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Chapter No. 72  
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***HOUSE BILL NO. 1622***

Originated in House Don Richardson Clerk

HOUSE BILL NO. 1622

AN ACT MAKING AN APPROPRIATION FOR THE PURPOSE OF FUNDING K-12 AND OTHER RELATED EDUCATIONAL ACTIVITIES, INCLUDING CERTAIN AGENCIES AND PROGRAMS, IN THE STATE OF MISSISSIPPI, FOR THE FISCAL YEAR 2011.

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

**SECTION 1.** The following sums, or so much of those sums as may be necessary, are appropriated out of any money in the State General Fund not otherwise appropriated, for the purpose of funding K-12 and other related educational activities, including certain agencies and programs, in the State of Mississippi, for the fiscal year beginning July 1, 2010, and ending June 30, 2011, as follows:

(a) To the State Board of Education for the purpose of defraying the expenses of the State Department of Education, and excluding the expenses of the Vocational and Technical Education Division ..... \$ 89,400,000.00.

(b) To the State Board of Education for the purpose of defraying the expenses of the Vocational and Technical Education Division of the State Department of Education .....  
..... \$ 73,300,000.00.

(c) To the State Board of Education for the purpose of paying annual compensation to the Chickasaw Cession counties for sixteenth section lands which they lost through sale by the state, as provided in Section 29-3-137 through 29-3-141, Mississippi Code of 1972 ..... \$ 14,515,760.00.

(d) To the State Board of Education for defraying the expenses of the Mississippi Adequate Education Program .....

..... \$ 1,716,132,154.00.

(e) To the State Board of Education for the purpose of defraying the expenses of the Mississippi School for the Blind and the Mississippi School for the Deaf ..... \$ 10,991,709.00.

TOTAL AMOUNT OF STATE GENERAL FUNDS APPROPRIATED

BY THIS SECTION BEING ..... \$ 1,904,339,623.00.

**SECTION 2.** The following sums, or so much of those sums as may be necessary, are appropriated out of any money in any special fund in the State Treasury to the credit of the proper fund or funds of the agencies or programs specified in the following paragraphs for the fiscal year beginning July 1, 2010, and ending June 30, 2011, as follows:

(a) To the State Board of Education for the purpose of defraying the expenses of the State Department of Education, excluding the expenses of the Vocational and Technical Education Division ..... \$ 850,319,740.00.

(b) To the State Board of Education for the purpose of defraying the expenses of the Vocational and Technical Education Division of the State Department of Education ..... \$ 20,316,870.00.

(c) To the State Board of Education for the purpose of defraying the expenses of the Mississippi Adequate Education Program ..... \$ 375,318,934.00.

(d) To the State Board of Education for the purpose of defraying the expenses of the Mississippi School for the Blind and the Mississippi School for the Deaf ..... \$ 716,559.00.

TOTAL AMOUNT OF SPECIAL FUNDS APPROPRIATED

BY THIS SECTION BEING ..... \$ 1,246,672,103.00.

**SECTION 3.** Of the funds appropriated in Section 2, One Hundred Twenty-six Thousand Four Hundred Seventy-two Dollars (\$126,472.00), or so much of that sum as may be necessary, is appropriated out of any money in the State Treasury to the credit of the Health Care Expendable Fund to the State Department of

Education for the purpose of defraying the expenses of the department for the Mississippi Eye Screening Program for providing vision safety services.

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

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

Grants to school districts for capital facilities and buses .....	\$ 16,000,000.00.
Instructional materials .....	\$ 6,000,000.00.
Implementing Performance Based Data Collection and Accreditation Model .....	\$ 274,937.00.
Testing .....	\$ 519,013.00.
Education Technology Council .....	\$ 94,082.00.
TOTAL .....	\$ 22,888,032.00.

(b) To the State Department of Education to defray the expenses of the Vocational and Technical Education Division .....

.....	\$ 4,300,000.00.
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(c) To the State Department of Education to provide funding for the Mississippi Adequate Education Program .....

.....	\$176,953,097.00.
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**SECTION 5.** Of the funds appropriated in this act, not more than the amounts set forth below shall be expended for Salaries, Wages and Fringe Benefits for the State Department of Education, excluding the expenses of the Vocational and Technical Education Division .....

.....	\$ 30,850,767.00.
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FUNDING:

General Funds .....	\$ 89,400,000.00
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Special Funds .....	850,319,740.00
Total .....	\$ 939,719,740.00

AUTHORIZED POSITIONS:

Permanent:	Full Time .....	444
	Part Time .....	3
Time-Limited:	Full Time .....	104
	Part Time .....	0

With the funds herein appropriated, it is the intention of the Legislature that it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" for Fiscal Year 2012 do not exceed Fiscal Year 2011 funds appropriated for that purpose, unless programs or positions are added to the agency's Fiscal Year 2011 budget by the Mississippi Legislature. Based on data provided by the Legislative Budget Office, the State Personnel Board shall determine and publish the projected annual cost to fully fund all appropriated positions in compliance with the provisions of this act. It shall be the responsibility of the agency head to ensure that no single personnel action increases this projected annual cost and/or the Fiscal Year 2011 appropriations for "Personal Services" when annualized, with the exception of escalated funds. If, at the time the agency takes any action to change "Personal Services," the State Personnel Board determines that the agency has taken an action which would cause the agency to exceed this projected annual cost or the Fiscal Year 2011 "Personal Services" appropriated level, when annualized, then only those actions which reduce the projected annual cost and/or the appropriation requirement will be processed by the State Personnel Board until such time as the requirements of this provision are met.

Unless otherwise authorized in this act, no state agency shall take any action to promote or otherwise award salary increases through reallocation, reclassification, realignment, educational benchmark, career ladder, equity salary adjustment, or

any other means to increase salaries of employees or positions unless specifically exempted by the following conditions: the award of teacher salary increments; the advancement of a trainee/cadet to the next level of a bona fide career ladder; the award of an educational benchmark for the attainment of a Certified Public Accountant License or higher level professional certification based on information provided to the State Personnel Board by the Legislative Budget Office; the immediate replacement of a departing employee with an employee from within state service at a salary level of the departing employee or the Fiscal Year 2011 promotional formula, whichever is less; the emergency appointment of nurses, pharmacists or other health care and child protection professionals at a salary to be determined by the State Personnel Board; or a new hire associated with the American Recovery and Reinvestment Act of 2009. All positions supported by funds available through the American Recovery and Reinvestment Act of 2009 shall be designated as time-limited positions.

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

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

**SECTION 6.** In compliance with the "Mississippi Performance Budget and Strategic Planning Act of 1994," it is the intent of the Legislature that the funds provided in this act shall be

utilized in the most efficient and effective manner possible to achieve the intended mission of the State Department of Education, excluding the expenses of the Vocational and Technical Education Division. Based on the funding authorized, this agency shall make every effort to attain the targeted performance measures provided below:

	FY2011
<u>Performance Measures</u>	<u>Target</u>
Special Education	
Approved Funding for	
Children (\$ in Millions)	101.00
Teacher Units Approved for Funding (Units)	5,134
Child Nutrition	
Number of Meals Required (Millions)	128.50
Cost per Meal (\$)	2.52
MS School For Math & Science	
Students Enrolled (Persons)	270
Cost per Student (\$)	20,000.00
Educational Accountability	
Performance Accreditation	
Visits (Visits)	30
Tests Administered (Persons)	748,984
Compliance & Performance Reviews (Actions)	40
Educ Training & Development	
Administrators Trained (Persons)	1,100
Administrators Trained (%)	40.00
Technical Assistance to School	
Districts (%)	95.00
Compensatory Education	
Title I Projects Awarded (Programs)	152
Average Expenditure per Child (\$)	463.28
Review & Approve Delinquent	
Programs (Programs)	4

Community & Outreach Services

Requested Available Federal Funding (%) 100.00

MS School Attendance Officers

Resolutions to Referrals (%) 95.00

School Visits (Number of) 21,000

MS Teacher Center

Teachers Recruited in Shortage

Areas (Number of) 2,200

A reporting of the degree to which the performance targets set above have been or are being achieved shall be provided in the agency's budget request submitted to the Joint Legislative Budget Committee for Fiscal Year 2012.

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

	FY2011
<u>Performance Measures</u>	<u>Target</u>
Basic Program	
Percentage of students scoring basic & above on the MS Curriculum Test in grades 2-8 in reading, language & math (%)	86.60
Percentage of students achieving the passing score on the History test (%)	94.30
Percentage of students achieving the passing score on the Biology test (%)	87.90
Percentage of students achieving the passing score on the Algebra test (%)	76.00
Provide 100% Funding of the Base	

Student Cost (%)

100.00

A reporting of the degree to which the performance targets set above have been or are being achieved shall be provided in the agency's budget request submitted to the Joint Legislative Budget Committee for Fiscal Year 2012.

**SECTION 8.** Of the funds appropriated in Section 2, Eight Million Twenty-six Thousand Four Hundred Thirty-eight Dollars (\$8,026,438.00) shall be derived from the School Ad Valorem Reduction Fund.

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

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

**SECTION 10.** Of the funds appropriated in Section 2, funds in the amount of One Million Dollars (\$1,000,000.00) shall come from income derived from the principal of the Education Improvement Trust Fund created by Section 206A, Mississippi Constitution of 1890, and One Million Dollars (\$1,000,000.00) shall be used for the School for Math and Science.

**SECTION 11.** Of the funds appropriated under the provisions of this act, not more than the following amount shall be expended for Salaries, Wages and Fringe Benefits for the Vocational and Technical Education Division of the State Department of Education

..... \$ 3,291,547.00

FUNDING:

General Funds .....	\$ 73,300,000.00
Special Funds .....	<u>20,316,870.00</u>
Total .....	\$ 93,616,870.00

AUTHORIZED POSITIONS:

Permanent:	Full Time .....	59
	Part Time .....	0
Time-Limited:	Full Time .....	3
	Part Time .....	0

With the funds herein appropriated, it is the intention of the Legislature that it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" for Fiscal Year 2012 do not exceed Fiscal Year 2011 funds appropriated for that purpose, unless programs or positions are added to the agency's Fiscal Year 2011 budget by the Mississippi Legislature. Based on data provided by the Legislative Budget Office, the State Personnel Board shall determine and publish the projected annual cost to fully fund all appropriated positions in compliance with the provisions of this act. It shall be the responsibility of the agency head to ensure that no single personnel action increases this projected annual cost and/or the Fiscal Year 2011 appropriations for "Personal Services" when annualized, with the exception of escalated funds. If, at the time the agency takes any action to change "Personal Services," the State Personnel Board determines that the agency has taken an action which would cause the agency to exceed this projected annual cost or the Fiscal Year 2011 "Personal Services" appropriated level, when annualized, then only those actions which reduce the projected annual cost and/or the appropriation requirement will be processed by the State Personnel Board until such time as the requirements of this provision are met.

Unless otherwise authorized in this act, no state agency shall take any action to promote or otherwise award salary increases through reallocation, reclassification, realignment, educational benchmark, career ladder, equity salary adjustment, or any other means to increase salaries of employees or positions unless specifically exempted by the following conditions: the award of teacher salary increments; the advancement of a trainee/cadet to the next level of a bona fide career ladder; the award of an educational benchmark for the attainment of a Certified Public Accountant License or higher level professional certification based on information provided to the State Personnel Board by the Legislative Budget Office; the immediate replacement of a departing employee with an employee from within state service at a salary level of the departing employee or the Fiscal Year 2011 promotional formula, whichever is less; the emergency appointment of nurses, pharmacists or other health care and child protection professionals at a salary to be determined by the State Personnel Board; or a new hire associated with the American Recovery and Reinvestment Act of 2009. All positions supported by funds available through the American Recovery and Reinvestment Act of 2009 shall be designated as time-limited positions.

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

No general funds authorized to be expended herein shall be used to replace federal funds and/or other special funds which are

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

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

<u>Performance Measures</u>	<u>FY2011 Target</u>
Secondary Programs	
Increase in Students Served (%)	1.00
LEAs Served (Sites)	144
Post-secondary Programs	
Short-Term Students Served (Persons)	2,800
Short-Term Adult Program Classes (Classes)	225
Short-Term Cost per Student (\$)	65.00

A reporting of the degree to which the performance targets set above have been or are being achieved shall be provided in the agency's budget request submitted to the Joint Legislative Budget Committee for Fiscal Year 2012.

**SECTION 13.** Of the funds appropriated in this act, an amount not to exceed Two Hundred Twenty-nine Thousand Six Hundred Eighty-four Dollars (\$229,684.00) is authorized for the support of vocational and technical education programs as authorized in Section 37-31-13, Mississippi Code of 1972, for a period in excess of ten (10) months in a calendar year.

**SECTION 14.** It is the intention of the Legislature that the Vocational and Technical Education Division of the State Department of Education shall, with the funds appropriated in Section 1, transfer no more than One Hundred Thousand Dollars

(\$100,000.00) to the Mississippi Soil and Water Conservation Commission for the purpose of providing matching funds to purchase soil conservation equipment.

**SECTION 15.** Of the funds appropriated in this act, no more than One Hundred Thirty-five Thousand Dollars (\$135,000.00) is provided for the purpose of supporting the Future Farmers of America Center.

**SECTION 16.** Of the funds provided in Section 1 for the purpose of providing financial assistance for the education of exceptional children as determined under Section 37-23-63, Mississippi Code of 1972, children who are certified by the designated authority as requiring inpatient care in a private intermediate care facility for the mentally retarded or psychiatric residential treatment facility, with Medicaid reimbursement, shall be eligible and entitled to receive state financial assistance under the provisions of Section 37-23-69, Mississippi Code of 1972, in an amount not to exceed Ten Thousand Dollars (\$10,000.00) from state funds, per child per year as state funds area available. The State Department of Education shall submit a report to the Legislature with the projected cost per child and the total cost of the program no later than January 30, 2010.

**SECTION 17.** It is the intention of the Legislature that the State Department of Education shall have the authority to accept, budget and expend any source funds not to exceed Thirty Million Dollars (\$30,000,000.00), that become available to the department to carry out the provisions of those funds in a manner consistent with the rules and regulations of the Department of Finance and Administration.

**SECTION 18.** The State Department of Education shall transfer the designated amounts to the appropriate entities, which shall assume full responsibility for the expenditure of these funds in accordance with state laws and accept all responsibility for any

improper expenditure, for the following: World Class Teacher Programs, USM Special Education Program, Soil and Water Conservation Commission, Mississippi School Boards Association, Mississippi Eye Screening Program-Vision Research Corporation and Very Special Arts, Arts Institute, Jobs for Mississippi Graduates, and Mississippi Symphony, University of Southern Mississippi Safe Schools Program, Mississippi State University Center for Education Design, Writing and Thinking Institute, Greater Columbus Early Learning Center and Mississippi Council for Economic Education.

**SECTION 19.** Of the funds appropriated in this act, an amount not to exceed One Million Three Hundred Thousand Dollars (\$1,300,000.00) shall be used for technological methods for agricultural programs, robotic engineering programs and equipment upgrades from the Vocational and Technical Education Division of the State Department of Education.

**SECTION 20.** Of the funds appropriated in Section 1, the sum of Sixty-two Thousand One Hundred Ninety-one Dollars (\$62,191.00), which is the aggregate sum that the school districts in the Chickasaw Cession receive annually from interest payments from the Chickasaw School Fund under Section 212, Mississippi Constitution of 1890, shall be deducted from the allocations to the school districts as provided in Section 29-3-137, Mississippi Code of 1972, and shall be distributed among the school districts in the Chickasaw Cession by the State Department of Education in the manner that those interest payments were distributed during Fiscal Year 1985.

**SECTION 21.** Of the funds provided in this act for the purpose of funding the Mississippi Adequate Education Program as determined under Section 37-151-7, Mississippi Code of 1972, the base student cost in Fiscal Year 2011 shall be Four Thousand Nine Hundred One Dollars and Seventy-seven Cents (\$4,901.77).

**SECTION 22.** Of the funds appropriated in this act, an amount not more than Fifty Million Dollars (\$50,000,000.00) shall be

derived from the Interim School District Capital Expenditure Fund for the benefit of the school districts as authorized in Section 37-151-7(5), Mississippi Code of 1972.

**SECTION 23.** Of the funds appropriated under the provisions of this act, not more than the following amount shall be expended for Salaries, Wages and Fringe Benefits for the Mississippi School for the Blind and the Mississippi School for the Deaf .....

	\$	9,195,736.00
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FUNDING:

General Funds .....	\$	10,991,709.00
Special Funds .....		<u>716,559.00</u>
Total .....	\$	11,708,268.00

AUTHORIZED POSITIONS:

Permanent:	Full Time .....	180
	Part Time .....	25
Time-Limited:	Full Time .....	1
	Part Time .....	0

With the funds herein appropriated, it is the intention of the Legislature that it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" for Fiscal Year 2012 do not exceed Fiscal Year 2011 funds appropriated for that purpose, unless programs or positions are added to the agency's Fiscal Year 2011 budget by the Mississippi Legislature. Based on data provided by the Legislative Budget Office, the State Personnel Board shall determine and publish the projected annual cost to fully fund all appropriated positions in compliance with the provisions of this act. It shall be the responsibility of the agency head to ensure that no single personnel action increases this projected annual cost and/or the Fiscal Year 2011 appropriations for "Personal Services" when annualized, with the exception of escalated funds. If, at the time the agency takes any action to change "Personal Services," the State Personnel Board determines that the agency

has taken an action which would cause the agency to exceed this projected annual cost or the Fiscal Year 2011 "Personal Services" appropriated level, when annualized, then only those actions which reduce the projected annual cost and/or the appropriation requirement will be processed by the State Personnel Board until such time as the requirements of this provision are met.

Unless otherwise authorized in this act, no state agency shall take any action to promote or otherwise award salary increases through reallocation, reclassification, realignment, educational benchmark, career ladder, equity salary adjustment, or any other means to increase salaries of employees or positions unless specifically exempted by the following conditions: the award of teacher salary increments; the advancement of a trainee/cadet to the next level of a bona fide career ladder; the award of an educational benchmark for the attainment of a Certified Public Accountant License or higher level professional certification based on information provided to the State Personnel Board by the Legislative Budget Office; the immediate replacement of a departing employee with an employee from within state service at a salary level of the departing employee or the Fiscal Year 2011 promotional formula, whichever is less; the emergency appointment of nurses, pharmacists or other health care and child protection professionals at a salary to be determined by the State Personnel Board; or a new hire associated with the American Recovery and Reinvestment Act of 2009. All positions supported by funds available through the American Recovery and Reinvestment Act of 2009 shall be designated as time-limited positions.

Any transfers or escalations shall be made in accordance with the terms, conditions and procedures established by law or allowable under the terms set forth within this act. The State Personnel Board shall not escalate positions without written approval from the Department of Finance and Administration. The Department of Finance and Administration shall not provide written

approval to escalate any funds for salaries and/or positions without proof of availability of new or additional funds above the appropriated level.

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

**SECTION 24.** With the funds provided in this act, it is the intention of the Legislature that School Attendance Officers and academic teachers at the Mississippi School for the Deaf and the Mississippi School for the Blind shall receive their annual increment.

**SECTION 25.** It is the intention of the Legislature that the State Board of Education shall maintain complete accounting and personnel records related to the expenditure of all funds appropriated in this act and that those records shall be in the same format and level of details as maintained for Fiscal Year 2010. It is further the intention of the Legislature that the budget requests for Fiscal Year 2012 shall be submitted to the Joint Legislative Budget Committee in a format and level of detail comparable to the format and level of detail provided during the Fiscal Year 2011 budget request process for each agency and institution appropriated funds within the provisions of this act.

**SECTION 26.** Of the funds appropriated in Section 1 to the State Board of Education, not less than Twenty-five Million Four Hundred Fifty Thousand Dollars (\$25,450,000.00) shall be used for National Board Certification.

**SECTION 27.** Of the funds appropriated in Section 1, not less than Ten Million Dollars (\$10,000,000.00) shall be used for the Educable Child Program.

**SECTION 28.** It is the intention of the Legislature that at least Twenty-one Million Dollars (\$21,000,000.00) be expended for textbooks as defined in Section 37-43-1, Mississippi Code of 1972.

No funds shall be expended under authority of this act unless the Mississippi Department of Education surveys each school district to determine the dollar amount and description of its textbook purchases. A report of such findings shall be provided to the Chairmen of the House and Senate Education Committees no later than December 31, 2010.

**SECTION 29.** The public school districts of the state are authorized at their discretion to pay with local funds one hundred percent (100%) of the cost of the health insurance premiums of the State and School Employees Health Insurance Plan for all retired members of the Public Employees' Retirement System who are employed as school bus drivers by the school districts. It is the intention of the Legislature that no state funds shall be used for this purpose.

**SECTION 30.** Of the funds appropriated for Fiscal Year 2011 for the Educable Child Program, the Mississippi Department of Education is authorized to pay the remaining balance up to Two Million Dollars (\$2,000,000.00) for Fiscal Year 2010 claims.

**SECTION 31.** Of the funds appropriated for Orthopedic and Aphasic, Three Hundred Twenty-five Thousand Dollars (\$325,000.00) shall be for the Dubard School at the University of Southern Mississippi.

**SECTION 32.** It is the intention of the Legislature that whenever two (2) or more bids are received by this agency for the purchase of commodities or equipment, and whenever all things stated in those received bids are equal with respect to price, quality and service, the Mississippi Industries for the Blind shall be given preference. A similar preference shall be given to the Mississippi Industries for the Blind whenever purchases are made without competitive bids.

**SECTION 33.** Of the funds appropriated in Section 1, not less than Five Million Nine Hundred Ninety Thousand Dollars

(\$5,990,000.00) shall be used for the Compulsory School Attendance Office and School Attendance Officers.

**SECTION 34.** Of the funds appropriated in Section 1(a), Three Hundred Twenty-five Thousand Dollars (\$325,000.00) is provided for the Magnolia Speech School.

**SECTION 35.** Of the funds appropriated in Section 1, it is the intention of the Legislature that Three Hundred Fifty Thousand Dollars (\$350,000.00) shall be used for professional development for dyslexia and other related disorders.

**SECTION 36.** Of the funds appropriated in this act, it is the intention of the Legislature that Three Million Six Hundred Thousand Dollars (\$3,600,000.00) shall be used for the Mary Kirkpatrick-Mary Sprayberry Public School Nurse Program. The amount of Three Million Six Hundred Thousand Dollars (\$3,600,000.00) shall be transferred from the Department of Health.

**SECTION 37.** The State Department of Education shall contract with a Certified Public Accountant to calculate components of the Mississippi Adequate Education Program to include the base student cost, school district allocations, total program cost, add-on programs, and any other required components of Section 37-151-7, Mississippi Code of 1972. The contractor shall be responsible for calculating the estimates of these components due to the Legislative Budget Office and the Governor by August 1 and the final estimates due to the Legislative Budget Office and the Governor no later than January 2. A report detailing the funding of this contract shall be submitted by the State Department of Education to the Legislature no later than January 30, 2011.

**SECTION 38.** Any school district receiving funds for the Save the Children Program, Learning Through Sports/Kids College shall provide a thirty percent (30%) match from local funds for implementation of the program.

**SECTION 39.** Of the funds appropriated in this act, it is the intention of the Legislature that Twenty Million Dollars (\$20,000,000.00) from the Public School Building Fund shall be used for the Mississippi Adequate Education Program.

**SECTION 40.** It is the intention of the Legislature that the State Board of Education shall charge a fee for room and board for students who enroll in the Mississippi School for Mathematics and Science and the Mississippi School of Arts. Such fees will be waived for any student enrolled in the State Children's Health Insurance Program. The amount of such fees shall be Five Hundred Dollars (\$500.00) for each semester.

**SECTION 41.** It is the intent of the Legislature that each eligible employee who meets the National Board requirements under Section 37-19-7(2), Mississippi Code of 1972, shall be paid the full supplement and that such supplement shall be included on a prorated basis in the employee's monthly paycheck.

**SECTION 42.** Of the funds appropriated under the provisions of Section 2, One Hundred Twenty-eight Million Three Hundred Sixty-five Thousand Eight Hundred Thirty-seven Dollars (\$128,365,837.00) is anticipated to be derived from funds provided pursuant to the American Recovery and Reinvestment Act of 2009.

If the amount that ultimately becomes available for this agency from the American Recovery and Reinvestment Act of 2009 differs from the above stated amount, the agency shall immediately report the actual amount to the Legislative Budget Office and the agency may use the American Recovery and Reinvestment Act of 2009 escalation authorization contained within this act to increase the expenditure authority as necessary.

**SECTION 43.** It is the intention of the Legislature that the agency shall compile cell phone usage records of any cellular phone (wireless communication device) that is assigned, issued or made available to any officer or employee in accordance with

Section 25-53-191, Mississippi Code of 1972, and these records shall be made publicly available at the expense of the agency.

**SECTION 44.** It is legislative intent to ensure beneficial information reaches as many Mississippians as possible. Further, it is legislative intent that the expenditure of public funds for this purpose be accomplished in an efficient and effective manner.

Therefore, state agencies as standard procedure will observe the following criteria:

(a) Develop goals and desired result for a campaign.

(b) Evaluate effectiveness through respected advertising standards, including market reach and cost effectiveness.

(c) Seek public service announcements, which would be aired by media without cost.

(d) Itemize and justify professional assistance and related expenses for creative and production costs outside of the actual media expenditures.

(e) Utilize Mississippi-owned media companies when feasible.

**SECTION 45.** It is the intention of the Legislature that this agency shall have the authority to receive, budget and expend funds from any source that may become available to them as a result of the passage of the American Recovery and Reinvestment Act of 2009 in accordance with the rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds.

The Executive Director of the Department of Finance and Administration shall have the authority to approve escalations of funds and employee positions using funds from any source available due to the passage of the American Recovery and Reinvestment Act of 2009.

The Executive Director of the Department of Finance and Administration shall immediately send notice of the approval of

such budget escalation to the House of Representatives Appropriations Committee, the Senate Appropriations Committee and the Legislative Budget Office. Within fifteen (15) days of such approval, the Executive Director of the Department of Finance and Administration shall ensure that the Legislative Budget Office receives detailed and accurate information about the amount and use of federal and special source funds by state agencies as a result of the passage of the American Recovery and Reinvestment Act of 2009.

**SECTION 46.** No former employee who is receiving State of Mississippi retirement benefits shall be hired under contract for an amount exceeding Twenty Thousand Dollars (\$20,000.00) a year without prior approval by an agency's proper governing board or authority. Upon approval of such contracts, a written report shall be submitted detailing the cost and need of such contract services to the Chairmen and members of the Senate and House Appropriations Committees.

**SECTION 47.** It is the intention of the Legislature that the Mississippi Department of Education may loan any general or special source fund amount, not to exceed One Million Dollars (\$1,000,000.00), to any school district for the purpose of providing funds to school districts through the Emergency Assistance Fund as outlined in Section 37-17-6, Mississippi Code of 1972, during the period beginning July 1, 2010, and ending June 30, 2011. The school districts receiving these loans shall repay the Mississippi Department of Education the amount of the loan on or before June 30, 2011.

**SECTION 48.** None of the funds appropriated in this act may be used for out-of-state travel by any employee or school board member of any district, the Mississippi School for Math and Science, the Mississippi School of the Arts, or the Mississippi Schools for the Blind and Deaf.

**SECTION 49.** The following sum, or so much thereof as may be necessary, is hereby reappropriated out of any money in the State General Fund not otherwise appropriated, for the State Board of Education for the purpose of reauthorizing the expenditure of State General Funds, as authorized in House Bill No. 49, Second Extraordinary Session of 2009, for the fiscal year beginning July 1, 2010, and ending June 30, 2011 ..... \$5,500,000.00.

Notwithstanding the amount reappropriated under the provisions of this section, in no event shall the amount expended exceed the unexpended balance of June 30, 2010.

Of the funds reappropriated herein, Four Million Three Hundred Thousand Dollars (\$4,300,000.00) shall be used for Emergency Assistance Fund as outlined in Section 37-17-6, Mississippi Code of 1972, Five Hundred Thousand Dollars (\$500,000.00) shall be used for various projects in General Education programs, and Seven Hundred Thousand Dollars (\$700,000.00) shall be transferred to the Board of Health no later than December 31, 2010.

**SECTION 50.** The money appropriated in this act shall be paid by the State Treasurer out of any money in the proper fund or funds as set forth in this act, upon warrants issued by the State Fiscal Officer; and the State Fiscal Officer shall issue his warrants upon requisitions signed by the proper person, officer or officers in the manner provided by law.

**SECTION 51.** This act shall take effect and be in force from and after July 1, 2010.

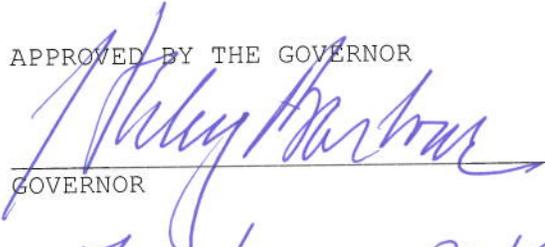
PASSED BY THE HOUSE OF REPRESENTATIVES  
April 21, 2010

  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE  
April 21, 2010

  
PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR

  
GOVERNOR

5/21/10 3:16p