education shall select districts that have been
228 identified as instructionally successful and have a ratio of plant
229 and maintenance expenditures per one hundred thousand (100,000)
230 square feet of building space and a ratio of maintenance workers
231 per one hundred thousand (100,000) square feet of building space
232 that are both between one (1) standard deviation above the mean
233 and two (2) standard deviations below the mean of the statewide
234 average. The plant and maintenance cost component shall be
235 calculated by dividing the latest available months one (1) through
236 nine (9) ADA of the selected districts into the plant and
237 maintenance expenditures of these selected districts. For the
238 purpose of this calculation, the State Department of Education
239 shall use the following funds, functions and objects:

240 Fund 1120 Functions 2600-2699, Objects 100-699
241 and Objects 800-999;

242 Fund 2711 Functions 2600-2699, Objects 100-699
243 and Objects 800-999;

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



245 and Objects 800-999.

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

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

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

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

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

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

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

266 The total base cost for each year shall be the sum of the
267 instructional cost component, administrative cost component, plant
268 and maintenance cost component and ancillary support cost
269 component, and any estimated adjustments for additional state



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

273 For each of the fiscal years between the recalculation of the
274 base student cost under the provisions of this paragraph (b), the
275 base student cost shall be increased by an amount equal to forty
276 percent (40%) of the base student cost for the previous fiscal
277 year, multiplied by the latest annual rate of inflation for the
278 State of Mississippi as determined by the State Economist, plus
279 any adjustments for additional state requirements such as, but not
280 limited to, teacher pay raises and health insurance premium
281 increases.

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

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

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



295 school lunch program in such school district, which yields the
296 total adjustment for at-risk pupil programs for such school
297 district.

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

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

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

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

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

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

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



320 (vii) University-based programs shall be the
321 amount allocated to school districts for those university-based
322 programs for handicapped children as defined and provided for in
323 Section 37-23-131 et seq. * * *

324 (viii) Bus driver training programs shall be the
325 amount provided for those driver training programs as provided for
326 in Section 37-41-1 * * *.

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

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

333 The total Mississippi Adequate Education Program cost shall be the
334 sum of the total basic adequate education program cost (paragraph
335 (c)), and the adjustment to the base student cost for at-risk
336 pupils (paragraph (d)) for each school district. In any year in
337 which the MAEP is not fully funded, the Legislature shall direct
338 the State Department of Education in the K-12 appropriation bill
339 as to how to allocate MAEP funds to school districts for that
340 year.

341 (g) The State Auditor shall annually verify the State
342 Board of Education's estimated calculations for the Mississippi
343 Adequate Education Program that are submitted each year to the



344 Legislative Budget Office on August 1 and the final calculation
345 that is submitted on January 2.

346 (2) **Computation of the required local revenue in support of**
347 **the adequate education program.** The amount that each district
348 shall provide toward the cost of the adequate education program
349 shall be calculated as follows:

350 (a) The State Department of Education shall certify to
351 each school district that twenty-eight (28) mills, less the
352 estimated amount of the yield of the School Ad Valorem Tax
353 Reduction Fund grants as determined by the State Department of
354 Education, is the millage rate required to provide the district
355 required local effort for that year, or twenty-seven percent (27%)
356 of the basic adequate education program cost for such school
357 district as determined under paragraph (c), whichever is a lesser
358 amount. In the case of an agricultural high school, the millage
359 requirement shall be set at a level which generates an equitable
360 amount per pupil to be determined by the State Board of Education.
361 The local contribution amount for school districts in which there
362 is located one or more charter schools will be calculated using
363 the following methodology: using the adequate education program
364 twenty-eight (28) mill value, or the twenty-seven percent (27%)
365 cap amount (whichever is less) for each school district in which a
366 charter school is located, an average per pupil amount will be
367 calculated. This average per pupil amount will be multiplied
368 times the number of students attending the charter school in that



369 school district. The sum becomes the charter school's local
370 contribution to the adequate education program.

371 (b) The State Department of Education shall determine
372 the following from the annual assessment information submitted to
373 the department by the tax assessors of the various counties: (i)
374 the total assessed valuation of nonexempt property for school
375 purposes in each school district; (ii) assessed value of exempt
376 property owned by homeowners aged sixty-five (65) or older or
377 disabled as defined in Section 27-33-67(2) * * *; (iii) the school
378 district's tax loss from exemptions provided to applicants under
379 the age of sixty-five (65) and not disabled as defined in Section
380 27-33-67(1) * * *; and (iv) the school district's homestead
381 reimbursement revenues.

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

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

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

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



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

403 (b) Provided, however, that in fiscal year 2015, any
404 increase in the * * * state contribution to any district
405 calculated under this section shall be not less than six percent
406 (6%) in excess of the amount received by * * * that district from
407 state funds for fiscal year 2002; in fiscal year 2016, any
408 increase in the * * * state contribution to any district
409 calculated under this section shall be not less than four percent
410 (4%) in excess of the amount received by * * * that district from
411 state funds for fiscal year 2002; in fiscal year 2017, any
412 increase in the * * * state contribution to any district
413 calculated under this section shall be not less than two percent
414 (2%) in excess of the amount received by * * * that district from
415 state funds for fiscal year 2002; and in fiscal year 2018 and
416 thereafter, any increase in the * * * state contribution to any
417 district calculated under this section shall be zero percent (0%).
418 For purposes of this paragraph (b), state funds shall include



419 minimum program funds less the add-on programs, State Uniform
420 Millage Assistance Grant Funds, Education Enhancement Funds
421 appropriated for Uniform Millage Assistance Grants and state
422 textbook allocations, and State General Funds allocated for
423 textbooks.

424 (c) If the school board of any school district shall
425 determine that it is not economically feasible or practicable to
426 operate any school within the district for the full one hundred
427 eighty (180) days required for a school term of a scholastic year
428 as required in Section 37-13-63 * * *, due to an enemy attack, a
429 man-made, technological or natural disaster in which the Governor
430 has declared a disaster emergency under the laws of this state or
431 the President of the United States has declared an emergency or
432 major disaster to exist in this state, said school board may
433 notify the State Department of Education of such disaster and
434 submit a plan for altering the school term. If the State Board of
435 Education finds such disaster to be the cause of the school not
436 operating for the contemplated school term and that such school
437 was in a school district covered by the Governor's or President's
438 disaster declaration, it may permit said school board to operate
439 the schools in its district for less than one hundred eighty (180)
440 days and, in such case, the State Department of Education shall
441 not reduce the state contributions to the adequate education
442 program allotment for such district, because of the failure to
443 operate said schools for one hundred eighty (180) days.



444 (4) The Interim School District Capital Expenditure Fund is
445 hereby established in the State Treasury which shall be used to
446 distribute any funds specifically appropriated by the Legislature
447 to such fund to school districts entitled to increased allocations
448 of state funds under the adequate education program funding
449 formula prescribed in Sections 37-151-3 through * * * this section
450 until such time as the said adequate education program is fully
451 funded by the Legislature. The following percentages of the total
452 state cost of increased allocations of funds under the adequate
453 education program funding formula shall be appropriated by the
454 Legislature into the Interim School District Capital Expenditure
455 Fund to be distributed to all school districts under the formula:
456 Nine and two-tenths percent (9.2%) shall be appropriated in fiscal
457 year 1998, twenty percent (20%) shall be appropriated in fiscal
458 year 1999, forty percent (40%) shall be appropriated in fiscal
459 year 2000, sixty percent (60%) shall be appropriated in fiscal
460 year 2001, eighty percent (80%) shall be appropriated in fiscal
461 year 2002, and one hundred percent (100%) shall be appropriated in
462 fiscal year 2003 into the State Adequate Education Program Fund.
463 Until July 1, 2002, such money shall be used by school districts
464 for the following purposes:

465 (a) Purchasing, erecting, repairing, equipping,
466 remodeling and enlarging school buildings and related facilities,
467 including gymnasiums, auditoriums, lunchrooms, vocational training
468 buildings, libraries, school barns and garages for transportation



469 vehicles, school athletic fields and necessary facilities
470 connected therewith, and purchasing land therefor. Any such
471 capital improvement project by a school district shall be approved
472 by the State Board of Education, and based on an approved
473 long-range plan. The State Board of Education shall promulgate
474 minimum requirements for the approval of school district capital
475 expenditure plans.

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

479 (c) Paying debt service on existing capital improvement
480 debt of the district or refinancing outstanding debt of a district
481 if such refinancing will result in an interest cost savings to the
482 district.

483 (d) From and after October 1, 1997, through June 30,
484 1998, pursuant to a school district capital expenditure plan
485 approved by the State Department of Education, a school district
486 may pledge such funds until July 1, 2002, plus funds provided for
487 in paragraph (e) of this subsection (4) that are not otherwise
488 permanently pledged under such paragraph (e) to pay all or a
489 portion of the debt service on debt issued by the school district
490 under Sections 37-59-1 through 37-59-45, 37-59-101 through
491 37-59-115, 37-7-351 through 37-7-359, 37-41-89 through 37-41-99,
492 37-7-301, 37-7-302 and 37-41-81, * * * or debt issued by boards of
493 supervisors for agricultural high schools pursuant to Section



494 37-27-65, * * * or lease-purchase contracts entered into pursuant
495 to Section 31-7-13, * * * or to retire or refinance outstanding
496 debt of a district, if such pledge is accomplished pursuant to a
497 written contract or resolution approved and spread upon the
498 minutes of an official meeting of the district's school board or
499 board of supervisors. It is the intent of this provision to allow
500 school districts to irrevocably pledge their Interim School
501 District Capital Expenditure Fund allotments as a constant stream
502 of revenue to secure a debt issued under the foregoing code
503 sections. To allow school districts to make such an irrevocable
504 pledge, the state shall take all action necessary to ensure that
505 the amount of a district's Interim School District Capital
506 Expenditure Fund allotments shall not be reduced below the amount
507 certified by the department or the district's total allotment
508 under the Interim Capital Expenditure Fund if fully funded, so
509 long as such debt remains outstanding.

510 (e) [Repealed]

511 (f) [Repealed]

512 (g) The State Board of Education may authorize the
513 school district to expend not more than twenty percent (20%) of
514 its annual allotment of such funds or Twenty Thousand Dollars
515 (\$20,000.00), whichever is greater, for technology needs of the
516 school district, including computers, software,
517 telecommunications, cable television, interactive video, film,
518 low-power television, satellite communications, microwave



519 communications, technology-based equipment installation and
520 maintenance, and the training of staff in the use of such
521 technology-based instruction. Any such technology expenditure
522 shall be reflected in the local district technology plan approved
523 by the State Board of Education under Section 37-151-17 * * *.

524 (h) To the extent a school district has not utilized
525 twenty percent (20%) of its annual allotment for technology
526 purposes under paragraph (g), a school district may expend not
527 more than twenty percent (20%) of its annual allotment or Twenty
528 Thousand Dollars (\$20,000.00), whichever is greater, for
529 instructional purposes. The State Board of Education may
530 authorize a school district to expend more than said twenty
531 percent (20%) of its annual allotment for instructional purposes
532 if it determines that such expenditures are needed for
533 accreditation purposes.

534 (i) The State Department of Education or the State
535 Board of Education may require that any project commenced under
536 this section with an estimated project cost of not less than Five
537 Million Dollars (\$5,000,000.00) shall be done only pursuant to
538 program management of the process with respect to design and
539 construction. Any individuals, partnerships, companies or other
540 entities acting as a program manager on behalf of a local school
541 district and performing program management services for projects
542 covered under this subsection shall be approved by the State
543 Department of Education.



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

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

551 (5) The State Department of Education shall make payments to
552 charter schools for each student in average daily attendance at
553 the charter school equal to the state share of the adequate
554 education program payments for each student in average daily
555 attendance at the school district in which the public charter
556 school is located. In calculating the local contribution for
557 purposes of determining the state share of the adequate education
558 program payments, the department shall deduct the pro rata local
559 contribution of the school district in which the student resides
560 as determined in subsection (2)(a) of this section.

561 (6) The State Department of Education shall allocate
562 additional funds under the adequate education program to each
563 school district for purposes of employing elementary professional
564 school counselors, as provided for in Section 37-9-79.

565 **SECTION 3.** This act shall take effect and be in force from
566 and after July 1, 2023.

