

By: Representatives Moore, Henley

To: Education

HOUSE BILL NO. 200

1 AN ACT TO AMEND SECTION 37-61-33, MISSISSIPPI CODE OF 1972,  
 2 TO INCLUDE THE TEACHERS EMPLOYED AT THE MISSISSIPPI SCHOOL FOR THE  
 3 ARTS, THE MISSISSIPPI SCHOOL FOR MATH AND SCIENCE, THE MISSISSIPPI  
 4 SCHOOL FOR THE BLIND OR THE MISSISSIPPI SCHOOL FOR THE DEAF IN THE  
 5 DEFINITION OF THE TERM "TEACHERS" FOR PURPOSES OF RECEIVING  
 6 EDUCATION ENHANCEMENT FUND PROCUREMENT CARDS; AND FOR RELATED  
 7 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 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,  
34 air-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) Sixteen and sixty-one one-hundredths percent  
63 (16.61%) to the cost of the adequate education program determined  
64 under Section 37-151-7; of the funds generated by the percentage  
65 set forth in this section for the support of the adequate  
66 education program, one and one hundred seventy-eight  
67 one-thousandths percent (1.178%) of the funds shall be  
68 appropriated to be used by the State Department of Education for  
69 the purchase of textbooks to be loaned under Sections 37-43-1  
70 through 37-43-59 to approved nonpublic schools, as described in



71 Section 37-43-1. The funds to be distributed to each nonpublic  
72 school shall be in the proportion that the average daily  
73 attendance of each nonpublic school bears to the total average  
74 daily attendance of all nonpublic schools;

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

78 (iii) Nine and sixty-one one-hundredths percent  
79 (9.61%) for classroom supplies, instructional materials and  
80 equipment, including computers and computer software, to be  
81 distributed to all eligible teachers within the state through the  
82 use of procurement cards. Classroom supply funds shall not be  
83 expended for administrative purposes. On or before September 1 of  
84 each year, local school districts shall determine and submit to  
85 the State Department of Education the number of teachers eligible  
86 to receive an allocation for the current year. For purposes of  
87 this subparagraph, "teacher" means any employee of the school  
88 board of a school district, or the Mississippi School for the  
89 Arts, the Mississippi School for Math and Science, the Mississippi  
90 School for the Blind or the Mississippi School for the Deaf, who  
91 is required by law to obtain a teacher's license from the State  
92 Department of Education and who is assigned to an instructional  
93 area of work as defined by the department, but shall not include a  
94 federally funded teacher. It is the intent of the Legislature  
95 that all classroom teachers shall utilize these funds in a manner



96 that addresses individual classroom needs and supports the overall  
97 goals of the school regarding supplies, instructional materials,  
98 equipment, computers or computer software under the provisions of  
99 this subparagraph, including the type, quantity and quality of  
100 such supplies, materials and equipment. Classroom supply funds  
101 allocated under this subparagraph shall supplement, not replace,  
102 other local and state funds available for the same purposes. The  
103 State Board of Education shall develop and promulgate rules and  
104 regulations for the administration of this subparagraph consistent  
105 with the above criteria, with particular emphasis on allowing the  
106 individual teachers to expend funds as they deem appropriate.  
107 Effective with the 2013-2014 school year, the local school board  
108 shall require each school to issue procurement cards provided by  
109 the Department of Finance and Administration under the provisions  
110 of Section 31-7-9(1)(c) for the use of teachers and necessary  
111 support personnel in making instructional supply fund expenditures  
112 under this section, consistent with the regulations of the  
113 Mississippi Department of Finance and Administration pursuant to  
114 Section 31-7-9. Such procurement cards shall be issued at the  
115 beginning of the school year and shall be issued in equal amounts  
116 per teacher determined by the total number of qualifying personnel  
117 and the current state appropriation for classroom supplies with  
118 the Education Enhancement Fund. Such cards will expire on a  
119 pre-determined date at the end of each school year. All  
120 unexpended amounts will be carried forward, combined with the



121 following year's allocation of Education Enhancement Fund  
122 instructional supplies funds and reallocated for the following  
123 year;

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

127 (c) Fourteen and forty-one one-hundredths percent  
128 (14.41%) to the Mississippi Community College Board for the  
129 purpose of providing support to community and junior colleges.

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

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

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

144 (5) None of the funds appropriated pursuant to subsection  
145 (3)(a) of this section shall be used to reduce the state's General



146 Fund appropriation for the categories listed in an amount below  
147 the following amounts:

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

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

156 (6) Any funds appropriated from the Education Enhancement  
157 Fund that are unexpended at the end of a fiscal year shall lapse  
158 into the Education Enhancement Fund, except as otherwise provided  
159 in subsection (3)(a)(iii) of this section.

160 **SECTION 2.** This act shall take effect and be in force from  
161 and after July 1, 2016.

