

By: Senator(s) Harden

To: Education

SENATE BILL NO. 2219

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 created within the State Treasury a
12 special fund to be designated the "Education Enhancement Fund"
13 into which shall be deposited all the revenues collected pursuant
14 to Sections 27-65-75(7) and (8) and 27-67-31(a) and (b).

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

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



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

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

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

59 (3) The remainder of the money deposited into the Education
60 Enhancement Fund shall be appropriated as follows:

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



62 (i) Eight and thirty-five one-hundredths percent
63 (8.35%) to be distributed to public school districts for the
64 support of educational programs authorized by law. The funds
65 distributed to the school districts under this item shall be in
66 the proportion that the average daily attendance of each school
67 district bears to the average daily attendance of all school
68 districts within the state;

69 (ii) Seven and ninety-seven one-hundredths percent
70 (7.97%) to assist the funding of transportation operations and
71 maintenance pursuant to Section 37-19-23;

72 (iii) Eight and twenty-six one-hundredths percent
73 (8.26%) to assist the funding of the Uniform Millage Assistance
74 Grant Program pursuant to Section 37-22-1; and

75 (iv) Nine and sixty-one one-hundredths percent
76 (9.61%), of which Four Million Six Hundred Thousand Dollars
77 (\$4,600,000.00) shall be allocated for classroom supplies,
78 instructional materials and equipment, including computers and
79 computer software, to be distributed to all school districts in
80 the proportion that the average daily attendance of each school
81 district bears to the average daily attendance of all school
82 districts within the state. Classroom supply funds shall not be
83 expended for administrative purposes. Local school districts
84 shall allocate classroom supply funds equally among all classroom
85 teachers in the school district. For purposes of this
86 subparagraph, "teacher" shall mean any employee of the school
87 board of a school district who is required by law to obtain a
88 teacher's license from the State Board of Education and who is
89 assigned to an instructional area of work as defined by the State
90 Department of Education, but shall not include a federally funded
91 teacher. Two (2) or more teachers may agree to pool their
92 classroom supply funds for the benefit of a school within the
93 district pursuant to the development of a spending plan that
94 supports the overall goals of the school which includes the type,



95 quantity and quality of such supplies, instructional materials,
96 equipment, computers or computer software. This plan shall be
97 submitted, in writing, to the school principal for approval.
98 Classroom supply funds allocated under this subparagraph shall
99 supplement, not replace, other local and state funds available for
100 the same purposes. School districts need not fully expend the
101 funds received under this subparagraph in the year in which they
102 are received, but such funds may be carried forward for
103 expenditure in any succeeding school year. The State Board of
104 Education shall develop and promulgate rules and regulations for
105 the administration of this subparagraph consistent with the above
106 criteria, with particular emphasis on allowing the individual
107 teachers to expend funds as they deem appropriate, with minimum
108 input from school principals. The remainder of the funds
109 appropriated to the State Department of Education under this item
110 shall be distributed to public school districts in the proportion
111 that the average daily attendance of each school district bears to
112 the average daily attendance of all school districts in the state
113 for the support of educational programs authorized by law;

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

117 (c) Fourteen and forty-one one-hundredths percent
118 (14.41%) to the State Board for Community and Junior Colleges for
119 the purpose of providing support to community and junior colleges.

120 (4) The amount remaining in the Education Enhancement Fund
121 after funds are distributed as provided in subsections (2) and (3)
122 of this section shall be disbursed as follows:

123 (a) Twenty-five Million Dollars (\$25,000,000.00) shall
124 be deposited into the Working Cash-Stabilization Reserve Fund
125 created pursuant to Section 27-103-203(1), until the balance in
126 such fund reaches the maximum balance of seven and one-half
127 percent (7-1/2%) of the General Fund appropriations in the



128 appropriate fiscal year. After the maximum balance in the Working
129 Cash-Stabilization Reserve Fund is reached, such money shall
130 remain in the Education Enhancement Fund to be appropriated in the
131 manner provided for in paragraph (b) of this subsection.

132 (b) The remainder shall be appropriated for other
133 educational needs.

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

138 (a) For subsection (3) (a) (i) of this section, Six
139 Million Three Hundred Thirty Thousand Nine Hundred Twenty Dollars
140 (\$6,330,920.00);

141 (b) For subsection (3) (a) (ii) of this section,
142 Thirty-six Million Seven Hundred Thousand Dollars
143 (\$36,700,000.00);

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

147 (d) For the aggregate of minimum program allotments
148 provided for in Chapter 19, Title 37, Mississippi Code of 1972, as
149 amended, excluding those funds for transportation as provided for
150 in subsection (5) (b) of this section.

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

152 37-61-33. (1) There is created within the State Treasury a
153 special fund to be designated the "Education Enhancement Fund"
154 into which shall be deposited all the revenues collected pursuant
155 to Sections 27-65-75(7) and (8) and 27-67-31(a) and (b).

156 (2) Of the amount deposited into the Education Enhancement
157 Fund, Sixteen Million Dollars (\$16,000,000.00) shall be
158 appropriated each fiscal year to the State Department of Education
159 to be distributed to all school districts. Such money shall be
160 distributed to all school districts in the proportion that the



161 average daily attendance of each school district bears to the
162 average daily attendance of all school districts within the state
163 for the following purposes:

164 (a) Purchasing, erecting, repairing, equipping,
165 remodeling and enlarging school buildings and related facilities,
166 including gymnasiums, auditoriums, lunchrooms, vocational training
167 buildings, libraries, teachers' homes, school barns,
168 transportation vehicles (which shall include new and used
169 transportation vehicles) and garages for transportation vehicles,
170 and purchasing land therefor.

171 (b) Establishing and equipping school athletic fields
172 and necessary facilities connected therewith, and purchasing land
173 therefor.

174 (c) Providing necessary water, light, heating, air
175 conditioning and sewerage facilities for school buildings, and
176 purchasing land therefor.

177 (d) As a pledge to pay all or a portion of the debt
178 service on debt issued by the school district under Sections
179 37-59-1 through 37-59-45, 37-59-101 through 37-59-115, 37-7-351
180 through 37-7-359, 37-41-89 through 37-41-99, 37-7-301, 37-7-302
181 and 37-41-81, or debt issued by boards of supervisors for
182 agricultural high schools pursuant to Section 37-27-65, if such
183 pledge is accomplished pursuant to a written contract or
184 resolution approved and spread upon the minutes of an official
185 meeting of the district's school board or board of supervisors.
186 The annual grant to such district in any subsequent year during
187 the term of the resolution or contract shall not be reduced below
188 an amount equal to the district's grant amount for the year in
189 which the contract or resolution was adopted. The intent of this
190 provision is to allow school districts to irrevocably pledge a
191 certain, constant stream of revenue as security for long-term
192 obligations issued under the code sections enumerated in this
193 paragraph or as otherwise allowed by law. It is the intent of the



194 Legislature that the provisions of this paragraph shall be
195 cumulative and supplemental to any existing funding programs or
196 other authority conferred upon school districts or school boards.
197 Debt of a district secured by a pledge of sales tax revenue
198 pursuant to this paragraph shall not be subject to any debt
199 limitation contained in the foregoing enumerated code sections.

200 (3) The remainder of the money deposited into the Education
201 Enhancement Fund shall be appropriated as follows:

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

203 (i) Sixteen and sixty-one one-hundredths percent
204 (16.61%) to the cost of the adequate education program determined
205 under Section 37-151-7;

206 (ii) Seven and ninety-seven one-hundredths percent
207 (7.97%) to assist the funding of transportation operations and
208 maintenance pursuant to Section 37-19-23; and

209 (iii) Nine and sixty-one one-hundredths percent
210 (9.61%) for classroom supplies, instructional materials and
211 equipment, including computers and computer software, to be
212 distributed to all school districts in the proportion that the
213 average daily attendance of each school district bears to the
214 average daily attendance of all school districts within the state.

215 Such funds shall not be expended for administrative purposes.
216 Local school districts shall allocate classroom supply funds
217 equally among all classroom teachers in the school district. For
218 purposes of this subparagraph, "teacher" shall mean any employee
219 of the school board of a school district who is required by law to
220 obtain a teacher's license from the State Board of Education and
221 who is assigned to an instructional area of work as defined by the
222 State Department of Education, but shall not include a federally
223 funded teacher. Two (2) or more teachers may agree to pool their
224 classroom supply funds for the benefit of a school within the
225 district pursuant to the development of a spending plan that
226 supports the overall goals of the school which includes the type,



227 quantity and quality of such supplies, instructional materials,
228 equipment, computers or computer software. This plan shall be
229 submitted, in writing, to the school principal for approval, and
230 the approved plan shall be posted in a common area easily
231 accessible to all teachers in the school building, or distributed
232 to each teacher in the building individually. Classroom supply
233 funds allocated under this subparagraph shall supplement, not
234 replace, other local and state funds available for the same
235 purposes. School districts need not fully expend the funds
236 received under this subparagraph in the year in which they are
237 received, but such funds may be carried forward for expenditure in
238 any succeeding school year. The State Board of Education shall
239 develop and promulgate rules and regulations for the
240 administration of this subparagraph consistent with the above
241 criteria, with particular emphasis on allowing the individual
242 teachers to expend funds as they deem appropriate, with minimum
243 input from school principals.

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

247 (c) Fourteen and forty-one one-hundredths percent
248 (14.41%) to the State Board for Community and Junior Colleges for
249 the purpose of providing support to community and junior colleges.

250 (4) The amount remaining in the Education Enhancement Fund
251 after funds are distributed as provided in subsections (2) and (3)
252 of this section shall be disbursed as follows:

253 (a) Twenty-five Million Dollars (\$25,000,000.00) shall
254 be deposited into the Working Cash-Stabilization Reserve Fund
255 created pursuant to Section 27-103-203(1), until the balance in
256 such fund reaches the maximum balance of seven and one-half
257 percent (7-1/2%) of the General Fund appropriations in the
258 appropriate fiscal year. After the maximum balance in the Working
259 Cash-Stabilization Reserve Fund is reached, such money shall



260 remain in the Education Enhancement Fund to be appropriated in the
261 manner provided for in paragraph (b) of this subsection.

262 (b) The remainder shall be appropriated for other
263 educational needs.

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

268 (a) For subsection (3)(a)(ii) of this section,
269 Thirty-six Million Seven Hundred Thousand Dollars
270 (\$36,700,000.00);

271 (b) For the aggregate of minimum program allotments in
272 the 1997 fiscal year, formerly provided for in Chapter 19, Title
273 37, Mississippi Code of 1972, as amended, excluding those funds
274 for transportation as provided for in subsection (5)(a) in this
275 section.

276 **SECTION 2.** This act shall take effect and be in force from
277 and after July 1, 2002.

