

By: Representative Bennett

To: Education

HOUSE BILL NO. 1173

1 AN ACT TO AMEND SECTIONS 31-7-9 AND 37-61-33, MISSISSIPPI
2 CODE OF 1972, TO AUTHORIZE THE STATE DEPARTMENT OF EDUCATION TO
3 PROVIDE EEF CLASSROOM SUPPLY PROCUREMENT CARDS OR CREDENTIALS FOR
4 A DIGITAL SOLUTION TO ELIGIBLE TEACHERS EMPLOYED BY CHARTER
5 SCHOOLS; TO AMEND SECTION 37-28-55, MISSISSIPPI CODE OF 1972, IN
6 CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 31-7-9, Mississippi Code of 1972, is
9 amended as follows:

10 31-7-9. (1) (a) The Office of Purchasing, Travel and Fleet
11 Management shall adopt purchasing regulations governing the
12 purchase by any agency of any commodity or commodities and
13 establishing standards and specifications for a commodity or
14 commodities and the maximum fair prices of a commodity or
15 commodities, subject to the approval of the Public Procurement
16 Review Board. It shall have the power to amend, add to or
17 eliminate purchasing regulations. The adoption of, amendment,
18 addition to or elimination of purchasing regulations shall be
19 based upon a determination by the Office of Purchasing, Travel and
20 Fleet Management with the approval of the Public Procurement



21 Review Board, that such action is reasonable and practicable and
22 advantageous to promote efficiency and economy in the purchase of
23 commodities by the agencies of the state. Upon the adoption of
24 any purchasing regulation, or an amendment, addition or
25 elimination therein, copies of same shall be furnished to the
26 State Auditor and to all agencies affected thereby. Thereafter,
27 and except as otherwise may be provided in subsection (2) of this
28 section, no agency of the state shall purchase any commodities
29 covered by existing purchasing regulations unless such commodities
30 be in conformity with the standards and specifications set forth
31 in the purchasing regulations and unless the price thereof does
32 not exceed the maximum fair price established by such purchasing
33 regulations. The Office of Purchasing, Travel and Fleet
34 Management shall furnish to any county or municipality or other
35 local public agency of the state requesting same, copies of
36 purchasing regulations adopted by the Office of Purchasing, Travel
37 and Fleet Management and any amendments, changes or eliminations
38 of same that may be made from time to time.

39 (b) The Office of Purchasing, Travel and Fleet
40 Management may adopt purchasing regulations governing the use of
41 credit cards, procurement cards and purchasing club membership
42 cards to be used by state agencies, governing authorities of
43 counties and municipalities, school districts and the Chickasawhay
44 Natural Gas District. Use of the cards shall be in strict
45 compliance with the regulations promulgated by the office. Any



46 amounts due on the cards shall incur interest charges as set forth
47 in Section 31-7-305 and shall not be considered debt.

48 (c) Pursuant to the provision of Section 37-61-33(3),
49 the Office of Purchasing, Travel and Fleet Management of the
50 Department of Finance and Administration is authorized to issue
51 procurement cards or credentials for a digital solution to all
52 public school district classroom teachers, charter school
53 teachers, full- or part-time gifted or special education teachers
54 and other necessary direct support personnel at the beginning of
55 the school year, but no later than August 1 of each year, for the
56 purchase of instructional supplies using Educational Enhancement
57 Funds. The cards will be issued in equal amounts per teacher
58 determined by the total number of qualifying personnel and the
59 then current state appropriation for classroom instructional
60 supplies under the Education Enhancement Fund. All purchases
61 shall be in accordance with state law and teachers are responsible
62 for verification of capital asset requirements when pooling monies
63 to purchase equipment. The cards will expire on a predetermined
64 date at the end of each school year, but not before April 1 of
65 each year. All unexpended amounts will be carried forward, to be
66 combined with the following year's instructional supply fund
67 allocation, and reallocated for the following year. The
68 Department of Finance and Administration is authorized to loan any
69 start-up funds at the beginning of the school year to fund this
70 procurement system for instructional supplies with loan repayment



71 being made from sales tax receipts earmarked for the Education
72 Enhancement Fund.

73 (d) In a sale of goods or services, the seller shall
74 not impose a surcharge on a buyer who uses a state-issued credit
75 card, procurement card, travel card, or fuel card. The Department
76 of Finance and Administration shall have exclusive jurisdiction to
77 enforce and adopt rules relating to this paragraph. Any rules
78 adopted under this paragraph shall be consistent with federal laws
79 and regulations governing credit card transactions described by
80 this paragraph. This paragraph does not create a cause of action
81 against an individual for a violation of this paragraph.

82 (2) The Office of Purchasing, Travel and Fleet Management
83 shall adopt, subject to the approval of the Public Procurement
84 Review Board, purchasing regulations governing the purchase of
85 unmarked vehicles to be used by the Bureau of Narcotics and
86 Department of Public Safety in official investigations pursuant to
87 Section 25-1-87. Such regulations shall ensure that purchases of
88 such vehicles shall be at a fair price and shall take into
89 consideration the peculiar needs of the Bureau of Narcotics and
90 Department of Public Safety in undercover operations.

91 (3) The Office of Purchasing, Travel and Fleet Management
92 shall adopt, subject to the approval of the Public Procurement
93 Review Board, regulations governing the certification process for
94 certified purchasing offices, including the Mississippi Purchasing
95 Certification Program, which shall be required of all purchasing



96 agents at state agencies. Such regulations shall require entities
97 desiring to be classified as certified purchasing offices to
98 submit applications and applicable documents on an annual basis,
99 and in the case of a state agency purchasing office, to have one
100 hundred percent (100%) participation and completion by purchasing
101 agents in the Mississippi Purchasing Certification Program, at
102 which time the Office of Purchasing, Travel and Fleet Management
103 may provide the governing entity with a certification valid for
104 one (1) year from the date of issuance. The Office of Purchasing,
105 Travel and Fleet Management shall set a fee in an amount that
106 recovers its costs to administer the Mississippi Purchasing
107 Certification Program, which shall be assessed to the
108 participating state agencies.

109 (4) The Office of Purchasing, Travel and Fleet Management
110 shall adopt purchasing regulations authorizing rural water
111 associations to purchase at the state contract price afforded to
112 agencies and governing authorities under this chapter.

113 **SECTION 2.** Section 37-61-33, Mississippi Code of 1972, is
114 amended as follows:

115 37-61-33. (1) There is created within the State Treasury a
116 special fund to be designated the "Education Enhancement Fund"
117 into which shall be deposited all the revenues collected pursuant
118 to Sections 27-65-75(7) and (8) and 27-67-31(a) and (b).

119 (2) Of the amount deposited into the Education Enhancement
120 Fund, Sixteen Million Dollars (\$16,000,000.00) shall be



121 appropriated each fiscal year to the State Department of Education
122 to be distributed to all school districts. Such money shall be
123 distributed to all school districts in the proportion that the
124 average daily attendance of each school district bears to the
125 average daily attendance of all school districts within the state
126 for the following purposes:

127 (a) Purchasing, erecting, repairing, equipping,
128 remodeling and enlarging school buildings and related facilities,
129 including gymnasiums, auditoriums, lunchrooms, vocational training
130 buildings, libraries, teachers' homes, school barns,
131 transportation vehicles (which shall include new and used
132 transportation vehicles) and garages for transportation vehicles,
133 and purchasing land therefor * * *;

134 (b) Establishing and equipping school athletic fields
135 and necessary facilities connected therewith, and purchasing land
136 therefor * * *;

137 (c) Providing necessary water, light, heating,
138 air-conditioning and sewerage facilities for school buildings, and
139 purchasing land therefor * * *;

140 (d) As a pledge to pay all or a portion of the debt
141 service on debt issued by the school district under Sections
142 37-59-1 through 37-59-45, 37-59-101 through 37-59-115, 37-7-351
143 through 37-7-359, 37-41-89 through 37-41-99, 37-7-301, 37-7-302
144 and 37-41-81, or debt issued by boards of supervisors for
145 agricultural high schools pursuant to Section 37-27-65, if such



146 pledge is accomplished pursuant to a written contract or
147 resolution approved and spread upon the minutes of an official
148 meeting of the district's school board or board of supervisors.
149 The annual grant to such district in any subsequent year during
150 the term of the resolution or contract shall not be reduced below
151 an amount equal to the district's grant amount for the year in
152 which the contract or resolution was adopted. The intent of this
153 provision is to allow school districts to irrevocably pledge a
154 certain, constant stream of revenue as security for long-term
155 obligations issued under the code sections enumerated in this
156 paragraph or as otherwise allowed by law. It is the intent of the
157 Legislature that the provisions of this paragraph shall be
158 cumulative and supplemental to any existing funding programs or
159 other authority conferred upon school districts or school boards.
160 Debt of a district secured by a pledge of sales tax revenue
161 pursuant to this paragraph shall not be subject to any debt
162 limitation contained in the foregoing enumerated code sections.

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

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

166 (i) Sixteen and sixty-one one-hundredths percent
167 (16.61%) to the cost of the adequate education program determined
168 under Section 37-151-7; of the funds generated by the percentage
169 set forth in this section for the support of the adequate
170 education program, one and one hundred seventy-eight



171 one-thousandths percent (1.178%) of the funds shall be
172 appropriated to be used by the State Department of Education for
173 the purchase of textbooks to be loaned under Sections 37-43-1
174 through 37-43-59 to approved nonpublic schools, as described in
175 Section 37-43-1. The funds to be distributed to each nonpublic
176 school shall be in the proportion that the average daily
177 attendance of each nonpublic school bears to the total average
178 daily attendance of all nonpublic schools;

179 (ii) Seven and ninety-seven one-hundredths percent
180 (7.97%) to assist the funding of transportation operations and
181 maintenance pursuant to Section 37-19-23; and

182 (iii) Nine and sixty-one one-hundredths percent
183 (9.61%) for classroom supplies, instructional materials and
184 equipment, including computers and computer software, to be
185 distributed to all eligible teachers within the state through the
186 use of procurement cards or a digital solution capable of
187 tracking, paying and reporting purchases. Classroom supply funds
188 shall not be expended for administrative purposes. On a date to
189 be determined by the State Department of Education, but not later
190 than July 1 of each year, local school districts shall determine
191 and submit to the State Department of Education the number of
192 teachers eligible to receive an allocation for the current year.
193 For purposes of this subparagraph, "teacher" means any employee of
194 the school board of a school district, or the Mississippi School
195 for the Arts, the Mississippi School for Math and Science, the



196 Mississippi School for the Blind * * *, the Mississippi School for
197 the Deaf or public charter school, who is required by law to
198 obtain a teacher's license from the State Department of Education
199 and who is assigned to an instructional area of work as defined by
200 the department, and shall include any full- or part-time gifted or
201 special education teacher. It is the intent of the Legislature
202 that all classroom teachers shall utilize these funds in a manner
203 that addresses individual classroom needs and supports the overall
204 goals of the school regarding supplies, instructional materials,
205 equipment, computers or computer software under the provisions of
206 this subparagraph, including the type, quantity and quality of
207 such supplies, materials and equipment. Classroom supply funds
208 allocated under this subparagraph shall supplement, not replace,
209 other local and state funds available for the same purposes. The
210 State Board of Education shall develop and promulgate rules and
211 regulations for the administration of this subparagraph consistent
212 with the above criteria, with particular emphasis on allowing the
213 individual teachers to expend funds as they deem appropriate. The
214 local school board shall require each school to issue credentials
215 for a digital solution selected by or procurement cards provided
216 by the Department of Finance and Administration under the
217 provisions of Section 31-7-9(1)(c) for the use of teachers and
218 necessary support personnel in making instructional supply fund
219 expenditures under this section, consistent with the regulations
220 of the Mississippi Department of Finance and Administration



221 pursuant to Section 31-7-9. Such credentials or procurement cards
222 shall be provided by the State Department of Education to local
223 school districts on a date determined by the State Department of
224 Education, but not later than August 1 of each year. Local school
225 districts shall issue such credentials or procurement cards to
226 classroom teachers at the beginning of the school year, but no
227 later than August 1 of each year, and shall be issued in equal
228 amounts per teacher determined by the total number of qualifying
229 personnel and the current state appropriation for classroom
230 supplies with the Education Enhancement Fund. After initial cards
231 are issued under the timeline prescribed by this section, the
232 State Department of Education may issue cards to districts for any
233 classroom teacher hired after July 1 under a timeline prescribed
234 by the State Department of Education. Such credentials or cards
235 will expire on a predetermined date at the end of each school
236 year, but not before April 1 of each year. All unexpended amounts
237 will be carried forward, combined with the following year's
238 allocation of Education Enhancement Fund instructional supplies
239 funds and reallocated for the following year;

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

243 (c) Fourteen and forty-one one-hundredths percent
244 (14.41%) to the Mississippi Community College Board for the
245 purpose of providing support to community and junior colleges.



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

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

253 (a) For subsection (3) (a) (ii) of this section,
254 Thirty-six Million Seven Hundred Thousand Dollars
255 (\$36,700,000.00);

256 (b) For the aggregate of minimum program allotments in
257 the 1997 fiscal year, formerly provided for in Chapter 19, Title
258 37, Mississippi Code of 1972, as amended, excluding those funds
259 for transportation as provided for in paragraph (a) of this
260 subsection.

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

265 **SECTION 3.** Section 37-28-55, Mississippi Code of 1972, is
266 amended as follows:

267 37-28-55. (1) (a) The State Department of Education shall
268 make payments to charter schools for each student in average daily
269 attendance at the charter school equal to the state share of the
270 adequate education program payments for each student in average



271 daily attendance at the school district in which the charter
272 school is located. In calculating the local contribution for
273 purposes of determining the state share of the adequate education
274 program payments, the department shall deduct the pro rata local
275 contribution of the school district in which the student resides,
276 to be determined as provided in Section 37-151-7(2) (a).

277 (b) Payments made pursuant to this subsection by the
278 State Department of Education must be made at the same time and in
279 the same manner as adequate education program payments are made to
280 school districts under Sections 37-151-101 and 37-151-103.
281 Amounts payable to a charter school must be determined by the
282 State Department of Education. Amounts payable to a charter
283 school over its charter term must be based on the enrollment
284 projections set forth over the term of the charter contract. Such
285 projections must be reconciled with the average daily attendance
286 using months two (2) and three (3) ADA for the current year for
287 which adequate education program funds are being appropriated and
288 any necessary adjustments must be made to payments during the
289 school's following year of operation.

290 (2) For students attending a charter school located in the
291 school district in which the student resides, the school district
292 in which a charter school is located shall pay directly to the
293 charter school an amount for each student enrolled in the charter
294 school equal to the ad valorem tax receipts and in-lieu payments
295 received per pupil for the support of the local school district in



296 which the student resides. The pro rata ad valorem receipts and
297 in-lieu receipts to be transferred to the charter school shall
298 include all levies for the support of the local school district
299 under Sections 37-57-1 (local contribution to the adequate
300 education program) and 37-57-105 (school district operational
301 levy) and may not include any taxes levied for the retirement of
302 the local school district's bonded indebtedness or short-term
303 notes or any taxes levied for the support of vocational-technical
304 education programs. The amount of funds payable to the charter
305 school by the school district must be based on the previous year's
306 enrollment data and ad valorem receipts and in-lieu receipts of
307 the local school district in which the student resides. The pro
308 rata amount must be calculated by dividing the local school
309 district's months one (1) through nine (9) average daily
310 membership into the total amount of ad valorem receipts and
311 in-lieu receipts, as reported to the State Department of Education
312 by the local school district. The local school district shall pay
313 an amount equal to this pro rata amount multiplied by the number
314 of students enrolled in the charter school, based on the charter
315 school's end of first month enrollment for the current school
316 year. The amount must be paid by the school district to the
317 charter school before January 16 of the current fiscal year. If
318 the local school district does not pay the required amount to the
319 charter school before January 16, the State Department of
320 Education shall reduce the local school district's January



321 transfer of Mississippi Adequate Education Program funds by the
322 amount owed to the charter school and shall redirect that amount
323 to the charter school. Any such payments made under this
324 subsection (2) by the State Department of Education to a charter
325 school must be made at the same time and in the same manner as
326 adequate education program payments are made to school districts
327 under Sections 37-151-101 and 37-151-103.

328 (3) For students attending a charter school located in a
329 school district in which the student does not reside, the State
330 Department of Education shall pay to the charter school in which
331 the student is enrolled an amount as follows: the pro rata ad
332 valorem receipts and in-lieu payments per pupil for the support of
333 the local school district in which the student resides under
334 Sections 37-57-1 (local contribution to the adequate education
335 program) and 37-57-105 (school district operational levy),
336 however, not including any taxes levied for the retirement of the
337 local school district's bonded indebtedness or short-term notes or
338 any taxes levied for the support of vocational-technical education
339 programs. The amount of funds payable to the charter school by
340 the school district must be based on the previous year's
341 enrollment data and ad valorem receipts and in-lieu receipts of
342 the local school district in which the student resides. The pro
343 rata amount must be calculated by dividing the local school
344 district's months one (1) through nine (9) average daily
345 membership into the total amount of ad valorem receipts and



346 in-lieu receipts, as reported to the State Department of Education
347 by the transferor local school district. The payable amount shall
348 be equal to this pro rata amount multiplied by the number of
349 students enrolled in the charter school, based on the charter
350 school's end of first month enrollment for the current school
351 year. The State Department of Education shall reduce the school
352 district's January transfer of Mississippi Adequate Education
353 Program funds by the amount owed to the charter school and shall
354 redirect that amount to the charter school. Any such payments
355 made under this subsection (3) by the State Department of
356 Education to a charter school must be made at the same time and in
357 the same manner as adequate education program payments are made to
358 school districts under Sections 37-151-101 and 37-151-103.

359 (4) (a) The State Department of Education shall direct the
360 proportionate share of monies generated under federal and state
361 categorical aid programs, including special education, vocational,
362 gifted and alternative school programs, to charter schools serving
363 students eligible for such aid. The department shall ensure that
364 charter schools with rapidly expanding enrollments are treated
365 equitably in the calculation and disbursement of all federal and
366 state categorical aid program dollars. Each charter school that
367 serves students who may be eligible to receive services provided
368 through such programs shall comply with all reporting requirements
369 to receive the aid.



370 (b) A charter school shall pay to a local school
371 district any federal or state aid attributable to a student with a
372 disability attending the charter school in proportion to the level
373 of services for that student which the local school district
374 provides directly or indirectly.

375 (c) Subject to the approval of the authorizer, a
376 charter school and a local school district may negotiate and enter
377 into a contract for the provision of and payment for special
378 education services, including, but not necessarily limited to, a
379 reasonable reserve not to exceed five percent (5%) of the local
380 school district's total budget for providing special education
381 services. The reserve may be used by the local school district
382 only to offset excess costs of providing services to students with
383 disabilities enrolled in the charter school.

384 (5) (a) The State Department of Education shall disburse
385 state transportation funding to a charter school on the same basis
386 and in the same manner as it is paid to school districts under the
387 adequate education program.

388 (b) A charter school may enter into a contract with a
389 school district or private provider to provide transportation to
390 the school's students.

391 (6) The State Department of Education shall disburse
392 Education Enhancement Funds for classroom supplies, instructional
393 materials and equipment, including computers and computer software
394 to all eligible charter school teachers on the same basis and in



395 the same manner as it is paid to school districts under Section
396 37-61-33(3)(a)(iii) for the purpose of issuing procurement cards
397 or credentials for a digital solution to eligible teachers.

398 **SECTION 4.** This act shall take effect and be in force from
399 and after July 1, 2023.

