

By: Senator(s) Ferris

To: Education;
Appropriations

SENATE BILL NO. 2186

1 AN ACT TO AMEND SECTION 37-19-7, MISSISSIPPI CODE OF 1972, TO
 2 INCREASE THE TEACHER SALARY SCALE UNDER THE MINIMUM EDUCATION
 3 PROGRAM; TO AMEND SECTION 37-19-21, MISSISSIPPI CODE OF 1972, TO
 4 INCREASE THE ALLOTMENT OF MINIMUM EDUCATION PROGRAM FUNDS FOR
 5 SUPPORTIVE SERVICES; TO AMEND SECTION 37-21-7, MISSISSIPPI CODE OF
 6 1972, TO PROVIDE FOR AND INCREASE THE ASSISTANT TEACHER SALARY
 7 SCALE UNDER THE MINIMUM EDUCATION PROGRAM; TO CLARIFY THAT PERSONS
 8 WHO HAVE SUCCESSFULLY COMPLETED THE GENERAL EDUCATIONAL
 9 DEVELOPMENT (GED) TEST MAY SERVE AS ASSISTANT TEACHERS; TO AMEND
 10 SECTION 37-57-104, MISSISSIPPI CODE OF 1972, TO EXEMPT THE COST OF
 11 SALARY INCREASES FOR SCHOOL DISTRICT PERSONNEL MANDATED BY THE
 12 LEGISLATURE AND OTHER NEW PROGRAMS FROM THE 55-MILL LIMITATION ON
 13 LOCAL SCHOOL DISTRICT AD VALOREM TAXES, AND TO AUTHORIZE CERTAIN
 14 SCHOOL DISTRICTS TO LEVY AN ADDITIONAL THREE MILLS NOTWITHSTANDING
 15 SAID TAX EFFORT LIMITATION; TO AMEND SECTION 37-57-107,
 16 MISSISSIPPI CODE OF 1972, TO CLARIFY THE TERM "NEW PROPERTY" FOR
 17 SCHOOL AD VALOREM TAXATION PURPOSES AND TO PROVIDE THAT THE COST
 18 OF SALARY INCREASES FOR SCHOOL DISTRICT PERSONNEL MANDATED BY THE
 19 LEGISLATURE SHALL BE A "NEW PROGRAM" FOR SCHOOL TAX INCREASE
 20 LIMITATION PURPOSES; TO AMEND SECTION 37-61-33, MISSISSIPPI CODE
 21 OF 1972, TO PROVIDE THAT FROM AND AFTER JULY 1, 2000,
 22 APPROPRIATIONS FROM THE EDUCATION ENHANCEMENT FUND FOR SCHOOL
 23 CAPITAL IMPROVEMENT AND SCHOOL TRANSPORTATION PURPOSES SHALL BE
 24 DETERMINED ON A PERCENTAGE BASIS; AND FOR RELATED PURPOSES.

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

26 SECTION 1. Section 37-19-7, Mississippi Code of 1972, is
 27 amended as follows:

28 37-19-7. (1) The allowance in the minimum education program
 29 for teachers' salaries in each county and separate school district
 30 shall be determined and paid in accordance with the scale for
 31 teachers' salaries as provided in this subsection for the number
 32 of teachers employed not in excess of the number of teacher units
 33 allotted. For teachers holding the following types of licenses or
 34 the equivalent as determined by the State Board of Education, and
 35 the following number of years of teaching experience, the scale
 36 shall be as follows:

37 1999-2000 School Year and School Years Thereafter

38 Less Than 25 Years of Teaching Experience

39	AAAA.....	\$25,795.00
40	AAA.....	24,945.00
41	AA.....	24,095.00
42	A.....	23,045.00

25 or More Years of Teaching Experience

44	AAAA.....	\$26,795.00
45	AAA.....	25,945.00
46	AA.....	25,095.00
47	A.....	24,045.00

48 It is the intent of the Legislature that in Fiscal Year 2003
49 the teachers of this state, to the extent possible, shall receive
50 salaries that are at least equal to the average of the salaries
51 received by teachers in the southeastern United States.

52 It is the intent of the Legislature that any state funds made
53 available for salaries of licensed personnel in excess of the
54 funds paid for such salaries for the 1986-1987 school year shall
55 be paid to licensed personnel pursuant to a personnel appraisal
56 and compensation system implemented by the State Board of
57 Education. The State Board of Education shall have the authority
58 to adopt and amend rules and regulations as are necessary to
59 establish, administer and maintain the system.

60 All teachers employed on a full-time basis shall be paid a
61 minimum salary in accordance with the above scale. However, no
62 school district shall receive any funds under this section for any
63 school year during which the local supplement paid to any
64 individual teacher shall have been reduced to a sum less than that
65 paid to that individual teacher for performing the same duties
66 from local supplement during the immediately preceding school
67 year. The amount actually spent for the purposes of group health
68 and/or life insurance shall be considered as a part of the
69 aggregate amount of local supplement but shall not be considered a
70 part of the amount of individual local supplement.

71 For teachers holding a Class AAAA license, the minimum base
72 pay specified in this subsection shall be increased by the sum of

73 Seven Hundred Fifteen Dollars (\$715.00) for each year of teaching
74 experience possessed by the person holding such license until such
75 person shall have twenty-five (25) years of teaching experience.

76 For teachers holding a Class AAA license, the minimum base
77 pay specified in this subsection shall be increased by the sum of
78 Six Hundred Forty-five Dollars (\$645.00) for each year of teaching
79 experience possessed by the person holding such license until such
80 person shall have twenty-five (25) years of teaching experience.

81 For teachers holding a Class AA license, the minimum base pay
82 specified in this subsection shall be increased by the sum of Five
83 Hundred Seventy Dollars (\$570.00) for each year of teaching
84 experience possessed by the person holding such license until such
85 person shall have twenty-five (25) years of teaching experience.

86 For teachers holding a Class A license, the minimum base pay
87 specified in this subsection shall be increased by the sum of Four
88 Hundred Seventy Dollars (\$470.00) for each year of teaching
89 experience possessed by the person holding such license until such
90 person shall have twenty-one (21) years of teaching experience.

91 The level of professional training of each teacher to be used
92 in establishing the salary allotment for the teachers for each
93 year shall be determined by the type of valid teacher's license
94 issued to those teachers on or before October 1 of the current
95 school year.

96 (2) Prior to April 15 of any school year in which a teacher
97 meets the standard requirements, any licensed teacher who shall
98 have met the requirements and acquired a Master Teacher
99 certificate from the National Board for Professional Teaching
100 Standards and who is employed by a local school board or the State
101 Board of Education as a teacher and not as an administrator shall
102 receive a salary supplement in the amount of Six Thousand Dollars
103 (\$6,000.00) in addition to any other compensation to which the
104 teacher may be entitled. The teacher shall be reimbursed one (1)
105 time for the actual cost of completing the process of acquiring
106 the Master Teacher certificate, regardless of whether or not the

107 process resulted in the award of the Master Teacher certificate.
108 All such salary supplements and process reimbursement shall be
109 paid directly by the State Department of Education to the local
110 school district and shall be in addition to its minimum education
111 program allotments and not a part thereof in accordance with
112 regulations promulgated by the State Board of Education, and
113 subject to appropriation by the Legislature. Local school
114 districts shall not reduce the local supplement paid to any
115 teacher receiving such salary supplement, and the teacher shall
116 receive any local supplement to which teachers with similar
117 training and experience are otherwise entitled.

118 SECTION 2. Section 37-19-21, Mississippi Code of 1972, is
119 amended as follows:

120 37-19-21. In addition to other funds allowed in this
121 chapter, each school district shall be allotted Five Thousand
122 Seventy-six Dollars (\$5,076.00) annually per teacher unit for use
123 in supportive services.

124 This section shall stand repealed from and after July 1,
125 2002.

126 SECTION 3. Section 37-21-7, Mississippi Code of 1972, is
127 amended as follows:

128 **[From and after July 1, 1999, and until July 1, 2002, Section**
129 **37-21-7 will read as follows:]**

130 37-21-7. (1) This section shall be referred to as the
131 "Mississippi Elementary Schools Assistant Teacher Program," the
132 purpose of which shall be to provide an early childhood education
133 program that assists in the instruction of basic skills. The
134 State Board of Education is authorized, empowered and directed to
135 implement a statewide system of assistant teachers in kindergarten
136 classes and in the first, second and third grades. The assistant
137 teacher shall assist pupils in actual instruction under the strict
138 supervision of a licensed teacher.

139 (2) (a) Each school district shall employ the total number
140 of assistant teachers funded under subsection (6) of this section.

141 The superintendent of each district shall assign the assistant
142 teachers to the kindergarten, first-, second- and third-grade
143 classes in the district in a manner that will promote the maximum
144 efficiency, as determined by the superintendent, in the
145 instruction of skills such as verbal and linguistic skills,
146 logical and mathematical skills, and social skills.

147 (b) If a licensed teacher to whom an assistant teacher
148 has been assigned is required to be absent from the classroom, the
149 assistant teacher may assume responsibility for the classroom in
150 lieu of a substitute teacher. However, no assistant teacher shall
151 assume sole responsibility of the classroom for more than three
152 (3) consecutive school days. Further, in no event shall any
153 assistant teacher be assigned to serve as a substitute teacher for
154 any teacher other than the licensed teacher to whom that assistant
155 teacher has been assigned.

156 (3) Assistant teachers shall have, at a minimum, a high
157 school diploma or shall have successfully completed the General
158 Educational Development (GED) test and shall show demonstratable
159 proficiency in reading and writing skills. The State Department
160 of Education shall develop a testing procedure for assistant
161 teacher applicants to be used in all school districts in the
162 state.

163 (4) (a) In order to receive funding, each school district
164 shall:

165 (i) Submit a plan on the implementation of a
166 reading improvement program to the State Department of Education;
167 and

168 (ii) Develop a plan of educational accountability
169 and assessment of performance, including pretests and posttests,
170 for reading in Grades 1 through 6.

171 (b) Additionally, each school district shall:

172 (i) Provide annually a mandatory preservice
173 orientation session, using an existing in-school service day, for
174 administrators and teachers on the effective use of assistant

175 teachers as part of a team in the classroom setting and on the
176 role of assistant teachers, with emphasis on program goals;

177 (ii) Hold periodic workshops for administrators
178 and teachers on the effective use and supervision of assistant
179 teachers;

180 (iii) Provide training annually on specific
181 instructional skills for assistant teachers;

182 (iv) Annually evaluate their program in accordance
183 with their educational accountability and assessment of
184 performance plan; and

185 (v) Designate the necessary personnel to supervise
186 and report on their program.

187 (5) The State Department of Education shall:

188 (a) Develop and assist in the implementation of a
189 statewide uniform training module, subject to the availability of
190 funds specifically appropriated therefor by the Legislature, which
191 shall be used in all school districts for training administrators,
192 teachers and assistant teachers. The module shall provide for the
193 consolidated training of each assistant teacher and teacher to
194 whom the assistant teacher is assigned, working together as a
195 team, and shall require further periodical training for
196 administrators, teachers and assistant teachers regarding the role
197 of assistant teachers;

198 (b) Annually evaluate the program on the district and
199 state level. Subject to the availability of funds specifically
200 appropriated therefor by the Legislature, the department shall
201 develop: (i) uniform evaluation reports, to be performed by the
202 principal or assistant principal, to collect data for the annual
203 overall program evaluation conducted by the department; or (ii) a
204 program evaluation model that, at a minimum, addresses process
205 evaluation; and

206 (c) Promulgate rules, regulations and such other
207 standards deemed necessary to effectuate the purposes of this
208 section. Noncompliance with the provisions of this section and

209 any rules, regulations or standards adopted by the department may
210 result in a violation of compulsory accreditation standards as
211 established by the State Board of Education and Commission on
212 School Accreditation.

213 (6) The allowance in the minimum education program for
214 assistant teacher salaries in each school district shall be
215 determined and paid in accordance with the scale for assistant
216 teachers' salaries as provided in this subsection for the number
217 of teachers employed not in excess of the number of teacher units
218 as prescribed in Section 37-19-5 allotted for Grades 1, 2 and 3.
219 For assistant teachers holding the following qualifications as
220 determined by the local school district, the minimum scale shall
221 be as follows:

222 1999-2000 School Year and
223 School Years Thereafter

224	<u>Bachelor's degree.....</u>	<u>\$9,745.00</u>
225	<u>Sixty (60) credit hours, or more,</u>	
226	<u>undergraduate coursework.....</u>	<u>8,995.00</u>
227	<u>High school diploma, or the equivalent.....</u>	<u>8,770.00</u>

228 For assistant teachers holding a bachelor's degree, the
229 minimum base pay specified in this subsection shall be increased
230 by the sum of One Hundred Twenty Dollars (\$120.00) for each year
231 of assistant teaching experience possessed by the person holding
232 such degree until such person shall have fifteen (15) years of
233 assistant teaching experience.

234 For assistant teachers holding sixty (60) credit hours, or
235 more, undergraduate coursework, the minimum base pay specified in
236 this subsection shall be increased by the sum of Eighty Dollars
237 (\$80.00) for each year of assistant teaching experience possessed
238 by the person holding such degree until such person shall have ten
239 (10) years of assistant teaching experience.

240 For assistant teachers holding a high school diploma, or the
241 equivalent, the minimum base pay specified in this subsection
242 shall be increased by the sum of Fifty Dollars (\$50.00) for each

243 year of assistant teaching experience possessed by the person
244 holding such degree until such person shall have five (5) years of
245 assistant teaching experience.

246 The local school district shall require an official
247 transcript of the undergraduate coursework possessed by the
248 assistant teacher for purposes of determining his salary under the
249 minimum scale prescribed herein.

250 No assistant teacher shall be paid less than the amount he or
251 she received in the prior school year. In the 1995-1996 school
252 year and school years thereafter, no school district shall receive
253 any funds under this section for any school year during which the
254 aggregate amount of the local contribution to the salaries of
255 assistant teachers by the district shall have been reduced below
256 such amount for the previous year. The assistant teachers shall
257 not be restricted to working only in the grades for which the
258 funds were allotted, but may be assigned to other classes as
259 provided in subsection (2)(a) of this section.

260 (7) (a) As an alternative to employing assistant teachers,
261 the State Board of Education may authorize any school district
262 meeting Level 3, 4 or 5 accreditation requirements to use the
263 minimum program allotment provided under subsection (6) of this
264 section for the purpose of employing licensed teachers for
265 kindergarten, first-, second- and third-grade classes; however, no
266 school district shall be authorized to use the minimum program
267 allotment for assistant teachers for the purpose of employing
268 licensed teachers unless the district has established that the
269 employment of licensed teachers using such funds will reduce the
270 teacher:student ratio in the kindergarten, first-, second- and
271 third-grade classes. All minimum program funds for assistant
272 teachers shall be applied to reducing teacher:student ratio in
273 Grades K-3.

274 It is the intent of the Legislature that no school district
275 shall dismiss any assistant teacher for the purpose of using the
276 minimum program assistant teacher allotment to employ licensed

277 teachers. School districts may rely only upon normal attrition to
278 reduce the number of assistant teachers employed in that district.

279 (b) In the event any school district meets Level 4 or 5
280 accreditation requirements, the State Board of Education, in its
281 discretion, may exempt such school district from any accreditation
282 requirements for the district's early childhood education program
283 or reading improvement program.

284 **[From and after July 1, 2002, this section reads as follows:]**

285 37-21-7. (1) This section shall be referred to as the
286 "Mississippi Elementary Schools Assistant Teacher Program," the
287 purpose of which shall be to provide an early childhood education
288 program that assists in the instruction of basic skills. The
289 State Board of Education is authorized, empowered and directed to
290 implement a statewide system of assistant teachers in kindergarten
291 classes and in the first, second and third grades. The assistant
292 teacher shall assist pupils in actual instruction under the strict
293 supervision of a certified teacher.

294 (2) (a) Each school district shall employ the total number
295 of assistant teachers funded under subsection (6) of this section.
296 The superintendent of each district shall assign the assistant
297 teachers to the kindergarten, first-, second- and third-grade
298 classes in the district in a manner that will promote the maximum
299 efficiency, as determined by the superintendent, in the
300 instruction of skills such as verbal and linguistic skills,
301 logical and mathematical skills, and social skills.

302 (b) If a certified teacher to whom an assistant teacher
303 has been assigned is required to be absent from the classroom, the
304 assistant teacher may assume responsibility for the classroom in
305 lieu of a substitute teacher. However, no assistant teacher shall
306 assume sole responsibility of the classroom for more than three

307 (3) consecutive school days. Further, in no event shall any
308 assistant teacher be assigned to serve as a substitute teacher for
309 any teacher other than the certified teacher to whom that
310 assistant teacher has been assigned.

311 (3) Assistant teachers shall have, at a minimum, a high
312 school diploma or a GED equivalent, and shall show demonstratable
313 proficiency in reading and writing skills. The State Department
314 of Education shall develop a testing procedure for assistant
315 teacher applicants to be used in all school districts in the
316 state.

317 (4) (a) In order to receive funding, each school district
318 shall:

319 (i) Submit a plan on the implementation of a
320 reading improvement program to the State Department of Education;
321 and

322 (ii) Develop a plan of educational accountability
323 and assessment of performance, including pretests and posttests,
324 for reading in Grades 1 through 6.

325 (b) Additionally, each school district shall:

326 (i) Provide annually a mandatory preservice
327 orientation session, using an existing in-school service day, for
328 administrators and teachers on the effective use of assistant
329 teachers as part of a team in the classroom setting and on the
330 role of assistant teachers, with emphasis on program goals;

331 (ii) Hold periodic workshops for administrators
332 and teachers on the effective use and supervision of assistant
333 teachers;

334 (iii) Provide training annually on specific
335 instructional skills for assistant teachers;

336 (iv) Annually evaluate their program in accordance
337 with their educational accountability and assessment of
338 performance plan; and

339 (v) Designate the necessary personnel to supervise
340 and report on their program.

341 (5) The State Department of Education shall:

342 (a) Develop and assist in the implementation of a
343 statewide uniform training module, subject to the availability of
344 funds specifically appropriated therefor by the Legislature, which

345 shall be used in all school districts for training administrators,
346 teachers and assistant teachers. The module shall provide for the
347 consolidated training of each assistant teacher and teacher to
348 whom the assistant teacher is assigned, working together as a
349 team, and shall require further periodical training for
350 administrators, teachers and assistant teachers regarding the role
351 of assistant teachers;

352 (b) Annually evaluate the program on the district and
353 state level. Subject to the availability of funds specifically
354 appropriated therefor by the Legislature, the department shall
355 develop: (i) uniform evaluation reports, to be performed by the
356 principal or assistant principal, to collect data for the annual
357 overall program evaluation conducted by the department; or (ii) a
358 program evaluation model that, at a minimum, addresses process
359 evaluation; and

360 (c) Promulgate rules, regulations and such other
361 standards deemed necessary to effectuate the purposes of this
362 section. Noncompliance with the provisions of this section and
363 any rules, regulations or standards adopted by the department may
364 result in a violation of compulsory accreditation standards as
365 established by the State Board of Education and Commission on
366 School Accreditation.

367 (6) For assistant teachers holding the following
368 qualifications as determined by the local school district, the
369 minimum scale shall be as follows:

	<u>1999-2000 School Year and</u>
	<u>School Years Thereafter</u>
<u>Bachelor's degree</u>	<u>\$9,745.00</u>
<u>Sixty (60) credit hours, or more,</u>	
<u>undergraduate coursework</u>	<u>8,995.00</u>
<u>High school diploma, or the equivalent</u>	<u>8,770.00</u>

376 For assistant teachers holding a bachelor's degree, the
377 minimum base pay specified in this subsection shall be increased
378 by the sum of One Hundred Twenty Dollars (\$120.00) for each year

379 of assistant teaching experience possessed by the person holding
380 such degree until such person shall have fifteen (15) years of
381 assistant teaching experience.

382 For assistant teachers holding sixty (60) credit hours, or
383 more, undergraduate coursework, the minimum base pay specified in
384 this subsection shall be increased by the sum of Eighty Dollars
385 (\$80.00) for each year of assistant teaching experience possessed
386 by the person holding such degree until such person shall have ten
387 (10) years of assistant teaching experience.

388 For assistant teachers holding a high school diploma, or the
389 equivalent, the minimum base pay specified in this subsection
390 shall be increased by the sum of Fifty Dollars (\$50.00) for each
391 year of assistant teaching experience possessed by the person
392 holding such degree until such person shall have five (5) years of
393 assistant teaching experience.

394 The local school district shall require an official
395 transcript of the undergraduate coursework possessed by the
396 assistant teacher for purposes of determining his salary under the
397 minimum scale prescribed herein.

398 No assistant teacher shall be paid less than the amount he or
399 she received in the prior school year. In the 1995-1996 school
400 year and school years thereafter, no school district shall receive
401 any funds under this section for any school year during which the
402 aggregate amount of the local contribution to the salaries of
403 assistant teachers by the district shall have been reduced below
404 such amount for the previous year. The assistant teachers shall
405 not be restricted to working only in the grades for which the
406 funds were allotted, but may be assigned to other classes as
407 provided in subsection (2)(a) of this section.

408 (7) (a) As an alternative to employing assistant teachers,
409 the State Board of Education may authorize any school district
410 meeting Level 3, 4 or 5 accreditation requirements to use the
411 adequate education program allotment for the purpose of employing
412 certified teachers for kindergarten, first-, second- and

413 third-grade classes; however, no school district shall be
414 authorized to use the funds for assistant teachers for the purpose
415 of employing certified teachers unless the district has
416 established that the employment of certified teachers using such
417 funds will reduce the teacher:student ratio in the kindergarten,
418 first-, second- and third-grade classes. All adequate education
419 program funds for assistant teachers shall be applied to reducing
420 teacher:student ratio in Grades K-3.

421 It is the intent of the Legislature that no school district
422 shall dismiss any assistant teacher for the purpose of using state
423 funds to employ certified teachers. School districts may rely
424 only upon normal attrition to reduce the number of assistant
425 teachers employed in that district.

426 (b) In the event any school district meets Level 4 or 5
427 accreditation requirements, the State Board of Education, in its
428 discretion, may exempt such school district from any accreditation
429 requirements for the district's early childhood education program
430 or reading improvement program.

431 SECTION 4. Section 37-57-104, Mississippi Code of 1972, is
432 amended as follows:

433 37-57-104. (1) Each school board shall submit to the
434 levying authority for the school district a certified copy of an
435 order adopted by the school board requesting an ad valorem tax
436 effort in dollars for the support of the school district. The
437 copy of the order shall be submitted by the school board when the
438 copies of the school district's budget are filed with the levying
439 authority pursuant to Section 37-61-9. Upon receipt of the school
440 board's order requesting the ad valorem tax effort in dollars, the
441 levying authority shall determine the millage rate necessary to
442 generate funds equal to the dollar amount requested by the school
443 board. For the purpose of calculating this millage rate, any
444 additional amount that is levied (a) pursuant to Section
445 37-57-105(1) to cover anticipated delinquencies and costs of
446 collection, or (b) any amount that may be levied for the payment

447 of the principal and interest on school bonds or notes, or (c) any
448 amount that may be levied to fund the local school district cost
449 of salary increases for licensed school district personnel or any
450 other new programs mandated by the Legislature or the State Board
451 of Education, shall be excluded from the limitation of fifty-five
452 (55) mills provided for in subsection (2) of this section.

453 (2) (a) Except as otherwise provided under paragraph (b) or
454 (c) of this subsection, if the millage rate necessary to generate
455 funds equal to the dollar amount requested by the school board is
456 greater than fifty-five (55) mills, and if this millage rate is
457 higher than the millage then being levied pursuant to the school
458 board's order requesting the ad valorem tax effort for the
459 currently existing fiscal year, then the levying authority shall
460 call a referendum on the question of exceeding, during the next
461 fiscal year, the then existing millage rate being levied for
462 school district purposes. The referendum shall be scheduled for
463 not more than six (6) weeks after the date on which the levying
464 authority receives the school board's order requesting the ad
465 valorem tax effort.

466 When a referendum has been called, notice of the referendum
467 shall be published at least five (5) days per week, unless the
468 only newspaper published in the school district is published less
469 than five (5) days per week, for at least three (3) consecutive
470 weeks, in at least one (1) newspaper published in the school
471 district. The notice shall be no less than one-fourth (1/4) page
472 in size, and the type used shall be no smaller than eighteen (18)
473 point and surrounded by a one-fourth-inch solid black border. The
474 notice may not be placed in that portion of the newspaper where
475 legal notices and classified advertisements appear. The first
476 publication of the notice shall be made not less than twenty-one
477 (21) days before the date fixed for the referendum, and the last
478 publication shall be made not more than seven (7) days before that
479 date. If no newspaper is published in the school district, then
480 the notice shall be published in a newspaper having a general

481 circulation in the school district. The referendum shall be held,
482 as far as is practicable, in the same manner as other referendums
483 and elections are held in the county or municipality. At the
484 referendum, all registered, qualified electors of the school
485 district may vote. The ballots used at the referendum shall have
486 printed thereon a brief statement of the amount and purpose of the
487 increased tax levy and the words "FOR INCREASING THE MILLAGE
488 LEVIED FOR SCHOOL DISTRICT PURPOSES FROM (MILLAGE RATE CURRENTLY
489 LEVIED) MILLS TO (MILLAGE RATE REQUIRED UNDER SCHOOL BOARD'S
490 ORDER) MILLS," and "AGAINST INCREASING THE MILLAGE LEVIED FOR
491 SCHOOL DISTRICT PURPOSES FROM (MILLAGE RATE CURRENTLY LEVIED)
492 MILLS TO (MILLAGE RATE REQUIRED UNDER SCHOOL BOARD'S ORDER)
493 MILLS." The voter shall vote by placing a cross (X) or check mark
494 () opposite his choice on the proposition.

495 If a majority of the registered, qualified electors of the
496 school district who vote in the referendum vote in favor of the
497 question, then the ad valorem tax effort in dollars requested by
498 the school board shall be approved. However, if a majority of the
499 registered, qualified electors who vote in the referendum vote
500 against the question, the millage rate levied by the levying
501 authority shall not exceed the millage then being levied pursuant
502 to the school board's order requesting the ad valorem tax effort
503 for the then currently existing fiscal year.

504 Nothing in this subsection shall be construed to require any
505 school district that is levying more than fifty-five (55) mills
506 pursuant to Sections 37-57-1 and 37-57-105 to decrease its millage
507 rate to fifty-five (55) mills or less. Further, nothing in this
508 subsection shall be construed to require a referendum in a school
509 district where the requested ad valorem tax effort in dollars
510 requires a millage rate of greater than fifty-five (55) mills but
511 the requested dollar amount does not require any increase in the
512 then existing millage rate. Further, nothing in this subsection
513 shall be construed to require a referendum in a school district
514 where, because of a decrease in the assessed valuation of the

515 district, a millage rate of greater than fifty-five (55) mills is
516 necessary to generate funds equal to the dollar amount generated
517 by the ad valorem tax effort for the currently existing fiscal
518 year.

519 (b) Provided, however, that if a levying authority is
520 levying in excess of fifty-two (52) mills on July 1, 1997, the
521 levying authority may levy an additional amount not exceeding
522 three (3) mills in the aggregate for the period beginning July 1,
523 1997, and ending June 30, 2003, subject to the limitation on
524 increased receipts from ad valorem taxes prescribed in Sections
525 37-57-105 and 37-57-107.

526 (c) If the levying authority for any school district
527 lawfully has decreased the millage levied for school district
528 purposes, but subsequently determines that there is a need to
529 increase the millage rate due to a disaster in which the Governor
530 has declared a disaster emergency or the President of the United
531 States has declared an emergency or major disaster, then the
532 levying authority may increase the millage levied for school
533 district purposes up to an amount that does not exceed the millage
534 rate in any one (1) of the immediately preceding ten (10) fiscal
535 years without any referendum that otherwise would be required
536 under this subsection.

537 (3) If the millage rate necessary to generate funds equal to
538 the dollar amount requested by the school board is equal to
539 fifty-five (55) mills or less, but the dollar amount requested by
540 the school board exceeds the next preceding fiscal year's ad
541 valorem tax effort in dollars by more than four percent (4%), but
542 not more than seven percent (7%) (as provided for under subsection
543 (4) of this section), then the school board shall publish notice
544 thereof at least five (5) days per week, unless the only newspaper
545 published in the school district is published less than five (5)
546 days per week, for at least three (3) consecutive weeks in a
547 newspaper published in the school district. The notice shall be
548 no less than one-fourth (1/4) page in size, and the type used

549 shall be no smaller than eighteen (18) point and surrounded by a
550 one-fourth-inch solid black border. The notice may not be placed
551 in that portion of the newspaper where legal notices and
552 classified advertisements appear. The first publication shall be
553 made not less than fifteen (15) days before the final adoption of
554 the budget by the school board. If no newspaper is published in
555 the school district, then the notice shall be published in a
556 newspaper having a general circulation in the school district. If
557 at any time before the adoption of the budget a petition signed by
558 not less than twenty percent (20%) or fifteen hundred (1500),
559 whichever is less, of the registered, qualified electors of the
560 school district is filed with the school board requesting that a
561 referendum be called on the question of exceeding the next
562 preceding fiscal year's ad valorem tax effort in dollars by more
563 than four percent (4%), then the school board shall adopt, not
564 later than the next regular meeting, a resolution calling a
565 referendum to be held within the school district upon the
566 question. The referendum shall be called and held, and notice
567 thereof shall be given, in the same manner provided for in
568 subsection (2) of this section. The ballot shall contain the
569 language "FOR THE SCHOOL TAX INCREASE OVER FOUR PERCENT (4%)" and
570 "AGAINST THE SCHOOL TAX INCREASE OVER FOUR PERCENT (4%)." If a
571 majority of the registered, qualified electors of the school
572 district who vote in the referendum vote in favor of the question,
573 then the increase requested by the school board shall be approved.

574 For the purposes of this subsection, the revenue sources excluded
575 from the increase limitation under Section 37-57-107 also shall be
576 excluded from the limitation described in this subsection in the
577 same manner as they are excluded under Section 37-57-107.

578 (4) If the millage rate necessary to generate funds equal to
579 the dollar amount requested by the school board is equal to
580 fifty-five (55) mills or less, but the dollar amount requested by
581 the school board exceeds the seven percent (7%) increase
582 limitation provided for in Section 37-57-107, the school board may

583 exceed the seven percent (7%) increase limitation only after the
584 school board has determined the need for additional revenues and
585 three-fifths (3/5) of the registered, qualified electors voting in
586 a referendum called by the levying authority have voted in favor
587 of the increase. The notice and manner of holding the referendum
588 shall be as prescribed in subsection (2) of this section for a
589 referendum on the question of increasing the millage rate in
590 school districts levying more than fifty-five (55) mills for
591 school district purposes.

592 (5) The aggregate receipts from ad valorem taxes levied for
593 school district purposes pursuant to Sections 37-57-1 and
594 37-57-105, excluding collection fees, additional revenue from the
595 ad valorem tax on any newly constructed properties or any existing
596 properties added to the tax rolls or any properties previously
597 exempt which were not assessed in the next preceding year, and
598 amounts received by school districts from the School Ad Valorem
599 Tax Reduction Fund pursuant to Section 37-61-35, shall be subject
600 to the increase limitation under this section and Section
601 37-57-107.

602 (6) The school board shall pay to the levying authority all
603 costs that are incurred by the levying authority in the calling
604 and holding of any election under this section.

605 (7) The provisions of this section shall not be construed to
606 affect in any manner the authority of school boards to levy
607 millage for the following purposes:

608 (a) The issuance of bonds, notes and certificates of
609 indebtedness, as authorized in Sections 37-59-1 through 37-59-45
610 and Sections 37-59-101 through 37-59-115;

611 (b) The lease of property for school purposes, as
612 authorized under the Emergency School Leasing Authority Act of
613 1986 (Sections 37-7-351 through 37-7-359);

614 (c) The lease or lease-purchase of school buildings, as
615 authorized under Section 37-7-301;

616 (d) The issuance of promissory notes in the event of a

617 shortfall of ad valorem taxes and/or revenue from local sources,
618 as authorized under Section 27-39-333; and

619 (e) The construction of school building outside the
620 school district, as authorized under Section 37-7-401.

621 Any millage levied for the purposes specified in this
622 subsection shall be excluded from the millage limitations
623 established under this section.

624 SECTION 5. Section 37-57-107, Mississippi Code of 1972, is
625 amended as follows:

626 **[Until July 1, 2002, this section shall read as follows:]**

627 37-57-107. Beginning with the tax levy for the 1997 fiscal
628 year and for each fiscal year thereafter, the aggregate receipts
629 from taxes levied for school district purposes pursuant to
630 Sections 37-57-105 and 37-57-1 shall not exceed the aggregate
631 receipts from those sources during any one (1) of the immediately
632 preceding three (3) fiscal years, as determined by the school
633 board, plus an increase not to exceed seven percent (7%). For the
634 purpose of this limitation, the term "aggregate receipts" when
635 used in connection with the amount of funds generated in a
636 preceding fiscal year shall not include excess receipts required
637 by law to be deposited into a special account, and shall not
638 include amounts received by school districts from the School Ad
639 Valorem Tax Reduction Fund pursuant to Section 37-61-35. The
640 additional revenue from the ad valorem tax on any newly
641 constructed real or personal properties or any existing real or
642 personal properties added to the tax rolls or any real or personal
643 properties previously exempt which were not assessed in the next
644 preceding year may be excluded from the seven percent (7%)
645 increase limitation set forth herein. Taxes levied for payment of
646 principal of and interest on general obligation school bonds
647 issued heretofore or hereafter shall be excluded from the seven
648 percent (7%) increase limitation set forth herein. Any additional
649 millage levied to fund any new program mandated by the Legislature
650 or the State Board of Education shall be excluded from the

651 limitation for the first year of the levy and included within such
652 limitation in any year thereafter. For the purposes of this
653 section, the term "new program" shall include, but shall not be
654 limited to, (a) the Early Childhood Education Program required to
655 commence with the 1986-1987 school year as provided by Section
656 37-21-7 and any additional millage levied and the revenue
657 generated therefrom, which is excluded from the limitation for the
658 first year of the levy, to support the mandated Early Childhood
659 Education Program shall be specified on the minutes of the school
660 board and of the governing body making such tax levy, (b) any
661 additional millage levied and the revenue generated therefrom
662 which shall be excluded from the limitation for the first year of
663 the levy, for the purpose of generating additional local
664 contribution funds required for the minimum education program for
665 the 1987 fiscal year and for each fiscal year thereafter through
666 the 1996 fiscal year under Section 37-19-35; (c) any additional
667 millage levied and the revenue generated therefrom which shall be
668 excluded from the limitation for the first and each subsequent
669 year of the levy, for the purpose of generating additional local
670 contributions mandated under Section 37-57-105 requiring the board
671 of trustees of a school district to reach the millage levy
672 certified by the State Board of Education as the uniform minimum
673 school district ad valorem tax levy or the millage levy which
674 would generate funds in an amount equal to a school district's
675 "district entitlement" as defined in Section 37-22-1(2)(e); * * *
676 (d) any additional millage levied and the revenue generated
677 therefrom which shall be excluded from the limitation for the
678 first year of the levy, for the purpose of support and maintenance
679 of any agricultural high school which has been transferred to the
680 control, operation and maintenance of the school board by the
681 board of trustees of the community college district under
682 provisions of Section 37-29-272; and (e) any additional millage
683 levied and the revenue generated therefrom which shall be excluded
684 from the limitation for the first year of the levy, to support the

685 local school district cost of salary increases for licensed school
686 district personnel mandated by the Legislature.

687 The seven percent (7%) increase limitation prescribed in this
688 section may be increased an additional amount only when the school
689 board has determined the need for additional revenues and has held
690 an election on the question of raising the limitation prescribed
691 in this section. The limitation may be increased only if
692 three-fifths (3/5) of those voting in the election shall vote for
693 the proposed increase. The resolution, notice and manner of
694 holding the election shall be as prescribed by law for the holding
695 of elections for the issuance of bonds by the respective school
696 boards. Revenues collected for the fiscal year in excess of the
697 seven percent (7%) increase limitation pursuant to an election
698 shall be included in the tax base for the purpose of determining
699 aggregate receipts for which the seven percent (7%) increase
700 limitation applies for subsequent fiscal years.

701 Except as otherwise provided for excess revenues generated
702 pursuant to an election, if revenues collected as the result of
703 the taxes levied for the fiscal year pursuant to this section and
704 Section 37-57-1 exceed the increase limitation, then it shall be
705 the mandatory duty of the school board of the school district to
706 deposit such excess receipts over and above the increase
707 limitation into a special account and credit it to the fund for
708 which the levy was made. It will be the further duty of such
709 board to hold said funds and invest the same as authorized by law.
710 Such excess funds shall be calculated in the budgets for the
711 school districts for the purpose for which such levies were made,
712 for the succeeding fiscal year. Taxes imposed for the succeeding
713 year shall be reduced by the amount of excess funds available.
714 Under no circumstances shall such excess funds be expended during
715 the fiscal year in which such excess funds are collected.

716 For the purposes of determining ad valorem tax receipts for a
717 preceding fiscal year under this section, the term "fiscal year"
718 means the fiscal year beginning October 1 and ending September 30.

719 **[From and after July 1, 2002, this section shall read as**
720 **follows:]**

721 37-57-107. Beginning with the tax levy for the 1997 fiscal
722 year and for each fiscal year thereafter, the aggregate receipts
723 from taxes levied for school district purposes pursuant to
724 Sections 37-57-105 and 37-57-1 shall not exceed the aggregate
725 receipts from those sources during any one (1) of the immediately
726 preceding three (3) fiscal years, as determined by the school
727 board, plus an increase not to exceed seven percent (7%). For the
728 purpose of this limitation, the term "aggregate receipts" when
729 used in connection with the amount of funds generated in a
730 preceding fiscal year shall not include excess receipts required
731 by law to be deposited into a special account, and shall not
732 include any amounts received by school districts from the School
733 Ad Valorem Tax Reduction Fund pursuant to Section 37-61-35. The
734 additional revenue from the ad valorem tax on any newly
735 constructed real or personal properties or any existing real or
736 personal properties added to the tax rolls or any real or personal
737 properties previously exempt which were not assessed in the next
738 preceding year may be excluded from the seven percent (7%)
739 increase limitation set forth herein. Taxes levied for payment of
740 principal of and interest on general obligation school bonds
741 issued heretofore or hereafter shall be excluded from the seven
742 percent (7%) increase limitation set forth herein. Any additional
743 millage levied to fund any new program mandated by the Legislature
744 or the State Board of Education shall be excluded from the
745 limitation for the first year of the levy and included within such
746 limitation in any year thereafter. For the purposes of this
747 section, the term "new program" shall include, but shall not be
748 limited to, (a) the Early Childhood Education Program required to
749 commence with the 1986-1987 school year as provided by Section
750 37-21-7 and any additional millage levied and the revenue
751 generated therefrom, which is excluded from the limitation for the
752 first year of the levy, to support the mandated Early Childhood

753 Education Program shall be specified on the minutes of the school
754 board and of the governing body making such tax levy, (b) any
755 additional millage levied and the revenue generated therefrom
756 which shall be excluded from the limitation for the first year of
757 the levy, for the purpose of generating additional local
758 contribution funds required for the adequate education program for
759 the 2003 fiscal year and for each fiscal year thereafter under
760 Section 37-151-7(2); * * * (c) any additional millage levied and
761 the revenue generated therefrom which shall be excluded from the
762 limitation for the first year of the levy, for the purpose of
763 support and maintenance of any agricultural high school which has
764 been transferred to the control, operation and maintenance of the
765 school board by the board of trustees of the community college
766 district under provisions of Section 37-29-272; and (d) any
767 additional millage levied and the revenue generated therefrom
768 which shall be excluded from the limitation for the first year of
769 the levy, to support the local school district cost of salary
770 increases for licensed school district personnel mandated by the
771 Legislature.

772 The seven percent (7%) increase limitation prescribed in this
773 section may be increased an additional amount only when the school
774 board has determined the need for additional revenues and has held
775 an election on the question of raising the limitation prescribed
776 in this section. The limitation may be increased only if
777 three-fifths (3/5) of those voting in the election shall vote for
778 the proposed increase. The resolution, notice and manner of
779 holding the election shall be as prescribed by law for the holding
780 of elections for the issuance of bonds by the respective school
781 boards. Revenues collected for the fiscal year in excess of the
782 seven percent (7%) increase limitation pursuant to an election
783 shall be included in the tax base for the purpose of determining
784 aggregate receipts for which the seven percent (7%) increase
785 limitation applies for subsequent fiscal years.

786 Except as otherwise provided for excess revenues generated

787 pursuant to an election, if revenues collected as the result of
788 the taxes levied for the fiscal year pursuant to this section and
789 Section 37-57-1 exceed the increase limitation, then it shall be
790 the mandatory duty of the school board of the school district to
791 deposit such excess receipts over and above the increase
792 limitation into a special account and credit it to the fund for
793 which the levy was made. It will be the further duty of such
794 board to hold said funds and invest the same as authorized by law.

795 Such excess funds shall be calculated in the budgets for the
796 school districts for the purpose for which such levies were made,
797 for the succeeding fiscal year. Taxes imposed for the succeeding
798 year shall be reduced by the amount of excess funds available.
799 Under no circumstances shall such excess funds be expended during
800 the fiscal year in which such excess funds are collected.

801 For the purposes of determining ad valorem tax receipts for a
802 preceding fiscal year under this section, the term "fiscal year"
803 means the fiscal year beginning October 1 and ending September 30.

804 SECTION 6. Section 37-61-33, Mississippi Code of 1972, is
805 amended as follows:

806 **[Until July 1, 2002, this section reads as follows:]**

807 37-61-33. (1) There is hereby created within the State
808 Treasury a special fund to be designated the "Education
809 Enhancement Fund" into which shall be deposited all the revenues
810 collected pursuant to Sections 27-65-75(8), 27-67-31(b) and
811 27-103-203(1).

812 (2) Of the amount deposited into the Education Enhancement
813 Fund, excluding revenues deposited pursuant to Section
814 27-103-203(1), Sixteen Million Dollars (\$16,000,000.00), and from
815 and after July 1, 2000, nine and forty-four one hundredths percent
816 (9.44%) shall be appropriated each fiscal year to the State
817 Department of Education to be distributed to all school districts.

818 Such money shall be distributed to all school districts in the
819 proportion that the average daily attendance of each school
820 district bears to the average daily attendance of all school

821 districts within the state for the following purposes:

822 (a) Purchasing, erecting, repairing, equipping,
823 remodeling and enlarging school buildings and related facilities,
824 including gymnasiums, auditoriums, lunchrooms, vocational training
825 buildings, libraries, teachers' homes, school barns,
826 transportation vehicles (which shall include new and used
827 transportation vehicles) and garages for transportation vehicles,
828 and purchasing land therefor.

829 (b) Establishing and equipping school athletic fields
830 and necessary facilities connected therewith, and purchasing land
831 therefor.

832 (c) Providing necessary water, light, heating, air
833 conditioning and sewerage facilities for school buildings, and
834 purchasing land therefor.

835 (d) As a pledge to pay all or a portion of the debt
836 service on debt issued by the school district under Sections
837 37-59-1 through 37-59-45, 37-59-101 through 37-59-115, 37-7-351
838 through 37-7-359, 37-41-89 through 37-41-99, 37-7-301, 37-7-302
839 and 37-41-81, Mississippi Code of 1972, or debt issued by boards
840 of supervisors for agricultural high schools pursuant to Section
841 37-27-65, Mississippi Code of 1972, if such pledge is accomplished
842 pursuant to a written contract or resolution approved and spread
843 upon the minutes of an official meeting of the district's school
844 board or board of supervisors. The annual grant to such district
845 in any subsequent year during the term of the resolution or
846 contract shall not be reduced below an amount equal to the
847 district's grant amount for the year in which the contract or
848 resolution was adopted. The intent of this provision is to allow
849 school districts to irrevocably pledge a certain, constant stream
850 of revenue as security for long-term obligations issued under the
851 code sections enumerated in this paragraph or as otherwise allowed
852 by law. It is the intent of the Legislature that the provisions
853 of this paragraph shall be cumulative and supplemental to any
854 existing funding programs or other authority conferred upon school

855 districts or school boards. Debt of a district secured by a
856 pledge of sales tax revenue pursuant to this paragraph shall not
857 be subject to any debt limitation contained in the foregoing
858 enumerated code sections.

859 (3) The remainder of the money deposited into the Education
860 Enhancement Fund, excluding funds deposited pursuant to Section
861 27-103-203(1), shall be appropriated as follows:

862 (a) To the State Department of Education as follows:

863 (i) Eight and thirty-five one-hundredths percent
864 (8.35%) to be distributed to public school districts for the
865 funding of textbooks and other educational materials and to be
866 used by the State Department of Education for the purchase of
867 textbooks to be loaned under Sections 37-43-1 through 37-43-59 to
868 approved nonpublic schools, as described under Section 37-43-1.
869 The amount of funds under this item to be used by the department
870 for purchasing textbooks to loan to approved nonpublic schools
871 shall be in the proportion that the average daily attendance of
872 the nonpublic schools that are loaned textbooks by the state bears
873 to the average daily attendance of all school districts in the
874 state. The funds distributed to the school districts under this
875 item shall be in the proportion that the average daily attendance
876 of each school district bears to the average daily attendance of
877 all school districts within the state and shall be used to assist
878 in the funding of textbooks and other educational materials, to
879 include not more than Two Million Dollars (\$2,000,000.00) each
880 year for technology enhancement projects for elementary and
881 secondary education programs;

882 (ii) Seven and ninety-seven one-hundredths percent
883 (7.97%) to assist the funding of transportation operations and
884 maintenance pursuant to Section 37-19-23;

885 (iii) Eight and twenty-six one-hundredths percent
886 (8.26%) to assist the funding of the Uniform Millage Assistance
887 Grant Program pursuant to Section 37-22-1; and

888 (iv) Nine and sixty-one one-hundredths percent

889 (9.61%) for classroom supplies, instructional materials and
890 equipment, including computers and computer software, to be
891 distributed to all school districts in the proportion that the
892 average daily attendance of each school district bears to the
893 average daily attendance of all school districts within the state.
894 Such funds shall not be expended for administrative purposes.
895 Local school districts shall allocate classroom supply funds
896 equally among all classroom teachers in the school district. For
897 purposes of this subparagraph, "teacher" shall mean any employee
898 of the school board of a school district who is required by law to
899 obtain a teacher's license from the State Board of Education and
900 who is assigned to an instructional area of work as defined by the
901 State Department of Education, but shall not include a federally
902 funded teacher. Two (2) or more teachers may agree to pool their
903 classroom supply funds for the benefit of a school within the
904 district pursuant to the development of a spending plan that
905 supports the overall goals of the school which includes the type,
906 quantity and quality of such supplies, instructional materials,
907 equipment, computers or computer software. This plan shall be
908 submitted, in writing, to the school principal for approval.
909 Classroom supply funds allocated under this subparagraph shall
910 supplement, not replace, other local and state funds available for
911 the same purposes. School districts need not fully expend the
912 funds received under this subparagraph in the year in which they
913 are received, but such funds may be carried forward for
914 expenditure in any succeeding school year. The State Board of
915 Education shall develop and promulgate rules and regulations for
916 the administration of this subparagraph consistent with the above
917 criteria, with particular emphasis on allowing the individual
918 teachers to expend funds as they deem appropriate, with minimum
919 input from school principals.

920 (b) Twenty-two and nine one-hundredths percent (22.09%)
921 to the Board of Trustees of State Institutions of Higher Learning
922 for the purpose of supporting institutions of higher learning; and

923 (c) Fourteen and forty-one hundredths percent (14.41%)
924 to the State Board for Community and Junior Colleges for the
925 purpose of providing support to community and junior colleges.

926 (4) The amount remaining in the Education Enhancement Fund
927 after funds are distributed as provided in subsections (2) and (3)
928 of this section, excluding funds deposited pursuant to Section
929 27-103-203(1), shall be disbursed as follows:

930 (a) Twenty-five Million Dollars (\$25,000,000.00) shall
931 be deposited into the Working Cash-Stabilization Reserve Fund
932 created pursuant to Section 27-103-203(1), until the balance in
933 such fund reaches the maximum balance of seven and one-half
934 percent (7-1/2%) of the General Fund appropriations in the
935 appropriate fiscal year. After the maximum balance in the Working
936 Cash-Stabilization Reserve Fund is reached, such money shall
937 remain in the Education Enhancement Fund to be appropriated in the
938 manner provided for in paragraph (b) of this section.

939 (b) The remainder shall be appropriated for other
940 educational needs.

941 (5) None of the funds appropriated pursuant to subsection
942 (3)(a) of this section shall be used to reduce the state's general
943 fund appropriation for the categories listed in an amount below
944 the following amounts:

945 (a) For subsection (3)(a)(i) of this section, Six
946 Million Three Hundred Thirty Thousand Nine Hundred Twenty Dollars
947 (\$6,330,920.00);

948 (b) For subsection (3)(a)(ii) of this section
949 Thirty-six Million Seven Hundred Thousand Dollars
950 (\$36,700,000.00);

951 (c) For subsection (3)(a)(iii) of this section,
952 Twenty-one Million Four Hundred Thousand Dollars (\$21,400,000.00);
953 and

954 (d) For the aggregate of minimum program allotments
955 provided for in Chapter 19, Title 37, Mississippi Code of 1972, as
956 amended, excluding those funds for transportation as provided for

957 in subsection (5)(b) herein.

958 (6) At the end of a fiscal year such amounts as required by
959 Section 27-103-203(1) to be transferred to the Education
960 Enhancement Fund shall be deposited into said Education
961 Enhancement Fund and shall be kept separate from other monies in
962 the fund by the State Treasurer. Beginning with the 1994 fiscal
963 year the monies in such special fund deposited pursuant to said
964 Section 27-103-203(1) shall be subject to appropriation by the
965 Legislature in the following manner: (a) fifty percent (50%) to
966 support public education, including but not limited to, Grades K
967 through 12, Mississippi Educational Television and/or the
968 Mississippi Library Commission; (b) twenty-five percent (25%) to
969 support institutions of higher learning; and (c) twenty-five
970 percent (25%) to support the junior or community colleges. Any
971 amount of such monies transferred into said separate fund pursuant
972 to Section 27-103-203(1) which are not appropriated by the
973 Legislature shall not lapse but shall carry over and be subject to
974 appropriation by the Legislature in the succeeding fiscal year in
975 the same manner provided in this subsection (6). The interest
976 earned on the investment of such monies transferred pursuant to
977 Section 27-103-203(1) shall be paid into said separate fund within
978 the Education Enhancement Fund.

979 **[From and after July 1, 2002, this section reads as follows:]**

980 37-61-33. (1) There is hereby created within the State
981 Treasury a special fund to be designated the "Education
982 Enhancement Fund" into which shall be deposited all the revenues
983 collected pursuant to Sections 27-65-75(8), 27-67-32(b) and
984 27-103-203(1).

985 (2) Of the amount deposited into the Education Enhancement
986 Fund, excluding revenues deposited pursuant to Section
987 27-103-203(1), Sixteen Million Dollars (\$16,000,000.00), and from
988 and after July 1, 2000, nine and forty-four one hundredths percent
989 (9.44%) shall be appropriated each fiscal year to the State
990 Department of Education to be distributed to all school districts.

991 Such money shall be distributed to all school districts in the
992 proportion that the average daily attendance of each school
993 district bears to the average daily attendance of all school
994 districts within the state for the following purposes:

995 (a) Purchasing, erecting, repairing, equipping,
996 remodeling and enlarging school buildings and related facilities,
997 including gymnasiums, auditoriums, lunchrooms, vocational training
998 buildings, libraries, teachers' homes, school barns,
999 transportation vehicles (which shall include new and used
1000 transportation vehicles) and garages for transportation vehicles,
1001 and purchasing land therefor.

1002 (b) Establishing and equipping school athletic fields
1003 and necessary facilities connected therewith, and purchasing land
1004 therefor.

1005 (c) Providing necessary water, light, heating, air
1006 conditioning and sewerage facilities for school buildings, and
1007 purchasing land therefor.

1008 (d) As a pledge to pay all or a portion of the debt
1009 service on debt issued by the school district under Sections
1010 37-59-1 through 37-59-45, 37-59-101 through 37-59-115, 37-7-351
1011 through 37-7-359, 37-41-89 through 37-41-99, 37-7-301, 37-7-302
1012 and 37-41-81, Mississippi Code of 1972, or debt issued by boards
1013 of supervisors for agricultural high schools pursuant to Section
1014 37-27-65, Mississippi Code of 1972, if such pledge is accomplished
1015 pursuant to a written contract or resolution approved and spread
1016 upon the minutes of an official meeting of the district's school
1017 board or board of supervisors. The annual grant to such district
1018 in any subsequent year during the term of the resolution or
1019 contract shall not be reduced below an amount equal to the
1020 district's grant amount for the year in which the contract or
1021 resolution was adopted. The intent of this provision is to allow
1022 school districts to irrevocably pledge a certain, constant stream
1023 of revenue as security for long-term obligations issued under the
1024 code sections enumerated in this paragraph or as otherwise allowed

1025 by law. It is the intent of the Legislature that the provisions
1026 of this paragraph shall be cumulative and supplemental to any
1027 existing funding programs or other authority conferred upon school
1028 districts or school boards. Debt of a district secured by a
1029 pledge of sales tax revenue pursuant to this paragraph shall not
1030 be subject to any debt limitation contained in the foregoing
1031 enumerated code sections.

1032 (3) The remainder of the money deposited into the Education
1033 Enhancement Fund, excluding funds deposited pursuant to Section
1034 27-103-203(1), shall be appropriated as follows:

1035 (a) To the State Department of Education as follows:

1036 (i) Sixteen and sixty-one one-hundredths percent
1037 (16.61%) to the cost of the adequate education program determined
1038 under Section 37-151-7;

1039 (ii) Seven and ninety-seven one-hundredths percent
1040 (7.97%) to assist the funding of transportation operations and
1041 maintenance pursuant to Section 37-19-23; and

1042 (iii) Nine and sixty-one one-hundredths percent
1043 (9.61%) for classroom supplies, instructional materials and
1044 equipment, including computers and computer software, to be
1045 distributed to all school districts in the proportion that the
1046 average daily attendance of each school district bears to the
1047 average daily attendance of all school districts within the state.

1048 It is the intent of the Legislature that all classroom teachers
1049 shall be involved in the development of a spending plan that
1050 addresses individual classroom needs and supports the overall
1051 goals of the school regarding supplies, instructional materials,
1052 equipment, computers or computer software under the provisions of
1053 this subparagraph, including the type, quantity and quality of
1054 such supplies, materials and equipment. This plan shall be
1055 submitted to the school principal for approval. School districts
1056 need not fully expend the funds received under this subparagraph
1057 in the year in which they are received, but such funds may be
1058 carried forward for expenditure in any succeeding school year.

1059 (b) Twenty-two and nine one-hundredths percent (22.09%)
1060 to the Board of Trustees of State Institutions of Higher Learning
1061 for the purpose of supporting institutions of higher learning, and
1062 fourteen and forty-one one-hundredths percent (14.41%) to the
1063 State Board for Community and Junior Colleges for the purpose of
1064 providing support to community and junior colleges.

1065 (4) The amount remaining in the Education Enhancement Fund
1066 after funds are distributed as provided in subsections (2) and (3)
1067 of this section, excluding funds deposited pursuant to Section
1068 27-103-203(1), shall be disbursed as follows:

1069 (a) Twenty-five Million Dollars (\$25,000,000.00) shall
1070 be deposited into the Working Cash-Stabilization Reserve Fund
1071 created pursuant to Section 27-103-203(1), until the balance in
1072 such fund reaches the maximum balance of seven and one-half
1073 percent (7-1/2%) of the General Fund appropriations in the
1074 appropriate fiscal year. After the maximum balance in the Working
1075 Cash-Stabilization Reserve Fund is reached, such money shall
1076 remain in the Education Enhancement Fund to be appropriated in the
1077 manner provided for in paragraph (b) of this section.

1078 (b) The remainder shall be appropriated for other
1079 educational needs.

1080 (5) None of the funds appropriated pursuant to subsection
1081 (3)(a) of this section shall be used to reduce the state's general
1082 fund appropriation for the categories listed in an amount below
1083 the following amounts:

1084 (a) For subsection (3)(a)(ii) of this section
1085 Thirty-six Million Seven Hundred Thousand Dollars
1086 (\$36,700,000.00);

1087 (b) For the aggregate of minimum program allotments in
1088 the 1997 fiscal year, formerly provided for in Chapter 19, Title
1089 37, Mississippi Code of 1972, as amended, excluding those funds
1090 for transportation as provided for in subsection (5)(a) herein.

1091 (6) At the end of a fiscal year such amounts as required by
1092 Section 27-103-203(1) to be transferred to the Education

1093 Enhancement Fund shall be deposited into said Education
1094 Enhancement Fund and shall be kept separate from other monies in
1095 the fund by the State Treasurer. Beginning with the 1994 fiscal
1096 year the monies in such special fund deposited pursuant to said
1097 Section 27-103-203(1) shall be subject to appropriation by the
1098 Legislature in the following manner: (a) fifty percent (50%) to
1099 support public education, including but not limited to, Grades K
1100 through 12, Mississippi Educational Television and/or the
1101 Mississippi Library Commission; (b) twenty-five percent (25%) to
1102 support institutions of higher learning; and (c) twenty-five
1103 percent (25%) to support the junior or community colleges. Any
1104 amount of such monies transferred into said separate fund pursuant
1105 to Section 27-103-203(1) which are not appropriated by the
1106 Legislature shall not lapse but shall carry over and be subject to
1107 appropriation by the Legislature in the succeeding fiscal year in
1108 the same manner provided in this subsection (6). The interest
1109 earned on the investment of such monies transferred pursuant to
1110 Section 27-103-203(1) shall be paid into said separate fund within
1111 the Education Enhancement Fund.

1112 SECTION 7. This act shall take effect and be in force from
1113 and after July 1, 1999.