

By: Representative Hopkins

To: Education;
Appropriations

HOUSE BILL NO. 489

1 AN ACT TO AMEND SECTIONS 37-9-39 AND 37-151-103, MISSISSIPPI
2 CODE OF 1972, TO REQUIRE TEACHERS AND OTHER LICENSED PERSONNEL
3 EMPLOYED BY SCHOOL DISTRICTS TO BE PAID ON A SEMIMONTHLY BASIS;
4 AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 37-9-39, Mississippi Code of 1972, is
7 amended as follows:

8 37-9-39. (1) All school districts shall process a * * *
9 semimonthly payroll for licensed employees and may process a
10 single monthly or a semimonthly payroll for nonlicensed employees,
11 in the discretion of the local school board, consistent with the
12 provisions of Section 37-157-103(1), except for December, when all
13 salaries or wages for the month shall be paid by the last working
14 day. * * * The standard contract for school district employees
15 prescribed by the State Board of Education shall provide that
16 school district employees shall earn a salary payable in equal
17 semimonthly installments beginning in the first month of
18 employment, regardless of the number of days worked in any
19 particular month by the employee. Any employee failing to



20 complete the contractual obligation of service, and who receives
21 payment in excess of the semimonthly installment for the period
22 which such employee ceases employment with the school district,
23 shall become liable immediately to the school board of the
24 employing district for the sum of all amounts received in payment
25 less the corresponding amount of any compensation paid for which
26 service has been rendered, plus interest accruing at the current
27 Stafford Loan rate at the time the person discontinues his or her
28 service.

29 (2) Any school employee whose employment ends during a
30 school term, regardless of the reason(s) the employment ended,
31 shall be paid salary or wages only for that portion of the school
32 term that employee actually worked. Nothing in this subsection
33 (2) shall be construed to entitle any employee to payment of
34 salary or wages when no work has been performed.

35 **SECTION 2.** Section 37-151-103, Mississippi Code of 1972, is
36 amended as follows:

37 37-151-103. (1) Funds due each school district and charter
38 school under the terms of this chapter from the Adequate Education
39 Program Fund shall be paid in the following manner: Two (2)
40 business days prior to the last working day of each * * *
41 semimonthly payroll period, there shall be paid to each school
42 district and charter school, by electronic funds transfer, * * *
43 one twenty-fourth (1/24) of the funds to which the district or
44 charter school is entitled from funds appropriated for the



45 Adequate Education Program Fund. However, * * * payment for both
46 semimonthly payroll periods in December shall be made on December
47 15th or the next business day after that date. All school
48 districts shall process a * * * semimonthly payroll for licensed
49 employees and may process a single monthly or a semimonthly
50 payroll for nonlicensed employees, in the discretion of the local
51 school board, with electronic settlement of payroll checks secured
52 through direct deposit of net pay for all school district
53 employees. In addition, the State Department of Education may pay
54 school districts and charter schools from the common school fund
55 and the Adequate Education Program Fund on a date earlier than
56 provided for by this section if it is determined that it is in the
57 best interest of school districts and charter schools to do so.

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

65 (2) Notwithstanding any provision of this chapter or any
66 other law requiring the number of children in average daily
67 attendance or the average daily attendance of transported children
68 to be determined on the basis of the preceding year, the State
69 Board of Education is * * * authorized and empowered to make



70 proper adjustments in allotments in cases where major changes in
71 the number of children in average daily attendance or the average
72 daily attendance of transported children occurs from one year to
73 another as a result of changes or alterations in the boundaries of
74 school districts, the sending of children from one county or
75 district to another upon a contract basis, the termination or
76 discontinuance of a contract for the sending of children from one
77 county or district to another, a change in or relocation of
78 attendance centers, or for any other reason which would result in
79 a major decrease or increase in the number of children in average
80 daily attendance or the average daily attendance of transported
81 children during the current school year as compared with the
82 preceding year.

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

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



95 scholastic year, the State Department of Education shall use each
96 school district's average daily attendance for the 2019-2020
97 scholastic year if it is greater than the school's average daily
98 attendance for the 2020-2021 scholastic year.

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

