

By: Representatives Henley, Criswell,  
McNeal, Hopkins, Hughes

To: Education;  
Appropriations

HOUSE BILL NO. 1038

1 AN ACT TO AMEND SECTIONS 37-151-103 AND 37-9-39, MISSISSIPPI  
2 CODE OF 1972, TO AUTHORIZE SCHOOL DISTRICTS TO PROCESS A  
3 SEMIMONTHLY OR A MONTHLY PAYROLL FOR LICENSED AND NONLICENSED  
4 EMPLOYEES, IN THE DISCRETION OF THE LOCAL SCHOOL BOARD; TO  
5 PRESCRIBE THE MANNER BY WHICH SUCH SALARIES SHALL BE PAID TO  
6 REFLECT THE TYPE OF PAYROLL SCHEDULE AUTHORIZED BY SCHOOL  
7 DISTRICTS AND CHARTER SCHOOLS; TO REQUIRE THE STATE DEPARTMENT OF  
8 EDUCATION TO PAY SCHOOL DISTRICTS IN A MANNER CONSISTENT WITH ITS  
9 AUTHORIZED PAYROLL SCHEDULE; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** Section 37-151-103, Mississippi Code of 1972, is  
12 amended as follows:

13 37-151-103. (1) Funds due each school district and charter  
14 school under the terms of this chapter from the Adequate Education  
15 Program Fund shall be paid in the following manner:

16 (a) If the school district processes a single monthly  
17 payroll for licensed and nonlicensed employees, two (2) business  
18 days \* \* \* before the last working day of each month there shall  
19 be paid to each school district and charter school, by electronic  
20 funds transfer, one-twelfth (1/12) of the funds to which the



21 district or charter school is entitled from funds appropriated for  
22 the Adequate Education Program Fund \* \* \*;

23 (b) If the school district or charter school processes  
24 a semimonthly payroll for licensed and nonlicensed employees,  
25 there shall be paid to the school district, by electronic  
26 transfer, one-twenty-third (1/23) of the funds to which the  
27 district or charter is entitled from funds appropriated for the  
28 Adequate Education Program Fund:

29 (i) On the 15th of each month from January to  
30 November, or the previous business day before the 15th if such  
31 date falls on a Saturday or Sunday; and

32 (ii) Two (2) days before the last working day of  
33 each month;

34 (c) In December those payments shall be made on  
35 December 15th or the next business day after that date in all  
36 school districts or charter school without regard to the schedule  
37 by which payroll is processed.

38 (2) All school districts \* \* \* are authorized to process  
39 either (a) a single monthly payroll for licensed and nonlicensed  
40 employees, \* \* \* or (b) a semimonthly payroll for licensed and  
41 nonlicensed employees, in the discretion of the local school  
42 board, with electronic settlement of payroll checks secured  
43 through direct deposit of net pay for all school district  
44 employees. The State Department of Education shall pay school  
45 districts and charter schools in a manner that is consistent with



46 payroll process authorized by each district or charter school from  
47 the common school fund and the Adequate Education Program Fund.

48 In addition, the State Department of Education may pay school  
49 districts and charter schools from the common school fund and the  
50 Adequate Education Program Fund on a date earlier than provided  
51 for by this section if it is determined that it is in the best  
52 interest of school districts and charter schools to do so.

53       \* \* \* However, \* \* \* if the cash balance in the State  
54 General Fund is not adequate on the due date to pay the amounts  
55 due to all school districts and charter schools in the state as  
56 determined by the State Superintendent of Education, the State  
57 Fiscal Officer shall not transfer said funds payable to any school  
58 district or districts or charter schools until money is available  
59 to pay the amount due to all districts and charter schools.

60       ( \* \* \*3) Notwithstanding any provision of this chapter or  
61 any other law requiring the number of children in average daily  
62 attendance or the average daily attendance of transported children  
63 to be determined on the basis of the preceding year, the State  
64 Board of Education is hereby authorized and empowered to make  
65 proper adjustments in allotments in cases where major changes in  
66 the number of children in average daily attendance or the average  
67 daily attendance of transported children occurs from one year to  
68 another as a result of changes or alterations in the boundaries of  
69 school districts, the sending of children from one county or  
70 district to another upon a contract basis, the termination or



71 discontinuance of a contract for the sending of children from one  
72 county or district to another, a change in or relocation of  
73 attendance centers, or for any other reason which would result in  
74 a major decrease or increase in the number of children in average  
75 daily attendance or the average daily attendance of transported  
76 children during the current school year as compared with the  
77 preceding year.

78 ( \* \* \*4) In the event of an inordinately large number of  
79 absentees in any school district or charter school as a result of  
80 epidemic, natural disaster, or any concerted activity discouraging  
81 school attendance, then in such event school attendance for the  
82 purposes of determining average daily attendance under the  
83 adequate education program shall be based upon the average daily  
84 attendance for the preceding school year for such school district  
85 or charter school.

86 **SECTION 2.** Section 37-9-39, Mississippi Code of 1972, is  
87 amended as follows:

88 37-9-39. (1) All school districts \* \* \* are authorized to  
89 process either (a) a single monthly payroll for licensed and  
90 nonlicensed employees, \* \* \* or (b) a semimonthly payroll for  
91 licensed and nonlicensed employees, in the discretion of the local  
92 school board, consistent with the provisions of Section \* \* \*  
93 37-151-103(1), except for December, when salaries or wages shall  
94 be paid by the last working day. Salaries or wages shall be paid  
95 at a minimum on a monthly basis. The standard contract for school



96 district employees prescribed by the State Board of Education  
97 shall provide that school district employees shall earn a salary  
98 payable in equal monthly installments beginning in the first month  
99 of employment, regardless of the number of days worked in any  
100 particular month by the employee. However, district employees of  
101 any school district selecting a semimonthly payroll schedule, as  
102 authorized by the local school board, shall earn a salary payable  
103 in twenty-three (23) installments to reflect twenty-two (22) equal  
104 semimonthly installments for the months of January to November,  
105 and a single installment for the month of December to reflect the  
106 entire month's salary regardless of the number of days worked in  
107 that month by the employee. Any employee failing to complete the  
108 contractual obligation of service, and who receives payment in  
109 excess of the monthly or semimonthly installment for the period  
110 which such employee ceases employment with the school district,  
111 shall become liable immediately to the school board of the  
112 employing district for the sum of all amounts received in payment  
113 less the corresponding amount of any compensation paid for which  
114 service has been rendered, plus interest accruing at the current  
115 Stafford Loan rate at the time the person discontinues his or her  
116 service.

117 (2) Any school employee whose employment ends during a  
118 school term, regardless of the reason(s) the employment ended,  
119 shall be paid salary or wages only for that portion of the school  
120 term that employee actually worked. Nothing in this subsection



121 (2) shall be construed to entitle any employee to payment of  
122 salary or wages when no work has been performed.

123 **SECTION 3.** This act shall take effect and be in force from  
124 and after its passage.

