

By: Representative Miles

To: Education;
Appropriations

HOUSE BILL NO. 8

1 AN ACT TO AMEND SECTION 37-177-21, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT A PROPORTIONATE SHARE OF THE RESIDUAL FUNDS IN THE
3 EDUCATION ENHANCEMENT FUND PRESCRIBED FOR USE FOR OTHER
4 EDUCATIONAL NEEDS SHALL BE APPROPRIATED FOR THE PURPOSE OF
5 PROVIDING ADDITIONAL FUNDING FOR EDUCATIONAL SUPPORT AND TEACHER
6 RESOURCES TO SCHOOL DISTRICTS WITH TWENTY PERCENT OR MORE OF ITS
7 STUDENT ENROLLMENT COMPRISED OF ENGLISH LANGUAGE LEARNERS; TO
8 AMEND SECTION 37-61-33, MISSISSIPPI CODE OF 1972, IN CONFORMITY
9 THERETO; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** Section 37-177-21, Mississippi Code of 1972, is
12 amended as follows:

13 37-177-21. The provisions of this chapter which include
14 components necessary to provide for teacher training,
15 instructional materials, remedial education training and
16 administration of an intensive literacy curriculum shall be
17 subject to legislative appropriation. Additionally, the
18 Legislature shall appropriate a proportionate share of those
19 residual funds in the Education Enhancement Fund prescribed for
20 other educational needs in Section 37-61-33(4) (b) for the purpose
21 of providing additional funding for educational support and



22 teacher resources to school districts with twenty percent (20%) or
23 more of its student enrollment comprised of English language
24 learners.

25 **SECTION 2.** Section 37-61-33, Mississippi Code of 1972, is
26 amended as follows:

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

31 (2) Of the amount deposited into the Education Enhancement
32 Fund, Sixteen Million Dollars (\$16,000,000.00) shall be
33 appropriated each fiscal year to the State Department of Education
34 to be distributed to all school districts. Such money shall be
35 distributed to all school districts in the proportion that the
36 average daily attendance of each school district bears to the
37 average daily attendance of all school districts within the state
38 for the following purposes:

39 (a) Purchasing, erecting, repairing, equipping,
40 remodeling and enlarging school buildings and related facilities,
41 including gymnasiums, auditoriums, lunchrooms, vocational training
42 buildings, libraries, teachers' homes, school barns,
43 transportation vehicles (which shall include new and used
44 transportation vehicles) and garages for transportation vehicles,
45 and purchasing land therefor.



46 (b) Establishing and equipping school athletic fields
47 and necessary facilities connected therewith, and purchasing land
48 therefor.

49 (c) Providing necessary water, light, heating,
50 air-conditioning and sewerage facilities for school buildings, and
51 purchasing land therefor.

52 (d) As a pledge to pay all or a portion of the debt
53 service on debt issued by the school district under Sections
54 37-59-1 through 37-59-45, 37-59-101 through 37-59-115, 37-7-351
55 through 37-7-359, 37-41-89 through 37-41-99, 37-7-301, 37-7-302
56 and 37-41-81, or debt issued by boards of supervisors for
57 agricultural high schools pursuant to Section 37-27-65, if such
58 pledge is accomplished pursuant to a written contract or
59 resolution approved and spread upon the minutes of an official
60 meeting of the district's school board or board of supervisors.
61 The annual grant to such district in any subsequent year during
62 the term of the resolution or contract shall not be reduced below
63 an amount equal to the district's grant amount for the year in
64 which the contract or resolution was adopted. The intent of this
65 provision is to allow school districts to irrevocably pledge a
66 certain, constant stream of revenue as security for long-term
67 obligations issued under the code sections enumerated in this
68 paragraph or as otherwise allowed by law. It is the intent of the
69 Legislature that the provisions of this paragraph shall be
70 cumulative and supplemental to any existing funding programs or



71 other authority conferred upon school districts or school boards.
72 Debt of a district secured by a pledge of sales tax revenue
73 pursuant to this paragraph shall not be subject to any debt
74 limitation contained in the foregoing enumerated code sections.

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

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

78 (i) Sixteen and sixty-one one-hundredths percent
79 (16.61%) to the cost of the adequate education program determined
80 under Section 37-151-7; of the funds generated by the percentage
81 set forth in this section for the support of the adequate
82 education program, one and one hundred seventy-eight
83 one-thousandths percent (1.178%) of the funds shall be
84 appropriated to be used by the State Department of Education for
85 the purchase of textbooks to be loaned under Sections 37-43-1
86 through 37-43-59 to approved nonpublic schools, as described in
87 Section 37-43-1. The funds to be distributed to each nonpublic
88 school shall be in the proportion that the average daily
89 attendance of each nonpublic school bears to the total average
90 daily attendance of all nonpublic schools;

91 (ii) Seven and ninety-seven one-hundredths percent
92 (7.97%) to assist the funding of transportation operations and
93 maintenance pursuant to Section 37-19-23; and

94 (iii) Nine and sixty-one one-hundredths percent
95 (9.61%) for classroom supplies, instructional materials and



96 equipment, including computers and computer software, to be
97 distributed to all eligible teachers within the state through the
98 use of procurement cards. Classroom supply funds shall not be
99 expended for administrative purposes. On or before September 1 of
100 each year, local school districts shall determine and submit to
101 the State Department of Education the number of teachers eligible
102 to receive an allocation for the current year. For purposes of
103 this subparagraph, "teacher" means any employee of the school
104 board of a school district, or the Mississippi School for the
105 Arts, the Mississippi School for Math and Science, the Mississippi
106 School for the Blind or the Mississippi School for the Deaf, who
107 is required by law to obtain a teacher's license from the State
108 Department of Education and who is assigned to an instructional
109 area of work as defined by the department, but shall not include a
110 federally funded teacher. It is the intent of the Legislature
111 that all classroom teachers shall utilize these funds in a manner
112 that addresses individual classroom needs and supports the overall
113 goals of the school regarding supplies, instructional materials,
114 equipment, computers or computer software under the provisions of
115 this subparagraph, including the type, quantity and quality of
116 such supplies, materials and equipment. Classroom supply funds
117 allocated under this subparagraph shall supplement, not replace,
118 other local and state funds available for the same purposes. The
119 State Board of Education shall develop and promulgate rules and
120 regulations for the administration of this subparagraph consistent



121 with the above criteria, with particular emphasis on allowing the
122 individual teachers to expend funds as they deem appropriate.
123 Effective with the 2013-2014 school year, the local school board
124 shall require each school to issue procurement cards provided by
125 the Department of Finance and Administration under the provisions
126 of Section 31-7-9(1)(c) for the use of teachers and necessary
127 support personnel in making instructional supply fund expenditures
128 under this section, consistent with the regulations of the
129 Mississippi Department of Finance and Administration pursuant to
130 Section 31-7-9. Such procurement cards shall be issued at the
131 beginning of the school year and shall be issued in equal amounts
132 per teacher determined by the total number of qualifying personnel
133 and the current state appropriation for classroom supplies with
134 the Education Enhancement Fund. Such cards will expire on a
135 pre-determined date at the end of each school year. All
136 unexpended amounts will be carried forward, combined with the
137 following year's allocation of Education Enhancement Fund
138 instructional supplies funds and reallocated for the following
139 year;

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

143 (c) Fourteen and forty-one one-hundredths percent
144 (14.41%) to the Mississippi Community College Board for the
145 purpose of providing support to community and junior colleges.



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

149 (a) Twenty-five Million Dollars (\$25,000,000.00) shall
150 be deposited into the Working Cash-Stabilization Reserve Fund
151 created pursuant to Section 27-103-203(1), until the balance in
152 such fund reaches the maximum balance of seven and one-half
153 percent (7-1/2%) of the General Fund appropriations in the
154 appropriate fiscal year. After the maximum balance in the Working
155 Cash-Stabilization Reserve Fund is reached, such money shall
156 remain in the Education Enhancement Fund to be appropriated in the
157 manner provided for in paragraph (b) of this subsection.

158 (b) The remainder shall be appropriated for other
159 educational needs, including those purposes specified in Section
160 37-177-21 of the "Literacy Based Promotion Act."

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

165 (a) For subsection (3) (a) (ii) of this section,
166 Thirty-six Million Seven Hundred Thousand Dollars
167 (\$36,700,000.00);

168 (b) For the aggregate of minimum program allotments in
169 the 1997 fiscal year, formerly provided for in Chapter 19, Title
170 37, Mississippi Code of 1972, as amended, excluding those funds



171 for transportation as provided for in paragraph (a) of this
172 subsection.

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

177 **SECTION 3.** This act shall take effect and be in force from
178 and after July 1, 2018.

