

By: Senator(s) DeBar, Jackson (11th)

To: Education

SENATE BILL NO. 2424

1 AN ACT TO AMEND SECTION 37-9-39, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE THAT SCHOOL DISTRICTS SHALL PROCESS A SINGLE MONTHLY OR  
3 BIMONTHLY PAYROLL FOR EMPLOYEES IN THE DISCRETION OF THE LOCAL  
4 SCHOOL BOARD; TO AMEND SECTION 37-151-103, MISSISSIPPI CODE OF  
5 1972, TO REQUIRE ALL SCHOOL DISTRICTS TO PROCESS A SINGLE MONTHLY  
6 OR BIMONTHLY PAYROLL FOR ALL EMPLOYEES IN THE DISCRETION OF THE  
7 LOCAL SCHOOL BOARD; AND FOR RELATED PURPOSES.

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

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

11 37-9-39. (1) All school districts shall \* \* \* process a  
12 single monthly or a \* \* \* bimonthly payroll for \* \* \* employees,  
13 in the discretion of the local school board, consistent with the  
14 provisions of Section 37-157-103(1), except for December, when  
15 salaries or wages shall be paid by the last working day. Salaries  
16 or wages shall be paid at a minimum on a monthly basis. The  
17 standard contract for school district employees prescribed by the  
18 State Board of Education shall provide that school district  
19 employees shall earn a salary payable in equal monthly or  
20 bimonthly installments beginning in the first month of employment,



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

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

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

39 37-151-103. (1) Funds due each school district and charter  
40 school under the terms of this chapter from the Adequate Education  
41 Program Fund shall be paid in the following manner: Two (2)  
42 business days prior to the last working day of each month there  
43 shall be paid to each school district and charter school, by  
44 electronic funds transfer, one-twelfth (1/12) of the funds to  
45 which the district or charter school is entitled from funds



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

58        Provided, however, that if the cash balance in the State  
59 General Fund is not adequate on the due date to pay the amounts  
60 due to all school districts and charter schools in the state as  
61 determined by the State Superintendent of Education, the State  
62 Fiscal Officer shall not transfer said 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 hereby 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.

