

By: Senator(s) DeBar, Chism, Turner-Ford,
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Simmons (13th), McLendon, Butler, Barnett,
Frazier, Jackson (11th), Carter, Seymour,
Tate, Suber, Jackson (32nd), Sparks, Thomas,
McCaughn, Jordan, Norwood, DeLano, Boyd,
Barrett, Harkins, Kirby, Fillingane

To: Education

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2149

1 AN ACT TO AMEND SECTION 37-151-103, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE THE STATE DEPARTMENT OF EDUCATION TO HOLD SCHOOL
3 DISTRICTS HARMLESS WHEN CALCULATING AVERAGE DAILY ATTENDANCE FOR
4 THE 2020-2021 SCHOLASTIC YEAR; TO PROVIDE THAT THE STATE
5 DEPARTMENT OF EDUCATION SHALL USE EACH SCHOOL DISTRICT'S AVERAGE
6 DAILY ATTENDANCE FOR THE 2019-2020 SCHOLASTIC YEAR IN PLACE OF THE
7 SCHOOL DISTRICT'S AVERAGE DAILY ATTENDANCE FOR THE 2020-2021
8 SCHOLASTIC YEAR IF IT IS GREATER THAN THE SCHOOL DISTRICT'S
9 AVERAGE DAILY ATTENDANCE FOR THE 2020-2021 SCHOLASTIC YEAR FOR THE
10 PURPOSE OF CALCULATING FUNDING UNDER THE MISSISSIPPI ADEQUATE
11 EDUCATION PROGRAM; AND FOR RELATED PURPOSES.

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

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

15 37-151-103. (1) Funds due each school district and charter
16 school under the terms of this chapter from the Adequate Education
17 Program Fund shall be paid in the following manner: Two (2)
18 business days prior to the last working day of each month there
19 shall be paid to each school district and charter school, by
20 electronic funds transfer, one-twelfth (1/12) of the funds to
21 which the district or charter school is entitled from funds
22 appropriated for the Adequate Education Program Fund. However, in



23 December those payments shall be made on December 15th or the next
24 business day after that date. All school districts shall process
25 a single monthly payroll for licensed employees and may process a
26 single monthly or a semimonthly payroll for nonlicensed employees,
27 in the discretion of the local school board, with electronic
28 settlement of payroll checks secured through direct deposit of net
29 pay for all school district employees. In addition, the State
30 Department of Education may pay school districts and charter
31 schools from the common school fund and the Adequate Education
32 Program Fund on a date earlier than provided for by this section
33 if it is determined that it is in the best interest of school
34 districts and charter schools to do so.

35 Provided, however, that if the cash balance in the State
36 General Fund is not adequate on the due date to pay the amounts
37 due to all school districts and charter schools in the state as
38 determined by the State Superintendent of Education, the State
39 Fiscal Officer shall not transfer said funds payable to any school
40 district or districts or charter schools until money is available
41 to pay the amount due to all districts and charter schools.

42 (2) Notwithstanding any provision of this chapter or any
43 other law requiring the number of children in average daily
44 attendance or the average daily attendance of transported children
45 to be determined on the basis of the preceding year, the State
46 Board of Education is hereby authorized and empowered to make
47 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 discontinuance of a contract for the sending of children from one county or district to another, a change in or relocation of attendance centers, or for any other reason which would result in a major decrease or increase in the number of children in average daily attendance or the average daily attendance of transported children during the current school year as compared with the preceding year.

(3) In the event of an inordinately large number of absentees in any school district or charter school as a result of epidemic, natural disaster, or any concerted activity discouraging school attendance, then in such event school attendance for the purposes of determining average daily attendance under the adequate education program shall be based upon the average daily attendance for the preceding school year for such school district or charter school.

(4) The State Department of Education shall hold school districts harmless for each school district's average daily attendance calculation for the 2020-2021 scholastic year. For purposes of determining average daily attendance for the 2020-2021 scholastic year, the State Department of Education shall use each



73 school district's average daily attendance for the 2019-2020
74 scholastic year if it is greater than the school's average daily
75 attendance for the 2020-2021 scholastic year.

76 **SECTION 2.** This act shall take effect and be in force from
77 and after July 1, 2021.

