

By: Senator(s) Tollison

To: Education;
Appropriations

SENATE BILL NO. 2093

1 AN ACT TO AMEND SECTION 37-61-33, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE THE EXPENDITURE OF EDUCATION ENHANCEMENT FUNDS FOR
3 CLASSROOM SUPPLIES TO FEDERALLY FUNDED TEACHERS; AND FOR RELATED
4 PURPOSES.

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

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

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

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



20 (a) Purchasing, erecting, repairing, equipping,
21 remodeling and enlarging school buildings and related facilities,
22 including gymnasiums, auditoriums, lunchrooms, vocational training
23 buildings, libraries, teachers' homes, school barns,
24 transportation vehicles (which shall include new and used
25 transportation vehicles) and garages for transportation vehicles,
26 and purchasing land therefor.

27 (b) Establishing and equipping school athletic fields
28 and necessary facilities connected therewith, and purchasing land
29 therefor.

30 (c) Providing necessary water, light, heating,
31 air-conditioning and sewerage facilities for school buildings, and
32 purchasing land therefor.

33 (d) As a pledge to pay all or a portion of the debt
34 service on debt issued by the school district under Sections
35 37-59-1 through 37-59-45, 37-59-101 through 37-59-115, 37-7-351
36 through 37-7-359, 37-41-89 through 37-41-99, 37-7-301, 37-7-302
37 and 37-41-81, or debt issued by boards of supervisors for
38 agricultural high schools pursuant to Section 37-27-65, if such
39 pledge is accomplished pursuant to a written contract or
40 resolution approved and spread upon the minutes of an official
41 meeting of the district's school board or board of supervisors.
42 The annual grant to such district in any subsequent year during
43 the term of the resolution or contract shall not be reduced below
44 an amount equal to the district's grant amount for the year in



which the contract or resolution was adopted. The intent of this provision is to allow school districts to irrevocably pledge a certain, constant stream of revenue as security for long-term obligations issued under the code sections enumerated in this paragraph or as otherwise allowed by law. It is the intent of the Legislature that the provisions of this paragraph shall be cumulative and supplemental to any existing funding programs or other authority conferred upon school districts or school boards. Debt of a district secured by a pledge of sales tax revenue pursuant to this paragraph shall not be subject to any debt limitation contained in the foregoing enumerated code sections.

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

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

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



attendance of each nonpublic school bears to the total average
daily attendance of all nonpublic schools;

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

(iii) Nine and sixty-one one-hundredths percent
(9.61%) for classroom supplies, instructional materials and
equipment, including computers and computer software, to be
distributed to all eligible teachers within the state through the
use of procurement cards. Classroom supply funds shall not be
expended for administrative purposes. On or before September 1 of
each year, local school districts shall determine and submit to
the State Department of Education the number of teachers eligible
to receive an allocation for the current year. For purposes of
this subparagraph, "teacher" means any employee of the school
board of a school district, or the Mississippi School for the
Arts, the Mississippi School for Math and Science, the Mississippi
School for the Blind or the Mississippi School for the Deaf, who
is required by law to obtain a teacher's license from the State
Department of Education and who is assigned to an instructional
area of work as defined by the department * * *. It is the intent
of the Legislature that all classroom teachers shall utilize these
funds in a manner that addresses individual classroom needs and
supports the overall goals of the school regarding supplies,
instructional materials, equipment, computers or computer software



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



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

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

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

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

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

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



144 (a) For subsection (3)(a)(ii) of this section,
145 Thirty-six Million Seven Hundred Thousand Dollars
146 (\$36,700,000.00);

147 (b) For the aggregate of minimum program allotments in
148 the 1997 fiscal year, formerly provided for in Chapter 19, Title
149 37, Mississippi Code of 1972, as amended, excluding those funds
150 for transportation as provided for in paragraph (a) of this
151 subsection.

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

156 **SECTION 2.** This act shall take effect and be in force from
157 and after July 1, 2018.

