

**Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

Senate Bill No. 2424

BY: Committee

**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 37-151-103, 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, 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.

