

By: Representatives Pierce, Broomfield,
Brown, Dickson, Markham, Peranich,
Straughter, Warren, Weathersby

To: Appropriations

HOUSE BILL NO. 1646
(As Passed the House)

1 AN ACT MAKING AN APPROPRIATION FOR THE PURPOSE OF FUNDING
2 K-12 AND OTHER RELATED EDUCATIONAL ACTIVITIES, INCLUDING CERTAIN
3 AGENCIES AND PROGRAMS, IN THE STATE OF MISSISSIPPI, FOR THE FISCAL
4 YEAR 2006.

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

6 **SECTION 1.** The following sums, or so much thereof as may be
7 necessary, are hereby appropriated out of any money in the State
8 General Fund not otherwise appropriated, for the purpose of
9 funding K-12 and other related educational activities, including
10 certain agencies and programs, in the State of Mississippi, for
11 the fiscal year beginning July 1, 2005, and ending June 30, 2006,
12 as follows:

13 (a) To the State Board of Education for the purpose of
14 defraying the expenses of the State Department of Education, and
15 excluding the expenses of the Vocational and Technical Education
16 Division..... \$ 60,550,159.00.

17 (b) To the State Board of Education for the purpose of
18 defraying the expenses of the Vocational and Technical Education
19 Division of the State Department of Education.....
20 \$ 69,324,586.00.

21 (c) To the State Board of Education for the purpose of
22 paying annual compensation to the Chickasaw Cession counties for
23 sixteenth section lands which they lost through sale by the state,
24 as provided in Section 29-3-137 through 29-3-141, Mississippi Code
25 of 1972..... \$ 13,864,410.00.

26 (d) To the State Board of Education for defraying the
27 expenses of the Mississippi Adequate Education Program.....
28 \$ 1,853,548,020.00.

29 (e) To the State Board of Education for the purpose of
30 defraying the expenses of the Mississippi School for the Blind and
31 the Mississippi School for the Deaf..... \$ 9,200,618.00.

32 TOTAL AMOUNT OF STATE GENERAL FUNDS APPROPRIATED
33 BY THIS SECTION BEING..... \$ 2,006,487,793.00.

34 **SECTION 2.** The following sums, or so much thereof as may be
35 necessary, are hereby appropriated out of any money in any special
36 fund in the State Treasury to the credit of the proper fund or
37 funds of the agencies or programs specified in the following
38 paragraphs for the fiscal year beginning July 1, 2005, and ending
39 June 30, 2006, as follows:

40 (a) To the State Board of Education for the purpose of
41 defraying the expenses of the State Department of Education, and
42 excluding the expenses of the Vocational and Technical Education
43 Division..... \$ 671,347,308.00.

44 (b) To the State Board of Education for the purpose of
45 defraying the expenses of the Vocational and Technical Education
46 Division of the State Department of Education.....
47 \$ 24,073,829.00.

48 (c) To the State Board of Education for the purpose of
49 defraying the expenses of the Mississippi Adequate Education
50 Program..... \$ 189,516,708.00.

51 (d) To the State Board of Education for the purpose of
52 defraying the expenses of the Mississippi School for the Blind and
53 the Mississippi School for the Deaf..... \$ 994,031.00.

54 TOTAL AMOUNT OF SPECIAL FUNDS APPROPRIATED
55 BY THIS SECTION BEING..... \$ 885,931,876.00.

56 **SECTION 3.** Of the funds appropriated under the provisions of
57 Section 2 to the State Board of Education, Two Hundred Twenty-one
58 Thousand Nine Hundred Fifty-four Dollars (\$221,954.00), or so much
59 thereof as may be necessary, is appropriated out of any money in
60 the State Treasury to the credit of the Health Care Expendable
61 Fund to the State Department of Education for the purpose of

62 defraying the expenses of the department for the Mississippi Eye
63 Screening Program for providing vision safety services.

64 **SECTION 4.** Of the funds appropriated under the provisions of
65 Section 2 to the State Board of Education, the following sums, or
66 so much thereof as may be necessary, are derived out of any money
67 in the State Treasury to the credit of the Education Enhancement
68 Fund pursuant to Sections 27-65-75 and 27-67-31, Mississippi Code
69 of 1972, as follows:

70 (a) To the State Department of Education, and excluding
71 the expenses of the Vocational and Technical Education Division,
72 for the following purposes:

73	Grants to school districts for capital	
74	facilities and buses.....	\$ 16,000,000.00.
75	Instructional materials.....	\$ 21,826,648.00.
76	Tech prep bond service.....	\$ 3,221,400.00.
77	Implementing Performance Based Data	
78	Collection and Accreditation	
79	Model.....	\$ 274,937.00.
80	World Class Teacher Program.....	\$ 125,000.00.
81	Testing.....	\$ 226,413.00.
82	Education Technology Council.....	\$ 94,082.00.
83	TOTAL.....	\$ 41,768,480.00.

84 (b) To the State Department of Education to defray the
85 expenses of the Vocational and Technical Education Division.....
86 \$ 7,863,746.00.

87 (c) To the State Department of Education to provide
88 funding for the Mississippi Adequate Education Program.....
89 \$119,516,708.00.

90 **SECTION 5.** Of the funds appropriated under the provisions of
91 this act to the State Board of Education, not more than the
92 amounts set forth below shall be expended for the respective major
93 objects or purposes of expenditure for the State Department of

94	Education, and excluding the expenses of the Vocational and		
95	Technical Education Division:		
96	MAJOR OBJECTS OF EXPENDITURE:		
97	Personal Services:		
98	Salaries, Wages and Fringe Benefits..	\$	24,147,282.00
99	Travel and Subsistence.....		1,268,840.00
100	Contractual Services.....		29,014,542.00
101	Commodities.....		5,091,255.00
102	Capital Outlay:		
103	Other Than Equipment.....		1,255,000.00
104	Equipment.....		1,092,000.00
105	Subsidies, Loans and Grants.....		<u>670,028,548.00</u>
106	Total.....	\$	731,897,467.00

107	FUNDING:		
108	General Funds.....	\$	60,550,159.00
109	Special Funds.....		<u>671,347,308.00</u>
110	Total.....	\$	731,897,467.00

111	AUTHORIZED POSITIONS:		
112	Permanent: Full Time.....		452
113	Part Time.....		3
114	Time-Limited: Full Time.....		69
115	Part Time.....		0

116 **SECTION 6.** In compliance with the "Mississippi Performance
117 Budget and Strategic Planning Act of 1994," it is the intent of
118 the Legislature that the funds provided herein shall be utilized
119 in the most efficient and effective manner possible to achieve the
120 intended mission of the State Department of Education, and
121 excluding the expenses of the Vocational and Technical Education
122 Division. Based on the funding authorized, this agency shall make
123 every effort to attain the targeted performance measures provided
124 below:

125		FY2006
126	<u>Performance Measures</u>	<u>Target</u>

127	Special Education	
128	Approved Funding for Children (\$)	87,897,368
129	Teacher Units Approved for Funding (Units)	4,672
130	Child Nutrition	
131	Number of Meals Required (Millions)	121
132	Cost per Meal (\$)	2.28
133	Special Projects	
134	Building Projects Approved (Projects)	0
135	Project Approval Rate (%)	0
136	MS School For Math & Science	
137	Students Enrolled (Persons)	270
138	Cost per Student (\$)	15,717
139	Educational Accountability	
140	Performance Accreditation Visits (Visits)	30
141	Tests Administered (Persons)	468,115
142	Compliance & Performance Reviews (Actions)	25
143	Educational Training & Development	
144	Administrators Trained (Persons)	1,000
145	Administrators Trained (%)	35
146	Technical Assistance to School Districts (%)	92
147	Compensatory Education	
148	Title I Projects Awarded (Programs)	152
149	Average Expenditure per Child (\$)	612
150	Review & Approve Delinquent Prgs (Programs)	5
151	Community & Outreach Services	
152	Requested Available Federal Funding (%)	100
153	MS School Attendance Officers	
154	Resolutions to Referrals (%)	86
155	School Visits (Number of)	25,000
156	MS Teacher Center	
157	Teachers Recruited in Shortage Areas (Number)	1,800
158	A reporting of the degree to which the performance targets	
159	set above have been or are being achieved shall be provided in the	

160 agency's budget request submitted to the Joint Legislative Budget
161 Committee for Fiscal Year 2007.

162 **SECTION 7.** In compliance with the "Mississippi Performance
163 Budget and Strategic Planning Act of 1994," it is the intent of
164 the Legislature that the funds provided herein shall be utilized
165 in the most efficient and effective manner possible to achieve the
166 intended mission of the Mississippi Adequate Education Program.
167 Based on the funding authorized, this agency shall make every
168 effort to attain the targeted performance measures provided below:

	FY2006
<u>Performance Measures</u>	<u>Target</u>
171 Basic Program	
172 Increase the number of students scoring basic	
173 & above on the MS Curriculum Test in	
174 grades 2-8, reading, language & math (%)	2
175 Increase the number of students achieving	
176 the passing score on the History test (%)	8
177 Increase the number of students achieving	
178 the passing score on the Biology test (%)	2
179 Increase the number of students achieving	
180 the passing score on the Algebra test (%)	2
181 Provide 100% funding of the base student cost	100

182 A reporting of the degree to which the performance targets
183 set above have been or are being achieved shall be provided in the
184 agency's budget request submitted to the Joint Legislative Budget
185 Committee for Fiscal Year 2007.

186 **SECTION 8.** Of the funds appropriated in Section 2, Forty-six
187 Million Dollars (\$46,000,000.00) shall be derived from the School
188 Ad Valorem Reduction Fund.

189 No school district shall expend any funds, received under the
190 School Ad Valorem Reduction Grant, unless such school district has
191 specifically identified the amount of said grant within the
192 published budget as required by Section 37-61-9, Mississippi Code

193 of 1972. The published budget shall include the following
194 statement: "Ad Valorem taxes will be \$_____ less as a result
195 of the Ad Valorem Reduction Grants enacted by the Mississippi
196 Legislature in 1992."

197 **SECTION 9.** Of the funds appropriated in Section 2 to the
198 State Board of Education, Two Million One Hundred Thousand Dollars
199 (\$2,100,000.00) shall be derived from the Technology in Classroom
200 Fund 3203 for the purpose of defraying the expenses of the State
201 Department of Education, and excluding the expenses of the
202 Vocational and Technical Education Division.

203 **SECTION 10.** Of the funds appropriated under the provisions
204 of Section 2 to the State Board of Education, funds in the amount
205 of One Million Nine Hundred Eighty-five Thousand Six Hundred
206 Fifty-three Dollars (\$1,985,653.00) shall come from income derived
207 from the principal of the Education Improvement Trust Fund created
208 by Section 206A, Mississippi Constitution of 1890, and One Million
209 Nine Hundred Eighty-five Thousand Six Hundred Fifty-three Dollars
210 (\$1,985,653.00) shall be used for the School for Math and Science.

211 **SECTION 11.** Of the funds appropriated under the provisions
212 of this act to the State Board of Education, not more than the
213 amounts set forth below shall be expended for the respective major
214 objects or purposes of expenditure for the Vocational and
215 Technical Education Division of the State Department of Education:

216 MAJOR OBJECTS OF EXPENDITURE:

217 Personal Services:

218	Salaries, Wages and Fringe Benefits.. \$	2,766,425.00
219	Travel and Subsistence.....	131,000.00
220	Contractual Services.....	1,384,809.00
221	Commodities.....	121,170.00
222	Capital Outlay:	
223	Other Than Equipment.....	0.00
224	Equipment.....	0.00
225	Subsidies, Loans and Grants.....	<u>88,995,011.00</u>

226 Total..... \$ 93,398,415.00
 227 FUNDING:
 228 General Funds..... \$ 69,324,586.00
 229 Special Funds..... 24,073,829.00
 230 Total..... \$ 93,398,415.00

231 AUTHORIZED POSITIONS:
 232 Permanent: Full Time..... 59
 233 Part Time..... 0
 234 Time-Limited: Full Time..... 3
 235 Part Time..... 0

236 **SECTION 12.** In compliance with the "Mississippi Performance
 237 Budget and Strategic Planning Act of 1994," it is the intent of
 238 the Legislature that the funds provided herein shall be utilized
 239 in the most efficient and effective manner possible to achieve the
 240 intended mission of the Vocational and Technical Education
 241 Division of the State Department of Education. Based on the
 242 funding authorized, this agency shall make every effort to attain
 243 the targeted performance measures provided below:

	FY2006
<u>Performance Measures</u>	<u>Target</u>
246 Secondary Programs	
247 Increase in Students Served (%)	1
248 LEAs Served (Sites)	144
249 Post-secondary Programs	
250 Short-Term Students Served (Persons)	679
251 Short-Term Adult Program Classes (Classes)	80
252 Short-Term Cost per Student (\$)	45.00

253 A reporting of the degree to which the performance targets
 254 set above have been or are being achieved shall be provided in the
 255 agency's budget request submitted to the Joint Legislative Budget
 256 Committee for Fiscal Year 2007.

257 **SECTION 13.** Of the funds appropriated under the provisions
 258 of this act to the State Board of Education, an amount not to

259 exceed Two Hundred Twenty-nine Thousand Six Hundred Eighty-four
260 Dollars (\$229,684.00) is authorized for the support of vocational
261 and technical education programs as authorized in Section
262 37-31-13, Mississippi Code of 1972, for a period in excess of ten
263 (10) months in a calendar year.

264 **SECTION 14.** It is the intention of the Legislature that the
265 Vocational and Technical Education Division of the State
266 Department of Education shall, with the funds appropriated in
267 Section 1 to the State Board of Education, transfer no more than
268 One Hundred Thousand Dollars (\$100,000.00) to the Mississippi Soil
269 and Water Conservation Commission for the purpose of providing
270 matching funds to purchase soil conservation equipment.

271 **SECTION 15.** Of the funds appropriated in this act to the
272 State Board of Education, no more than One Hundred Thousand
273 Dollars (\$100,000.00) is provided for the purpose of supporting
274 the Future Farmers of America Center.

275 **SECTION 16.** Of the funds provided in Section 1 to the State
276 Board of Education for the purpose of providing financial
277 assistance for the education of exceptional children as determined
278 under Section 37-23-63, Mississippi Code of 1972, children who are
279 certified by the designated authority as requiring inpatient care
280 in a private intermediate care facility for the mentally retarded
281 or psychiatric residential treatment facility, with Medicaid
282 reimbursement, shall be eligible and entitled to receive state
283 financial assistance under the provisions of Section 37-23-69, in
284 an amount not to exceed Five Thousand Dollars (\$5,000.00) from
285 state funds, per child per school year, if an approved private
286 school is operated as an integral part of the facility which
287 provides twenty-four (24) hours a day monitoring, treatment and
288 education, except that the State Department of Education is
289 authorized to pilot a fee-for-service based cost system for
290 children served through Millcreek Schools, Inc.

291 **SECTION 17.** Of the funds provided in Section 1 to the State
292 Board of Education, One Hundred Eighty-six Thousand Eighty-eight
293 Dollars (\$186,088.00) shall be used to provide for a Director of
294 School Nurses in the State Department of Education and the
295 implementation of three (3) pilot projects for a variety of school
296 health programs in an elementary school setting. Evaluations
297 shall be developed to determine the program's effect to drop-out
298 rates, suspensions, expulsions, attendance and test scores.

299 Income generated by the school-based clinics shall remain
300 available for expenditure by the programs utilizing any special
301 fund authority provided in Section 2 for use by the State
302 Department of Education and the pilots shall remain the same as in
303 Fiscal Year 2005.

304 **SECTION 18.** It is the intention of the Legislature that the
305 State Department of Education shall have the authority to accept,
306 budget and expend any source funds not to exceed Thirty Million
307 Dollars (\$30,000,000.00), that become available to the department
308 to carry out the provisions of those funds in a manner consistent
309 with the rules and regulations of the Department of Finance and
310 Administration.

311 **SECTION 19.** The State Department of Education shall transfer
312 the designated amounts to the appropriate entities, which shall
313 assume full responsibility for the expenditure of these funds in
314 accordance with state laws and accept all responsibility for any
315 improper expenditure. For the following: National Guard Youth
316 Challenge Program, World Class Teacher Programs, USM Special
317 Education Program, Soil and Water Conservation Commission,
318 Mississippi School Boards Association, Mississippi Eye Screening
319 Program-Vision Research Corporation and Very Special Arts, Arts
320 Institute, Jobs for Mississippi Graduates, and Mississippi
321 Symphony, University of Southern Mississippi Safe Schools Program,
322 Mississippi State University Center for Education Design, Writing
323 and Thinking Institute and Greater Columbus Early Learning Center.

324 **SECTION 20.** Of the funds appropriated under the provisions
325 of this act to the State Board of Education, the amount of Two
326 Hundred Seventeen Thousand One Hundred Eleven Dollars
327 (\$217,111.00) is provided for the Walnut Grove Correctional
328 Facility.

329 **SECTION 21.** Of the funds appropriated in Section 1 to the
330 State Board of Education, the amounts of Two Hundred Seventeen
331 Thousand One Hundred Eleven Dollars (\$217,111.00) is provided for
332 the Writing and Thinking Institute and Fifty-seven Thousand Eight
333 Hundred Twenty-five Dollars (\$57,825.00) is provided for the Very
334 Special Arts Program.

335 **SECTION 22.** Of the funds appropriated in this act to the
336 State Board of Education, an amount not to exceed Six Hundred
337 Fifty Thousand Dollars (\$650,000.00) shall be used for
338 technological methods for agricultural programs from the
339 Vocational and Technical Education Division of the State
340 Department of Education.

341 **SECTION 23.** Of the funds appropriated in Section 1 to the
342 State Board of Education, an amount not to exceed Eight Hundred
343 Fourteen Thousand Five Hundred Sixteen Dollars (\$814,516.00) shall
344 be transferred from the State Department of Education to the
345 Mississippi National Guard for the support of the Youth Challenge
346 Program at Camp Shelby.

347 **SECTION 24.** Of the funds appropriated under Section 1 to the
348 State Board of Education, the sum of Sixty-two Thousand One
349 Hundred Ninety-one Dollars (\$62,191.00), which is the aggregate
350 sum that the school districts in the Chickasaw Cession receive
351 annually from interest payments from the Chickasaw School Fund
352 under Section 212, Mississippi Constitution of 1890, shall be
353 deducted from the allocations to the school districts as provided
354 in Section 29-3-137, Mississippi Code of 1972, and shall be
355 distributed among the school districts in the Chickasaw Cession by

356 the State Department of Education in the manner that such interest
357 payments were distributed during Fiscal Year 1985.

358 **SECTION 25.** Of the funds provided in this act to the State
359 Board of Education for the purpose of funding the Mississippi
360 Adequate Education Program as determined under Section 37-151-7,
361 Mississippi Code of 1972, the base student cost in Fiscal Year
362 2006 shall be Four Thousand One Hundred Sixty-three Dollars
363 (\$4,163.00).

364 **SECTION 26.** Of the funds appropriated in this act to the
365 State Board of Education, an amount not more than Fifty Million
366 Dollars (\$50,000,000.00) shall be derived from the Interim School
367 District Capital Expenditure Fund for the benefit of the school
368 districts as authorized in Mississippi Code Annotated, Section
369 37-151-7 (5).

370 **SECTION 27.** Of the funds appropriated in this act to the
371 State Board of Education, it is the intention of the Legislature
372 that Twenty Million Dollars (\$20,000,000.00) from the Public
373 School Building Fund shall be used for the Mississippi Adequate
374 Education Program.

375 **SECTION 28.** Of the funds appropriated under the provisions
376 of this act to the State Board of Education, not more than the
377 amounts set forth below shall be expended for the respective major
378 objects or purposes of expenditure for the Mississippi School for
379 the Blind and the Mississippi School for the Deaf:

380 MAJOR OBJECTS OF EXPENDITURE:

381 Personal Services:

382 Salaries, Wages and Fringe Benefits.. \$	8,255,761.00
383 Travel and Subsistence.....	30,000.00
384 Contractual Services.....	1,496,984.00
385 Commodities.....	307,689.00

386 Capital Outlay:

387 Other Than Equipment.....	5,400.00
388 Equipment.....	98,280.00

389	Subsidies, Loans and Grants.....		<u>535.00</u>
390	Total.....	\$	10,194,649.00
391	FUNDING:		
392	General Funds.....	\$	9,200,618.00
393	Special Funds.....		<u>994,031.00</u>
394	Total.....	\$	10,194,649.00

395 AUTHORIZED POSITIONS:

396	Permanent:	Full Time.....	194
397		Part Time.....	24
398	Time-Limited:	Full Time.....	1
399		Part Time.....	0

400 None of the funds provided in this act to the State Board of
401 Education shall be expended to hire any person on a contractual
402 basis, for any period for any purpose, without the express prior
403 approval of the State Personnel Director. The State Personnel
404 Director shall consider, in approving such contracts, the
405 availability of funds, the need for services, compliance with the
406 State Compensation Plan and the qualifications of the persons
407 offering to perform the services. The State Fiscal Officer shall
408 not pay any warrant that is in violation of this section.

409 **SECTION 29.** With the funds provided in this act to the State
410 Board of Education, it is the intention of the Legislature that
411 the academic teachers at the Mississippi School for the Deaf and
412 the Mississippi School for the Blind shall receive their annual
413 increment.

414 **SECTION 30.** It is the intention of the Legislature that the
415 State Department of Education is authorized to escalate or
416 reescalate for Time-Limited positions where federal or special
417 fund grants are available to fund such positions.

418 **SECTION 31.** It is the intention of the Legislature that no
419 State General Funds authorized to be expended in this act shall be
420 used to replace federal funds and/or other special funds which are

421 being used for salaries authorized under the provisions of this
422 act and which are withdrawn and no longer available.

423 With respect to agency programs whose operation is dependent
424 on the receipt of federal funds, it is the intent of the
425 Legislature, except as hereinafter provided, that no funds from
426 the State General Fund be expended to administer, support or in
427 any way continue such programs should federal funds for their
428 operation be reduced or become unavailable and that no funds from
429 the State General Fund available for expenditure under this act
430 shall be used to replace federal funds in any major object of
431 expenditure.

432 With the funds herein appropriated to the State Board of
433 Education, it is the intention of the Legislature that it shall be
434 the agency's responsibility to make certain that funds required to
435 be appropriated for "Personal Services" for Fiscal Year 2007 do
436 not exceed Fiscal Year 2006 funds appropriated for that purpose,
437 unless programs or positions are added to the agency's Fiscal Year
438 2007 budget by the Mississippi Legislature. Based on data
439 provided by the Legislative Budget Office, the State Personnel
440 Board shall determine and publish the projected annual cost to
441 fully fund all appropriated positions in compliance with the
442 provisions of this act. It shall be the responsibility of the
443 agency head to insure that no single personnel action increases
444 this projected annual cost and/or the Fiscal Year 2006
445 appropriation for "Personal Services" when annualized, with the
446 exception of escalated funds. If, at the time the agency takes
447 any action to change "Personal Services," the State Personnel
448 Board determines that the agency has taken an action which would
449 cause the agency to exceed this projected annual cost or the
450 Fiscal Year 2006 "Personal Services" appropriated level, when
451 annualized, then only those actions which reduce the projected
452 annual cost and/or the appropriation requirement will be processed

453 by the State Personnel Board until such time as the requirements
454 of this provision are met.

455 Any transfers or escalations shall be made in accordance with
456 the terms, conditions and procedures established by law or
457 allowable under the terms set forth within this act. The State
458 Personnel Board shall not escalate positions without written
459 approval from the Department of Finance and Administration. The
460 Department of Finance and Administration shall not provide written
461 approval to escalate any funds for salaries and/or positions
462 without proof of availability of new or additional funds above the
463 appropriated level.

464 **SECTION 32.** It is the intention of the Legislature that the
465 State Board of Education shall maintain complete accounting and
466 personnel records related to the expenditure of all funds
467 appropriated under the provisions of this act and that such
468 records shall be in the same format and level of details as
469 maintained for Fiscal Year 2005. It is further the intention of
470 the Legislature that the budget requests for Fiscal Year 2007
471 shall be submitted to the Joint Legislative Budget Committee in a
472 format and level of detail comparable to the format and level of
473 detail provided during the Fiscal Year 2006 budget request process
474 for each agency and institution appropriated funds within the
475 provisions of this act.

476 **SECTION 33.** The money herein appropriated shall be paid by
477 the State Treasurer out of any money in the proper fund or funds
478 as set forth in this act, upon warrants issued by the State Fiscal
479 Officer; and the State Fiscal Officer shall issue his warrants
480 upon requisitions signed by the proper person, officer or officers
481 in the manner provided by law.

482 **SECTION 34.** This act shall take effect and be in force from
483 and after July 1, 2005.