

By: Senator(s) Harden

To: Education

SENATE BILL NO. 2693

1 AN ACT TO AMEND SECTION 37-61-33, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT THE APPROVED LOCAL SCHOOL PLAN FOR THE ALLOCATION
3 OF EDUCATION ENHANCEMENT FUNDS FOR CLASSROOM SUPPLY AND
4 INSTRUCTIONAL MATERIAL USES SHALL BE POSTED IN A COMMON AREA
5 ACCESSIBLE TO TEACHERS IN THE BUILDING OR DISTRIBUTED TO EACH
6 TEACHER IN THE BUILDING; AND FOR RELATED PURPOSES.

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

8 SECTION 1. Section 37-61-33, Mississippi Code of 1972, is
9 amended as follows:

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

11 37-61-33. (1) There is hereby created within the State
12 Treasury a special fund to be designated the "Education
13 Enhancement Fund" into which shall be deposited all the revenues
14 collected pursuant to Sections 27-65-75(8), 27-67-31(b) and
15 27-103-203(1).

16 (2) Of the amount deposited into the Education Enhancement
17 Fund, excluding revenues deposited pursuant to Section
18 27-103-203(1), Sixteen Million Dollars (\$16,000,000.00) shall be
19 appropriated each fiscal year to the State Department of Education
20 to be distributed to all school districts. Such money shall be
21 distributed to all school districts in the proportion that the
22 average daily attendance of each school district bears to the
23 average daily attendance of all school districts within the state
24 for the following purposes:

25 (a) Purchasing, erecting, repairing, equipping,
26 remodeling and enlarging school buildings and related facilities,
27 including gymnasiums, auditoriums, lunchrooms, vocational training
28 buildings, libraries, teachers' homes, school barns,
29 transportation vehicles (which shall include new and used

30 transportation vehicles) and garages for transportation vehicles,
31 and purchasing land therefor.

32 (b) Establishing and equipping school athletic fields
33 and necessary facilities connected therewith, and purchasing land
34 therefor.

35 (c) Providing necessary water, light, heating, air
36 conditioning and sewerage facilities for school buildings, and
37 purchasing land therefor.

38 (d) As a pledge to pay all or a portion of the debt
39 service on debt issued by the school district under Sections
40 37-59-1 through 37-59-45, 37-59-101 through 37-59-115, 37-7-351
41 through 37-7-359, 37-41-89 through 37-41-99, 37-7-301, 37-7-302
42 and 37-41-81, Mississippi Code of 1972, or debt issued by boards
43 of supervisors for agricultural high schools pursuant to Section
44 37-27-65, Mississippi Code of 1972, if such pledge is accomplished
45 pursuant to a written contract or resolution approved and spread
46 upon the minutes of an official meeting of the district's school
47 board or board of supervisors. The annual grant to such district
48 in any subsequent year during the term of the resolution or
49 contract shall not be reduced below an amount equal to the
50 district's grant amount for the year in which the contract or
51 resolution was adopted. The intent of this provision is to allow
52 school districts to irrevocably pledge a certain, constant stream
53 of revenue as security for long-term obligations issued under the
54 code sections enumerated in this paragraph or as otherwise allowed
55 by law. It is the intent of the Legislature that the provisions
56 of this paragraph shall be cumulative and supplemental to any
57 existing funding programs or other authority conferred upon school
58 districts or school boards. Debt of a district secured by a
59 pledge of sales tax revenue pursuant to this paragraph shall not
60 be subject to any debt limitation contained in the foregoing
61 enumerated code sections.

62 (3) The remainder of the money deposited into the Education
63 Enhancement Fund, excluding funds deposited pursuant to Section
64 27-103-203(1), shall be appropriated as follows:

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

66 (i) Eight and thirty-five one-hundredths percent
67 (8.35%) to be distributed to public school districts for the

68 funding of textbooks and other educational materials and to be
69 used by the State Department of Education for the purchase of
70 textbooks to be loaned under Sections 37-43-1 through 37-43-59 to
71 approved nonpublic schools, as described under Section 37-43-1.
72 The amount of funds under this item to be used by the department
73 for purchasing textbooks to loan to approved nonpublic schools
74 shall be in the proportion that the average daily attendance of
75 the nonpublic schools that are loaned textbooks by the state bears
76 to the average daily attendance of all school districts in the
77 state. The funds distributed to the school districts under this
78 item shall be in the proportion that the average daily attendance
79 of each school district bears to the average daily attendance of
80 all school districts within the state and shall be used to assist
81 in the funding of textbooks and other educational materials, to
82 include not more than Two Million Dollars (\$2,000,000.00) each
83 year for technology enhancement projects for elementary and
84 secondary education programs;

85 (ii) Seven and ninety-seven one-hundredths percent
86 (7.97%) to assist the funding of transportation operations and
87 maintenance pursuant to Section 37-19-23;

88 (iii) Eight and twenty-six one-hundredths percent
89 (8.26%) to assist the funding of the Uniform Millage Assistance
90 Grant Program pursuant to Section 37-22-1; and

91 (iv) Nine and sixty-one one-hundredths percent
92 (9.61%) for classroom supplies, instructional materials and
93 equipment, including computers and computer software, to be
94 distributed to all school districts in the proportion that the
95 average daily attendance of each school district bears to the
96 average daily attendance of all school districts within the state.

97 Such funds shall not be expended for administrative purposes.

98 Local school districts shall allocate classroom supply funds

99 equally among all classroom teachers in the school district. For

100 purposes of this subparagraph, "teacher" shall mean any employee

101 of the school board of a school district who is required by law to

102 obtain a teacher's license from the State Board of Education and
103 who is assigned to an instructional area of work as defined by the
104 State Department of Education, but shall not include a federally
105 funded teacher. Two (2) or more teachers may agree to pool their
106 classroom supply funds for the benefit of a school within the
107 district pursuant to the development of a spending plan that
108 supports the overall goals of the school which includes the type,
109 quantity and quality of such supplies, instructional materials,
110 equipment, computers or computer software. This plan shall be
111 submitted, in writing, to the school principal for approval, and
112 the approved plan shall be posted in a common area easily
113 accessible to all teachers in the school building, or distributed
114 to each teacher in the building individually. Classroom supply
115 funds allocated under this subparagraph shall supplement, not
116 replace, other local and state funds available for the same
117 purposes. School districts need not fully expend the funds
118 received under this subparagraph in the year in which they are
119 received, but such funds may be carried forward for expenditure in
120 any succeeding school year. The State Board of Education shall
121 develop and promulgate rules and regulations for the
122 administration of this subparagraph consistent with the above
123 criteria, with particular emphasis on allowing the individual
124 teachers to expend funds as they deem appropriate, with minimum
125 input from school principals.

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

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

132 (4) The amount remaining in the Education Enhancement Fund
133 after funds are distributed as provided in subsections (2) and (3)
134 of this section, excluding funds deposited pursuant to Section
135 27-103-203(1), shall be disbursed as follows:

136 (a) Twenty-five Million Dollars (\$25,000,000.00) shall
137 be deposited into the Working Cash-Stabilization Reserve Fund
138 created pursuant to Section 27-103-203(1), until the balance in
139 such fund reaches the maximum balance of seven and one-half
140 percent (7-1/2%) of the General Fund appropriations in the
141 appropriate fiscal year. After the maximum balance in the Working
142 Cash-Stabilization Reserve Fund is reached, such money shall
143 remain in the Education Enhancement Fund to be appropriated in the
144 manner provided for in paragraph (b) of this section.

145 (b) The remainder shall be appropriated for other
146 educational needs.

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

151 (a) For subsection (3)(a)(i) of this section, Six
152 Million Three Hundred Thirty Thousand Nine Hundred Twenty Dollars
153 (\$6,330,920.00);

154 (b) For subsection (3)(a)(ii) of this section
155 Thirty-six Million Seven Hundred Thousand Dollars
156 (\$36,700,000.00);

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

160 (d) For the aggregate of minimum program allotments
161 provided for in Chapter 19, Title 37, Mississippi Code of 1972, as
162 amended, excluding those funds for transportation as provided for
163 in subsection (5)(b) herein.

164 (6) At the end of a fiscal year such amounts as required by
165 Section 27-103-203(1) to be transferred to the Education
166 Enhancement Fund shall be deposited into said Education
167 Enhancement Fund and shall be kept separate from other monies in
168 the fund by the State Treasurer. Beginning with the 1994 fiscal
169 year the monies in such special fund deposited pursuant to said

170 Section 27-103-203(1) shall be subject to appropriation by the
171 Legislature in the following manner: (a) fifty percent (50%) to
172 support public education, including but not limited to, Grades K
173 through 12, Mississippi Educational Television and/or the
174 Mississippi Library Commission; (b) twenty-five percent (25%) to
175 support institutions of higher learning; and (c) twenty-five
176 percent (25%) to support the junior or community colleges. Any
177 amount of such monies transferred into said separate fund pursuant
178 to Section 27-103-203(1) which are not appropriated by the
179 Legislature shall not lapse but shall carry over and be subject to
180 appropriation by the Legislature in the succeeding fiscal year in
181 the same manner provided in this subsection (6). The interest
182 earned on the investment of such monies transferred pursuant to
183 Section 27-103-203(1) shall be paid into said separate fund within
184 the Education Enhancement Fund.

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

186 37-61-33. (1) There is hereby created within the State
187 Treasury a special fund to be designated the "Education
188 Enhancement Fund" into which shall be deposited all the revenues
189 collected pursuant to Sections 27-65-75(8), 27-67-32(b) and
190 27-103-203(1).

191 (2) Of the amount deposited into the Education Enhancement
192 Fund, excluding revenues deposited pursuant to Section
193 27-103-203(1), Sixteen Million Dollars (\$16,000,000.00) shall be
194 appropriated each fiscal year to the State Department of Education
195 to be distributed to all school districts. Such money shall be
196 distributed to all school districts in the proportion that the
197 average daily attendance of each school district bears to the
198 average daily attendance of all school districts within the state
199 for the following purposes:

200 (a) Purchasing, erecting, repairing, equipping,
201 remodeling and enlarging school buildings and related facilities,
202 including gymnasiums, auditoriums, lunchrooms, vocational training
203 buildings, libraries, teachers' homes, school barns,

204 transportation vehicles (which shall include new and used
205 transportation vehicles) and garages for transportation vehicles,
206 and purchasing land therefor.

207 (b) Establishing and equipping school athletic fields
208 and necessary facilities connected therewith, and purchasing land
209 therefor.

210 (c) Providing necessary water, light, heating, air
211 conditioning and sewerage facilities for school buildings, and
212 purchasing land therefor.

213 (d) As a pledge to pay all or a portion of the debt
214 service on debt issued by the school district under Sections
215 37-59-1 through 37-59-45, 37-59-101 through 37-59-115, 37-7-351
216 through 37-7-359, 37-41-89 through 37-41-99, 37-7-301, 37-7-302
217 and 37-41-81, Mississippi Code of 1972, or debt issued by boards
218 of supervisors for agricultural high schools pursuant to Section
219 37-27-65, Mississippi Code of 1972, if such pledge is accomplished
220 pursuant to a written contract or resolution approved and spread
221 upon the minutes of an official meeting of the district's school
222 board or board of supervisors. The annual grant to such district
223 in any subsequent year during the term of the resolution or
224 contract shall not be reduced below an amount equal to the
225 district's grant amount for the year in which the contract or
226 resolution was adopted. The intent of this provision is to allow
227 school districts to irrevocably pledge a certain, constant stream
228 of revenue as security for long-term obligations issued under the
229 code sections enumerated in this paragraph or as otherwise allowed
230 by law. It is the intent of the Legislature that the provisions
231 of this paragraph shall be cumulative and supplemental to any
232 existing funding programs or other authority conferred upon school
233 districts or school boards. Debt of a district secured by a
234 pledge of sales tax revenue pursuant to this paragraph shall not
235 be subject to any debt limitation contained in the foregoing
236 enumerated code sections.

237 (3) The remainder of the money deposited into the Education

238 Enhancement Fund, excluding funds deposited pursuant to Section
239 27-103-203(1), shall be appropriated as follows:

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

241 (i) Sixteen and sixty-one one-hundredths percent
242 (16.61%) to the cost of the adequate education program determined
243 under Section 37-151-7;

244 (ii) Seven and ninety-seven one-hundredths percent
245 (7.97%) to assist the funding of transportation operations and
246 maintenance pursuant to Section 37-19-23; and

247 (iii) Nine and sixty-one one-hundredths percent
248 (9.61%) for classroom supplies, instructional materials and
249 equipment, including computers and computer software, to be
250 distributed to all school districts in the proportion that the
251 average daily attendance of each school district bears to the
252 average daily attendance of all school districts within the state.

253 Such funds shall not be expended for administrative purposes.
254 Local school districts shall allocate classroom supply funds
255 equally among all classroom teachers in the school district. For
256 purposes of this subparagraph, "teacher" shall mean any employee
257 of the school board of a school district who is required by law to
258 obtain a teacher's license from the State Board of Education and
259 who is assigned to an instructional area of work as defined by the
260 State Department of Education, but shall not include a federally
261 funded teacher. Two (2) or more teachers may agree to pool their
262 classroom supply funds for the benefit of a school within the
263 district pursuant to the development of a spending plan that
264 supports the overall goals of the school which includes the type,
265 quantity and quality of such supplies, instructional materials,
266 equipment, computers or computer software. This plan shall be
267 submitted, in writing, to the school principal for approval, and
268 the approved plan shall be posted in a common area easily
269 accessible to all teachers in the school building, or distributed
270 to each teacher in the building individually. Classroom supply
271 funds allocated under this subparagraph shall supplement, not

272 replace, other local and state funds available for the same
273 purposes. School districts need not fully expend the funds
274 received under this subparagraph in the year in which they are
275 received, but such funds may be carried forward for expenditure in
276 any succeeding school year. The State Board of Education shall
277 develop and promulgate rules and regulations for the
278 administration of this subparagraph consistent with the above
279 criteria, with particular emphasis on allowing the individual
280 teachers to expend funds as they deem appropriate, with minimum
281 input from school principals.

282 (b) Twenty-two and nine one-hundredths percent (22.09%)
283 to the Board of Trustees of State Institutions of Higher Learning
284 for the purpose of supporting institutions of higher learning, and
285 fourteen and forty-one one-hundredths percent (14.41%) to the
286 State Board for Community and Junior Colleges for the purpose of
287 providing support to community and junior colleges.

288 (4) The amount remaining in the Education Enhancement Fund
289 after funds are distributed as provided in subsections (2) and (3)
290 of this section, excluding funds deposited pursuant to Section
291 27-103-203(1), shall be disbursed as follows:

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293 be deposited into the Working Cash-Stabilization Reserve Fund
294 created pursuant to Section 27-103-203(1), until the balance in
295 such fund reaches the maximum balance of seven and one-half
296 percent (7-1/2%) of the General Fund appropriations in the
297 appropriate fiscal year. After the maximum balance in the Working
298 Cash-Stabilization Reserve Fund is reached, such money shall
299 remain in the Education Enhancement Fund to be appropriated in the
300 manner provided for in paragraph (b) of this section.

301 (b) The remainder shall be appropriated for other
302 educational needs.

303 (5) None of the funds appropriated pursuant to subsection
304 (3)(a) of this section shall be used to reduce the state's general
305 fund appropriation for the categories listed in an amount below

306 the following amounts:

307 (a) For subsection (3)(a)(ii) of this section
308 Thirty-six Million Seven Hundred Thousand Dollars
309 (\$36,700,000.00);

310 (b) For the aggregate of minimum program allotments in
311 the 1997 fiscal year, formerly provided for in Chapter 19, Title
312 37, Mississippi Code of 1972, as amended, excluding those funds
313 for transportation as provided for in subsection (5)(a) herein.

314 (6) At the end of a fiscal year such amounts as required by
315 Section 27-103-203(1) to be transferred to the Education
316 Enhancement Fund shall be deposited into said Education
317 Enhancement Fund and shall be kept separate from other monies in
318 the fund by the State Treasurer. Beginning with the 1994 fiscal
319 year the monies in such special fund deposited pursuant to said
320 Section 27-103-203(1) shall be subject to appropriation by the
321 Legislature in the following manner: (a) fifty percent (50%) to
322 support public education, including but not limited to, Grades K
323 through 12, Mississippi Educational Television and/or the
324 Mississippi Library Commission; (b) twenty-five percent (25%) to
325 support institutions of higher learning; and (c) twenty-five
326 percent (25%) to support the junior or community colleges. Any
327 amount of such monies transferred into said separate fund pursuant
328 to Section 27-103-203(1) which are not appropriated by the
329 Legislature shall not lapse but shall carry over and be subject to
330 appropriation by the Legislature in the succeeding fiscal year in
331 the same manner provided in this subsection (6). The interest
332 earned on the investment of such monies transferred pursuant to
333 Section 27-103-203(1) shall be paid into said separate fund within
334 the Education Enhancement Fund.

335 SECTION 2. This act shall take effect and be in force from
336 and after July 1, 1999.