

By: Representative Frierson

To: Education;
Appropriations

HOUSE BILL NO. 1027

1 AN ACT TO BRING FORWARD SECTIONS 37-151-1, 37-151-5,
 2 37-151-7, 37-151-9, 37-151-10, 37-151-11, 37-151-13, 37-151-15,
 3 37-151-17, 37-151-19, 37-151-21, 37-151-23, 37-151-25, 37-151-27,
 4 37-151-29, 37-151-31, 37-151-33, 37-151-35, 37-151-37, 37-151-39,
 5 37-151-41, 37-151-43, 37-151-45, 37-151-47, 37-151-49, 37-151-51,
 6 37-151-53, 37-151-55, 37-151-57, 37-151-59, 37-151-61, 37-151-77,
 7 37-151-79, 37-151-81, 37-151-83, 37-151-85, 37-151-87, 37-151-89,
 8 37-151-91, 37-151-93, 37-151-95, 37-151-97, 37-151-99, 37-151-101,
 9 37-151-103, 37-151-105 AND 37-151-107, MISSISSIPPI CODE OF 1972,
 10 WHICH RELATE TO THE MISSISSIPPI ADEQUATE EDUCATION PROGRAM, FOR
 11 THE PURPOSES OF AMENDMENT; AND FOR RELATED PURPOSES.

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

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

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

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

20 37-151-5. As used in Sections 37-151-3, 37-151-5 and
 21 37-151-7:

22 (a) "Adequate program" or "adequate education program"
 23 or "Mississippi Adequate Education Program (M.A.E.P.)" shall mean
 24 the program to establish adequate current operation funding levels
 25 necessary for the programs of such school district to meet at
 26 least Level III of the accreditation system as established by the
 27 State Board of Education, acting through the Mississippi
 28 Commission on School Accreditation, regardless of the school
 29 district's geographic location.

30 (b) "Educational programs or elements of programs not
 31 included in the adequate education program calculations, but which

32 may be included in appropriations and transfers to school
33 districts" shall mean:

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

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

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

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

51 (c) "Base student" shall mean that student
52 classification that represents the most economically educated
53 pupil in a school system meeting Level III accreditation, as
54 determined by the State Board of Education.

55 (d) "Base student cost" shall mean the funding level
56 necessary for providing an adequate education program for one (1)
57 base student, subject to any minimum amounts prescribed in Section
58 37-151-7(1).

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

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

65 (ii) "Vocational or technical education program"
66 shall mean a secondary vocational or technical program approved by
67 the State Department of Education and provided for from state
68 funds.

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

73 (iv) "Gifted education program" shall mean those
74 programs for the instruction of intellectually or academically
75 gifted children as defined and provided for in Section 37-23-175
76 et seq.

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

80 (vi) "Extended school year programs" shall mean
81 those programs authorized by law which extend beyond the normal
82 school year.

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

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

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

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

95 (h) "Superintendent" shall mean the head of a school
96 district.

97 (i) "School district" shall mean any type of school
98 district in the State of Mississippi, and shall include
99 agricultural high schools.

100 (j) "Minimum school term" shall mean a term of at least
101 one hundred eighty (180) days of school in which both teachers and
102 pupils are in regular attendance for scheduled classroom
103 instruction for not less than sixty percent (60%) of the normal
104 school day. It is the intent of the Legislature that any tax
105 levies generated to produce additional local funds required by any
106 school district to operate school terms in excess of one hundred
107 seventy-five (175) days shall not be construed to constitute a new
108 program for the purposes of exemption from the limitation on tax
109 revenues as allowed under Sections 27-39-321 and 37-57-107 for new
110 programs mandated by the Legislature.

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

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

120 (m) The term "year of teaching experience" shall mean
121 nine (9) months of actual teaching in the public or private
122 schools. In no case shall more than one (1) year of teaching
123 experience be given for all services in one (1) calendar or school
124 year. In determining a teacher's experience, no deduction shall
125 be made because of the temporary absence of the teacher because of
126 illness or other good cause, and the teacher shall be given credit
127 therefor. The State Board of Education shall fix a number of
128 days, not to exceed twenty-five (25) consecutive school days,
129 during which a teacher may not be under contract of employment

130 during any school year and still be considered to have been in
131 full-time employment for a regular scholastic term. If a teacher
132 exceeds the number of days established by the State Board of
133 Education that a teacher may not be under contract but may still
134 be employed, that teacher shall not be credited with a year of
135 teaching experience. In determining the experience of school
136 librarians, each complete year of continuous, full-time employment
137 as a professional librarian in a public library in this or some
138 other state shall be considered a year of teaching experience. If
139 a full-time school administrator returns to actual teaching in the
140 public schools, the term "year of teaching experience" shall
141 include the period of time he or she served as a school
142 administrator. In determining the salaries of teachers who have
143 experience in any branch of the military, the term "year of
144 teaching experience" shall include each complete year of actual
145 classroom instruction while serving in the military. In
146 determining the experience of speech-language pathologists and
147 audiologists, each complete year of continuous full-time post
148 master's degree employment in an educational setting in this or
149 some other state shall be considered a year of teaching
150 experience.

151 (n) The term "average daily attendance" shall be the
152 figure which results when the total aggregate attendance during
153 the period or months counted is divided by the number of days
154 during the period or months counted upon which both teachers and
155 pupils are in regular attendance for scheduled classroom
156 instruction less the average daily attendance for self-contained
157 special education classes and, prior to full implementation of the
158 adequate education program the department shall deduct the average
159 daily attendance for the alternative school program provided for
160 in Section 37-19-22.

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

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

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

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

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

175 **SECTION 3.** Section 37-151-7, Mississippi Code of 1972, is
176 brought forward as follows:

177 37-151-7. The annual allocation to each school district for
178 the operation of the adequate education program shall be
179 determined as follows:

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

184 (a) **Determination of average daily attendance.** During
185 months two (2) and three (3) of the current school year, the
186 average daily attendance of a school district shall be computed,
187 or the average daily attendance for the prior school year shall be
188 used, whichever is greater. For purposes of this calculation,
189 "current" school year shall mean the school year for which
190 appropriations are made by the Legislature, and "prior" school
191 year shall mean the school year immediately preceding the year for
192 which appropriations are made by the Legislature. The district's
193 average daily attendance shall be computed and currently

194 maintained in accordance with regulations promulgated by the State
195 Board of Education.

196 (b) **Determination of base student cost.** The State
197 Board of Education, on or before August 1, with adjusted estimate
198 no later than January 2, shall annually submit to the Legislative
199 Budget Office and the Governor a proposed base student cost
200 adequate to provide the following cost components of educating a
201 pupil in an average school district meeting Level III
202 accreditation standards required by the Commission on School
203 Accreditation: (i) Instructional Cost; (ii) Administrative Cost;
204 (iii) Operation and Maintenance of Plant; and (iv) Ancillary
205 Support Cost. The department shall utilize a statistical
206 methodology which considers such factors as, but not limited to,
207 (i) school size; (ii) assessed valuation per pupil; (iii) the
208 percentage of students receiving free lunch; (iv) the local
209 district maintenance tax levy; (v) other local school district
210 revenues; and (vi) the district's accreditation level, in the
211 selection of the representative Mississippi school districts for
212 which cost information shall be obtained for each of the above
213 listed cost areas.

214 For the instructional cost component, the department shall
215 determine the instructional cost of each of the representative
216 school districts selected above, excluding instructional cost of
217 self-contained special education programs and vocational education
218 programs, and the average daily attendance in the selected school
219 districts. The instructional cost is then totaled and divided by
220 the total average daily attendance for the selected school
221 districts to yield the instructional cost component. For the
222 administrative cost component, the department shall determine the
223 administrative cost of each of the representative school districts
224 selected above, excluding administrative cost of self-contained
225 special education programs and vocational education programs, and
226 the average daily attendance in the selected school districts.

227 The administrative cost is then totaled and divided by the total
228 average daily attendance for the selected school districts to
229 yield the administrative cost component. For the plant and
230 maintenance cost component, the department shall determine the
231 plant and maintenance cost of each of the representative school
232 districts selected above, excluding plant and maintenance cost of
233 self-contained special education programs and vocational education
234 programs, and the average daily attendance in the selected school
235 districts. The plant and maintenance cost is then totaled and
236 divided by the total average daily attendance for the selected
237 school districts to yield the plant and maintenance cost
238 component. For the ancillary support cost component, the
239 department shall determine the ancillary support cost of each of
240 the representative school districts selected above, excluding
241 ancillary support cost of self-contained special education
242 programs and vocational education programs, and the average daily
243 attendance in the selected school districts. The ancillary
244 support cost is then totaled and divided by the total average
245 daily attendance for the selected school districts to yield the
246 ancillary support cost component. The total base cost for each
247 year shall be the sum of the instructional cost component,
248 administrative cost component, plant and maintenance cost
249 component and ancillary support cost component, and any estimated
250 adjustments for additional state requirements as determined by the
251 State Board of Education. Provided, however, that the base
252 student cost in fiscal year 1998 shall be Two Thousand Six Hundred
253 Sixty-four Dollars (\$2,664.00).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

305 The total Mississippi Adequate Education Program Cost shall be the
306 sum of the total basic adequate education program cost (paragraph
307 (c)), and the adjustment to the base student cost for at-risk
308 pupils (paragraph (d)) for each school district.

309 (g) **Supplemental grant to school districts.** In
310 addition to the adequate education program grant, the State
311 Department of Education shall annually distribute an additional
312 amount as follows: Multiply the base student cost for the
313 appropriate fiscal year as determined under paragraph (b) by
314 thirteen one-hundredths percent (.13%) and multiply that product
315 by the average daily attendance of each school district. Such
316 grant shall not be subject to the local revenue requirement
317 provided in subsection (2).

318 (2) **Computation of the required local revenue in support of**
319 **the adequate education program.** The amount that each district
320 shall provide toward the cost of the adequate education program
321 shall be calculated as follows:

322 (a) The State Board of Education shall certify to each
323 school district that twenty-eight (28) mills, less the estimated
324 amount of the yield of the School Ad Valorem Tax Reduction Fund
325 grants as determined by the State Department of Education, is the
326 millage rate required to provide the district required local
327 effort for that year, or twenty-seven percent (27%) of the basic
328 adequate education program cost for such school district as
329 determined under subsection (c), whichever is a lesser amount. In
330 the case of an agricultural high school the millage requirement
331 shall be set at a level which generates an equitable amount per
332 pupil to be determined by the State Board of Education.

333 (b) The State Board of Education shall determine (i)
334 the total assessed valuation of nonexempt property for school
335 purposes in each school district; (ii) assessed value of exempt
336 property owned by homeowners aged sixty-five (65) or older or
337 disabled as defined in Section 27-33-67(2), Mississippi Code of
338 1972; (iii) the school district's tax loss from exemptions
339 provided to applicants under the age of sixty-five (65) and not
340 disabled as defined in Section 27-33-67(1), Mississippi Code of
341 1972; and (iv) the school district's homestead reimbursement
342 revenues.

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

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

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

353 (a) The required state effort in support of the
354 adequate education program shall be determined by subtracting the

355 sum of the required local tax effort as set forth in subsection
356 (2)(a) of this section and the other local revenue sources as set
357 forth in subsection (2)(c) of this section in an amount not to
358 exceed twenty-seven percent (27%) of the total projected adequate
359 education program cost as set forth in subsection (1)(f) of this
360 section from the total projected adequate education program cost
361 as set forth in subsection (1)(f) of this section.

362 (b) Provided, however, that in fiscal year 1998 and in
363 the fiscal year in which the adequate education program is fully
364 funded by the Legislature, any increase in the said state
365 contribution, including the supplemental grant to school districts
366 provided under subsection (1)(g), to any district calculated under
367 this section shall be not less than eight percent (8%) in excess
368 of the amount received by said district from state funds for the
369 fiscal year immediately preceding. For purposes of this paragraph
370 (b), state funds shall include minimum program funds less the
371 add-on programs, state Uniform Millage Assistance Grant funds,
372 Education Enhancement Funds appropriated for Uniform Millage
373 Assistance Grants and state textbook allocations, and State
374 General Funds allocated for textbooks.

375 (c) If the appropriation is less than full funding for
376 fiscal year 2003, allocations for state contributions to school
377 districts in support of the adequate education program will be
378 determined by the State Department of Education in the following
379 manner:

380 (i) Calculation of the full funding amount under
381 this chapter, with proportionate reductions as required by the
382 appropriation level.

383 (ii) Calculation of the amount equal to the state
384 funds allocated to school districts for fiscal year 2002 plus the
385 estimated amount to fund the adequate education program salary
386 schedule for fiscal year 2003. For purposes of this item (ii),
387 state funds shall be those described in paragraph (b) and an

388 amount equal to the allocation for the adequate education program
389 in fiscal year 2002, plus any additional amount required to
390 satisfy fiscal year 2003 pledges in accordance with paragraphs
391 (d), (e) and (f) of subsection (5) of this section. If a school
392 district's fiscal year 2003 pledge is different than the pledge
393 amount for fiscal year 2002, the district shall receive an amount
394 equal to the fiscal year 2003 pledge or the amount of funds
395 calculated under the adequate education formula for fiscal year
396 2002 before any pledge guarantee for fiscal year 2002, whichever
397 is greater. If the pledge is no longer in effect, the district
398 shall receive the amount of funds calculated under the formula for
399 fiscal year 2002 before any pledge guarantee for fiscal year 2002.

400 (iii) The portion of any district's allocation
401 calculated in item (i) of this paragraph which exceeds amounts as
402 calculated in item (ii) shall be reduced by an amount not to
403 exceed twenty-one percent (21%). The amount of funds generated by
404 this reduction of funds shall be redistributed proportionately
405 among those districts receiving insufficient funds to meet the
406 amount calculated in item (ii). In no case may any district
407 receive funds in an amount greater than the amount that the
408 district would have received under full funding of the program for
409 fiscal year 2003.

410 (d) If the school board of any school district shall
411 determine that it is not economically feasible or practicable to
412 operate any school within the district for the full one hundred
413 eighty (180) days required for a school term of a scholastic year
414 as required in Section 37-13-63, Mississippi Code of 1972, due to
415 an enemy attack, a manmade, technological or natural disaster in
416 which the Governor has declared a disaster emergency under the
417 laws of this state or the President of the United States has
418 declared an emergency or major disaster to exist in this state,
419 said school board may notify the State Department of Education of
420 such disaster and submit a plan for altering the school term. If

421 the State Board of Education finds such disaster to be the cause
422 of the school not operating for the contemplated school term and
423 that such school was in a school district covered by the
424 Governor's or President's disaster declaration, it may permit said
425 school board to operate the schools in its district for less than
426 one hundred eighty (180) days and, in such case, the State
427 Department of Education shall not reduce the state contributions
428 to the adequate education program allotment for such district,
429 because of the failure to operate said schools for one hundred
430 eighty (180) days.

431 (4) If during the year for which adequate education program
432 funds are appropriated, any school district experiences a three
433 percent (3%) or greater increase in average daily attendance
434 during the second and third month over the preceding year's second
435 and third month, an additional allocation of adequate education
436 program funds calculated in the following manner shall be granted
437 to that district, using any additional funds available to the
438 Department of Education that exceed the amount of funds due to the
439 school districts under the basic adequate education program
440 distribution as provided for in this chapter:

441 (a) Determine the percentage increase in average daily
442 attendance for the second and third months of the year for which
443 adequate education program funds are appropriated over the
444 preceding year's second and third month average daily attendance.

445 (b) For those districts that have a three percent (3%)
446 or greater increase as calculated in paragraph (a) of this
447 subsection, multiply the total increase in students in average
448 daily attendance for the second and third months of the year for
449 which adequate education program funds are appropriated over the
450 preceding year's second and third month average daily attendance
451 times the base student cost used in the appropriation.

452 (c) Subtract the percentage of the district's local
453 contribution arrived at in subsection (2) of this section from the

454 amount calculated in paragraph (b) of this subsection. The
455 remainder is the additional allocation in adequate education
456 program funds for that district.

457 If the funds available to the Department of Education are not
458 sufficient to fully fund the additional allocations to school
459 districts eligible for those allocations, then the department
460 shall prorate the available funds among the eligible school
461 districts, using the same percentage of the total funds that the
462 school district would have received if the allocations were fully
463 funded.

464 This subsection (4) shall stand repealed on July 1, 2004.

465 (5) The Interim School District Capital Expenditure Fund is
466 hereby established in the State Treasury which shall be used to
467 distribute any funds specifically appropriated by the Legislature
468 to such fund to school districts entitled to increased allocations
469 of state funds under the adequate education program funding
470 formula prescribed in Sections 37-151-3 through 37-151-7,
471 Mississippi Code of 1972, until such time as the said adequate
472 education program is fully funded by the Legislature. The
473 following percentages of the total state cost of increased
474 allocations of funds under the adequate education program funding
475 formula shall be appropriated by the Legislature into the Interim
476 School District Capital Expenditure Fund to be distributed to all
477 school districts under the formula: Nine and two-tenths percent
478 (9.2%) shall be appropriated in fiscal year 1998, twenty percent
479 (20%) shall be appropriated in fiscal year 1999, forty percent
480 (40%) shall be appropriated in fiscal year 2000, sixty percent
481 (60%) shall be appropriated in fiscal year 2001, eighty percent
482 (80%) shall be appropriated in fiscal year 2002, and one hundred
483 percent (100%) shall be appropriated in fiscal year 2003 into the
484 State Adequate Education Program Fund created in subsection (4).
485 Until July 1, 2002, such money shall be used by school districts
486 for the following purposes:

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

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

501 (c) Paying debt service on existing capital improvement
502 debt of the district or refinancing outstanding debt of a district
503 if such refinancing will result in an interest cost savings to the
504 district.

505 (d) From and after October 1, 1997, through June 30,
506 1998, pursuant to a school district capital expenditure plan
507 approved by the State Department of Education, a school district
508 may pledge such funds until July 1, 2002, plus funds provided for
509 in paragraph (e) of this subsection (5) that are not otherwise
510 permanently pledged under such paragraph (e) to pay all or a
511 portion of the debt service on debt issued by the school district
512 under Sections 37-59-1 through 37-59-45, 37-59-101 through
513 37-59-115, 37-7-351 through 37-7-359, 37-41-89 through 37-41-99,
514 37-7-301, 37-7-302 and 37-41-81, Mississippi Code of 1972, or debt
515 issued by boards of supervisors for agricultural high schools
516 pursuant to Section 37-27-65, Mississippi Code of 1972, or
517 lease-purchase contracts entered into pursuant to Section 31-7-13,
518 Mississippi Code of 1972, or to retire or refinance outstanding
519 debt of a district, if such pledge is accomplished pursuant to a

520 written contract or resolution approved and spread upon the
521 minutes of an official meeting of the district's school board or
522 board of supervisors. It is the intent of this provision to allow
523 school districts to irrevocably pledge their Interim School
524 District Capital Expenditure Fund allotments as a constant stream
525 of revenue to secure a debt issued under the foregoing code
526 sections. To allow school districts to make such an irrevocable
527 pledge, the state shall take all action necessary to ensure that
528 the amount of a district's Interim School District Capital
529 Expenditure Fund allotments shall not be reduced below the amount
530 certified by the department or the district's total allotment
531 under the Interim Capital Expenditure Fund if fully funded, so
532 long as such debt remains outstanding.

533 (e) From and after October 1, 1997, through June 30,
534 1998, in addition to any other authority a school district may
535 have, any school district may issue State Aid Capital Improvement
536 Bonds secured in whole by a continuing annual pledge of any
537 Mississippi Adequate Education Program funds available to the
538 district, in an amount not to exceed One Hundred Sixty Dollars
539 (\$160.00) per pupil based on the latest completed average daily
540 attendance count certified by the department prior to the issuance
541 of the bonds. Such State Aid Capital Improvement Bonds may be
542 issued for the purposes enumerated in subsections (a), (b), (c)
543 and (g) of this section. Prior to issuing such bonds, the school
544 board of the district shall adopt a resolution declaring the
545 necessity for and its intention of issuing such bonds and
546 borrowing such money, specifying the approximate amount to be so
547 borrowed, how such money is to be used and how such indebtedness
548 is to be evidenced. Any capital improvement project financed with
549 State Aid Capital Improvement Bonds shall be approved by the
550 department, and based on an approved long-range plan. The State
551 Board of Education shall promulgate minimum requirements for the
552 approval of such school district capital expenditure plans. The

553 State Board of Education shall not approve any capital expenditure
554 plan for a pledge of funds under this paragraph unless it
555 determines (i) that the quality of instruction in such district
556 will not be reduced as a result of this pledge, and (ii) the
557 district has other revenue available to attain and maintain at
558 least Level III accreditation.

559 A district issuing State Aid Capital Improvement Bonds may
560 pledge for the repayment of such bonds all funds received by the
561 district from the state, in an amount not to exceed One Hundred
562 Sixty Dollars (\$160.00) per pupil in average daily attendance in
563 the school district as set forth above, and not otherwise
564 permanently pledged under paragraph (d) of this subsection or
565 under Section 37-61-33(2)(d), Mississippi Code of 1972. The
566 district's school board shall specify by resolution the amount of
567 state funds, which are being pledged by the district for the
568 repayment of the State Aid Capital Improvement Bonds. Once such a
569 pledge is made to secure the bonds, the district shall notify the
570 department of such pledge. Upon making such a pledge, the school
571 district may request the department which may agree to irrevocably
572 transfer a specified amount or percentage of the district's state
573 revenue pledged to repay the district's State Aid Capital
574 Improvement Bonds directly to a state or federally chartered bank
575 serving as a trustee or paying agent on such bonds for the payment
576 of all or portion of such State Aid Capital Improvement Bonds.
577 Such instructions shall be incorporated into a resolution by the
578 school board for the benefit of holders of the bonds and may
579 provide that such withholding and transfer of such other available
580 funds shall be made only upon notification by a trustee or paying
581 agent on such bonds that the amounts available to pay such bonds
582 on any payment date will not be sufficient. It is the intent of
583 this provision to allow school districts to irrevocably pledge a
584 certain, constant stream of revenue as security for State Aid
585 Capital Improvement Bonds issued hereunder. To allow school

586 districts to make such an irrevocable pledge, the state shall take
587 all action necessary to ensure that the amount of a district's
588 state revenues up to an amount equal to One Hundred Sixty Dollars
589 (\$160.00) per pupil as set forth above which have been pledged to
590 repay debt as set forth herein shall not be reduced so long as any
591 State Aid Capital Improvement Bonds are outstanding.

592 Any such State Aid Capital Improvement bonds shall mature as
593 determined by the district's school bond over a period not to
594 exceed twenty (20) years. Such bonds shall not bear a greater
595 overall maximum interest rate to maturity than that allowed in
596 Section 75-17-101, Mississippi Code of 1972. The further details
597 and terms of such bonds shall be as determined by the school board
598 of the district.

599 The provisions of this subsection shall be cumulative and
600 supplemental to any existing funding programs or other authority
601 conferred upon school districts or school boards. Debt of a
602 school district secured in whole by a pledge of revenue pursuant
603 to this section shall not be subject to any debt limitation.

604 For purposes of this paragraph (e), "State Aid Capital
605 Improvement Bond" shall mean any bond, note, or other certificate
606 of indebtedness issued by a school district under the provisions
607 hereof.

608 This paragraph (e) shall stand repealed from and after June
609 30, 1998.

610 (f) As an alternative to the authority granted under
611 paragraph (e), a school district, in its discretion, may authorize
612 the State Board of Education to withhold an amount of the
613 district's adequate education program allotment equal to up to One
614 Hundred Sixty Dollars (\$160.00) per student in average daily
615 attendance in the district to be allocated to the State Public
616 School Building Fund to the credit of such school district. A
617 school district may choose the option provided under this
618 paragraph (e) or paragraph (f), but not both. In addition to the

619 grants made by the state pursuant to Section 37-47-9, a school
620 district shall be entitled to grants based on the allotments to
621 the State Public School Building Fund credited to such school
622 district under this paragraph. This paragraph (f) shall stand
623 repealed from and after June 30, 1998.

624 (g) The State Board of Education may authorize the
625 school district to expend not more than twenty percent (20%) of
626 its annual allotment of such funds or Twenty Thousand Dollars
627 (\$20,000.00), whichever is greater, for technology needs of the
628 school district, including computers, software,
629 telecommunications, cable television, interactive video, film
630 low-power television, satellite communications, microwave
631 communications, technology-based equipment installation and
632 maintenance, and the training of staff in the use of such
633 technology-based instruction. Any such technology expenditure
634 shall be reflected in the local district technology plan approved
635 by the State Board of Education under Section 37-151-17,
636 Mississippi Code of 1972.

637 (h) To the extent a school district has not utilized
638 twenty percent (20%) of its annual allotment for technology
639 purposes under paragraph (g), a school district may expend not
640 more than twenty percent (20%) of its annual allotment or Twenty
641 Thousand Dollars (\$20,000.00), whichever is greater, for
642 instructional purposes. The State Board of Education may
643 authorize a school district to expend more than said twenty
644 percent (20%) of its annual allotment for instructional purposes
645 if it determines that such expenditures are needed for
646 accreditation purposes.

647 (i) The State Department of Education or the State
648 Board of Education may require that any project commenced pursuant
649 to this act with an estimated project cost of not less than Five
650 Million Dollars (\$5,000,000.00) shall be done only pursuant to
651 program management of the process with respect to design and

652 construction. Any individuals, partnerships, companies or other
653 entities acting as a program manager on behalf of a local school
654 district and performing program management services for projects
655 covered under this subsection shall be approved by the State
656 Department of Education.

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

661 The provisions of this subsection (5) shall be cumulative and
662 supplemental to any existing funding programs or other authority
663 conferred upon school districts or school boards.

664 **SECTION 4.** Section 37-151-9, Mississippi Code of 1972, is
665 brought forward as follows:

666 37-151-9. (1) The State Board of Education and State
667 Superintendent of Education shall establish within the State
668 Department of Education a special unit at the division level
669 called the Office of Educational Accountability. The Director of
670 the Office of Educational Accountability shall hold a position
671 comparable to a deputy superintendent and shall be appointed by
672 the State Board of Education with the advice and consent of the
673 Senate. He shall serve at the will and pleasure of the State
674 Board of Education and may employ necessary professional,
675 administrative and clerical staff. The Director of the Office of
676 Educational Accountability shall provide all reports to the
677 Legislature, Governor, Mississippi Commission on School
678 Accreditation and State Board of Education and respond to any
679 inquiries for information.

680 (2) The Office of Educational Accountability is responsible
681 for monitoring and reviewing programs developed under the
682 Education Reform Act, the Mississippi Adequate Education Program
683 Act of 1994, the Education Enhancement Fund, and subsequent
684 education initiatives, and shall provide information,

685 recommendations and an annual assessment to the Legislature,
686 Governor, Mississippi Commission on School Accreditation and the
687 State Board of Education. Commencing in 1995, the annual
688 assessment of education reform programs shall be performed by the
689 Office of Educational Accountability by December 1 of each year.
690 The Office of Educational Accountability shall specifically
691 monitor the implementation of Level III accreditation in all
692 school districts, and shall make an assessment with
693 recommendations to the 1996 Regular Session of the Legislature.

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

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

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

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

704 **SECTION 5.** Section 37-151-10, Mississippi Code of 1972, is
705 brought forward as follows:

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

717 (a) All new programs authorized in this section are
718 subject to the availability of funds specifically appropriated
719 therefor by the Legislature from the Education Enhancement Fund to
720 the Public Education Forum for the support and maintenance of the
721 programs of the Center for Education Analysis.

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

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

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

736 (2) The Center for Education Analysis established in
737 subsection (1) shall develop and submit to the Legislature and the
738 Governor an annual report on the implementation of the Mississippi
739 Adequate Education Program funding formula and the Interim School
740 District Capital Expenditure Fund program. The first report shall
741 be submitted on January 1, 1999, relating to implementation of the
742 adequate education program and interim capital expenditure program
743 activities during the preceding fiscal year, and shall be
744 submitted annually on January 1 of each subsequent year until
745 January 1, 2003, at which time the report shall become a distinct
746 part of the Mississippi Report Card describing the one hundred
747 percent (100%) implementation of the Mississippi Adequate
748 Education Program funding formula. The annual report shall
749 include the following:

750 (a) A description of the amount of Mississippi Adequate
751 Education Program funds available to each school district during
752 the phase-in period compared to the amount of funds available upon
753 full implementation of the funding formula;

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

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

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

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

766 (B) The total project cost in dollars;

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

770 (D) The total cost of all furniture and
771 equipment per project;

772 (E) The total amount of nonconstruction fees
773 per project;

774 (F) The total of other costs associated with
775 the project not otherwise included in items (A) through (E) above;
776 and

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

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

783 (iv) A description of any other local bond issue
784 proceeds combined with such funds for capital improvement
785 purposes; and

786 (v) Any other appropriate information relating to
787 capital improvements by school districts as determined by the
788 State Board of Education;

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

792 (d) An annual assessment of the impact of teacher
793 recruitment incentives on the employment of licensed teachers in
794 critical teacher shortage geographic areas, including, but not
795 limited to, all incentive programs authorized under House Bill No.
796 609, 1998 Regular Session [Laws, 1998, Ch. 544].

797 **SECTION 6.** Section 37-151-11, Mississippi Code of 1972, is
798 brought forward as follows:

799 37-151-11. The State Board of Education shall establish and
800 design an annual program of awards for exemplary performing
801 teachers in Mississippi's public school districts, to be called
802 the "Mississippi Teacher of the Year" Award Program.

803 The board shall establish criteria and guidelines for making
804 the annual award to one (1) exemplary performing teacher in
805 Mississippi, which shall include a cash award of Five Thousand
806 Dollars (\$5,000.00) to be paid by the State Department of
807 Education pursuant to appropriation therefor and shall be
808 unrestricted as to its use by the recipient. Such award shall be
809 paid as a supplement to such teacher's contracted salary in the
810 year subsequent to receiving the recognition.

811 The State Board of Education shall utilize such awards to
812 bring the best teaching practices to the attention of other
813 schools. The awards shall include public recognition by the local
814 school board and the State Board of Education and the awarding of

815 plaques, certificates and the monetary award for teachers that
816 perform well.

817 **SECTION 7.** Section 37-151-13, Mississippi Code of 1972, is
818 brought forward as follows:

819 37-151-13. The State Board of Education shall establish and
820 design an annual program of awards for exemplary performing
821 administrators in Mississippi's public school districts, to be
822 called the "Mississippi Administrator of the Year" Award Program.

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

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

837 **SECTION 8.** Section 37-151-15, Mississippi Code of 1972, is
838 brought forward as follows:

839 37-151-15. (1) The purpose of Sections 37-151-15 through
840 37-151-61 is to provide access to individualized instruction
841 through computer-based technology, video and other
842 technology-based instruction to eligible school districts.

843 (2) As used in Sections 37-151-15 through 37-151-61, unless
844 the context indicates otherwise:

845 (a) "Council" means the Council for Education
846 Technology.

847 (b) "Technology" includes, but is not limited to,
848 computers, software, telecommunications, cable television,
849 interactive video, film, low-power television, satellite
850 communications, microwave communications, technology-based
851 equipment installation and maintenance, and the training of staff
852 in the use of such technology-based instruction.

853 **SECTION 9.** Section 37-151-17, Mississippi Code of 1972, is
854 brought forward as follows:

855 37-151-17. (1) There is established the Council for
856 Education Technology which shall be an advisory group attached to
857 the State Board of Education. The council shall develop a master
858 plan for education technology.

859 (2) The council shall consist of the State Superintendent of
860 Education, or his designee, the Executive Director of the
861 Mississippi Department of Information Technology Services, the
862 Executive Director of Mississippi Educational Television (ETV),
863 the Executive Director of the Mississippi Library Commission, the
864 Executive Director of the State Board for Community and Junior
865 Colleges and the Commissioner of Higher Education, who shall serve
866 as ex officio voting members and four (4) members appointed within
867 thirty (30) days after July 1, 1994, as follows:

868 (a) One (1) member appointed by the State Board of
869 Education;

870 (b) Two (2) members appointed by the Governor; and

871 (c) One (1) member appointed by the Executive Director
872 of the Mississippi Development Authority. All appointed members
873 of the council shall have a demonstrated knowledge in an area of
874 technology as defined in Section 37-151-15(2). All appointments
875 to the council shall be made with the advice and consent of the
876 Senate. A majority of the membership present at any meeting shall
877 constitute a quorum for the official conduct of business.

878 (3) Members shall be appointed for four-year terms and may
879 be reappointed. Members may be reimbursed for mileage and actual

880 and necessary expenses in accordance with state law, and members
881 who are not state officers or employees shall receive per diem as
882 authorized in Section 25-3-69, Mississippi Code of 1972.

883 (4) Immediately upon receiving notice of the appointment of
884 all members, the State Superintendent of Education shall call an
885 organizational meeting. At this meeting the State Superintendent
886 of Education shall preside as temporary chairman, and the council
887 shall elect from among the members a chairman and any other
888 officers it deems necessary, and define the duties of the
889 officers.

890 (5) Meetings shall be held at least four (4) times per year,
891 or upon call of the chairman, at a time and place designated by
892 the chairman. The State Department of Education shall provide
893 staff support for the council.

894 (6) The duties and responsibilities of the council shall
895 include, but not be limited to, the following:

896 (a) Developing a long-range master plan for the
897 efficient and equitable use of technology at all levels from
898 primary school through higher education, including vocational and
899 adult education. The plan shall focus on the technology
900 requirements of classroom instruction, literacy laboratories,
901 student record management, financial and administrative
902 management, distance learning and communications as they relate to
903 the state's performance goals for students. The plan shall be
904 presented to the Mississippi Department of Information Technology
905 Services for approval;

906 (b) Creating, overseeing and monitoring a well-planned
907 and efficient statewide network of technology services designed to
908 meet the educational and informational needs of the schools;

909 (c) Working with private enterprise to encourage the
910 development of technology products specifically designed to answer
911 Mississippi's educational needs;

912 (d) Encouraging an environment receptive to
913 technological progress in education throughout the state; and

914 (e) Working with other state entities to maximize the
915 use and benefit of the state's technology infrastructure, to avoid
916 duplication of public and private resources and to maximize the
917 purchasing ability of the state. When appropriate, shared
918 resources and competitive bidding shall be used.

919 All contracts, requests for proposals and bid awards shall be
920 subject to the approval of the Mississippi Department of
921 Information Technology Services.

922 **SECTION 10.** Section 37-151-19, Mississippi Code of 1972, is
923 brought forward as follows:

924 37-151-19. (1) The Council for Education Technology shall
925 develop the master plan for education technology and submit the
926 plan to the State Board of Education and the Legislature.
927 Implementation of each stage of the master plan shall begin
928 immediately upon approval of the State Board of Education. The
929 plan shall outline the state's five-year activities related to
930 purchasing, developing and using technology to:

931 (a) Improve learning and teaching and the ability to
932 meet individual students' needs to increase student achievement;

933 (b) Improve curriculum delivery to help meet the needs
934 for educational equity across the state;

935 (c) Improve delivery of professional development;

936 (d) Improve the efficiency and productivity of
937 administrators; and

938 (e) Encourage development by the private sector and
939 acquisition by districts of technologies and applications
940 appropriate for education.

941 (2) The five-year plan shall cover all aspects of education
942 technology, including but not limited to, its use in educational
943 instruction and administration, video and computer systems,
944 software and hardware, multiple delivery systems for satellite,

945 microwave, cable, instructional television fixed service, fiber
946 optic and computer connections products, video cameras and
947 monitoring equipment for classrooms, school buildings and school
948 buses, the preparation of school buildings for technological
949 readiness, and the development of staff necessary to implement the
950 plan.

951 (3) Periodically, to develop and make specific
952 recommendations to the State Board of Education for the adoption
953 of minimum specifications for the equipment to be utilized in the
954 education technology plan by school districts. The State Board of
955 Education shall adopt and promulgate said minimum guidelines for
956 the utilization of said education technology equipment which shall
957 be monitored through the accreditation process.

958 (4) The integrated technology-based communications system
959 shall provide comprehensive, current, accurate and accessible
960 information relating to management, finance, operations,
961 instruction and pupil programs which are under the jurisdiction of
962 the Department of Education.

963 (5) To facilitate communication among teachers, parents,
964 students and prospective employers of students, and to provide
965 access to many vital technological services, the five-year plan
966 may include the installation of telephone lines in each classroom.

967 (6) In designing and implementing the five-year plan, the
968 council shall consider seeking the active participation of private
969 organizations whose knowledge and assistance will be useful.

970 (7) The council shall update as necessary the plan developed
971 under subsection (2) of this section and report to the Legislature
972 at the completion of each implementation phase of the master plan.

973 (8) The council shall submit its recommendations for a
974 statewide technology plan to the State Board of Education, which
975 shall accept the recommendations, or return them to the council
976 along with suggestions for changes to make the recommendations
977 consistent with the policies of the State Board of Education.

978 **SECTION 11.** Section 37-151-21, Mississippi Code of 1972, is
979 brought forward as follows:

980 37-151-21. The council shall create a strategic plan for
981 distance learning in the state and submit it to the Legislature by
982 November 1, 1995. The plan shall set forth the state's vision for
983 developing a long-term and statewide distance learning strategy.
984 It shall include, but not be limited to, definitions of the types
985 of distance learning delivery systems, an evaluation process for
986 determining and certifying the educational and cost-effectiveness
987 of each type of delivery system, comparisons of the various types
988 of delivery systems and recommendations for implementation.

989 **SECTION 12.** Section 37-151-23, Mississippi Code of 1972, is
990 brought forward as follows:

991 37-151-23. There is hereby created in the State Treasury a
992 special fund to be designated the "State Public School Education
993 Technology Fund." Any unexpended balance in said fund at the end
994 of the fiscal year shall carry over into the subsequent fiscal
995 year and shall not lapse into the State General Fund. School
996 districts shall be required to submit a plan for the use of such
997 funds for education technology to the State Board of Education.
998 The State Board of Education, consistent with policies adopted
999 pursuant to recommendations of the council, shall allocate funds
1000 provided from the proceeds of State Education Technology bonds and
1001 funds provided from appropriation by the Legislature into the
1002 State Public School Education Technology Fund, to school districts
1003 based on the approved education technology plan, which
1004 demonstrates need consistent with the district's existing
1005 technology, for the purchase or lease of education technology for
1006 the schools. The State Board of Education is authorized to apply
1007 said funds to matching grants from federal or private sources to
1008 generate additional funds for the purchase or lease of education
1009 technology for the schools.

1010 **SECTION 13.** Section 37-151-25, Mississippi Code of 1972, is
1011 brought forward as follows:

1012 37-151-25. There is hereby created in the State Treasury a
1013 special fund to be designated as the "Tech-Prep Fund." Any
1014 unexpended balance in said fund at the end of the fiscal year
1015 shall carryover to the succeeding fiscal year and shall not lapse
1016 into the State General Fund. Said fund shall be credited with any
1017 funds appropriated by the Legislature and from the proceeds of
1018 State Education Technology bonds for the implementation of the
1019 Tech-Prep program in Grades 7-12 and in the public community
1020 colleges and junior colleges through approved programs and from
1021 the proceeds of bonds issued under Sections 31 through 51 of Laws,
1022 1997, Chapter 612, and shall be allocated to school districts by
1023 the State Board of Education for the following purposes:

1024 (a) Equip labs for hands-on: Career Discovery Course
1025 in the 7th grade, Computer Discovery Course in the 8th grade, and
1026 Technology Discovery Course in the 9th grade;

1027 (b) Implement application based teaching methodology in
1028 existing academic courses;

1029 (c) Develop and implement articulation, integration and
1030 sequential course study plans in Vocational and Academic courses;

1031 (d) Administer Occupational Tests;

1032 (e) Implement and Update Career/Educational Plans for
1033 each student;

1034 (f) Implement Career Centers for each school;

1035 (g) To provide equipment upgrades to meet technology
1036 demands, staff development and teaching materials to implement
1037 application based methodology for each of the community college
1038 sites.

1039 The State Department of Education is authorized to escalate
1040 spending authority based upon the proceeds of bonds issued under
1041 Sections 31 through 51 of Laws, 1997, Chapter 612.

1042 No community or junior college shall deny admittance into its
1043 Tech-Prep program funded under this section to any student who has
1044 graduated from high school with a qualifying grade point average,
1045 regardless of the curriculum or coursework completed by the
1046 student.

1047 **SECTION 14.** Section 37-151-27, Mississippi Code of 1972, is
1048 brought forward as follows:

1049 37-151-27. For the purpose of providing funds to enable the
1050 State Board of Education to make allocations to school districts
1051 as provided by Section 37-151-23, the State Bond Commission is
1052 hereby authorized and empowered to issue State Education
1053 Technology bonds under the conditions prescribed in Sections
1054 37-151-27 through 37-151-61. The aggregate principal amount of
1055 such bonds outstanding at any one time, after deducting the amount
1056 of the sinking fund provided for the retirement of bonds issued
1057 for such purposes, shall never exceed the sum of Sixty Million
1058 Dollars (\$60,000,000.00). Within such limits, however, State
1059 Education Technology bonds may be issued from time to time under
1060 the conditions prescribed in this article.

1061 **SECTION 15.** Section 37-151-29, Mississippi Code of 1972, is
1062 brought forward as follows:

1063 37-151-29. Before any State Education Technology bonds are
1064 issued as authorized by this article, the State Board of Education
1065 shall transmit to the State Bond Commission a request for the
1066 issuance thereof in the form of a resolution adopted by said
1067 council. Said request shall embody the following:

1068 (a) A schedule showing the aggregate of bonds issued
1069 pursuant to previous requests, the purposes for which the same
1070 were issued, the annual payments required to retire such bonds and
1071 the interest thereon, and the amount of sinking fund applicable to
1072 the retirement of such outstanding bonds;

1073 (b) The amount of bonds sought to be issued, the
1074 purpose or purposes for which such bonds are to be issued, and the
1075 amount intended for each purpose;

1076 (c) A schedule showing future annual principal
1077 requirements and estimated annual interest requirements on the
1078 bonds requested to be issued;

1079 (d) The estimated amount of the allotments which the
1080 State Board of Education intends to make within the then current
1081 fiscal year;

1082 (e) The aggregate amount for which allotments have been
1083 approved, but which await completion because the funds necessary
1084 to make the same are not available.

1085 **SECTION 16.** Section 37-151-31, Mississippi Code of 1972, is
1086 brought forward as follows:

1087 37-151-31. If it shall appear to the satisfaction of the
1088 State Bond Commission from the request provided for in Section
1089 37-151-29:

1090 (a) That the estimate of the needs for the then current
1091 fiscal year as shown pursuant to the requirement of Section
1092 37-151-29 requires bonds to be issued in the amount requested; and

1093 (b) That the issue will be within the limitations
1094 prescribed by Section 37-151-27; then it shall be the duty of the
1095 State Bond Commission to issue State Education Technology bonds in
1096 accordance with said request.

1097 **SECTION 17.** Section 37-151-33, Mississippi Code of 1972, is
1098 brought forward as follows:

1099 37-151-33. The principal of and interest on the bonds
1100 authorized under Section 37-151-27 of this article shall be
1101 payable in the manner provided in this section. Such bonds shall
1102 bear such date or dates, be in such denomination or denominations,
1103 bear interest at such rate or rates not exceeding the limits set
1104 forth in Section 75-17-101, be payable at such place or places
1105 within or without the State of Mississippi, shall mature

1106 absolutely at such time or times not to exceed twenty (20) years
1107 from date of issue, be redeemable before maturity at such time or
1108 times and upon such terms, with or without premium, shall bear
1109 such registration privileges, and shall be substantially in such
1110 form, all as determined by resolution of the State Bond
1111 Commission.

1112 **SECTION 18.** Section 37-151-35, Mississippi Code of 1972, is
1113 brought forward as follows:

1114 37-151-35. The bonds authorized under Section 37-151-27
1115 shall be signed by the Chairman of the State Bond Commission, or
1116 by his facsimile signature, and the official seal of the State
1117 Bond Commission shall be affixed thereto, attested by the
1118 Secretary of the State Bond Commission. The interest coupons, if
1119 any, to be attached to such bonds may be executed by the facsimile
1120 signatures of such officers. Whenever any such bonds shall have
1121 been signed by the officials designated to sign the bonds who were
1122 in office at the time of such signing but who may have ceased to
1123 be such officers before the sale and delivery of such bonds, or
1124 who may not have been in office on the date such bonds may bear,
1125 the signatures of such officers upon such bonds and coupons shall
1126 nevertheless be valid and sufficient for all purposes and have the
1127 same effect as if the person so officially signing such bonds had
1128 remained in office until their delivery to the purchaser, or had
1129 been in office on the date such bonds may bear. However,
1130 notwithstanding anything in this article to the contrary, such
1131 bonds may be issued as provided in the Registered Bond Act of the
1132 State of Mississippi.

1133 **SECTION 19.** Section 37-151-37, Mississippi Code of 1972, is
1134 brought forward as follows:

1135 37-151-37. All bonds and interest coupons issued under the
1136 provisions of Sections 37-151-27 through 37-151-61 have all the
1137 qualities and incidents of negotiable instruments under the
1138 provisions of the Mississippi Uniform Commercial Code, and in

1139 exercising the powers granted by Sections 37-151-27 through
1140 37-151-61, the State Bond Commission shall not be required to and
1141 need not comply with the provisions of the Mississippi Uniform
1142 Commercial Code.

1143 **SECTION 20.** Section 37-151-39, Mississippi Code of 1972, is
1144 brought forward as follows:

1145 37-151-39. The State Bond Commission shall act as the
1146 issuing agent for the bonds authorized under Sections 37-151-27
1147 through 37-151-61, prescribe the form of the bonds, advertise for
1148 and accept bids, issue and sell the bonds so authorized to be
1149 sold, pay all fees and costs incurred in such issuance and sale,
1150 and do all other things necessary and advisable in connection with
1151 the issuance and sale of the bonds. The State Bond Commission may
1152 pay the costs that are incident to the sale, issuance and delivery
1153 of the bonds authorized under this article from the proceeds
1154 derived from the sale of the bonds. The State Bond Commission
1155 shall sell such bonds on sealed bids at public sale, and for such
1156 price as it may determine to be for the best interest of the State
1157 of Mississippi, but no such sale may be made at a price less than
1158 par plus accrued interest to the date of delivery of the bonds to
1159 the purchaser. All interest accruing on such bonds so issued shall
1160 be payable semiannually or annually; however, the first interest
1161 payment may be for any period of not more than one (1) year.

1162 Notice of the sale of any such bond shall be published at
1163 least one time, not less than ten (10) days before the date of
1164 sale, and shall be so published in one or more newspapers
1165 published or having a general circulation in the City of Jackson,
1166 Mississippi, and in one or more other newspapers or financial
1167 journals with a national circulation, to be selected by the State
1168 Bond Commission.

1169 The State Bond Commission, when issuing any bonds under the
1170 authority of Sections 37-151-27 through 37-151-61, may provide
1171 that the bonds, at the option of the State of Mississippi, may be

1172 called in for payment and redemption at the call price named
1173 therein and accrued interest on such date or dates named therein.

1174 **SECTION 21.** Section 37-151-41, Mississippi Code of 1972, is
1175 brought forward as follows:

1176 37-151-41. The bonds issued under the provisions of Sections
1177 37-151-27 through 37-151-61 are general obligations of the State
1178 of Mississippi, and for the payment of the bonds the full faith
1179 and credit of the State of Mississippi is irrevocably pledged.
1180 The Legislature shall appropriate funds from the Education
1181 Enhancement Fund as necessary to pay the principal of and interest
1182 on such bonds, and if the funds appropriated by the Legislature
1183 are insufficient to pay the principal of and the interest on such
1184 bonds when they become due, then the deficiency shall be paid by
1185 the State Treasurer from any funds in the State Treasury not
1186 otherwise appropriated. All such bonds shall contain recitals on
1187 their faces substantially covering the provisions of this section.

1188 **SECTION 22.** Section 37-151-43, Mississippi Code of 1972, is
1189 brought forward as follows:

1190 37-151-43. The State Treasurer is authorized to certify to
1191 the State Fiscal Officer the necessity for warrants, and the State
1192 Fiscal Officer is authorized and directed to issue such warrants,
1193 in such amounts as may be necessary to pay when due the principal
1194 of, premium, if any, and interest on, or the accredited value of,
1195 all bonds issued under Sections 37-151-27 through 37-151-61; and
1196 the State Treasurer shall forward the necessary amount to the
1197 designated place or places of payment of such bonds in ample time
1198 to discharge such bonds, or the interest on the bonds, on their
1199 due dates.

1200 **SECTION 23.** Section 37-151-45, Mississippi Code of 1972, is
1201 brought forward as follows:

1202 37-151-45. All State Education Technology bonds issued under
1203 the provisions of Sections 37-151-27 through 37-151-61 shall be
1204 sold by the said State Bond Commission upon sealed competitive

1205 bids or proposals after advertisement therefor and publication of
1206 the notice of such sale in the manner provided by law.

1207 The proceeds of the sale of all State Education Technology
1208 bonds shall be placed in the "State Public School Education
1209 Technology Fund" created under Section 37-151-23 and shall be
1210 expended only for the purposes authorized by Sections 37-151-27
1211 through 37-151-61.

1212 **SECTION 24.** Section 37-151-47, Mississippi Code of 1972, is
1213 brought forward as follows:

1214 37-151-47. The bonds authorized under Sections 37-151-27
1215 through 37-151-61 may be issued without any other proceedings or
1216 the happening of any other conditions or things other than those
1217 proceedings, conditions and things that are specified or required
1218 by Sections 37-151-27 through 37-151-61. Any resolution providing
1219 for the issuance of bonds under Sections 37-151-27 through
1220 37-151-61 shall become effective immediately upon its adoption by
1221 the State Bond Commission, and any such resolution may be adopted
1222 at any regular or special meeting of the State Bond Commission by
1223 a majority of its members.

1224 **SECTION 25.** Section 37-151-49, Mississippi Code of 1972, is
1225 brought forward as follows:

1226 37-151-49. The bonds authorized under the authority of
1227 Sections 37-151-27 through 37-151-61 of this article may be
1228 validated in the Chancery Court of the First Judicial District of
1229 Hinds County, Mississippi, in the manner and with the force and
1230 effect provided by Chapter 13, Title 31, Mississippi Code of 1972,
1231 for the validation of county, municipal, school district and other
1232 bonds. The notice to taxpayers required by such statutes shall be
1233 published in a newspaper published or having a general circulation
1234 in the City of Jackson, Mississippi.

1235 **SECTION 26.** Section 37-151-51, Mississippi Code of 1972, is
1236 brought forward as follows:

1237 37-151-51. Any holder of bonds issued under Sections
1238 37-151-27 through 37-151-61 or of any of the interest coupons
1239 pertaining to the bonds may, either at law or in equity, by suit,
1240 action, mandamus or other proceeding, protect and enforce all
1241 rights granted under Sections 37-151-27 through 37-151-61, or
1242 under such resolution, and may enforce and compel performance of
1243 all duties required by Sections 37-151-27 through 37-151-61 to be
1244 performed, in order to provide for the payment of bonds and
1245 interest on the bonds.

1246 **SECTION 27.** Section 37-151-53, Mississippi Code of 1972, is
1247 brought forward as follows:

1248 37-151-53. All bonds issued under Sections 37-151-27 through
1249 37-151-61 shall be legal investments for trustees and other
1250 fiduciaries, and for savings banks, trust companies and insurance
1251 companies organized under the laws of the State of Mississippi,
1252 and such bonds shall be legal securities that may be deposited
1253 with and shall be received by all public officers and bodies of
1254 this state and all municipalities and political subdivisions for
1255 the purpose of securing the deposit of public funds.

1256 **SECTION 28.** Section 37-151-55, Mississippi Code of 1972, is
1257 brought forward as follows:

1258 37-151-55. Bonds issued under Sections 37-151-27 through
1259 37-151-61 and income from the bonds shall be exempt from all
1260 taxation in the State of Mississippi.

1261 **SECTION 29.** Section 37-151-57, Mississippi Code of 1972, is
1262 brought forward as follows:

1263 37-151-57. Sections 37-151-27 through 37-151-61 shall be
1264 deemed to be full and complete authority for the exercise of the
1265 powers granted, but Sections 37-151-27 through 37-151-61 shall not
1266 be deemed to repeal or to be in derogation of any existing law of
1267 this state.

1268 **SECTION 30.** Section 37-151-59, Mississippi Code of 1972, is
1269 brought forward as follows:

1270 37-151-59. Nothing in this chapter shall be construed to
1271 prohibit a school district from issuing its bonds, negotiable
1272 notes or certificates of indebtedness for the purposes, in the
1273 manner, to the extent and subject to the limitations provided by
1274 Sections 37-59-1 through 37-59-45, Mississippi Code of 1972, or
1275 any other applicable sections, and the authority granted by this
1276 article shall be construed as being additional, supplemental and
1277 cumulative thereto. The proceeds of the sale of any such bonds,
1278 negotiable notes or certificates of indebtedness so issued by any
1279 such school district may be used for the purpose for which they
1280 were issued and may be expended in conjunction with funds provided
1281 by the Council for Education Technology under the provisions of
1282 this article, or may be expended without such funds, if same be
1283 not available.

1284 **SECTION 31.** Section 37-151-61, Mississippi Code of 1972, is
1285 brought forward as follows:

1286 37-151-61. Any school board of any school district which may
1287 be aggrieved by any final rule, regulation or order of the State
1288 Board of Education adopted under the provisions of this chapter
1289 shall have the right to appeal therefrom to the chancery court of
1290 the county in which the school district involved or any part
1291 thereof is located in like manner, within the same time, with like
1292 effect, and subject in all other respects to appeals from orders,
1293 rules and regulations of the State Board of Education, the
1294 provisions of which are hereby made applicable in all respects to
1295 appeals from orders, rules and regulations of the commission under
1296 the provisions of this chapter.

1297 **SECTION 32.** Section 37-151-77, Mississippi Code of 1972, is
1298 brought forward as follows:

1299 37-151-77. To qualify for funds provided in this chapter,
1300 each school district shall not exceed a pupil-teacher ratio based
1301 on enrollment in Grades 1, 2, 3 and 4 as follows: 27:1

1302 For Grades kindergarten and 5 through 12, pupil-teacher ratio
1303 shall be determined based on appropriate accreditation standards
1304 developed by the Mississippi Commission on School Accreditation.

1305 Any local district may apply to the State Board of Education
1306 for approval of a waiver to this section by submitting and
1307 justifying an alternative educational program to serve the needs
1308 of enrollment in Grades kindergarten and 1 through 4. The State
1309 Board of Education shall approve or disapprove of such waiver
1310 forty-five (45) days after receipt of such application. If a
1311 school district violates the provisions of this section, the state
1312 aid for the ensuing fiscal year to such school district shall be
1313 reduced by the percentage variance that the actual pupil-teacher
1314 ratios in such school district has to the required pupil-teacher
1315 ratios mandated in this section. Provided, that notwithstanding
1316 the provisions of this section, the State Board of Education is
1317 authorized to waive the pupil-teacher requirements specified
1318 herein upon a finding that a good faith effort is being made by
1319 the school district concerned to comply with the ratio provisions
1320 but that for lack of classroom space which was beyond its control
1321 it is physically impossible for the district to comply, and the
1322 cost of temporary classroom space cannot be justified. In the
1323 event any school district meets Level 4 or 5 accreditation
1324 standards, the State Board of Education may, in its discretion,
1325 exempt such school district from the maximum pupil-teacher ratio
1326 in Grades 1, 2, 3 and 4 prescribed herein.

1327 **SECTION 33.** Section 37-151-79, Mississippi Code of 1972, is
1328 brought forward as follows:

1329 37-151-79. In addition to other funds provided for in this
1330 chapter, there shall be added to the allotment for each school
1331 district for each vocational teacher employed full time during the
1332 regular school term in a vocational education program approved by
1333 the State Department of Education the value of one-half (1/2) of
1334 the adequate education program salary schedule provided in Section

1335 37-19-7, Mississippi Code of 1972, based on the type of
1336 certificate and number of years' teaching experience held by each
1337 approved vocational teacher plus one hundred percent (100%) of the
1338 applicable employer's rate for social security and state
1339 retirement.

1340 **SECTION 34.** Section 37-151-81, Mississippi Code of 1972, is
1341 brought forward as follows:

1342 37-151-81. (1) In addition to other funds provided for in
1343 this chapter, there shall be added to the allotment for each
1344 school district for each teacher employed in a State Department of
1345 Education approved program for exceptional children as defined in
1346 Section 37-23-3, Mississippi Code of 1972, the value of one
1347 hundred percent (100%) of the adequate education program salary
1348 schedule prescribed in Section 37-19-7, Mississippi Code of 1972,
1349 based on the type of certificate and number of years' teaching
1350 experience held by each approved special education teacher plus
1351 one hundred percent (100%) of the applicable employer's rate for
1352 social security and state retirement, except that only seventy
1353 percent (70%) of the value will be added for the program for
1354 three- and four-year old exceptional children.

1355 (2) In addition to the allowances provided above, for each
1356 handicapped child who is being educated by a public school
1357 district or is placed in accord with Section 37-23-77, Mississippi
1358 Code of 1972, and whose individualized educational program (IEP)
1359 requires an extended school year in accord with the State
1360 Department of Education criteria, a sufficient amount of funds
1361 shall be allocated for the purpose of providing the educational
1362 services the student requires. The State Board of Education shall
1363 promulgate such regulations as are required to insure the
1364 equitable distribution of these funds. All costs for the extended
1365 school year for a particular summer shall be reimbursed from funds
1366 appropriated for the fiscal year beginning July 1 of that summer.
1367 If sufficient funds are not made available to finance all of the

1368 required educational services, the State Department of Education
1369 shall expend available funds in such a manner that it does not
1370 limit the availability of appropriate education to handicapped
1371 students more severely than it does to nonhandicapped students.

1372 (3) The State Department of Education is hereby authorized
1373 to match adequate education program and other funds allocated for
1374 provision of services to handicapped children with Division of
1375 Medicaid funds to provide language-speech services, physical
1376 therapy and occupational therapy to handicapped students who meet
1377 State Department of Education or Division of Medicaid standards
1378 and who are Medicaid eligible. Provided further, that the State
1379 Department of Education is authorized to pay such funds as may be
1380 required as a match directly to the Division of Medicaid pursuant
1381 to an agreement to be developed between the State Department of
1382 Education and the Division of Medicaid.

1383 (4) In addition to other funds provided for in this chapter,
1384 there shall be added to the allotment for each school district for
1385 each teacher employed in a State Department of Education approved
1386 program for gifted education as defined in Sections 37-23-173
1387 through 37-23-181, Mississippi Code of 1972, the value of one
1388 hundred percent (100%) of the adequate education program salary
1389 schedule prescribed in Section 37-19-7, Mississippi Code of 1972,
1390 based on the type of certificate and number of years' teaching
1391 experience held by each approved gifted education teacher plus one
1392 hundred percent (100%) of the applicable employer's rate for
1393 social security and state retirement.

1394 (5) When any children who are residents of the State of
1395 Mississippi and qualify under the provisions of Section 37-23-31,
1396 Mississippi Code of 1972, shall be provided a program of
1397 education, instruction and training within a school under the
1398 provisions of said section, the State Department of Education
1399 shall allocate the value of one hundred percent (100%) of the
1400 adequate education program salary schedule prescribed in Section

1401 37-19-7, Mississippi Code of 1972, for each approved program based
1402 on the type of certificate and number of years' teaching
1403 experience held by each approved teacher plus one hundred percent
1404 (100%) of the applicable employer's rate for social security and
1405 state retirement. The university or college shall be eligible for
1406 state and federal funds for such programs on the same basis as
1407 local school districts. The university or college shall be
1408 responsible for providing for the additional costs of the program.

1409 (6) In addition to the allotments provided above, a school
1410 district may provide a program of education and instruction to
1411 children ages five (5) years through twenty-one (21) years, who
1412 are resident citizens of the State of Mississippi, who cannot have
1413 their educational needs met in a regular public school program and
1414 who have not finished or graduated from high school, if those
1415 children are determined by competent medical authorities and
1416 psychologists to need placement in a state licensed facility for
1417 inpatient treatment, day treatment or residential treatment or a
1418 therapeutic group home. Such program shall operate under rules,
1419 regulations, policies and standards of school districts as
1420 determined by the State Board of Education. If a private school
1421 approved by the State Board of Education is operated as an
1422 integral part of the state licensed facility that provides for the
1423 treatment of such children, the private school within the facility
1424 may provide a program of education, instruction and training to
1425 such children by requesting the State Department of Education to
1426 allocate one (1) teacher unit or a portion of a teacher unit for
1427 each approved class. The facility shall be responsible for
1428 providing any additional costs of the program.

1429 Such funds will be allotted based on the type of certificate
1430 and number of years' teaching experience held by each approved
1431 teacher. Such children shall not be counted in average daily
1432 attendance when determining regular teacher unit allocation.

1433 **SECTION 35.** Section 37-151-83, Mississippi Code of 1972, is
1434 brought forward as follows:

1435 37-151-83. (1) In addition to other funds allowed under the
1436 Adequate Education Program, each school district shall receive a
1437 grant for the support of alternative school programs established
1438 under Section 37-13-92, Mississippi Code of 1972, in accordance
1439 with the following: Three-fourths of one percent (.75%) of the
1440 school district's average daily attendance or twelve (12) pupils,
1441 whichever is greater, multiplied by the average expenditure of
1442 public monies per pupil in the State of Mississippi, as determined
1443 by the State Board of Education.

1444 (2) An alternative school advisory board may be created
1445 within each school district maintaining a freestanding alternative
1446 school or two (2) or more adjacent school districts operating a
1447 freestanding alternative school pursuant to a contract approved by
1448 the State Board of Education. The advisory board shall meet no
1449 less than two (2) times during each school year to study the
1450 alternative school program and to make recommendations for
1451 improvements to the superintendent of the local school board or
1452 boards, as the case may be, and the State Superintendent of
1453 Education. The alternative school advisory board shall consist of
1454 the following members: one (1) school administrator to be
1455 appointed by each local school board of the school district or
1456 districts operating the alternative school; one (1) school board
1457 member and one (1) parent to be appointed by each superintendent
1458 of the school district or districts operating the alternative
1459 school; one (1) classroom teacher to be appointed by the classroom
1460 teachers in each school district operating the alternative school;
1461 one (1) individual to be appointed by the local youth court judge,
1462 or if there is no such court the chancery court judge; and one (1)
1463 law enforcement officer to be appointed by the local sheriff. The
1464 initial members of the advisory board shall serve as follows:
1465 One-third (1/3) of the members shall serve two (2) years;

1466 one-third (1/3) of the members shall serve three (3) years; and
1467 one-third (1/3) of the members shall serve four (4) years, to be
1468 designated by the appointing authority at the time of appointment.
1469 Thereafter, the term of each member shall be for a period of four
1470 (4) years.

1471 An alternative school advisory board shall have no governing
1472 authority over the alternative school program, and not in any
1473 manner shall an advisory board's authority supersede the authority
1474 of the school district or lead district in those alternative
1475 school programs operated jointly by two (2) or more districts.

1476 **SECTION 36.** Section 37-151-85, Mississippi Code of 1972, is
1477 brought forward as follows:

1478 37-151-85. (1) The amount to be allotted by the State Board
1479 of Education for transportation shall be determined as follows:

1480 The State Department of Education shall calculate the cost of
1481 transportation in school districts by ascertaining the average
1482 cost per pupil in average daily attendance of transported pupils
1483 in school districts classified in different density groups as
1484 determined by the State Department of Education. Based on these
1485 calculations, the State Department of Education shall develop a
1486 scale for determining the allowable cost per pupil in different
1487 density groups, which scale shall provide greatest allowance per
1488 pupil transported in school districts with lowest densities and
1489 smallest allowance per pupil in school districts with highest
1490 densities. The total allowance in the adequate education program
1491 for transported children for any school district for the current
1492 year shall be the average daily attendance of the transported
1493 children for the nine (9) months of the prior year, multiplied by
1494 the allowance per transported pupil as provided herein. However,
1495 the State Department of Education is hereby authorized and
1496 empowered to make proper adjustments in allotments, under rules
1497 and regulations of the State Board of Education, in cases where
1498 major changes in the number of children in average daily

1499 attendance transported occur from one year to another as a result
1500 of changes or alterations in the boundaries of school districts, a
1501 change in or relocation of attendance centers, or for other
1502 reasons which would result in major decrease or increase in the
1503 number of children in average daily attendance transported during
1504 the current school year as compared with the preceding year.
1505 Moreover, the State Board of Education is hereby authorized and
1506 empowered to make such payments to all districts and/or
1507 university-based programs as deemed necessary in connection with
1508 transporting exceptional children as defined in Section 37-23-3.
1509 The State Board of Education shall establish and implement all
1510 necessary rules and regulations to allot transportation payments
1511 to university-based programs. In developing density
1512 classifications under the provisions hereof, the State Department
1513 of Education may give consideration to the length of the route,
1514 the sparsity of the population, the lack of adequate roads,
1515 highways and bridges, and the presence of large streams or other
1516 geographic obstacles. In addition to funds allotted under the
1517 above provisions, funds shall be allotted to each school district
1518 that transports students from their assigned school or attendance
1519 center to classes in an approved vocational-technical center at a
1520 rate per mile not to exceed the average statewide cost per mile of
1521 school bus transportation during the preceding year exclusive of
1522 bus replacement. All such transportation must have prior approval
1523 by the State Department of Education.

1524 (2) The average daily attendance of transported children
1525 shall be reported by the school district in which such children
1526 attend school. If children living in a school district are
1527 transported at the expense of such school district to another
1528 school district, the average daily attendance of such transported
1529 children shall be deducted by the State Department of Education
1530 from the aggregate average daily attendance of transported
1531 children in the school district in which they attend school and

1532 shall be added to the aggregate average daily attendance of
1533 transported children of the school district from which they come
1534 for the purpose of calculating transportation allotments.
1535 However, such deduction shall not be made for the purpose of
1536 calculating adequate education program pupil-based funding.

1537 (3) The State Department of Education shall include in the
1538 allowance for transportation for each school district an amount
1539 for the replacement of school buses or the purchase of new buses,
1540 which amount shall be calculated upon the estimated useful life of
1541 all school buses being used for the transportation of children in
1542 such school district, whether such buses be publicly or privately
1543 owned.

1544 (4) The school boards of all districts operating school bus
1545 transportation are authorized and directed to establish a salary
1546 schedule for school bus drivers. No school district shall be
1547 entitled to receive the funds herein allotted for transportation
1548 unless it pays each of its nonstudent adult school bus drivers
1549 paid from such transportation allotments a minimum of One Hundred
1550 Ninety Dollars (\$190.00) per month. In addition, local school
1551 boards may compensate school bus drivers for actual expenses
1552 incurred when acquiring an initial commercial license or any
1553 renewal of a commercial license in order to drive a school bus.

1554 (5) The State Board of Education shall be authorized and
1555 empowered to use such part of the funds appropriated for
1556 transportation in the adequate education fund as may be necessary
1557 to finance driver training courses as provided for in Section
1558 37-41-1, Mississippi Code of 1972.

1559 **SECTION 37.** Section 37-151-87, Mississippi Code of 1972, is
1560 brought forward as follows:

1561 37-151-87. No school district shall pay any teacher less
1562 than the state minimum salary. No school district shall receive
1563 any funds under the provisions of this chapter for any school year
1564 during which the aggregate amount of local supplement as defined

1565 in Section 37-151-1 shall have been reduced below such amount for
1566 the previous year; however, where there has been a reduction in
1567 adequate education program allocations for such district in such
1568 year, where there has been a reduction in the amount of federal
1569 funds to such district below the previous year, or where there has
1570 been a reduction in ad valorem taxes to such school district for
1571 the 1986-1987 school year below the amount for the previous year
1572 due to the exemption of nuclear generating plants from ad valorem
1573 taxation, pursuant to Section 27-35-309, Mississippi Code of 1972,
1574 the aggregate amount of local supplement in such district may be
1575 reduced proportionately without loss of funds under this chapter.
1576 No school district may receive any funds under the provisions of
1577 this chapter for any school year if the aggregate amount of
1578 support from ad valorem taxation shall be reduced during such
1579 school year below such amount for the previous year; however,
1580 where there is a loss in adequate education program allocations,
1581 or where there is or heretofore has been a decrease in the total
1582 assessed value of taxable property within a school district, the
1583 aggregate amount of such support may be reduced proportionately.
1584 Nothing herein contained shall prohibit any school district from
1585 adopting or continuing a program or plan whereby teachers are paid
1586 varying salaries according to the teaching ability, classroom
1587 performance and other similar standards.

1588 **SECTION 38.** Section 37-151-89, Mississippi Code of 1972, is
1589 brought forward as follows:

1590 37-151-89. The minimum base pay for all classroom teachers
1591 may be increased by the district from any funds available to it;
1592 and those districts which have not prior to July 1, 1978, so
1593 increased said base pay, shall increase the minimum base pay for
1594 classroom teachers as fixed by this chapter and as authorized by
1595 any of the provisions of or standards set forth in this chapter.

1596 **SECTION 39.** Section 37-151-91, Mississippi Code of 1972, is
1597 brought forward as follows:

1598 37-151-91. The school boards of all school districts may
1599 establish salary schedules based on training, experience and other
1600 such factors as may be incorporated therein, including student
1601 progress and performance as developed by the State Board of
1602 Education, paying teachers greater amounts than the scale provided
1603 herein, but no teacher may be paid less than the amount based upon
1604 the minimum scale of pay provided in the adequate education
1605 program as prescribed in Section 37-19-7, Mississippi Code of
1606 1972, and all supplements paid from local funds shall be based
1607 upon the salary schedules so established. The school boards may
1608 call upon the State Department of Education for aid and assistance
1609 in formulating and establishing such salary schedules, and it
1610 shall be the duty of the State Department of Education, when so
1611 called upon, to render such aid and assistance. The amount
1612 actually paid to each teacher shall be based upon and determined
1613 by the type of certificate held by such teacher.

1614 **SECTION 40.** Section 37-151-93, Mississippi Code of 1972, is
1615 brought forward as follows:

1616 37-151-93. (1) Legally transferred students going from one
1617 school district to another shall be counted for adequate education
1618 program allotments by the school district wherein the pupils
1619 attend school, but shall be counted for transportation allotment
1620 purposes in the school district which furnishes or provides the
1621 transportation. The school boards of the school districts which
1622 approve the transfer of a student under the provisions of Section
1623 37-15-31 shall enter into an agreement and contract for the
1624 payment or nonpayment of any portion of their local maintenance
1625 funds which they deem fair and equitable in support of any
1626 transferred student. Except as provided in subsection (2) of this
1627 section, local maintenance funds shall be transferred only to the
1628 extent specified in the agreement and contract entered into by the
1629 affected school districts. The terms of any local maintenance
1630 fund payment transfer contract shall be spread upon the minutes of

1631 both of the affected school district school boards. The school
1632 district accepting any transfer students shall be authorized to
1633 accept tuition from such students under the provisions of Section
1634 37-15-31(1) and such agreement may remain in effect for any length
1635 of time designated in the contract. The terms of such student
1636 transfer contracts and the amounts of any tuition charged any
1637 transfer student shall be spread upon the minutes of both of the
1638 affected school boards. No school district accepting any transfer
1639 students under the provisions of Section 37-15-31(2), which
1640 provides for the transfer of certain school district employee
1641 dependents, shall be authorized to charge such transfer students
1642 any tuition fees.

1643 (2) Local maintenance funds shall be paid by the home school
1644 district to the transferee school district for students granted
1645 transfers under the provisions of Sections 37-15-29(3) and
1646 37-15-31(3), Mississippi Code of 1972, not to exceed the "base
1647 student cost" as defined in Section 37-151-5, Mississippi Code of
1648 1972, multiplied by the number of such legally transferred
1649 students.

1650 **SECTION 41.** Section 37-151-95, Mississippi Code of 1972, is
1651 brought forward as follows:

1652 37-151-95. Adequate education program funds shall include
1653 one hundred percent (100%) of the cost of the State and School
1654 Employees' Life and Health Insurance Plan created under Article 7,
1655 Chapter 15, Title 25, Mississippi Code of 1972, for all district
1656 employees who work no less than twenty (20) hours during each week
1657 and regular nonstudent school bus drivers employed by the
1658 district.

1659 Where the use of federal funding is allowable to defray, in
1660 full or in part, the cost of participation in the insurance plan
1661 by district employees who work no less than twenty (20) hours
1662 during each week and regular nonstudent school bus drivers, whose
1663 salaries are paid, in full or in part, by federal funds, the

1664 allowance under this section shall be reduced to the extent of the
1665 federal funding. Where the use of federal funds is allowable but
1666 not available, it is the intent of the Legislature that school
1667 districts contribute the cost of participation for such employees
1668 from local funds, except that parent fees for child nutrition
1669 programs shall not be increased to cover such cost.

1670 The State Department of Education, in accordance with rules
1671 and regulations established by the State Board of Education, may
1672 withhold a school district's adequate education program funds for
1673 failure of the district to timely report student, fiscal and
1674 personnel data necessary to meet state and/or federal
1675 requirements. The rules and regulations promulgated by the State
1676 Board of Education shall require the withholding of adequate
1677 education program funds for those districts that fail to remit
1678 premiums, interest penalties and/or late charges under the State
1679 and School Employees' Life and Health Insurance Plan.
1680 Noncompliance with such rules and regulations shall result in a
1681 violation of compulsory accreditation standards as established by
1682 the State Board of Education and Commission on School
1683 Accreditation.

1684 **SECTION 42.** Section 37-151-97, Mississippi Code of 1972, is
1685 brought forward as follows:

1686 37-151-97. The State Department of Education shall develop
1687 an annual reporting process to inform the Legislature, local
1688 district personnel and the general public as to the ongoing and
1689 future plans for the state's educational programs. The annual
1690 reporting process will include those vital statistics that are
1691 commonly reported by schools and districts and that can provide
1692 clear demographic, strategic and educational information to
1693 constituencies such as, but not limited to, the following
1694 information:

1695 (a) Student enrollment, attendance, drop-out and
1696 graduation;

- 1697 (b) Overall student and district achievement;
- 1698 (c) Budget, administrative costs and other pertinent
- 1699 fiscal information;
- 1700 (d) Teacher and administrator certification and
- 1701 experience levels; and
- 1702 (e) Other as directed by the State Board of Education.

1703 Further, the reporting process will include an annual report

1704 developed specifically to relate the mission and goals of the

1705 State Board of Education, state superintendent and departments.

1706 This document will become the method through which the strategic

1707 planning and management process of the department is articulated

1708 to the public. It will explain and inform the public of the major

1709 initiatives of the department and clearly identify rationale for

1710 program development and/or elimination. The report will establish

1711 benchmarks, future plans and discuss the effectiveness of

1712 educational programs.

1713 In addition to the information specified herein, the State

1714 Board of Education shall have full and plenary authority and power

1715 to require the furnishing of such further, additional and

1716 supplementary information as it may deem necessary for the purpose

1717 of determining the cost of the adequate education program in such

1718 school district for the succeeding fiscal year, the amount of the

1719 adequate education program funds to be allotted to each school

1720 district for the succeeding fiscal year, and for any other purpose

1721 authorized by law or deemed necessary by said State Board of

1722 Education.

1723 It shall be the duty of the State Department of Education to

1724 prescribe the forms for the reports provided for in this section.

1725 **SECTION 43.** Section 37-151-99, Mississippi Code of 1972, is

1726 brought forward as follows:

1727 37-151-99. Based upon the information obtained pursuant to

1728 Section 37-151-97 and upon such other and further information as

1729 provided by law, the State Department of Education shall, on or

1730 before June 1 of each year, or as soon thereafter as is practical,
1731 furnish each school board the preliminary estimate of the amount
1732 each will receive from the common school fund and the adequate
1733 education program fund for the succeeding scholastic year, and at
1734 the same time shall furnish each such school board with a
1735 tentative estimate of the cost of the adequate education program
1736 in the school district for such succeeding fiscal year.

1737 **SECTION 44.** Section 37-151-101, Mississippi Code of 1972, is
1738 brought forward as follows:

1739 37-151-101. It shall be the duty of the State Department of
1740 Education to file with the State Treasurer and the State Fiscal
1741 Officer such data and information as may be required to enable the
1742 said State Treasurer and State Fiscal Officer to distribute the
1743 common school funds and adequate education program funds by
1744 electronic funds transfer to the several school districts at the
1745 time required and provided under the provisions of this chapter.
1746 Such data and information so filed shall show in detail the amount
1747 of funds to which each school district is entitled from such
1748 common school fund and adequate education program fund. Such data
1749 and information so filed may be revised from time to time as
1750 necessitated by law. At the time provided by law, the State
1751 Treasurer and the State Fiscal Officer shall distribute to the
1752 several school districts the amounts to which they are entitled
1753 from the common school fund and the adequate education program
1754 fund as provided by this chapter. Such distribution shall be made
1755 by electronic funds transfer to the depositories of the several
1756 school districts designated in writing to the State Treasurer
1757 based upon the data and information supplied by the State
1758 Department of Education for such distribution. In such instances,
1759 the State Treasurer shall submit a request for an electronic funds
1760 transfer to the State Fiscal Officer, which shall set forth the
1761 purpose, amount and payees, and shall be in such form as may be
1762 approved by the State Fiscal Officer so as to provide the

1763 necessary information as would be required for a requisition and
1764 issuance of a warrant. A copy of the record of said electronic
1765 funds transfers shall be transmitted by the school district
1766 depositories to the Treasurer, who shall file duplicates with the
1767 State Fiscal Officer. The Treasurer and State Fiscal Officer
1768 shall jointly promulgate regulations for the utilization of
1769 electronic funds transfers to school districts.

1770 **SECTION 45.** Section 37-151-103, Mississippi Code of 1972, is
1771 brought forward as follows:

1772 37-151-103. (1) Funds due each school district under the
1773 terms of this chapter from the Adequate Education Program Fund
1774 shall be paid in the following manner: On the twenty-fifth day of
1775 each month, or the next business date after that date, there shall
1776 be paid to each school district by electronic funds transfer
1777 one-twelfth (1/12) of the funds to which the district is entitled
1778 from funds appropriated for the Adequate Education Program Fund.
1779 However, in December those payments shall be made on December 15th
1780 or the next business day after that date. In addition, the State
1781 Department of Education may pay school districts from the common
1782 school fund and the Adequate Education Program Fund on a date
1783 earlier than provided for by this section if it is determined that
1784 it is in the best interest of school districts to do so.

1785 Provided, however, that if the cash balance in the State
1786 General Fund is not adequate on the due date to pay the amounts
1787 due to all school districts in the state as determined by the
1788 State Superintendent of Education, the State Fiscal Officer shall
1789 not transfer said funds payable to any school district or
1790 districts until money is available to pay the amount due to all
1791 districts.

1792 (2) Notwithstanding any provision of this chapter or any
1793 other law requiring the number of children in average daily
1794 attendance or the average daily attendance of transported children
1795 to be determined on the basis of the preceding year, the State

1796 Board of Education is hereby authorized and empowered to make
1797 proper adjustments in allotments in cases where major changes in
1798 the number of children in average daily attendance or the average
1799 daily attendance of transported children occurs from one year to
1800 another as a result of changes or alterations in the boundaries of
1801 school districts, the sending of children from one county or
1802 district to another upon a contract basis, the termination or
1803 discontinuance of a contract for the sending of children from one
1804 county or district to another, a change in or relocation of
1805 attendance centers, or for any other reason which would result in
1806 a major decrease or increase in the number of children in average
1807 daily attendance or the average daily attendance of transported
1808 children during the current school year as compared with the
1809 preceding year.

1810 (3) In the event of an inordinately large number of
1811 absentees in any school district as a result of epidemic, natural
1812 disaster, or any concerted activity discouraging school
1813 attendance, then in such event school attendance for the purposes
1814 of determining average daily attendance under the adequate
1815 education program shall be based upon the average daily attendance
1816 for the preceding school year for such school district.

1817 **SECTION 46.** Section 37-151-105, Mississippi Code of 1972, is
1818 brought forward as follows:

1819 37-151-105. The State Board of Education shall have the
1820 authority to make such regulations not inconsistent with law which
1821 it deems necessary for the administration of this chapter. The
1822 State Board of Education, if it deems such practice necessary, may
1823 use reports of the first six (6) months of school for the purpose
1824 of determining average daily attendance and the number of pupils
1825 transported for that year.

1826 **SECTION 47.** Section 37-151-107, Mississippi Code of 1972, is
1827 brought forward as follows:

1828 37-151-107. Any superintendent of education, member of the
1829 local school board of any school district, superintendent,
1830 principal, teacher, carrier, bus driver or member or employee of
1831 the State Department of Education or State Board of Education, or
1832 any other person, who shall willfully violate any of the
1833 provisions of this chapter, or who shall willfully make any false
1834 report, list or record, or who shall willfully make use of any
1835 false report, list or record, concerning the number of school
1836 children in average daily attendance or the number of children
1837 being transported or entitled to be transported in any county or
1838 school district, shall be guilty of a misdemeanor and upon
1839 conviction shall be punished by imprisonment in the county jail
1840 for a period not to exceed sixty (60) days or by a fine of not
1841 less than One Hundred Dollars (\$100.00), nor more than Three
1842 Hundred Dollars (\$300.00), or by both such fine and imprisonment,
1843 in the discretion of the court. In addition, any such person
1844 shall be civilly liable for all amounts of public funds which are
1845 illegally, unlawfully or wrongfully expended or paid out by virtue
1846 of or pursuant to such false report, list or record, and upon
1847 conviction or adjudication of civil liability hereunder, such
1848 person shall forfeit his license to teach for a period of three
1849 (3) years, if such person is the holder of such a license. Any
1850 suit to recover such funds illegally, unlawfully or wrongfully
1851 expended or paid out may be brought in the name of the State of
1852 Mississippi by the Attorney General or the proper district
1853 attorney or county attorney, and, in the event such suit be
1854 brought against a person who is under bond, the sureties upon such
1855 bond shall likewise be liable for such amount illegally,
1856 unlawfully or wrongfully expended or paid out.

1857 **SECTION 48.** This act shall take effect and be in force from
1858 and after July 1, 2004.