

By: Senator(s) Tollison, Burton, Hill, Blount, Browning, Butler (36th), Butler (38th), Clarke, Doty, Gandy, Gollott, Hale, Hopson, Hudson, Jackson (15th), Jackson (11th), Jordan, Longwitz, Massey, McDaniel, Montgomery, Moran, Parks, Simmons (12th), Smith, Sojourner, Stone, Tindell, Ward, Watson, Wiggins

To: Education; Appropriations

SENATE BILL NO. 2792
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 37-15-38, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE STUDENTS TO DUALY ENROLL IN THEIR HOME HIGH SCHOOL
3 AND A LOCAL COMMUNITY COLLEGE IN A DUAL CREDIT PROGRAM CONSISTING
4 OF HIGH SCHOOL COMPLETION COURSES AND A WORK SKILLS CERTIFICATE
5 PROGRAM; TO ESTABLISH THIS DUAL CREDIT OPTION ON A PILOT PROGRAM
6 BASIS TO BE IMPLEMENTED STATEWIDE IN THE 2013-2014 SCHOOL YEAR; TO
7 PRESCRIBE THE COMPONENTS OF THE DUAL CREDIT OPTION PROGRAM; TO
8 AMEND SECTIONS 37-151-5 AND 37-151-7, MISSISSIPPI CODE OF 1972, TO
9 PROVIDE STATE FUNDING UNDER THE MISSISSIPPI ADEQUATE EDUCATION
10 PROGRAM FOR THE DUAL CREDIT PROGRAM; TO REQUIRE THE COUNTY TAX
11 ASSESSORS TO ANNUALLY SUBMIT TO THE STATE DEPARTMENT OF EDUCATION
12 CERTAIN INFORMATION RELATING TO THE ASSESSED VALUE OF PROPERTY
13 WHICH IS USED BY THE DEPARTMENT IN DETERMINING THE AMOUNT THAT
14 EACH SCHOOL DISTRICT MUST CONTRIBUTE TOWARD THE COST OF THE
15 MISSISSIPPI ADEQUATE EDUCATION PROGRAM; TO REQUIRE THE STATE
16 DEPARTMENT OF EDUCATION TO MAKE A FORM AVAILABLE TO THE TAX
17 ASSESSORS FOR THE SUBMISSION OF THE REPORTS; AND FOR RELATED
18 PURPOSES.

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

20 **SECTION 1.** Section 37-15-38, Mississippi Code of 1972, is
21 amended as follows:

22 37-15-38. (1) The following phrases have the meanings
23 ascribed in this section unless the context clearly requires
24 otherwise:

25 (a) A dual enrolled student is a student who is
26 enrolled in a community or junior college or state institution of
27 higher learning while enrolled in high school.

28 (b) A dual credit student is a student who is enrolled
29 in a community or junior college or state institution of higher
30 learning while enrolled in high school and who is receiving high
31 school and college credit for postsecondary coursework.

32 (2) A local school board, the Board of Trustees of State
33 Institutions of Higher Learning and the State Board for
34 Community * * * Colleges shall establish a dual enrollment system



35 under which students in the school district who meet the
36 prescribed criteria of this section may be enrolled in a
37 postsecondary institution in Mississippi while they are still in
38 school.

39 (3) **Dual credit eligibility.** Before credits earned by a
40 qualified high school student from a community or junior college
41 or state institution of higher learning may be transferred to the
42 student's home school district, the student must be properly
43 enrolled in a dual enrollment program.

44 (4) **Admission criteria for dual enrollment in community and**
45 **junior college or university programs.** The boards of trustees of
46 the community and junior college districts and the Board of
47 Trustees of State Institutions of Higher Learning may recommend to
48 the State Board of Education admission criteria for dual
49 enrollment programs under which high school students may enroll at
50 a community or junior college or university while they are still
51 attending high school and enrolled in high school courses.
52 Students may be admitted to enroll in community or junior college
53 courses under the dual enrollment programs if they meet that
54 individual institution's stated dual enrollment admission
55 requirements.

56 (5) **Tuition and cost responsibility.** Tuition and costs for
57 university-level courses and community and junior college courses
58 offered under a dual enrollment program may be paid for by the
59 postsecondary institution, the local school district, the parents
60 or legal guardians of the student, or by grants, foundations or
61 other private or public sources. Payment for tuition and any
62 other costs must be made directly to the credit-granting
63 institution.

64 (6) **Transportation responsibility.** Any transportation
65 required by a student to participate in the dual enrollment
66 program is the responsibility of the parent, custodian or legal
67 guardian of the student. Transportation costs may be paid from



68 any available public or private sources, including the local
69 school district.

70 (7) **School district average daily attendance credit.** When
71 dually enrolled, the student may be counted, for adequate
72 education program funding purposes, in the average daily
73 attendance of the public school district in which the student
74 attends high school.

75 (8) **High school student transcript transfer requirements.**
76 Grades and college credits earned by a student admitted to a dual
77 credit program must be recorded on the high school student record
78 and on the college transcript at the university or community or
79 junior college and high school where the student attends classes.
80 The transcript of the university or community or junior college
81 coursework may be released to another institution or applied
82 toward college graduation requirements.

83 (9) **Determining factor of prerequisites for dual enrollment**
84 **courses.** Each university and community or junior college
85 participating in a dual enrollment program shall determine course
86 prerequisites. Course prerequisites shall be the same for dual
87 enrolled students as for regularly enrolled students at that
88 university or community or junior college.

89 (10) **Process for determining articulation of curriculum**
90 **between high school, university, and community and junior college**
91 **courses.** All dual credit courses must meet the standards
92 established at the postsecondary level. Postsecondary level
93 developmental courses may not be considered as meeting the
94 requirements of the dual credit program. Dual credit memorandum
95 of understandings must be established between each postsecondary
96 institution and the school district implementing a dual credit
97 program.

98 (11) **Ineligible courses for dual credit programs.** Any
99 course that is required for subject area testing as a requirement



100 for graduation from a public school in Mississippi is not eligible
101 for dual credit.

102 (12) **Eligible courses for dual credit programs.** Courses
103 eligible for dual credit include, but are not necessarily limited
104 to, foreign languages, advanced math courses, advanced science
105 courses, performing arts, advanced business and technology, and
106 career and technical courses. All courses being considered for
107 dual credit must receive unconditional approval from the
108 superintendent of the local school district and the chief
109 instructional officer at the participating community or junior
110 college or university in order for college credit to be awarded.
111 A university or community or junior college shall make the final
112 decision on what courses are eligible for semester hour
113 credits. * * *

114 (13) **High school Carnegie unit equivalency.** One (1)
115 three-hour university or community or junior college course is
116 equal to one (1) high school Carnegie unit. * * *

117 (14) **Course alignment.** * * * The universities, community
118 and junior colleges and the State Department of Education shall
119 periodically review their respective policies and assess the place
120 of dual credit courses within the context of their traditional
121 offerings.

122 (15) **Maximum dual credits allowed.** It is the intent of the
123 dual enrollment program to make it possible for every eligible
124 student who desires to earn a semester's worth of college credit
125 in high school to do so. A qualified dually enrolled high school
126 student must be allowed to earn an unlimited number of college or
127 university credits for dual credit.

128 (16) **Dual credit program allowances.** A student may be
129 granted credit delivered through the following means:

130 (a) Examination preparation taught at a high school by
131 a qualified teacher. A student may receive credit at the
132 secondary level after completion of an approved course and passing



133 the standard examination, such as an Advanced Placement or
134 International Baccalaureate course through which a high school
135 student is allowed CLEP credit by making a three (3) or higher on
136 the end-of-course examination.

137 (b) College or university courses taught at a high
138 school or designated postsecondary site by a qualified teacher who
139 is an employee of the school district and approved as an
140 instructor by the collaborating college or university.

141 (c) College or university courses taught at a college,
142 university or high school by an instructor employed by the college
143 or university and approved by the collaborating school district.

144 (d) Online courses of any public university, community
145 or junior college in Mississippi.

146 (17) **Qualifications of dual credit instructors.** A dual
147 credit academic instructor must meet the requirements set forth by
148 the regional accrediting association (Southern Association of
149 College and Schools). University and community and junior college
150 personnel have the sole authority in the selection of dual credit
151 instructors.

152 A dual credit career and technical education instructor must
153 meet the requirements set forth by the State Board for Community
154 and Junior Colleges in the qualifications manual for postsecondary
155 career and technical personnel.

156 (18) **Guidance on local agreements.** The Chief Academic
157 Officer of the State Board of Trustees of State Institutions of
158 Higher Learning and the Chief Instructional Officers of the State
159 Board for Community and Junior Colleges and the State Department
160 of Education, working collaboratively, shall develop a template to
161 be used by the individual community and junior colleges and
162 institutions of higher learning for consistent implementation of
163 the dual enrollment program throughout the State of Mississippi.

164 (19) **Mississippi Works Dual Enrollment-Dual Credit Option.**

165 A local school board and the local community colleges board shall



166 establish a Mississippi Works Dual Enrollment-Dual Credit Option
167 Program under which potential or recent student dropouts may
168 dually enroll in their home school and a local community college
169 in a dual credit program consisting of high school completion
170 coursework and a community college credential, certificate or
171 degree program. Students completing the dual enrollment-credit
172 option may obtain their high school diploma while obtaining a
173 community college credential, certificate or degree. The
174 Mississippi Department of Employment Security shall assist
175 students who have successfully completed the Mississippi Works
176 Dual Enrollment-Dual Credit Option in securing a job upon the
177 application of the student or the participating school or
178 community college. The Mississippi Works Dual Enrollment-Dual
179 Credit Option Program will be implemented statewide in the
180 2012-2013 school year and thereafter. The State Board of
181 Education, local school board and the local community college
182 board shall establish criteria for the Dual Enrollment-Dual Credit
183 Program. Students enrolled in the program will not be eligible to
184 participate in interscholastic sports or other extracurricular
185 activities at the home school district. Tuition and costs for
186 community college courses offered under the Dual Enrollment-Dual
187 Credit Program shall not be charged to the student, parents or
188 legal guardians. When dually enrolled, the student shall be
189 counted for adequate education program funding purposes, in the
190 average daily attendance of the public school district in which
191 the student attends high school, as provided in Section
192 37-151-7(1) (a). Any transportation required by the student to
193 participate in the Dual Enrollment-Dual Credit Program is the
194 responsibility of the parent or legal guardian of the student, and
195 transportation costs may be paid from any available public or
196 private sources, including the local school district. Grades and
197 college credits earned by a student admitted to this Dual
198 Enrollment-Dual Credit Program shall be recorded on the high



199 school student record and on the college transcript at the
200 community college and high school where the student attends
201 classes. The transcript of the community college coursework may
202 be released to another institution or applied toward college
203 graduation requirements. Any course that is required for subject
204 area testing as a requirement for graduation from a public school
205 in Mississippi is eligible for dual credit, and courses eligible
206 for dual credit shall also include career, technical and degree
207 program courses. All courses eligible for dual credit shall be
208 approved by the superintendent of the local school district and
209 the chief instructional officer at the participating community
210 college in order for college credit to be awarded. A community
211 college shall make the final decision on what courses are eligible
212 for semester hour credits and the local school superintendent,
213 subject to approval by the Mississippi Department of Education,
214 shall make the final decision on the transfer of college courses
215 credited to the student's high school transcript.

216 **SECTION 2.** Section 37-151-5, Mississippi Code of 1972, is
217 amended as follows:

218 37-151-5. As used in Sections 37-151-5 and 37-151-7:

219 (a) "Adequate program" or "adequate education program"
220 or "Mississippi Adequate Education Program (MAEP)" shall mean the
221 program to establish adequate current operation funding levels
222 necessary for the programs of such school district to meet at
223 least a successful Level III rating of the accreditation system as
224 established by the State Board of Education using current
225 statistically relevant state assessment data.

226 (b) "Educational programs or elements of programs not
227 included in the adequate education program calculations, but which
228 may be included in appropriations and transfers to school
229 districts" shall mean:

230 (i) "Capital outlay" shall mean those funds used
231 for the constructing, improving, equipping, renovating or major



232 repairing of school buildings or other school facilities, or the
233 cost of acquisition of land whereon to construct or establish such
234 school facilities.

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

239 (iii) "Adult education" shall mean public
240 education dealing primarily with students above eighteen (18)
241 years of age not enrolled as full-time public school students and
242 not classified as students of technical schools, colleges or
243 universities of the state.

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

247 (c) "Base student" shall mean that student
248 classification that represents the most economically educated
249 pupil in a school system meeting the definition of successful, as
250 determined by the State Board of Education.

251 (d) "Base student cost" shall mean the funding level
252 necessary for providing an adequate education program for one (1)
253 base student, subject to any minimum amounts prescribed in Section
254 37-151-7(1).

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

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

261 (ii) "Vocational or technical education program"
262 shall mean a secondary vocational or technical program approved by
263 the State Department of Education and provided for from state
264 funds.



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

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

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

276 (vi) "Extended school year programs" shall mean
277 those programs authorized by law which extend beyond the normal
278 school year.

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

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

284 (f) "Teacher" shall include any employee of a local
285 school who is required by law to obtain a teacher's license from
286 the State Board of Education and who is assigned to an
287 instructional area of work as defined by the State Department of
288 Education.

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

291 (h) "Superintendent" shall mean the head of a school
292 district.

293 (i) "School district" shall mean any type of school
294 district in the State of Mississippi, and shall include
295 agricultural high schools.

296 (j) "Minimum school term" shall mean a term of at least
297 one hundred eighty (180) days of school in which both teachers and



298 pupils are in regular attendance for scheduled classroom
299 instruction for not less than sixty percent (60%) of the normal
300 school day. It is the intent of the Legislature that any tax
301 levies generated to produce additional local funds required by any
302 school district to operate school terms in excess of one hundred
303 seventy-five (175) days shall not be construed to constitute a new
304 program for the purposes of exemption from the limitation on tax
305 revenues as allowed under Sections 27-39-321 and 37-57-107 for new
306 programs mandated by the Legislature.

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

311 (l) The term "transported children" shall mean children
312 being transported to school who live within legal limits for
313 transportation and who are otherwise qualified for being
314 transported to school at public expense as fixed by Mississippi
315 state law.

316 (m) The term "year of teaching experience" shall mean
317 nine (9) months of actual teaching in the public or private
318 schools. In no case shall more than one (1) year of teaching
319 experience be given for all services in one (1) calendar or school
320 year. In determining a teacher's experience, no deduction shall
321 be made because of the temporary absence of the teacher because of
322 illness or other good cause, and the teacher shall be given credit
323 therefor. Beginning with the 2003-2004 school year, the State
324 Board of Education shall fix a number of days, not to exceed
325 forty-five (45) consecutive school days, during which a teacher
326 may not be under contract of employment during any school year and
327 still be considered to have been in full-time employment for a
328 regular scholastic term. If a teacher exceeds the number of days
329 established by the State Board of Education that a teacher may not
330 be under contract but may still be employed, that teacher shall



331 not be credited with a year of teaching experience. In
332 determining the experience of school librarians, each complete
333 year of continuous, full-time employment as a professional
334 librarian in a public library in this or some other state shall be
335 considered a year of teaching experience. If a full-time school
336 administrator returns to actual teaching in the public schools,
337 the term "year of teaching experience" shall include the period of
338 time he or she served as a school administrator. In determining
339 the salaries of teachers who have experience in any branch of the
340 military, the term "year of teaching experience" shall include
341 each complete year of actual classroom instruction while serving
342 in the military. In determining the experience of speech-language
343 pathologists and audiologists, each complete year of continuous
344 full-time post master's degree employment in an educational
345 setting in this or some other state shall be considered a year of
346 teaching experience. Provided, however, that school districts are
347 authorized, in their discretion, to negotiate the salary levels
348 applicable to certificated employees employed after July 1, 2009,
349 who are receiving retirement benefits from the retirement system
350 of another state, and the annual experience increment provided in
351 Section 37-19-7 shall not be applicable to any such retired
352 certificated employee.

353 (n) The term "average daily attendance" shall be the
354 figure which results when the total aggregate attendance during
355 the period or months counted is divided by the number of days
356 during the period or months counted upon which both teachers and
357 pupils are in regular attendance for scheduled classroom
358 instruction less the average daily attendance for self-contained
359 special education classes and, prior to full implementation of the
360 adequate education program the department shall deduct the average
361 daily attendance for the alternative school program provided for
362 in Section 37-19-22.



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

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

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

373 (r) "Department" shall mean the State Department of
374 Education.

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

377 (t) The term "successful school district" shall mean a
378 Level III school district as designated by the State Board of
379 Education using current statistically relevant state assessment
380 data.

381 (u) "Dual enrollment-dual credit programs" shall mean
382 programs for potential or recent high school student dropouts to
383 dually enroll in their home high school and a local community
384 college in a dual credit program consisting of high school
385 completion coursework and a credential, certificate or degree
386 program at the community college, as provided in Section
387 37-15-38(19).

388 **SECTION 3.** Section 37-151-7, Mississippi Code of 1972, is
389 amended as follows:

390 37-151-7. The annual allocation to each school district for
391 the operation of the adequate education program shall be
392 determined as follows:

393 (1) **Computation of the basic amount to be included for**
394 **current operation in the adequate education program.** The



395 following procedure shall be followed in determining the annual
396 allocation to each school district:

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

398 Effective with fiscal year 2011, the State Department of Education
399 shall determine the percentage change from the prior year of each
400 year of each school district's average of months two (2) and three
401 (3) average daily attendance (ADA) for the three (3) immediately
402 preceding school years of the year for which funds are being
403 appropriated. For any school district that experiences a positive
404 growth in the average of months two (2) and three (3) ADA each
405 year of the three (3) years, the average percentage growth over
406 the three-year period shall be multiplied times the school
407 district's average of months two (2) and three (3) ADA for the
408 year immediately preceding the year for which MAEP funds are being
409 appropriated. The resulting amount shall be added to the school
410 district's average of months two (2) and three (3) ADA for the
411 year immediately preceding the year for which MAEP funds are being
412 appropriated to arrive at the ADA to be used in determining a
413 school district's MAEP allocation. Otherwise, months two (2) and
414 three (3) ADA for the year immediately preceding the year for
415 which MAEP funds are being appropriated will be used in
416 determining a school district's MAEP allocation. In any fiscal
417 year prior to 2010 in which the MAEP formula is not fully funded,
418 for those districts that do not demonstrate a three-year positive
419 growth in months two (2) and three (3) ADA, months one (1) through
420 nine (9) ADA of the second preceding year for which funds are
421 being appropriated or months two (2) and three (3) ADA of the
422 preceding year for which funds are being appropriated, whichever
423 is greater, shall be used to calculate the district's MAEP
424 allocation. The district's average daily attendance shall be
425 computed and currently maintained in accordance with regulations
426 promulgated by the State Board of Education. The district's
427 average daily attendance shall include any student enrolled in a



428 Dual Enrollment-Dual Credit Program as defined and provided in
429 Section 37-15-38(19). The State Department of Education shall
430 make payments for Dual Enrollment-Dual Credit Programs to the home
431 school in which the student is enrolled, in accordance with
432 regulations promulgated by the State Board of Education. The
433 community college providing services to students in a Dual
434 Enrollment-Dual Credit Program shall require payment from the home
435 school district for services provided to such students at a rate
436 of one hundred percent (100%) of ADA. All MAEP/state funding
437 shall cease upon completion of high school graduation
438 requirements.

439 (b) **Determination of base student cost.** Effective with
440 fiscal year 2011 and every fourth fiscal year thereafter, the
441 State Board of Education, on or before August 1, with adjusted
442 estimate no later than January 2, shall submit to the Legislative
443 Budget Office and the Governor a proposed base student cost
444 adequate to provide the following cost components of educating a
445 pupil in a successful school district: (i) Instructional Cost;
446 (ii) Administrative Cost; (iii) Operation and Maintenance of
447 Plant; and (iv) Ancillary Support Cost. For purposes of these
448 calculations, the Department of Education shall utilize financial
449 data from the second preceding year of the year for which funds
450 are being appropriated.

451 For the instructional cost component, the Department of
452 Education shall select districts that have been identified as
453 instructionally successful and have a ratio of a number of
454 teachers per one thousand (1,000) students that is between one (1)
455 standard deviation above the mean and two (2) standard deviations
456 below the mean of the statewide average of teachers per one
457 thousand (1,000) students. The instructional cost component shall
458 be calculated by dividing the latest available months one (1)
459 through nine (9) ADA into the instructional expenditures of these
460 selected districts. For the purpose of this calculation, the



461 Department of Education shall use the following funds, functions
462 and objects:

463 Fund 1120 Functions 1110-1199 Objects 100-999, Functions
464 1210, 1220, 2150-2159 Objects 210 and 215;

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

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

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

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

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

470 Prior to the calculation of the instructional cost component,
471 there shall be subtracted from the above expenditures any revenue
472 received for Chickasaw Cession payments, Master Teacher
473 Certification payments and the district's portion of state revenue
474 received from the MAEP at-risk allocation.

475 For the administrative cost component, the Department of
476 Education shall select districts that have been identified as
477 instructionally successful and have a ratio of an administrative
478 staff to nonadministrative staff between one (1) standard
479 deviation above the mean and two (2) standard deviations below the
480 mean of the statewide average administrative staff to
481 nonadministrative staff. The administrative cost component shall
482 be calculated by dividing the latest available months one (1)
483 through nine (9) ADA of the selected districts into the
484 administrative expenditures of these selected districts. For the
485 purpose of this calculation, the Department of Education shall use
486 the following funds, functions and objects:

487 Fund 1120 Functions 2300-2599, Functions 2800-2899,
488 Objects 100-999;

489 Fund 2711 Functions 2300-2599, Functions 2800-2899,
490 Objects 100-999.

491 For the plant and maintenance cost component, the Department
492 of Education shall select districts that have been identified as
493 instructionally successful and have a ratio of plant and



494 maintenance expenditures per one hundred thousand (100,000) square
495 feet of building space and a ratio of maintenance workers per one
496 hundred thousand (100,000) square feet of building space that are
497 both between one (1) standard deviation above the mean and two (2)
498 standard deviations below the mean of the statewide average. The
499 plant and maintenance cost component shall be calculated by
500 dividing the latest available months one (1) through nine (9) ADA
501 of the selected districts into the plant and maintenance
502 expenditures of these selected districts. For the purpose of this
503 calculation, the Department of Education shall use the following
504 funds, functions and objects:

505 Fund 1120 Functions 2600-2699, Objects 100-699
506 and Objects 800-999;
507 Fund 2711 Functions 2600-2699, Objects 100-699
508 and Objects 800-999;
509 Fund 2430 Functions 2600-2699, Objects 100-699
510 and Objects 800-999.

511 For the ancillary support cost component, the Department of
512 Education shall select districts that have been identified as
513 instructionally successful and have a ratio of a number of
514 librarians, media specialists, guidance counselors and
515 psychologists per one thousand (1,000) students that is between
516 one (1) standard deviation above the mean and two (2) standard
517 deviations below the mean of the statewide average of librarians,
518 media specialists, guidance counselors and psychologists per one
519 thousand (1,000) students. The ancillary cost component shall be
520 calculated by dividing the latest available months one (1) through
521 nine (9) ADA into the ancillary expenditures instructional
522 expenditures of these selected districts. For the purpose of this
523 calculation, the Department of Education shall use the following
524 funds, functions and objects:

525 Fund 1120 Functions 2110-2129, Objects 100-999;
526 Fund 1120 Functions 2140-2149, Objects 100-999;



527 Fund 1120 Functions 2220-2229, Objects 100-999;
528 Fund 2001 Functions 2100-2129, Objects 100-999;
529 Fund 2001 Functions 2140-2149, Objects 100-999;
530 Fund 2001 Functions 2220-2229, Objects 100-999.

531 The total base cost for each year shall be the sum of the
532 instructional cost component, administrative cost component, plant
533 and maintenance cost component and ancillary support cost
534 component, and any estimated adjustments for additional state
535 requirements as determined by the State Board of Education.

536 Provided, however, that the base student cost in fiscal year 1998
537 shall be Two Thousand Six Hundred Sixty-four Dollars (\$2,664.00).

538 For each of the fiscal years between the recalculation of the
539 base student cost under the provisions of this paragraph (b), the
540 base student cost shall be increased by an amount equal to forty
541 percent (40%) of the base student cost for the previous fiscal
542 year, multiplied by the latest annual rate of inflation for the
543 State of Mississippi as determined by the State Economist, plus
544 any adjustments for additional state requirements such as, but not
545 limited to, teacher pay raises and health insurance premium
546 increases.

547 (c) **Determination of the basic adequate education**

548 **program cost.** The basic amount for current operation to be
549 included in the Mississippi Adequate Education Program for each
550 school district shall be computed as follows:

551 Multiply the average daily attendance of the district by the
552 base student cost as established by the Legislature, which yields
553 the total base program cost for each school district.

554 (d) **Adjustment to the base student cost for at-risk**

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



560 school lunch program in such school district, which yields the
561 total adjustment for at-risk pupil programs for such school
562 district.

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

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

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

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

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

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

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

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

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



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

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

598 The total Mississippi Adequate Education Program cost shall be the
599 sum of the total basic adequate education program cost (paragraph
600 (c)), and the adjustment to the base student cost for at-risk
601 pupils (paragraph (d)) for each school district. In any year in
602 which the MAEP is not fully funded, the Legislature shall direct
603 the Department of Education in the K-12 appropriation bill as to
604 how to allocate MAEP funds to school districts for that year.

605 (g) The State Auditor shall annually verify the State
606 Board of Education's estimated calculations for the Mississippi
607 Adequate Education Program that are submitted each year to the
608 Legislative Budget Office on August 1 and the final calculation
609 that is submitted on January 2.

610 (2) **Computation of the required local revenue in support of**
611 **the adequate education program.** The amount that each district
612 shall provide toward the cost of the adequate education program
613 shall be calculated as follows:

614 (a) The State Department of Education shall certify to
615 each school district that twenty-eight (28) mills, less the
616 estimated amount of the yield of the School Ad Valorem Tax
617 Reduction Fund grants as determined by the State Department of
618 Education, is the millage rate required to provide the district
619 required local effort for that year, or twenty-seven percent (27%)
620 of the basic adequate education program cost for such school
621 district as determined under paragraph (c), whichever is a lesser
622 amount. In the case of an agricultural high school, the millage
623 requirement shall be set at a level which generates an equitable
624 amount per pupil to be determined by the State Board of Education.



625 (b) The State Department of Education shall determine
626 the following from the annual assessment information submitted to
627 the department by the tax assessors of the various counties: (i)
628 the total assessed valuation of nonexempt property for school
629 purposes in each school district; (ii) assessed value of exempt
630 property owned by homeowners aged sixty-five (65) or older or
631 disabled as defined in Section 27-33-67(2), Mississippi Code of
632 1972; (iii) the school district's tax loss from exemptions
633 provided to applicants under the age of sixty-five (65) and not
634 disabled as defined in Section 27-33-67(1), Mississippi Code of
635 1972; and (iv) the school district's homestead reimbursement
636 revenues.

637 (c) The amount of the total adequate education program
638 funding which shall be contributed by each school district shall
639 be the sum of the ad valorem receipts generated by the millage
640 required under this subsection plus the following local revenue
641 sources for the appropriate fiscal year which are or may be
642 available for current expenditure by the school district:

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

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

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

649 (a) The required state effort in support of the
650 adequate education program shall be determined by subtracting the
651 sum of the required local tax effort as set forth in subsection
652 (2) (a) of this section and the other local revenue sources as set
653 forth in subsection (2) (c) of this section in an amount not to
654 exceed twenty-seven percent (27%) of the total projected adequate
655 education program cost as set forth in subsection (1) (f) of this
656 section from the total projected adequate education program cost
657 as set forth in subsection (1) (f) of this section.



658 (b) Provided, however, that in fiscal year 1998 and in
659 the fiscal year in which the adequate education program is fully
660 funded by the Legislature, any increase in the said state
661 contribution to any district calculated under this section shall
662 be not less than eight percent (8%) in excess of the amount
663 received by said district from state funds for the fiscal year
664 immediately preceding. For purposes of this paragraph (b), state
665 funds shall include minimum program funds less the add-on
666 programs, State Uniform Millage Assistance Grant Funds, Education
667 Enhancement Funds appropriated for Uniform Millage Assistance
668 Grants and state textbook allocations, and State General Funds
669 allocated for textbooks.

670 (c) If the school board of any school district shall
671 determine that it is not economically feasible or practicable to
672 operate any school within the district for the full one hundred
673 eighty (180) days required for a school term of a scholastic year
674 as required in Section 37-13-63, Mississippi Code of 1972, due to
675 an enemy attack, a man-made, technological or natural disaster in
676 which the Governor has declared a disaster emergency under the
677 laws of this state or the President of the United States has
678 declared an emergency or major disaster to exist in this state,
679 said school board may notify the State Department of Education of
680 such disaster and submit a plan for altering the school term. If
681 the State Board of Education finds such disaster to be the cause
682 of the school not operating for the contemplated school term and
683 that such school was in a school district covered by the
684 Governor's or President's disaster declaration, it may permit said
685 school board to operate the schools in its district for less than
686 one hundred eighty (180) days and, in such case, the State
687 Department of Education shall not reduce the state contributions
688 to the adequate education program allotment for such district,
689 because of the failure to operate said schools for one hundred
690 eighty (180) days.



691 (4) The Interim School District Capital Expenditure Fund is
692 hereby established in the State Treasury which shall be used to
693 distribute any funds specifically appropriated by the Legislature
694 to such fund to school districts entitled to increased allocations
695 of state funds under the adequate education program funding
696 formula prescribed in Sections 37-151-3 through 37-151-7,
697 Mississippi Code of 1972, until such time as the said adequate
698 education program is fully funded by the Legislature. The
699 following percentages of the total state cost of increased
700 allocations of funds under the adequate education program funding
701 formula shall be appropriated by the Legislature into the Interim
702 School District Capital Expenditure Fund to be distributed to all
703 school districts under the formula: Nine and two-tenths percent
704 (9.2%) shall be appropriated in fiscal year 1998, twenty percent
705 (20%) shall be appropriated in fiscal year 1999, forty percent
706 (40%) shall be appropriated in fiscal year 2000, sixty percent
707 (60%) shall be appropriated in fiscal year 2001, eighty percent
708 (80%) shall be appropriated in fiscal year 2002, and one hundred
709 percent (100%) shall be appropriated in fiscal year 2003 into the
710 State Adequate Education Program Fund. Until July 1, 2002, such
711 money shall be used by school districts for the following
712 purposes:

713 (a) Purchasing, erecting, repairing, equipping,
714 remodeling and enlarging school buildings and related facilities,
715 including gymnasiums, auditoriums, lunchrooms, vocational training
716 buildings, libraries, school barns and garages for transportation
717 vehicles, school athletic fields and necessary facilities
718 connected therewith, and purchasing land therefor. Any such
719 capital improvement project by a school district shall be approved
720 by the State Board of Education, and based on an approved
721 long-range plan. The State Board of Education shall promulgate
722 minimum requirements for the approval of school district capital
723 expenditure plans.



724 (b) Providing necessary water, light, heating,
725 air-conditioning, and sewerage facilities for school buildings,
726 and purchasing land therefor.

727 (c) Paying debt service on existing capital improvement
728 debt of the district or refinancing outstanding debt of a district
729 if such refinancing will result in an interest cost savings to the
730 district.

731 (d) From and after October 1, 1997, through June 30,
732 1998, pursuant to a school district capital expenditure plan
733 approved by the State Department of Education, a school district
734 may pledge such funds until July 1, 2002, plus funds provided for
735 in paragraph (e) of this subsection (4) that are not otherwise
736 permanently pledged under such paragraph (e) to pay all or a
737 portion of the debt service on debt issued by the school district
738 under Sections 37-59-1 through 37-59-45, 37-59-101 through
739 37-59-115, 37-7-351 through 37-7-359, 37-41-89 through 37-41-99,
740 37-7-301, 37-7-302 and 37-41-81, Mississippi Code of 1972, or debt
741 issued by boards of supervisors for agricultural high schools
742 pursuant to Section 37-27-65, Mississippi Code of 1972, or
743 lease-purchase contracts entered into pursuant to Section 31-7-13,
744 Mississippi Code of 1972, or to retire or refinance outstanding
745 debt of a district, if such pledge is accomplished pursuant to a
746 written contract or resolution approved and spread upon the
747 minutes of an official meeting of the district's school board or
748 board of supervisors. It is the intent of this provision to allow
749 school districts to irrevocably pledge their Interim School
750 District Capital Expenditure Fund allotments as a constant stream
751 of revenue to secure a debt issued under the foregoing code
752 sections. To allow school districts to make such an irrevocable
753 pledge, the state shall take all action necessary to ensure that
754 the amount of a district's Interim School District Capital
755 Expenditure Fund allotments shall not be reduced below the amount
756 certified by the department or the district's total allotment



757 under the Interim Capital Expenditure Fund if fully funded, so
758 long as such debt remains outstanding.

759 (e) [Repealed]

760 (f) [Repealed]

761 (g) The State Board of Education may authorize the
762 school district to expend not more than twenty percent (20%) of
763 its annual allotment of such funds or Twenty Thousand Dollars
764 (\$20,000.00), whichever is greater, for technology needs of the
765 school district, including computers, software,
766 telecommunications, cable television, interactive video, film,
767 low-power television, satellite communications, microwave
768 communications, technology-based equipment installation and
769 maintenance, and the training of staff in the use of such
770 technology-based instruction. Any such technology expenditure
771 shall be reflected in the local district technology plan approved
772 by the State Board of Education under Section 37-151-17,
773 Mississippi Code of 1972.

774 (h) To the extent a school district has not utilized
775 twenty percent (20%) of its annual allotment for technology
776 purposes under paragraph (g), a school district may expend not
777 more than twenty percent (20%) of its annual allotment or Twenty
778 Thousand Dollars (\$20,000.00), whichever is greater, for
779 instructional purposes. The State Board of Education may
780 authorize a school district to expend more than said twenty
781 percent (20%) of its annual allotment for instructional purposes
782 if it determines that such expenditures are needed for
783 accreditation purposes.

784 (i) The State Department of Education or the State
785 Board of Education may require that any project commenced under
786 this section with an estimated project cost of not less than Five
787 Million Dollars (\$5,000,000.00) shall be done only pursuant to
788 program management of the process with respect to design and
789 construction. Any individuals, partnerships, companies or other



790 entities acting as a program manager on behalf of a local school
791 district and performing program management services for projects
792 covered under this subsection shall be approved by the State
793 Department of Education.

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

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

801 **SECTION 4.** (1) Before February 1 of each year, the tax
802 assessor of each county shall file a report or reports with the
803 State Department of Education which provide information essential
804 to the department in determining the amount that each school
805 district shall be required to provide toward the cost of the
806 Adequate Education Program Fund. A separate report must be filed
807 for each school district or part of a school district situated in
808 the county and must include the following information:

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

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

814 (c) The school district's tax loss from exemptions
815 provided to applicants under the age of sixty-five (65) and not
816 disabled, as defined in Section 27-33-67(1); and

817 (d) The school district's homestead reimbursement
818 revenues.

819 (2) The State Department of Education shall prepare and make
820 available to the tax assessor of each county a form for the
821 reports required under this section.



822 **SECTION 5.** This act shall take effect and be in force from
823 and after July 1, 2012.

