

By: Representatives Warren, Scott (17th),  
Brown, Ellzey, Frierson, Peranich, Weathersby

To: Appropriations

HOUSE BILL NO. 1801  
(As Sent to Governor)

1 AN ACT MAKING AN APPROPRIATION FOR THE PURPOSE OF DEFRAYING  
2 THE EXPENSES OF THE GENERAL EDUCATION PROGRAMS AND THE VOCATIONAL  
3 AND TECHNICAL EDUCATION DIVISION OF THE STATE DEPARTMENT OF  
4 EDUCATION FOR THE FISCAL YEAR 2003.

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

6 **SECTION 1.** The following sum, or so much thereof as may be  
7 necessary, is hereby appropriated out of any money in the State  
8 General Fund not otherwise appropriated, for the purpose of  
9 defraying the expenses of the State Department of Education, and  
10 excluding the expenses of the Vocational and Technical Education  
11 Division, for the fiscal year beginning July 1, 2002, and ending  
12 June 30, 2003..... \$ 71,752,792.00.

13 **SECTION 2.** The following sum, or so much thereof as may be  
14 necessary, is hereby appropriated out of any money in any special  
15 fund in the State Treasury to the credit of the State Department  
16 of Education which is comprised of special source funds collected  
17 by or otherwise available to the department, for the purpose of  
18 defraying the expenses of the department for the fiscal year  
19 beginning July 1, 2002, and ending June 30, 2003.....  
20 ..... \$ 620,636,825.00.

21 **SECTION 3.** The following sum, or so much thereof as may be  
22 necessary, is hereby appropriated out of any money in the State  
23 Treasury to the credit of the Health Care Expendable Fund, for the  
24 purpose of defraying the expenses of the State Department of  
25 Education for the Mississippi Eye Screening Program for providing  
26 vision safety services for the fiscal year beginning July 1, 2002,  
27 and ending June 30, 2003..... \$ 250,000.00.



28           **SECTION 4.** With the funds appropriated under the provisions  
29 of Sections 1, 2 and 3, the following positions are authorized:

30       AUTHORIZED POSITIONS:

31	Permanent:	Full Time.....	486
32		Part Time.....	3
33	Time-Limited:	Full Time.....	48
34		Part Time.....	1

35       Funds are provided herein to adjust the Variable Compensation  
36 Plan to ensure that all full-time employees receive a pay increase  
37 equal to fifty percent (50%) of the realignment component of the  
38 Variable Compensation Plan or Six Hundred Dollars (\$600.00),  
39 whichever is greater, beginning on January 1, 2003.

40       With the funds herein appropriated, it is the intention of  
41 the Legislature that it shall be the agency's responsibility to  
42 make certain that funds required to be appropriated for "Personal  
43 Services" for Fiscal Year 2004 do not exceed Fiscal Year 2003  
44 funds appropriated for that purpose, unless programs, positions or  
45 pay increases are added to the agency's budget by the Mississippi  
46 Legislature. Based on data provided by the Legislative Budget  
47 Office, the State Personnel Board shall, on July 1, 2002, publish  
48 separate annual projection reports, based on July 1, 2002, data,  
49 for the period of July 1, 2002, through December 31, 2002, and  
50 January 1, 2003, through June 30, 2003, that project the annual  
51 cost to fully fund all appropriated positions in compliance with  
52 the provisions of this act. It shall be the responsibility of the  
53 agency head to ensure that no single personnel action increases  
54 this projected cost and/or the Fiscal Year 2003 appropriation for  
55 "Personal Services," as annualized on a semiannual basis in  
56 accordance with the provisions of this act. If, at the end of any  
57 calendar month, the State Personnel Board determines that the  
58 agency has taken action(s) which would cause the agency to exceed  
59 this projected annual cost or the Fiscal Year 2003 "Personal  
60 Services" appropriated level, when annualized in compliance with



61 the provisions of this act, then only those actions which reduce  
62 the projected annual cost and/or the appropriation requirement  
63 will be processed by the State Personnel Board until such time as  
64 the requirements of this provision are met.

65 Any transfers or escalations shall be made in accordance with  
66 the terms, conditions and procedures established by law.

67 No general funds authorized to be expended herein shall be  
68 used to replace federal funds and/or other special funds which are  
69 being used for salaries authorized under the provisions of this  
70 act and which are withdrawn and no longer available.

71 The State Department of Education shall prepare and present  
72 to the Joint Legislative Budget Committee and the Department of  
73 Finance and Administration and make available to the Legislature  
74 an accounting of program expenditures for all programs once at the  
75 beginning of the legislative session and once at the end of the  
76 fiscal year. The department at the same time shall present a  
77 summary report for each program.

78 **SECTION 5.** Of the funds appropriated in Section 2, Forty-six  
79 Million Dollars (\$46,000,000.00) shall be derived from the School  
80 Ad Valorem Reduction Fund and Thirty-eight Million Four Hundred  
81 Seventy-three Thousand Two Hundred Forty-four Dollars  
82 (\$38,473,244.00) shall be derived from the Education Enhancement  
83 Fund deposited pursuant to Sections 27-65-75 and 27-67-31,  
84 Mississippi Code of 1972, for the following purposes:

85	School Ad Valorem Reduction .....	\$	46,000,000.00
86	Grants to School Districts for Capital		
87	Facilities and Buses .....	\$	16,000,000.00
88	Instructional Materials .....	\$	18,533,637.00
89	Tech Prep Bond Service.....	\$	3,219,175.00
90	Implementing Performance Based Data		
91	Collection and Accreditation Model .....	\$	274,937.00
92	Administrator Training.....	\$	120,675.00
93	World Class Teacher Program.....	\$	125,000.00



94	Mississippi School Boards	
95	Continuing Training .....	\$ 47,041.00
96	School Board Training .....	\$ 58,697.00
97	Education Technology Council .....	\$ <u>94,082.00</u>
98	TOTAL .....	\$ 84,473,244.00

99 No school district shall expend any funds, received under the  
100 School Ad Valorem Reduction Grant, unless such school district has  
101 specifically identified the amount of said grant within the  
102 published budget as required by Section 37-61-9, Mississippi Code  
103 of 1972. The published budget shall include the following  
104 statement: "Ad Valorem taxes will be \$\_\_\_\_\_ less as a result  
105 of the Ad Valorem Reduction Grants enacted by the Mississippi  
106 Legislature in 1992."

107 **SECTION 6.** Of the funds appropriated in Section 2, Two  
108 Million One Hundred Thousand Dollars (\$2,100,000.00) shall be  
109 derived from the Technology in Classroom Fund 3203.

110 **SECTION 7.** Of the funds appropriated under the provisions of  
111 Section 2, funds in the amount of One Million Five Hundred  
112 Eighty-five Thousand Six Hundred Fifty-three Dollars  
113 (\$1,585,653.00) shall come from income derived from the principal  
114 of the Education Improvement Trust Fund created by Section 206A,  
115 Mississippi Constitution of 1890, and One Million Five Hundred  
116 Eighty-five Thousand Six Hundred Fifty-three Dollars  
117 (\$1,585,653.00) shall be used for the School for Math and Science.

118 **SECTION 8.** In compliance with the "Mississippi Performance  
119 Budget and Strategic Planning Act of 1994," it is the intent of  
120 the Legislature that the funds provided in Sections 1 and 2 shall  
121 be utilized in the most efficient and effective manner possible to  
122 achieve the intended mission of this agency. Based on the funding  
123 authorized, this agency shall make every effort to attain the  
124 targeted performance measures provided below:

125		FY2003
126	<u>Performance Measures</u>	<u>Target</u>



127	Special Education	
128	Approved Funding for Children (Persons)	70,574,469
129	Teacher Units Approved for Funding (Units)	4,350
130	Child Nutrition	
131	Number of Meals Required (Millions)	129
132	Cost per Meal (Dollars)	2.19
133	Special Projects	
134	Building Projects Approved (Projects)	100
135	Project Approval Rate (Percent)	90
136	Mississippi School For Math and Science	
137	Students Enrolled (Persons)	270
138	Cost per Student (Dollars)	14,590
139	Educational Accountability	
140	Performance Accreditation Visits (Visits)	30
141	Tests Administered (Persons)	453,341
142	Compliance & Performance Reviews (Actions)	70
143	Education Training & Development	
144	Administrators Trained (Persons)	1,200
145	Administrators Trained (Percent)	35
146	Technical Assistance to School Districts (Percent)	90
147	Compensatory Education	
148	Title I Projects Awarded (Programs)	152
149	Review and Approve Delinquent Programs (Programs)	4
150	Average Expenditure per Child (Dollars)	612
151	Community & Outreach Services	
152	Requested Available Federal Funding (percent)	100
153	Mississippi School Attendance Officers	
154	Resolutions to Referrals (Percent)	85
155	School Visits (Number)	50,000
156	Mississippi Teacher Center	
157	Teachers Recruited in Shortage Areas (Number)	450
158	A reporting of the degree to which the performance targets	
159	set above have been or are being achieved shall be provided in the	



160 agency's budget request submitted to the Joint Legislative Budget  
161 Committee for Fiscal Year 2004.

162       **SECTION 9.** In addition to any other funds herein  
163 appropriated, the following sum, or so much thereof as may be  
164 necessary, is hereby appropriated out of any money in the State  
165 General Fund not otherwise appropriated, for the purpose of  
166 defraying the expenses of the Vocational and Technical Education  
167 Division of the State Department of Education for the fiscal year  
168 beginning July 1, 2002, and ending June 30, 2003.....  
169 ..... \$ 68,171,637.00.

170       **SECTION 10.** In addition to any other funds herein  
171 appropriated, the following sum, or so much thereof as may be  
172 necessary, is hereby appropriated out of any money in any special  
173 fund in the State Treasury to the credit of the Vocational and  
174 Technical Education Division of the State Department of Education  
175 which is comprised of special source funds collected by or  
176 otherwise available to the division, for the purpose of defraying  
177 the expenses of the division for the fiscal year beginning July 1,  
178 2002, and ending June 30, 2003..... \$ 23,792,646.00.

179       **SECTION 11.** With the funds appropriated under the provisions  
180 of Sections 9 and 10, the following positions are authorized:

181       AUTHORIZED POSITIONS:

182	Permanent:	Full Time.....	63
183		Part Time.....	0
184	Time-Limited:	Full Time.....	0
185		Part Time.....	0

186       Funds are provided herein to adjust the Variable Compensation  
187 Plan to ensure that all full-time employees receive a pay increase  
188 equal to fifty percent (50%) of the realignment component of the  
189 Variable Compensation Plan or Six Hundred Dollars (\$600.00),  
190 whichever is greater, beginning on January 1, 2003.

191       With the funds herein appropriated, it is the intention of  
192 the Legislature that it shall be the agency's responsibility to



193 make certain that funds required to be appropriated for "Personal  
194 Services" for Fiscal Year 2004 do not exceed Fiscal Year 2003  
195 funds appropriated for that purpose, unless programs, positions or  
196 pay increases are added to the agency's budget by the Mississippi  
197 Legislature. Based on data provided by the Legislative Budget  
198 Office, the State Personnel Board shall, on July 1, 2002, publish  
199 separate annual projection reports, based on July 1, 2002, data,  
200 for the period of July 1, 2002, through December 31, 2002, and  
201 January 1, 2003, through June 30, 2003, that project the annual  
202 cost to fully fund all appropriated positions in compliance with  
203 the provisions of this act. It shall be the responsibility of the  
204 agency head to ensure that no single personnel action increases  
205 this projected cost and/or the Fiscal Year 2003 appropriation for  
206 "Personal Services," as annualized on a semiannual basis in  
207 accordance with the provisions of this act. If, at the end of any  
208 calendar month, the State Personnel Board determines that the  
209 agency has taken action(s) which would cause the agency to exceed  
210 this projected annual cost or the Fiscal Year 2003 "Personal  
211 Services" appropriated level, when annualized in compliance with  
212 the provisions of this act, then only those actions which reduce  
213 the projected annual cost and/or the appropriation requirement  
214 will be processed by the State Personnel Board until such time as  
215 the requirements of this provision are met.

216 Any transfers or escalations shall be made in accordance with  
217 the terms, conditions and procedures established by law.

218 No general funds authorized to be expended herein shall be  
219 used to replace federal funds and/or other special funds which are  
220 being used for salaries authorized under the provisions of this  
221 act and which are withdrawn and no longer available.

222 **SECTION 12.** Of the funds appropriated under the provisions  
223 of Sections 9 and 10, an amount not to exceed Two Hundred  
224 Twenty-nine Thousand Six Hundred Eighty-four Dollars (\$229,684.00)  
225 is authorized for the support of Vocational and Technical



226 Education Programs as authorized in Section 37-31-13, Mississippi  
227 Code of 1972, for a period in excess of ten (10) months in a  
228 calendar year.

229 **SECTION 13.** Of the funds appropriated under the provisions  
230 of Section 10, Seven Million Eight Hundred Sixty-three Thousand  
231 Seven Hundred Forty-six Dollars (\$7,863,746.00) shall be derived  
232 from the Education Enhancement Fund pursuant to Sections 27-65-75  
233 and 27-67-31, Mississippi Code of 1972.

234 **SECTION 14.** It is the intention of the Legislature that the  
235 Vocational and Technical Education Division of the State  
236 Department of Education shall, with the funds appropriated in  
237 Section 9, transfer no more than One Hundred Thousand Dollars  
238 (\$100,000.00) to the Mississippi Soil and Water Conservation  
239 Commission for the purpose of providing matching funds to purchase  
240 soil conservation equipment.

241 **SECTION 15.** Of the funds appropriated in Sections 9 and 10,  
242 no more than One Hundred Thousand Dollars (\$100,000.00) is  
243 provided for the purpose of supporting the Future Farmers of  
244 America Center.

245 **SECTION 16.** In compliance with the "Mississippi Performance  
246 Budget and Strategic Planning Act of 1994," it is the intent of  
247 the Legislature that the funds provided herein shall be utilized  
248 in the most efficient and effective manner possible to achieve the  
249 intended mission of this agency. Based on the funding authorized,  
250 this agency shall make every effort to attain the targeted  
251 performance measures provided below:

	FY2003
<u>Performance Measures</u>	<u>Target</u>
Vocational - Secondary Programs	
Increase in students served (Percent)	0
LEAs served (Sites)	152
Vocational - Post Secondary Programs	
Short-term students served (Persons)	4,000





259                   Short-term Adult Prog Classes (Classes)                   450

260                   Short-term cost per student (Dollars)                   70

261           A reporting of the degree to which the performance targets  
262 set above have been or are being achieved shall be provided in the  
263 agency's budget request submitted to the Joint Legislative Budget  
264 Committee for Fiscal Year 2004.

265           **SECTION 17.** With respect to agency programs whose operation  
266 is dependent on the receipt of federal funds, it is the intent of  
267 the Legislature, except as hereinafter provided, that no funds  
268 from the State General Fund be expended to administer, support or  
269 in any way continue such programs should federal funds for their  
270 operation be reduced or become unavailable and that no funds from  
271 the State General Fund available for expenditure under this act  
272 shall be used to replace federal funds in any major object of  
273 expenditure.

274           **SECTION 18.** It is the intention of the Legislature that the  
275 State Department of Education and Vocational and Technical  
276 Education Division shall maintain complete accounting and  
277 personnel records related to the expenditure of all funds  
278 appropriated under this act and that such records shall be in the  
279 same format and level of detail as maintained for Fiscal Year  
280 2002. The Department of Finance and Administration shall insure  
281 that financial controls comparable to those utilized for Fiscal  
282 Year 2002 are maintained throughout Fiscal Year 2003 for this  
283 agency. The State Personnel Board shall insure that personnel  
284 controls and records comparable to those utilized for Fiscal Year  
285 2002 are maintained throughout Fiscal Year 2003 for this agency.  
286 It is further the intention of the Legislature that the agency's  
287 budget request for Fiscal Year 2004 shall be submitted to the  
288 Joint Legislative Budget Committee in a format and level of detail  
289 comparable to the format and level of detail provided during the  
290 Fiscal Year 2003 budget request process.



291           **SECTION 19.** Of the funds provided in Section 1 for the  
292 purpose of providing financial assistance for the education of  
293 exceptional children as determined under Section 37-23-63,  
294 Mississippi Code of 1972, children who are certified by the  
295 designated authority as requiring inpatient care in a private  
296 intermediate care facility for the mentally retarded or  
297 psychiatric residential treatment facility, with Medicaid  
298 reimbursement, shall be eligible and entitled to receive state  
299 financial assistance under the provisions of Section 37-23-69, in  
300 an amount not to exceed Five Thousand Dollars (\$5,000.00) from  
301 state funds, per child per school year, if an approved private  
302 school is operated as an integral part of the facility which  
303 provides twenty-four (24) hours a day monitoring, treatment and  
304 education, except that the State Department of Education is  
305 authorized to pilot a fee-for-service based cost system for  
306 children served through Millcreek Schools, Inc.

307           **SECTION 20.** Of the funds provided in Section 1, Five Hundred  
308 Twenty-one Thousand Five Hundred Seventeen Dollars (\$521,517.00)  
309 shall be used to provide for a Director of School Nurses in the  
310 State Department of Education and the implementation of three (3)  
311 pilot projects for a variety of school health programs in an  
312 elementary school setting. Evaluations shall be developed to  
313 determine the program's effect to drop-out rates, suspensions,  
314 expulsions, attendance and test scores.

315           Income generated by the school-based clinics shall remain  
316 available for expenditure by the programs utilizing any special  
317 fund authority provided in Section 2 for use by the State  
318 Department of Education and the pilots shall remain the same as in  
319 Fiscal Year 2002.

320           **SECTION 21.** It is the intention of the Legislature that the  
321 State Department of Education shall have the authority to accept,  
322 budget and expend any source funds not to exceed Thirty Million  
323 Dollars (\$30,000,000.00), that become available to the department



324 to carry out the provisions of those funds in a manner consistent  
325 with the rules and regulations of the Department of Finance and  
326 Administration.

327       **SECTION 22.** The State Department of Education shall transfer  
328 the designated amounts to the appropriate entities, which shall  
329 assume full responsibility for the expenditure of these funds in  
330 accordance with state laws and accept all responsibility for any  
331 improper expenditure. For the following: National Guard Youth  
332 Challenge Program, World Class Teacher Programs, USM Special  
333 Education Program, Soil and Water Conservation Commission,  
334 Mississippi School Boards Association, Mississippi Eye Screening  
335 Program and Very Special Arts, Arts Institute, Jackson State  
336 University Media Center, Jobs for Mississippi Graduates, and  
337 Mississippi Symphony, University of Southern Mississippi Safe  
338 Schools Program, Mississippi State University Center for Education  
339 Design, Writing and Thinking Institute and Greater Columbus Early  
340 Learning Center.

341       **SECTION 23.** Of the funds appropriated in Sections 1 and 2,  
342 the amount of Three Hundred Thousand Dollars (\$300,000.00) is  
343 provided for the Walnut Grove Correctional Facility.

344       **SECTION 24.** Of the funds appropriated in Section 1, the  
345 amounts of Three Hundred Thousand Dollars (\$300,000.00) is  
346 provided for the Writing and Thinking Institute and Seventy-five  
347 Thousand (\$75,000.00) is provided for the Very Special Arts  
348 Program.

349       **SECTION 25.** Of the funds appropriated herein, the State  
350 Department of Education shall expend an amount not to exceed Three  
351 Hundred Thousand Dollars (\$300,000.00) for the purpose of  
352 providing technical assistance and training to local school  
353 districts in the development of behavior modification plans and to  
354 provide funding to defray the costs of psychological evaluations  
355 performed upon a child in compliance with the Mississippi School  
356 Safety Act of 2001. Local school districts shall be required to



357 report to the State Department of Education all expulsions of  
358 students as authorized under Section 6 of Senate Bill No. 2239,  
359 2001 Regular Session. The State Department of Education shall  
360 annually report to the Legislature by January of each year.

361 **SECTION 26.** Of the funds appropriated in Sections 9 and 10,  
362 an amount not to exceed One Million Three Hundred Thousand Dollars  
363 (\$1,300,000.00) shall be used for technological methods for  
364 agricultural programs.

365 **SECTION 27.** Of the funds appropriated in Section 1, an  
366 amount not to exceed One Million Eight Hundred Seventy-six  
367 Thousand Sixty-four Dollars (\$1,876,064.00) shall be transferred  
368 from the State Department of Education to the Mississippi National  
369 Guard for the support of the Youth Challenge Program at Camp  
370 Shelby.

371 **SECTION 28.** It is the intention of the Legislature that at  
372 least Twenty-one Million Dollars (\$21,000,000.00) be expended for  
373 textbooks as defined in Section 37-43-1. The State Department of  
374 Education shall report to the Legislature the amount of  
375 expenditures for each school district no later than October 31,  
376 2003.

377 **SECTION 29.** The money herein appropriated shall be paid by  
378 the State Treasurer out of any money in the State Treasury to the  
379 credit of the proper fund or funds as set forth in this act, upon  
380 warrants issued by the State Fiscal Officer; and the State Fiscal  
381 Officer shall issue his warrants upon requisitions signed by the  
382 proper person, officer or officers, in the manner provided by law.

383 **SECTION 30.** This act shall take effect and be in force from  
384 and after July 1, 2002.

