

By: Representative Espy

To: Education;
Appropriations

HOUSE BILL NO. 939

1 AN ACT TO AMEND SECTION 37-61-33, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE THE STATE DEPARTMENT OF EDUCATION TO EXPEND ANY
3 AVAILABLE FUNDS FOR THE PURPOSE OF INCREASING THE ALLOCATION TO
4 SCHOOL DISTRICTS FOR CLASSROOM SUPPLY FUNDS TO NO LESS THAN
5 \$300.00 PER TEACHER IF THE APPROPRIATION FROM THE EDUCATION
6 ENHANCEMENT FUND IS INSUFFICIENT IN ANY SCHOOL YEAR TO PROVIDE
7 EACH ELIGIBLE TEACHER WITH AT LEAST SUCH AMOUNT; AND FOR RELATED
8 PURPOSES.

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

10 **SECTION 1.** Section 37-61-33, Mississippi Code of 1972, is
11 amended 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 (3) The remainder of the money deposited into the Education
61 Enhancement Fund shall be appropriated as follows:

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

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

76 (ii) Seven and ninety-seven one-hundredths percent
77 (7.97%) to assist the funding of transportation operations and
78 maintenance pursuant to Section 37-19-23; and

79 (iii) Nine and sixty-one one-hundredths percent
80 (9.61%) for classroom supplies, instructional materials and
81 equipment, including computers and computer software, to be
82 distributed to all school districts in the proportion that the
83 average daily attendance of each school district bears to the
84 average daily attendance of all school districts within the state.
85 It is the intent of the Legislature that an amount equal to no
86 less than Three Hundred Dollars (\$300.00) per school year be
87 allocated to each classroom teacher entitled to classroom supply
88 funds under this subparagraph. If the total amount appropriated
89 from the Education Enhancement Fund to the State Department of
90 Education for classroom supply funds in any year is insufficient
91 to allocate such amount to each classroom teacher, the State
92 Department of Education shall expend, from any available funds,
93 such amount that may be necessary to increase the allocation to
94 local school districts by an amount sufficient to grant no less
95 than Three Hundred Dollars (\$300.00) in classroom supply funds to

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

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 **SECTION 2.** This act shall take effect and be in force from
158 and after July 1, 2006.