

By: Senator(s) DeBar

To: Education

SENATE BILL NO. 2102

1 AN ACT TO AMEND SECTION 37-61-33, MISSISSIPPI CODE OF 1972,
 2 TO PROVIDE THAT LOCAL SCHOOL BOARDS SHALL REQUIRE EACH SCHOOL
 3 ISSUE CREDENTIALS FOR A DIGITAL SOLUTION SELECTED OR PROCUREMENT
 4 CARDS FOR THE USE OF TEACHERS IN MAKING INSTRUCTIONAL SUPPLY FUND
 5 EXPENDITURES UNDER THE EDUCATIONAL ENHANCEMENT FUND; AND FOR
 6 RELATED PURPOSES.

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

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

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

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



20 average daily attendance of all school districts within the state
21 for the following purposes:

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

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

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

35 (d) As a pledge to pay all or a portion of the debt
36 service on debt issued by the school district under Sections
37 37-59-1 through 37-59-45, 37-59-101 through 37-59-115, 37-7-351
38 through 37-7-359, 37-41-89 through 37-41-99, 37-7-301, 37-7-302
39 and 37-41-81, or debt issued by boards of supervisors for
40 agricultural high schools pursuant to Section 37-27-65, if such
41 pledge is accomplished pursuant to a written contract or
42 resolution approved and spread upon the minutes of an official
43 meeting of the district's school board or board of supervisors.
44 The annual grant to such district in any subsequent year during



45 the term of the resolution or contract shall not be reduced below
46 an amount equal to the district's grant amount for the year in
47 which the contract or resolution was adopted. The intent of this
48 provision is to allow school districts to irrevocably pledge a
49 certain, constant stream of revenue as security for long-term
50 obligations issued under the code sections enumerated in this
51 paragraph or as otherwise allowed by law. It is the intent of the
52 Legislature that the provisions of this paragraph shall be
53 cumulative and supplemental to any existing funding programs or
54 other authority conferred upon school districts or school boards.
55 Debt of a district secured by a pledge of sales tax revenue
56 pursuant to this paragraph shall not be subject to any debt
57 limitation contained in the foregoing enumerated code sections.

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

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

61 (i) Sixteen and sixty-one one-hundredths percent
62 (16.61%) to the cost of the adequate education program determined
63 under Section 37-151-7; of the funds generated by the percentage
64 set forth in this section for the support of the adequate
65 education program, one and one hundred seventy-eight
66 one-thousandths percent (1.178%) of the funds shall be
67 appropriated to be used by the State Department of Education for
68 the purchase of textbooks to be loaned under Sections 37-43-1
69 through 37-43-59 to approved nonpublic schools, as described in



70 Section 37-43-1. The funds to be distributed to each nonpublic
71 school shall be in the proportion that the average daily
72 attendance of each nonpublic school bears to the total average
73 daily attendance of all nonpublic schools;

74 (ii) Seven and ninety-seven one-hundredths percent
75 (7.97%) to assist the funding of transportation operations and
76 maintenance pursuant to Section 37-19-23; and

77 (iii) Nine and sixty-one one-hundredths percent
78 (9.61%) for classroom supplies, instructional materials and
79 equipment, including computers and computer software, to be
80 distributed to all eligible teachers within the state through the
81 use of procurement cards or a digital solution capable of
82 tracking, paying and reporting purchases. Classroom supply funds
83 shall not be expended for administrative purposes. On or before
84 September 1 of each year, local school districts shall determine
85 and submit to the State Department of Education the number of
86 teachers eligible to receive an allocation for the current year.
87 For purposes of this subparagraph, "teacher" means any employee of
88 the school board of a school district, or the Mississippi School
89 for the Arts, the Mississippi School for Math and Science, the
90 Mississippi School for the Blind or the Mississippi School for the
91 Deaf, who is required by law to obtain a teacher's license from
92 the State Department of Education and who is assigned to an
93 instructional area of work as defined by the department, but shall
94 not include a federally funded teacher. It is the intent of the



95 Legislature that all classroom teachers shall utilize these funds
96 in a manner that addresses individual classroom needs and supports
97 the overall goals of the school regarding supplies, instructional
98 materials, equipment, computers or computer software under the
99 provisions of this subparagraph, including the type, quantity and
100 quality of such supplies, materials and equipment. Classroom
101 supply funds allocated under this subparagraph shall supplement,
102 not replace, other local and state funds available for the same
103 purposes. The State Board of Education shall develop and
104 promulgate rules and regulations for the administration of this
105 subparagraph consistent with the above criteria, with particular
106 emphasis on allowing the individual teachers to expend funds as
107 they deem appropriate. Effective with the 2013-2014 school year,
108 the local school board shall require each school to issue
109 credentials for a digital solution selected or procurement cards
110 provided by the Department of Finance and Administration under the
111 provisions of Section 31-7-9(1)(c) for the use of teachers and
112 necessary support personnel in making instructional supply fund
113 expenditures under this section, consistent with the regulations
114 of the Mississippi Department of Finance and Administration
115 pursuant to Section 31-7-9. Such credentials or procurement cards
116 shall be issued at the beginning of the school year and shall be
117 issued in equal amounts per teacher determined by the total number
118 of qualifying personnel and the current state appropriation for
119 classroom supplies with the Education Enhancement Fund. Such



120 credentials or cards will expire on a pre-determined date at the
121 end of each school year. All unexpended amounts will be carried
122 forward, combined with the following year's allocation of
123 Education Enhancement Fund instructional supplies funds and
124 reallocated for the following year;

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

128 (c) Fourteen and forty-one one-hundredths percent
129 (14.41%) to the Mississippi Community College Board for the
130 purpose of providing support to community and junior colleges.

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

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

138 (a) For subsection (3) (a) (ii) of this section,
139 Thirty-six Million Seven Hundred Thousand Dollars
140 (\$36,700,000.00);

141 (b) For the aggregate of minimum program allotments in
142 the 1997 fiscal year, formerly provided for in Chapter 19, Title
143 37, Mississippi Code of 1972, as amended, excluding those funds



144 for transportation as provided for in paragraph (a) of this
145 subsection.

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

150 **SECTION 2.** This act shall take effect and be in force from
151 and after July 1, 2022.

