

By: Representative Henley

To: Education

HOUSE BILL NO. 353

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



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

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

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

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

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

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



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

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

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

(* * *3) Notwithstanding any provision of this chapter or any other law requiring the number of children in average daily attendance or the average daily attendance of transported children to be determined on the basis of the preceding year, the State Board of Education is hereby authorized and empowered to make proper adjustments in allotments in cases where major changes in the number of children in average daily attendance or the average daily attendance of transported children occurs from one year to another as a result of changes or alterations in the boundaries of school districts, the sending of children from one county or 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.

