

By: Representatives Bain, Williamson

To: Education;
Appropriations

HOUSE BILL NO. 415

1 AN ACT TO AMEND SECTION 37-3-9, MISSISSIPPI CODE OF 1972, TO
2 ALIGN THE SALARY OF THE STATE SUPERINTENDENT OF PUBLIC EDUCATION
3 TO THAT OF OTHER EXECUTIVE AGENCY HEADS; TO PROVIDE THAT SUCH
4 SALARY SHALL NOT BE MORE THAN 150% OF THE GOVERNOR'S SALARY; TO
5 AMEND SECTION 37-61-33, MISSISSIPPI CODE OF 1972, IN CONFORMITY
6 THERETO; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 37-3-9, Mississippi Code of 1972, is
9 amended as follows:

10 37-3-9. (1) There shall be a State Superintendent of Public
11 Education who shall be appointed by the State Board of Education,
12 with the advice and consent of the Senate, and serve at the
13 board's will and pleasure. He or she shall be the Chief
14 Administrative Officer for the State Department of Education and
15 shall administer the department in accordance with the policies
16 established by the State Board of Education. * * * From and
17 after * * * July 1, * * * 2022, the salary of the current State
18 Superintendent of Public Education, and any succeeding State
19 Superintendent of Public Education, shall be established by the
20 State Board of Education in an amount not to exceed one hundred



21 fifty percent (150%) of the salary or compensation received by the
22 Governor, as authorized under Section 25-3-31. The State
23 Superintendent of Public Education shall have at least a master's
24 degree in any field and a minimum of five (5) years' experience in
25 administration in the educational field.

26 (2) The State Superintendent shall give bond in the penalty
27 of Seventy-five Thousand Dollars (\$75,000.00), with sureties to be
28 approved by the Governor, conditioned according to law. The bond,
29 when approved, shall be filed and recorded in the Office of the
30 Secretary of State.

31 (3) From and after July 1, 2022, the difference in the
32 salary amount received by the State Superintendent of Public
33 Education on January 1, 2022, and the salary amount received after
34 July 1, 2022, shall be deposited into the Education Enhancement
35 Fund for the purpose of the Classroom Supply Fund established
36 under Section 37-61-33(3)(a)(iii).

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

39 37-61-33. (1) There is created within the State Treasury a
40 special fund to be designated the "Education Enhancement Fund"
41 into which shall be deposited all the revenues collected pursuant
42 to Sections 27-65-75(7) and (8) and 27-67-31(a) and (b).

43 (2) Of the amount deposited into the Education Enhancement
44 Fund, Sixteen Million Dollars (\$16,000,000.00) shall be
45 appropriated each fiscal year to the State Department of Education



46 to be distributed to all school districts. Such money shall be
47 distributed to all school districts in the proportion that the
48 average daily attendance of each school district bears to the
49 average daily attendance of all school districts within the state
50 for the following purposes:

51 (a) Purchasing, erecting, repairing, equipping,
52 remodeling and enlarging school buildings and related facilities,
53 including gymnasiums, auditoriums, lunchrooms, vocational training
54 buildings, libraries, teachers' homes, school barns,
55 transportation vehicles (which shall include new and used
56 transportation vehicles) and garages for transportation vehicles,
57 and purchasing land therefor.

58 (b) Establishing and equipping school athletic fields
59 and necessary facilities connected therewith, and purchasing land
60 therefor.

61 (c) Providing necessary water, light, heating,
62 air-conditioning and sewerage facilities for school buildings, and
63 purchasing land therefor.

64 (d) As a pledge to pay all or a portion of the debt
65 service on debt issued by the school district under Sections
66 37-59-1 through 37-59-45, 37-59-101 through 37-59-115, 37-7-351
67 through 37-7-359, 37-41-89 through 37-41-99, 37-7-301, 37-7-302
68 and 37-41-81, or debt issued by boards of supervisors for
69 agricultural high schools pursuant to Section 37-27-65, if such
70 pledge is accomplished pursuant to a written contract or



71 resolution approved and spread upon the minutes of an official
72 meeting of the district's school board or board of supervisors.
73 The annual grant to such district in any subsequent year during
74 the term of the resolution or contract shall not be reduced below
75 an amount equal to the district's grant amount for the year in
76 which the contract or resolution was adopted. The intent of this
77 provision is to allow school districts to irrevocably pledge a
78 certain, constant stream of revenue as security for long-term
79 obligations issued under the code sections enumerated in this
80 paragraph or as otherwise allowed by law. It is the intent of the
81 Legislature that the provisions of this paragraph shall be
82 cumulative and supplemental to any existing funding programs or
83 other authority conferred upon school districts or school boards.
84 Debt of a district secured by a pledge of sales tax revenue
85 pursuant to this paragraph shall not be subject to any debt
86 limitation contained in the foregoing enumerated code sections.

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

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

90 (i) Sixteen and sixty-one one-hundredths percent
91 (16.61%) to the cost of the adequate education program determined
92 under Section 37-151-7; of the funds generated by the percentage
93 set forth in this section for the support of the adequate
94 education program, one and one hundred seventy-eight
95 one-thousandths percent (1.178%) of the funds shall be



96 appropriated to be used by the State Department of Education for
97 the purchase of textbooks to be loaned under Sections 37-43-1
98 through 37-43-59 to approved nonpublic schools, as described in
99 Section 37-43-1. The funds to be distributed to each nonpublic
100 school shall be in the proportion that the average daily
101 attendance of each nonpublic school bears to the total average
102 daily attendance of all nonpublic schools;

103 (ii) Seven and ninety-seven one-hundredths percent
104 (7.97%) to assist the funding of transportation operations and
105 maintenance pursuant to Section 37-19-23; and

106 (iii) Nine and sixty-one one-hundredths percent
107 (9.61%) and any funds remaining after the reduction in the salary
108 of the State Superintendent of Public Education, under Section
109 37-3-9, for classroom supplies, instructional materials and
110 equipment, including computers and computer software, to be
111 distributed to all eligible teachers within the state through the
112 use of procurement cards. Classroom supply funds shall not be
113 expended for administrative purposes. On or before September 1 of
114 each year, local school districts shall determine and submit to
115 the State Department of Education the number of teachers eligible
116 to receive an allocation for the current year. For purposes of
117 this subparagraph, "teacher" means any employee of the school
118 board of a school district, or the Mississippi School for the
119 Arts, the Mississippi School for Math and Science, the Mississippi
120 School for the Blind or the Mississippi School for the Deaf, who



121 is required by law to obtain a teacher's license from the State
122 Department of Education and who is assigned to an instructional
123 area of work as defined by the department, but shall not include a
124 federally funded teacher. It is the intent of the Legislature
125 that all classroom teachers shall utilize these funds in a manner
126 that addresses individual classroom needs and supports the overall
127 goals of the school regarding supplies, instructional materials,
128 equipment, computers or computer software under the provisions of
129 this subparagraph, including the type, quantity and quality of
130 such supplies, materials and equipment. Classroom supply funds
131 allocated under this subparagraph shall supplement, not replace,
132 other local and state funds available for the same purposes. The
133 State Board of Education shall develop and promulgate rules and
134 regulations for the administration of this subparagraph consistent
135 with the above criteria, with particular emphasis on allowing the
136 individual teachers to expend funds as they deem appropriate.
137 Effective with the 2013-2014 school year, the local school board
138 shall require each school to issue procurement cards provided by
139 the Department of Finance and Administration under the provisions
140 of Section 31-7-9(1)(c) for the use of teachers and necessary
141 support personnel in making instructional supply fund expenditures
142 under this section, consistent with the regulations of the
143 Mississippi Department of Finance and Administration pursuant to
144 Section 31-7-9. Such procurement cards shall be issued at the
145 beginning of the school year and shall be issued in equal amounts



146 per teacher determined by the total number of qualifying personnel
147 and the current state appropriation for classroom supplies with
148 the Education Enhancement Fund. Such cards will expire on a
149 pre-determined date at the end of each school year. All
150 unexpended amounts will be carried forward, combined with the
151 following year's allocation of Education Enhancement Fund
152 instructional supplies funds and reallocated for the following
153 year;

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

157 (c) Fourteen and forty-one one-hundredths percent
158 (14.41%) to the Mississippi Community College Board for the
159 purpose of providing support to community and junior colleges.

160 (4) The amount remaining in the Education Enhancement Fund
161 after funds are distributed as provided in subsections (2) and (3)
162 of this section shall be appropriated for other educational needs.

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

167 (a) For subsection (3) (a) (ii) of this section,
168 Thirty-six Million Seven Hundred Thousand Dollars
169 (\$36,700,000.00);



170 (b) For the aggregate of minimum program allotments in
171 the 1997 fiscal year, formerly provided for in Chapter 19, Title
172 37, Mississippi Code of 1972, as amended, excluding those funds
173 for transportation as provided for in paragraph (a) of this
174 subsection.

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

179 **SECTION 3.** This act shall take effect and be in force from
180 and after July 1, 2022.

