

OFFICE OF CHIEF OPERATIONS
Summary of State Board of Education Agenda Items
June 18-19, 2015

OFFICE OF SCHOOL FINANCIAL SERVICES

19. Begin the APA process to amend State Board Policy 4904 Withholding of Funds for failure to submit student, fiscal and personnel Data [Goals 1, 2,3,4, and 5 – MDE Strategic Plan]

Background Information:

MS Code 37-151-95 authorizes the State Board of Education to establish rules and regulations governing the withholding of Mississippi Adequate Education Program (MAEP) funds from school districts that fail to timely report student, fiscal and personnel data necessary to state and/or federal requirements. The current procedure is to annually bring to the State Board of Education for approval a list of reports that will be subject to withholding of MAEP funds for the upcoming fiscal year, along with the required due dates of the reports.

We are asking that State Board Policy 4904 be revised to allow the State Superintendent of Education to make the determination regarding reports that will be subject to withholding of MAEP funds on as needed basis. This will allow for reports to be added at any time during the year without having to wait for board approval.

Recommendation: Approval

Back-up material attached

Miss. Code Ann. § 37-151-95

MISSISSIPPI CODE of 1972

*** Current through the 2014 Regular Session and 1st and 2nd Extraordinary Sessions ***

TITLE 37. EDUCATION

CHAPTER 151. MISSISSIPPI ACCOUNTABILITY AND ADEQUATE EDUCATION PROGRAM ACT OF 1997
FUNDS FOR EMPLOYEE HEALTH INSURANCE

Miss. Code Ann. § 37-151-95 (2014)

§ 37-151-95. Payment for health insurance for certain school district employees; federal funding; withholding of district funding for failure to report data

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

Where the use of federal funding is allowable to defray, in full or in part, the cost of participation in the insurance plan by district employees who work no less than twenty (20) hours during each week and regular nonstudent school bus drivers, whose salaries are paid, in full or in part, by federal funds, the allowance under this section shall be reduced to the extent of the federal funding. Where the use of federal funds is allowable but not available, it is the intent of the Legislature that school districts contribute the cost of participation for such employees from local funds, except that parent fees for child nutrition programs shall not be increased to cover such cost.

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

HISTORY: SOURCES: Laws, 1997, ch. 612, § 13; Laws, 2002, ch. 551, § 2, eff from and after July 1, 2002 (date bill became law without the Governor's signature).

DESCRIPTOR TERM: Withholding Mississippi Adequate Education Program Funds	CODE: 4904
ADOPTION DATE: May 19, 1995	REVISION: June 20, 2003

STATE BOARD POLICY

WITHHOLDING OF FUNDS FOR FAILURE TO SUBMIT STUDENT, FISCAL, AND PERSONNEL DATA

The State Superintendent of Education may withhold payment of Mississippi Adequate Education Program (MAEP) funds to a school district which fails to submit any reports containing student, fiscal and personnel data necessary to meet state and/or federal requirements on or before the required due dates ~~established by the State Superintendent of Education~~ of the report. Notice of a report being subject to withholding of MAEP funds, along with the due date of the report, must be given at the time of the request of the report.

Upon written notification to the Department of Education from the Department of Finance and Administration, Office of Insurance, the State Superintendent of Education shall withhold payment of Mississippi Adequate Education Program funds to those districts that fail to remit premiums, interest penalties and/or late charges under the State and School Employees' Life and Health Insurance Plan. Noncompliance with these rules and regulations shall result in a violation of compulsory accreditation standards as established by the State Board of Education and Commission on School Accreditation.

Authority: Mississippi Code of 1972 as amended ~~1994 Section 37-19-34~~ 2002 Section 37-151-95.

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