

By: Senator(s) Harden

To: Education

SENATE BILL NO. 2753

1 AN ACT TO AMEND SECTION 37-61-33, MISSISSIPPI CODE OF 1972,
2 TO CLARIFY THAT STATE-FUNDED CLASSROOM SUPPLY FUNDS ARE ALLOCATED
3 FOR THE USE OF THE STUDENTS IN THE CLASSROOM AND NOT FOR THE USE
4 OF THE INDIVIDUAL TEACHER; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 37-61-33, Mississippi Code of 1972, is
7 amended as follows:

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

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

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

27 (b) Establishing and equipping school athletic fields
28 and necessary facilities connected therewith, and purchasing land
29 therefor.

30 (c) Providing necessary water, light, heating, air
31 conditioning and sewerage facilities for school buildings, and
32 purchasing land therefor.

33 (d) As a pledge to pay all or a portion of the debt
34 service on debt issued by the school district under Sections
35 37-59-1 through 37-59-45, 37-59-101 through 37-59-115, 37-7-351
36 through 37-7-359, 37-41-89 through 37-41-99, 37-7-301, 37-7-302
37 and 37-41-81, or debt issued by boards of supervisors for
38 agricultural high schools pursuant to Section 37-27-65, if such
39 pledge is accomplished pursuant to a written contract or
40 resolution approved and spread upon the minutes of an official
41 meeting of the district's school board or board of supervisors.
42 The annual grant to such district in any subsequent year during
43 the term of the resolution or contract shall not be reduced below
44 an amount equal to the district's grant amount for the year in
45 which the contract or resolution was adopted. The intent of this
46 provision is to allow school districts to irrevocably pledge a
47 certain, constant stream of revenue as security for long-term
48 obligations issued under the code sections enumerated in this
49 paragraph or as otherwise allowed by law. It is the intent of the
50 Legislature that the provisions of this paragraph shall be
51 cumulative and supplemental to any existing funding programs or
52 other authority conferred upon school districts or school boards.
53 Debt of a district secured by a pledge of sales tax revenue
54 pursuant to this paragraph shall not be subject to any debt
55 limitation contained in the foregoing enumerated code sections.

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

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

59 (i) Sixteen and sixty-one one-hundredths percent
60 (16.61%) to the cost of the adequate education program determined
61 under Section 37-151-7; of the funds generated by the percentage
62 set forth in this section for the support of the adequate
63 education program, one and one hundred seventy-eight
64 one-thousandths percent (1.178%) of the funds shall be
65 appropriated to be used by the State Department of Education for
66 the purchase of textbooks to be loaned under Sections 37-43-1
67 through 37-43-59 to approved nonpublic schools, as described in
68 Section 37-43-1. The funds to be distributed to each nonpublic
69 school shall be in the proportion that the average daily
70 attendance of each nonpublic school bears to the total average
71 daily attendance of all nonpublic schools;

72 (ii) Seven and ninety-seven one-hundredths percent
73 (7.97%) to assist the funding of transportation operations and
74 maintenance pursuant to Section 37-19-23; and

75 (iii) Nine and sixty-one one-hundredths percent
76 (9.61%) for classroom supplies, instructional materials and
77 equipment, including computers and computer software, to be
78 distributed to all school districts in the proportion that the
79 average daily attendance of each school district bears to the
80 average daily attendance of all school districts within the state.
81 Classroom supply funds shall not be expended for administrative
82 purposes. Local school districts shall allocate classroom supply
83 funds equally among all classes and classroom teachers in the
84 school district. Allocations of classroom supply funds shall be
85 dedicated to the use of the teacher assigned to that classroom; if
86 a teacher is assigned to a classroom for more than fifteen (15)
87 consecutive days, the supply funds are to be expended by that
88 classroom teacher, and the allocations of supply funds shall only
89 be available for expenditure for supplies and instructional
90 materials in that particular classroom. For purposes of this
91 subparagraph, "teacher" means any employee of the school board of

92 a school district who is required by law to obtain a teacher's
93 license from the State Department of Education and who is assigned
94 to an instructional area of work as defined by the department, but
95 shall not include a federally funded teacher. Two (2) or more
96 teachers may agree to pool their classroom supply funds for the
97 benefit of a school within the district. It is the intent of the
98 Legislature that all classroom teachers shall be involved in the
99 development of a spending plan that addresses individual classroom
100 needs and supports the overall goals of the school regarding
101 supplies, instructional materials, equipment, computers or
102 computer software under the provisions of this subparagraph,
103 including the type, quantity and quality of such supplies,
104 materials and equipment. This plan shall be submitted in writing
105 to the school principal for approval. Classroom supply funds
106 allocated under this subparagraph shall supplement, not replace,
107 other local and state funds available for the same purposes.
108 School districts need not fully expend the funds received under
109 this subparagraph in the year in which they are received, but such
110 funds may be carried forward for expenditure in any succeeding
111 school year. The State Board of Education shall develop and
112 promulgate rules and regulations for the administration of this
113 subparagraph consistent with the above criteria, with particular
114 emphasis on allowing the individual teachers to expend funds as
115 they deem appropriate;

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

119 (c) Fourteen and forty-one one-hundredths percent
120 (14.41%) to the State Board for Community and Junior Colleges for
121 the purpose of providing support to community and junior colleges.

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

125 (a) Twenty-five Million Dollars (\$25,000,000.00) shall
126 be deposited into the Working Cash-Stabilization Reserve Fund
127 created pursuant to Section 27-103-203(1), until the balance in
128 such fund reaches the maximum balance of seven and one-half
129 percent (7-1/2%) of the General Fund appropriations in the
130 appropriate fiscal year. After the maximum balance in the Working
131 Cash-Stabilization Reserve Fund is reached, such money shall
132 remain in the Education Enhancement Fund to be appropriated in the
133 manner provided for in paragraph (b) of this subsection.

134 (b) The remainder shall be appropriated for other
135 educational needs.

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

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

143 (b) For the aggregate of minimum program allotments in
144 the 1997 fiscal year, formerly provided for in Chapter 19, Title
145 37, Mississippi Code of 1972, as amended, excluding those funds
146 for transportation as provided for in subsection (5)(a) in this
147 section.

148 **SECTION 2.** This act shall take effect and be in force from
149 and after July 1, 2004.