

By: Senator(s) Harden

To: Education;
Appropriations

SENATE BILL NO. 2234

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

149 **SECTION 2.** This act shall take effect and be in force from
150 and after July 1, 2005.