

By: Senator(s) Gordon

To: Education;
Appropriations

SENATE BILL NO. 2543

1 AN ACT TO AMEND SECTION 37-61-33, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE THE EXPENDITURE OF CERTAIN EDUCATION ENHANCEMENT
3 FUNDS FOR CLASSROOM SUPPLIES AND INSTRUCTIONAL MATERIALS AND TO
4 DIVERT UNTIL JULY 1, 2006, A PORTION OF EDUCATION ENHANCEMENT
5 FUNDS THAT ARE ALLOCATED FOR CLASSROOM SUPPLIES TO THE GENERAL
6 SUPPORT OF THE MISSISSIPPI ADEQUATE EDUCATION PROGRAM; AND FOR
7 RELATED PURPOSES.

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

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

11 **[Until July 1, 2006, this section shall read as follows:]**

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

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

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

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

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

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

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

60 (e) Purchasing classroom supplies and instructional
61 materials, to be distributed to all school districts in the

62 proportion that the average daily attendance of each school
63 district bears to the average daily attendance of all school
64 districts in the state.

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

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

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

81 (ii) Seven and ninety-seven one-hundredths percent
82 (7.97%) to assist the funding of transportation operations and
83 maintenance pursuant to Section 37-19-23; and

84 (iii) The revenue generated from nine and
85 sixty-one one-hundredths percent (9.61%) that exceeds Fifteen
86 Million Nine Hundred Thousand Dollars (\$15,900,000.00), for
87 classroom supplies, instructional materials and equipment,
88 including computers and computer software, to be distributed to
89 all school districts in the proportion that the average daily
90 attendance of each school district bears to the average daily
91 attendance of all school districts within the state. Classroom
92 supply funds shall not be expended for administrative purposes.
93 Local school districts shall allocate classroom supply funds
94 equally among all classroom teachers in the school district. For

95 purposes of this subparagraph, "teacher" means any employee of the
96 school board of a school district who is required by law to obtain
97 a teacher's license from the State Department of Education and who
98 is assigned to an instructional area of work as defined by the
99 department, but shall not include a federally funded teacher. Two
100 (2) or more teachers may agree to pool their classroom supply
101 funds for the benefit of a school within the district. It is the
102 intent of the Legislature that all classroom teachers shall be
103 involved in the development of a spending plan that addresses
104 individual classroom needs and supports the overall goals of the
105 school regarding supplies, instructional materials, equipment,
106 computers or computer software under the provisions of this
107 subparagraph, including the type, quantity and quality of such
108 supplies, materials and equipment. This plan shall be submitted
109 in writing to the school principal for approval. Classroom supply
110 funds allocated under this subparagraph shall supplement, not
111 replace, other local and state funds available for the same
112 purposes. School districts need not fully expend the funds
113 received under this subparagraph in the year in which they are
114 received, but such funds may be carried forward for expenditure in
115 any succeeding school year. The State Board of Education shall
116 develop and promulgate rules and regulations for the
117 administration of this subparagraph consistent with the above
118 criteria, with particular emphasis on allowing the individual
119 teachers to expend funds as they deem appropriate. The revenue
120 generated from the percentage under this subparagraph that does
121 not exceed Fifteen Million Nine Hundred Thousand Dollars
122 (\$15,900,000.00) shall be appropriated to the State Department of
123 Education for the support of the Mississippi Adequate Education
124 Program;

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

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

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

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

143 (b) The remainder shall be appropriated for other
144 educational needs.

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

149 (a) For subsection (3)(a)(ii) of this section,
150 Thirty-six Million Seven Hundred Thousand Dollars
151 (\$36,700,000.00);

152 (b) For the aggregate of minimum program allotments in
153 the 1997 fiscal year, formerly provided for in Chapter 19, Title
154 37, Mississippi Code of 1972, as amended, excluding those funds
155 for transportation as provided for in subsection (5)(a) in this
156 section.

157 **[From and after July 1, 2006, this section reads as follows:]**

158 37-61-33. (1) There is created within the State Treasury a
159 special fund to be designated the "Education Enhancement Fund"

160 into which shall be deposited all the revenues collected pursuant
161 to Sections 27-65-75(7) and (8) and 27-67-31(a) and (b).

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163 Fund, Sixteen Million Dollars (\$16,000,000.00) shall be
164 appropriated each fiscal year to the State Department of Education
165 to be distributed to all school districts. Such money shall be
166 distributed to all school districts in the proportion that the
167 average daily attendance of each school district bears to the
168 average daily attendance of all school districts within the state
169 for the following purposes:

170 (a) Purchasing, erecting, repairing, equipping,
171 remodeling and enlarging school buildings and related facilities,
172 including gymnasiums, auditoriums, lunchrooms, vocational training
173 buildings, libraries, teachers' homes, school barns,
174 transportation vehicles (which shall include new and used
175 transportation vehicles) and garages for transportation vehicles,
176 and purchasing land therefor.

177 (b) Establishing and equipping school athletic fields
178 and necessary facilities connected therewith, and purchasing land
179 therefor.

180 (c) Providing necessary water, light, heating, air
181 conditioning and sewerage facilities for school buildings, and
182 purchasing land therefor.

183 (d) As a pledge to pay all or a portion of the debt
184 service on debt issued by the school district under Sections
185 37-59-1 through 37-59-45, 37-59-101 through 37-59-115, 37-7-351
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189 pledge is accomplished pursuant to a written contract or
190 resolution approved and spread upon the minutes of an official
191 meeting of the district's school board or board of supervisors.
192 The annual grant to such district in any subsequent year during

193 the term of the resolution or contract shall not be reduced below
194 an amount equal to the district's grant amount for the year in
195 which the contract or resolution was adopted. The intent of this
196 provision is to allow school districts to irrevocably pledge a
197 certain, constant stream of revenue as security for long-term
198 obligations issued under the code sections enumerated in this
199 paragraph or as otherwise allowed by law. It is the intent of the
200 Legislature that the provisions of this paragraph shall be
201 cumulative and supplemental to any existing funding programs or
202 other authority conferred upon school districts or school boards.
203 Debt of a district secured by a pledge of sales tax revenue
204 pursuant to this paragraph shall not be subject to any debt
205 limitation contained in the foregoing enumerated code sections.

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207 materials, to be distributed to all school districts in the
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215 (16.61%) to the cost of the adequate education program determined
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218 education program, one and one hundred seventy-eight
219 one-thousandths percent (1.178%) of the funds shall be
220 appropriated to be used by the State Department of Education for
221 the purchase of textbooks to be loaned under Sections 37-43-1
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225 attendance of each nonpublic school bears to the total average
226 daily attendance of all nonpublic schools;

227 (ii) Seven and ninety-seven one-hundredths percent
228 (7.97%) to assist the funding of transportation operations and
229 maintenance pursuant to Section 37-19-23; and

230 (iii) Nine and sixty-one one-hundredths percent
231 (9.61%) * * * for classroom supplies, instructional materials and
232 equipment, including computers and computer software, to be
233 distributed to all school districts in the proportion that the
234 average daily attendance of each school district bears to the
235 average daily attendance of all school districts within the state.
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237 purposes. Local school districts shall allocate classroom supply
238 funds equally among all classroom teachers in the school district.
239 For purposes of this subparagraph, "teacher" means any employee of
240 the school board of a school district who is required by law to
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242 and who is assigned to an instructional area of work as defined by
243 the department, but shall not include a federally funded teacher.
244 Two (2) or more teachers may agree to pool their classroom supply
245 funds for the benefit of a school within the district. It is the
246 intent of the Legislature that all classroom teachers shall be
247 involved in the development of a spending plan that addresses
248 individual classroom needs and supports the overall goals of the
249 school regarding supplies, instructional materials, equipment,
250 computers or computer software under the provisions of this
251 subparagraph, including the type, quantity and quality of such
252 supplies, materials and equipment. This plan shall be submitted
253 in writing to the school principal for approval. Classroom supply
254 funds allocated under this subparagraph shall supplement, not
255 replace, other local and state funds available for the same
256 purposes. School districts need not fully expend the funds
257 received under this subparagraph in the year in which they are

258 received, but such funds may be carried forward for expenditure in
259 any succeeding school year. The State Board of Education shall
260 develop and promulgate rules and regulations for the
261 administration of this subparagraph consistent with the above
262 criteria, with particular emphasis on allowing the individual
263 teachers to expend funds as they deem appropriate. * * *

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

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

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283 educational needs.

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292 the 1997 fiscal year, formerly provided for in Chapter 19, Title
293 37, Mississippi Code of 1972, as amended, excluding those funds
294 for transportation as provided for in subsection (5)(a) in this
295 section.

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