

House Amendments to Senate Bill No. 2424

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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 37-7-321, Mississippi Code of 1972, is
38 amended as follows:

39 37-7-321. (1) The school board of any school district
40 within the State of Mississippi, in its discretion, may employ one
41 or more persons as security personnel and may designate such
42 persons as peace officers in or on any property operated for
43 school purposes by such board upon their taking such oath and
44 making such bond as required of a constable of the county in which
45 the school district is situated.

46 (2) Any person employed by a school board as a security
47 guard or school resource officer or in any other position that has
48 the powers of a peace officer must receive a minimum level of
49 basic law enforcement training, as jointly determined and
50 prescribed by the Board on Law Enforcement Officer Standards and
51 Training and the State Board of Education, within two (2) years of

52 the person's initial employment in such position. Upon the
53 failure of any person employed in such position to receive the
54 required training within the designated time, the person may not
55 exercise the powers of a peace officer in or on the property of
56 the school district.

57 (3) The school board is authorized and empowered, in its
58 discretion, and subject to the approval of the Federal
59 Communications Commission, to install and operate a noncommercial
60 radio broadcasting and transmission station for educational and
61 vocational educational purposes.

62 (4) If a law enforcement officer is duly appointed to be a
63 peace officer by a school district under this section, the local
64 school board may enter into an interlocal agreement with other law
65 enforcement entities for the provision of equipment or traffic
66 control duties, however, the duty to enforce traffic regulations
67 and to enforce the laws of the state or municipality off of school
68 property lies with the local police or sheriff's department which
69 cannot withhold its services solely because of the lack of such an
70 agreement.

71 (5) Any person employed as a security personnel or school
72 resource officer may be designated to serve as school traffic
73 control officer.

74 **SECTION 3.** Section 37-151-103, Mississippi Code of 1972, is
75 amended as follows:

76 37-151-103. (1) Funds due each school district and charter
77 school under the terms of this chapter from the Adequate Education

78 Program Fund shall be paid in the following manner: Two (2)
79 business days prior to the last working day of each month there
80 shall be paid to each school district and charter school, by
81 electronic funds transfer, one-twelfth (1/12) of the funds to
82 which the district or charter school is entitled from funds
83 appropriated for the Adequate Education Program Fund. However, in
84 December those payments shall be made on December 15th or the next
85 business day after that date. All school districts shall * * *
86 process a single monthly or a * * * bimonthly payroll for * * *
87 employees, in the discretion of the local school board, with
88 electronic settlement of payroll checks secured through direct
89 deposit of net pay for all school district employees. In
90 addition, the State Department of Education may pay school
91 districts and charter schools from the common school fund and the
92 Adequate Education Program Fund on a date earlier than provided
93 for by this section if it is determined that it is in the best
94 interest of school districts and charter schools to do so.

95 Provided, however, that if the cash balance in the State
96 General Fund is not adequate on the due date to pay the amounts
97 due to all school districts and charter schools in the state as
98 determined by the State Superintendent of Education, the State
99 Fiscal Officer shall not transfer said funds payable to any school
100 district or districts or charter schools until money is available
101 to pay the amount due to all districts and charter schools.

102 (2) Notwithstanding any provision of this chapter or any
103 other law requiring the number of children in average daily

104 attendance or the average daily attendance of transported children
105 to be determined on the basis of the preceding year, the State
106 Board of Education is hereby authorized and empowered to make
107 proper adjustments in allotments in cases where major changes in
108 the number of children in average daily attendance or the average
109 daily attendance of transported children occurs from one year to
110 another as a result of changes or alterations in the boundaries of
111 school districts, the sending of children from one county or
112 district to another upon a contract basis, the termination or
113 discontinuance of a contract for the sending of children from one
114 county or district to another, a change in or relocation of
115 attendance centers, or for any other reason which would result in
116 a major decrease or increase in the number of children in average
117 daily attendance or the average daily attendance of transported
118 children during the current school year as compared with the
119 preceding year.

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

128 (4) The State Department of Education shall hold school
129 districts harmless for each school district's average daily

130 attendance calculation for the 2020-2021 scholastic year. For
131 purposes of determining average daily attendance for the 2020-2021
132 scholastic year, the State Department of Education shall use each
133 school district's average daily attendance for the 2019-2020
134 scholastic year if it is greater than the school's average daily
135 attendance for the 2020-2021 scholastic year.

136 **SECTION 4.** This act shall take effect and be in force from
137 and after July 1, 2022, and shall stand repealed on June 30, 2022.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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.

HR26\SB2424PH.J

Andrew Ketchings
Clerk of the House of Representatives