

Chapter No. 50  
14/HR40/A202SG  
JP 1862

# ***HOUSE BILL NO. 1476***

Originated in House  Clerk

HOUSE BILL NO. 1476

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 2015.

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, 2014, and ending June 30, 2015, 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..... \$ 119,335,763.00.

(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..... \$ 73,029,223.00.

(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..... \$ 20,776,890.00.

(d) To the State Board of Education for defraying the expenses of the Mississippi Adequate Education Program..... \$ 1,923,321,162.00.

(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..... \$ 9,950,448.00.

TOTAL AMOUNT OF STATE GENERAL FUNDS APPROPRIATED BY THIS SECTION BEING..... \$ 2,146,413,486.00.

**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, 2014, and ending June 30, 2015, 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..... \$ 865,508,895.00.

(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..... \$ 20,962,954.00.

(c) To the State Board of Education for the purpose of defraying the expenses of the Mississippi Adequate Education Program..... \$ 281,353,448.00.

(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..... \$ 1,927,418.00.

TOTAL AMOUNT OF SPECIAL FUNDS APPROPRIATED

BY THIS SECTION BEING..... \$ 1,169,752,715.00.

**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:

Literacy Initiative and Assessment .....	\$	6,333,806.00.
Educable Child .....	\$	7,000,000.00.
Grants to school districts for capital facilities and buses .....	\$	16,000,000.00.
Instructional materials .....	\$	12,000,000.00.
Implementing Performance Based Data Collection and Accreditation Model .....	\$	274,937.00.
Testing .....	\$	6,125,670.00.
Mississippi School for Math and Science .....	\$	125,000.00.
Mississippi School for Fine Arts .....	\$	125,000.00.
TOTAL .....	\$	47,984,413.00.

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

.....	\$	4,937,258.00.
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(c) To the State Department of Education to provide funding for the Mississippi Adequate Education Program .....

.....	\$	211,353,448.00.
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(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..... \$ 1,207,037.00.

**SECTION 5.** Of the funds appropriated in this act, the following positions are authorized for the State Department of Education, excluding the expenses of the Vocational and Technical Education Division:

AUTHORIZED POSITIONS:

Permanent:	Full Time .....	406
	Part Time .....	3
Time-Limited:	Full Time .....	90
	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 2016 do not exceed Fiscal Year 2015 funds appropriated for that purpose, unless programs or positions are added to the agency's Fiscal Year 2015 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 2015 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 2015 "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.

Funds are provided herein for a One Thousand Dollar (\$1,000.00) salary increase for full-time employees, or pro-rated for part-time employees, which shall be awarded to each employee that has not received a salary increase since July 1, 2010, and that is making an annual salary of less than Thirty Thousand Dollars (\$30,000.00) as of June 30, 2014.

The State Personnel Board shall not approve or process personnel action for any employee unless the employee has not received a salary increase since July 1, 2010, and for such an employee the increased amount shall not exceed Five Percent (5%); however, the following conditions are to be exempted: 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; the immediate replacement of a departing employee with an employee

from within state service at a salary level of the departing employee or the FY 2015 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 any other requested action of the agency that has been specifically authorized by the Legislature.

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:

	FY2015
<u>Performance Measures</u>	<u>Target</u>
Special Education	
Placement of Students with Disabilities in a General Education Setting as their Least Restrictive Environment (LRE) (%)	67.05
2011-2012 Baseline: 66.20%	
Students with Disabilities Enrolled in Higher Education; other Post-secondary Education or Training Program; or Employed within One Year of Leaving High School (%)	84.00
2011-2012 Baseline: 78.00%	
Child Nutrition	
Nutritious Meals Served in Compliance with USDA & State Board of Education Policies (%)	100.00
Baseline: 100.00%	
Special Projects	
Increase Number of Students Receiving Scholarships (School of the Arts) (%)	1.00
2011-2012 Baseline: 70.00% of 61 Students	

MS School For Math & Science

Increase Student Enrollment (%) 13.73

2011-2012 Baseline: 226

Educational Accountability

Accreditation Evaluation for Public &

Nonpublic Schools (Evaluations) 42

2011-2012 Baseline: 40 Evaluations

Students Graduating from High School

(85.00% by 2018-2019 MS CODE 37-13-80)

Increase Graduation Rate (%) 2.00

2011-2012 Baseline: 73.40%

Decrease Dropout Rate (%) 1.00

2011-2012 Baseline: 16.70%

Reduce Number of Schools Earning "D" or

"F" Rating on the State Accountability

System (%) 10.00

2011-2012 Baseline: 35.00%

School Districts in Compliance with State

Testing Regulations (%) 96.00

2011-2012 Baseline: 88.00%

Educ Training & Development

Relevant Technical Assistance Provided

to School Districts on Curriculum &

Instruction (%) 0.00

2012-2013 Baseline: 83.00%

Relevant Training & Technical Assistance	
to District Test Coordinators (%)	87.00
2011-2012 Baseline: 80.00%	
Compensatory Education	
School Districts in Compliance with	
Titles I, II, III, IV, VI, & X (%)	95.00
2011-2012 Baseline: 85.00%	
Community & Outreach Services	
Apply for All Available Federal Funds (%)	100.00
Educational Technology	
Increase Minimum District Capacity to	
Administer On-line Assessments (%)	10.00
2011-2012 Baseline: Approximately 50.00%	
MS School Attendance Officers	
Resolutions of Referrals for Non-Attendance	
Submitted by Local School Districts (%)	98.00
Baseline: 98.00%	
School Visits by Attendance Officers	
(Number of Visits per School)	9
2011-2012 Baseline: 20,000 Total Annual	
Visits	
MS Teacher Center	
Increase Cohort of New Teachers Retained	
After Five Years (%)	1.00
2011-2012 Baseline: 60.00%	

Educator Referrals to Critical Shortage	
Areas (CSAs) (Number of)	525
2011-2012 Baseline: 450	
Reduce Violations of Mississippi Code of	
Ethics (%)	0.00
2012-2013 Baseline: 20	

**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:

	FY2015
<u>Performance Measures</u>	<u>Target</u>
Basic Program	
Increase Students Passing Algebra I	
Subject Area Test (SAPT2) (%)	1.00
2011-2012 Baseline: 81.90%	
Increase Students Passing Biology I	
Subject Area Test (SATP2) (%)	2.00
2011-2012 Baseline: 74.70%	
Increase Students Passing English II	
Subject Area Test (SATP2) (%)	2.00

2011-2012 Baseline: 73.10%

Increase Students Passing US History

Subject Area Test (SAPT2) (%) 2.00

2011-2012 Baseline: 72.90%

Increase Students Scoring Proficient or Above

on Mississippi Curriculum Test (MCT2) in  
Grades 3-8 in Reading/Language Arts (%) 2.50

2011-2012 Baseline: 56.50%

Increase Students Scoring Proficient or Above

on Mississippi Curriculum Test (MCT2) in  
Grades 3-8 in Math (%) 2.50

2011-2012 Baseline: 63.50%

**SECTION 8.** 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 School for the Blind and Deaf 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:

FY2015

Performance Measures

Target

Instruction

School for the Blind - Increase Graduation

Rate for Visually Impaired Students (%) 65.00

2011-2012 Baseline: 50.00%

School for the Deaf - Increase Number of  
Students Receiving Standard &

Occupational Diploma (%) 97.00

2011-2012 Baseline: 75.00%

Student Services

School for the Blind - Increase Eligible High

School Students Working Part-time (%) 37.00

2011-2012 Baseline: 34.00%

Operation & Maintenance

Number of Persons Served Through

Community Sign Language Classes 150

Number of Parents Served Through

Community Sign Language Classes 60

**SECTION 9.** 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 10.** 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 11.** 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 12.** Of the funds appropriated under the provisions of this act, the following positions are authorized for the Vocational and Technical Education Division of the State Department of Education:

AUTHORIZED POSITIONS:

Permanent:	Full Time .....	51
	Part Time .....	0
Time-Limited:	Full Time .....	5
	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 2016 do not exceed Fiscal Year 2015 funds appropriated for that purpose, unless programs or positions are added to the agency's Fiscal Year 2015 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 2015 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 2015 "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.

Funds are provided herein for a One Thousand Dollar (\$1,000.00) salary increase for full-time employees, or pro-rated for part-time employees, which shall be awarded to each employee that has not received a salary increase since July 1, 2010, and that is making an annual salary of less than Thirty Thousand Dollars (\$30,000.00) as of June 30, 2014.

The State Personnel Board shall not approve or process personnel action for any employee unless the employee has not received a salary increase since July 1, 2010, and for such an employee the increased amount shall not exceed Five Percent (5%);

however, the following conditions are to be exempted: 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; the immediate replacement of a departing employee with an employee from within state service at a salary level of the departing employee or the FY 2015 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 any other requested action of the agency that has been specifically authorized by the Legislature.

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 13.** 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>FY2015 Target</u>
Secondary Programs	
Increase Career & Technical Education	
(CTE) Student Completers' Placement	
Rate (%)	5.00
2011-2012 Baseline: 89.00%	
Increase Students Served in CTE (%)	1.00
2011-2012 Baseline: 2,785	

Post-secondary Programs

Short Term Adult Programs (Num of Classes)	255
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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 2016.

**SECTION 14.** 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 15.** 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 16.** Of the funds appropriated in this act, no more than One Hundred Seventy-five Thousand Dollars (\$175,000.00) is provided for the purpose of supporting the Future Farmers of America Center.

**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 Centers, Children's Center for Communications and Development, Soil and Water Conservation Commission, Mississippi Eye Screening Program-Vision Research Corporation, Magnolia Speech School, Dubard School, Sight Savers, Very Special Arts, Mississippi Symphony, Mississippi Autism Center, Save the Children and Teach for America.

**SECTION 19.** Of the funds appropriated in this act, an amount not to exceed One Million Eight Hundred Thousand Dollars (\$1,800,000.00) 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 2015 shall be Five Thousand One Hundred Forty Dollars and Seven Cents (\$5,140.07).

**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, the following positions are authorized for the Mississippi School for the Blind and the Mississippi School for the Deaf:

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 2016 do not exceed Fiscal Year 2015 funds appropriated for that purpose, unless programs or positions are added to the agency's Fiscal Year 2015 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 2015 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 2015 "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.

Funds are provided herein for a One Thousand Dollar (\$1,000.00) salary increase for full-time employees, or pro-rated for part-time employees, which shall be awarded to each employee that has not received a salary increase since July 1, 2010, and that is making an annual salary of less than Thirty Thousand Dollars (\$30,000.00) as of June 30, 2014.

The State Personnel Board shall not approve or process personnel action for any employee unless the employee has not received a salary increase since July 1, 2010, and for such an employee the increased amount shall not exceed Five Percent (5%); however, the following conditions are to be exempted: 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; the immediate replacement of a departing employee with an employee from within state service at a salary level of the departing employee or the FY 2015 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 any other requested action of the agency that has been specifically authorized by the Legislature.

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 2014. It is further the intention of the Legislature that the budget requests for Fiscal Year 2016 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 2015 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-two Million Six

Hundred Thousand Dollars (\$22,600,000.00) shall be used for National Board Certification.

**SECTION 27.** Of the funds appropriated in Section 1 and Section 2 not less than Fifteen Million Fifty-eight Thousand Dollars (\$15,058,000.00) shall be used for the Educable Child Program.

**SECTION 28.** 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 29.** Of the funds appropriated for Fiscal Year 2014 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 2014 claims.

**SECTION 30.** Of the funds appropriated in Section 1(a), Five Hundred Thousand Dollars (\$500,000.00) shall be for the Dubard School at the University of Southern Mississippi.

**SECTION 31.** 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 32.** Of the funds appropriated in Section 1, not less than Six Million Five Hundred Forty-one Thousand Six Hundred Fifty Dollars (\$6,541,650.00) shall be used for the Compulsory School Attendance Office and School Attendance Officers.

**SECTION 33.** Of the funds appropriated in Section 1(a), Five Hundred Forty-two Thousand Five Hundred Forty-one Dollars (\$542,541.00) is provided for the Magnolia Speech School.

**SECTION 34.** Of the funds appropriated in Section 1, it is the intention of the Legislature that Three Hundred Thousand Dollars (\$300,000.00) shall be used for professional development for dyslexia and other related disorders.

**SECTION 35.** 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 36.** 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, 2015.

**SECTION 37.** 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 38.** 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 39.** 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 40.** 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 Five Million Dollars (\$5,000,000.00), 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, 2014, and ending June 30, 2015. The school districts receiving these loans shall repay the Mississippi Department of Education the amount of the loan on or before June 30, 2015.

**SECTION 41.** Of the funds appropriated in Section 1(a), Seven Hundred Thousand Dollars (\$700,000.00) shall be transferred to the Board of Health no later than December 31, 2014.

**SECTION 42.** Any school district receiving funds through Save the Children and Learning Through Sports/Kids College shall provide a thirty percent (30%) match from local funds for implementation of the program.

**SECTION 43.** Of the funds in Section 1, Six Million Dollars (\$6,000,000.00) is provided for Teach for America.

**SECTION 44.** It is the intention of the Legislature that the State Department of Education shall have the authority to receive, escalate spending authority, and expend such sums as may be received from the Department of Mental Health to expand community services identified by the Mississippi Department of Mental Health that will improve the State of Mississippi's compliance with the

Olmstead decision of the United States Supreme Court. Further, it is the intention of the Legislature that any sums received from this source that are not expended during the fiscal year ending June 30, 2015, by the State Department of Education, shall be reappropriated for the same purpose during the fiscal year ending June 30, 2016. Further, it is the intention of the Legislature that the State Department of Education shall account for the expenditure of these funds in sufficient detail to clearly show the purposes for which such funds were expended.

**SECTION 45.** Of the funds appropriated in Section 1(a), Five Hundred Thousand Dollars (\$500,000.00) is provided for the Mississippi Community Oriented Policing Services in Schools (MCOPS) grant program. Of the funds appropriated in Section 52, Three Million Dollars (\$3,000,000.00) is provided for the MCOPS program.

**SECTION 46.** Of the funds appropriated in Section 1(a), One Million Five Hundred Thousand Dollars (\$1,500,000.00) is provided for a Performance Based Compensation- Pilot Program.

**SECTION 47.** Of the funds appropriated in Section 1(a), Two Million Two Hundred Thousand Dollars (\$2,200,000.00) is provided for the Digital Interactive Learning Pilot Program.

**SECTION 48.** Of the funds appropriated in Section 1(a), Three Million Dollars (\$3,000,000.00) is provided for an Early Childhood Education Initiative program.

**SECTION 49.** Of the funds appropriated in Section 1(a), Three Million Dollars (\$3,000,000.00) is provided for Mississippi Building Blocks.

**SECTION 50.** Of the funds appropriated in Section 1(a), One Million Eight Hundred Thousand Dollars (\$1,800,000.00) is provided for the State Longitudinal Data System.

**SECTION 51.** Of the funds appropriated in Section 1(a) and Section 4(a), Fifteen Million Dollars (\$15,000,000.00) shall be used for the Literacy Initiative and Assessment.

**SECTION 52.** The following sum, or so much thereof as may be necessary, is 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 HB 1648, 2013 Regular Session, to provide additional funding for the Mississippi Community Oriented Policing Services in Schools (MCOPS) grant program for the fiscal year beginning July 1, 2014, and ending June 30, 2015.....  
..... \$ 3,000,000.00.

Notwithstanding the amount reappropriated under the provisions of this section, in no event shall the amount expended exceed the unexpended balance of June 30, 2013.

**SECTION 53.** 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 HB 1648, 2013 Regular Session to provide additional funding for general education purposes for the fiscal year beginning July 1, 2014 and ending June 30, 2015 ..... \$5,000,000.00.

Notwithstanding the amount reappropriated under the provisions of this section, in no event shall the amount expended exceed the unexpended balance of June 30, 2013.

**SECTION 54.** Of the funds appropriated in Section 1(a), Three Million Dollars (\$3,000,000.00) is provided for the Equal Opportunity for All Students with Special Needs program. If legislation creating an Equal Opportunity for All Students with Special Needs program is not passed, then the amount in Section 1(a) of this act shall be used to restore general education personnel salaries.

**SECTION 55.** Of the funds appropriated in Section 1(b), Two Hundred Thousand Dollars (\$200,000.00) is provided for the Smart Lab project.

**SECTION 56.** 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 57. This act shall take effect and be in force from and after July 1, 2014.

PASSED BY THE HOUSE OF REPRESENTATIVES  
March 31, 2014

  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE  
March 31, 2014

  
PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR

  
GOVERNOR

4/15/14

2:05pm

4/15/14 HB 1476

2:05 P.M.

CHAPTER NO. 49

# STATE OF MISSISSIPPI

## Office of the Governor



April 15, 2014

TO THE MEMBERS OF THE HOUSE OF REPRESENTATIVES AND THE MISSISSIPPI SENATE:

### GOVERNOR'S SIGNING STATEMENT FOR HOUSE BILL 1476

I am signing House Bill 1476, "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 2015," despite unnecessary language in one section of the bill with which I disagree.

The first sentence of Section 44 of House Bill 1476 references a separate appropriation made to the Department of Mental Health (DMH) "to expand community services" for individuals with mental illnesses and intellectual or developmental disabilities. I fully support that appropriation and approved it as law by signing the DMH appropriations bill. Unfortunately, the remainder of this sentence and similar language in the DMH bill could be read to imply that the State of Mississippi is not in compliance with the Americans with Disabilities Act (ADA), 42 U.S.C. § 12101 *et seq.*, as interpreted in *Olmstead v. L.C.*, 527 U.S. 581 (1999). In fact, the State is in compliance with the ADA and *Olmstead*. I understand that the United States Department of Justice (DOJ) has suggested otherwise; however, DOJ's expansive interpretation of *Olmstead* not only lacks legal support but also raises serious constitutional questions, and DOJ's factual allegations are unsubstantiated. A lawsuit that DOJ filed against one of our neighboring states based on similar theories and allegations was dismissed by a federal judge as without merit. *United States v. Arkansas*, 794 F. Supp. 2d 935 (E.D. Ark. 2011). In dismissing the lawsuit, the judge noted that DOJ was "in the odd position of asserting that certain persons' rights have been and are being violated while those persons—through their parents and guardians—disagree." *Id.* at 937. The situation in Mississippi appears to be much the same.

Nonetheless, I am signing House Bill 1476 because I support the underlying appropriation and have no other objection to the bill, and because the superfluous language in Section 44 has no legal significance.

Respectfully submitted,

Phil Bryant  
GOVERNOR