

By: Representative Roberson

To: Education

## HOUSE BILL NO. 1620

1 AN ACT TO AMEND SECTIONS 37-151-207, 25-11-126, 37-61-33 AND  
2 37-159-7, MISSISSIPPI CODE OF 1972, TO REMOVE OBSOLETE REFERENCES  
3 TO THE MISSISSIPPI ADEQUATE EDUCATION PROGRAM, AND REPLACE WITH  
4 CURRENT LANGUAGE TO REFLECT THE MISSISSIPPI STUDENT FUNDING  
5 FORMULA, MORE SPECIFICALLY REFERENCED AS TOTAL FUNDING FORMULA  
6 FUNDS; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 37-151-207, Mississippi Code of 1972, is  
9 amended as follows:

10 37-151-207. (1) The net enrollment of a school district or  
11 charter school for use in the funding formula must be computed and  
12 currently maintained by the State Board of Education in accordance  
13 with the following:

14 (a) Determination of school district net enrollment for  
15 use in the funding formula. Effective with fiscal year 2026, the  
16 State Department of Education shall \* \* \* use the school  
17 district's net enrollment for months two (2) and three (3) for  
18 the \* \* \* preceding school \* \* \* year for which funds are being  
19 appropriated.



20 (b) Determination of charter school net enrollment for  
21 use in the funding formula. Effective with fiscal year 2026, the  
22 department shall base a charter school's net enrollment on the  
23 enrollment projections for the relevant year set forth over the  
24 term of the charter contract.

25 (c) The net enrollment of a school district used for  
26 funding formula calculations, as determined in paragraph (a) of  
27 this subsection, must be reconciled with the school district's net  
28 enrollment using months two (2) and three (3) for the year for  
29 which total funding formula funds are being appropriated, and any  
30 necessary adjustments must be made to payments during the school  
31 district's following year of operation. Any necessary adjustment  
32 for a school district must be based on the state share of the per  
33 pupil amount in effect for the year for which actual net  
34 enrollment did not meet expectations and not any new amount  
35 appropriated for the year in which the adjustment will be made.  
36 Reconciliation of net enrollment for charter schools must be based  
37 on requirements set forth in Section 37-28-55.

38 (2) The net enrollment of a school district or charter  
39 school must include any student enrolled in a dual enrollment-dual  
40 credit program as defined and provided for in Section 37-15-38.  
41 The State Department of Education shall make payments for dual  
42 enrollment-dual credit programs to the home school district or  
43 charter school in which the student is enrolled, in accordance  
44 with regulations promulgated by the State Board of Education. All



state funding under the formula must cease upon completion of high school graduation requirements.

(3) The State Board of Education shall promulgate such rules and regulations as may be necessary for the counting and reporting of student enrollment by school districts and charter schools to the department in a manner that enables the provisions of Sections 37-151-200 through 37-151-215 to be carried out. The rules and regulations must require school districts and charter schools to submit data that includes, at a minimum, numbers for the specific student populations that are subject to weighting under Sections 37-151-200 through 37-151-215 as well as the aggregate amount of students in enrollment when each calculation is made. For the first year of operation of a charter school, the State Board of Education shall use imputed student demographic data based on the traditional district in which the charter school is located to estimate student populations that are subject to weighting under Sections 37-151-200 through 37-151-215.

(4) The superintendent of each school district and the head of school of each charter school, as applicable, shall submit the data required by subsection (3) of this section with a signed affidavit attesting that the data submitted to the department is accurate to the best of the superintendent's knowledge, and any inaccuracies later discovered will be reported to the department. The State Board of Education shall be specifically authorized and empowered to withhold allocations from the total funding formula



funds as provided in Sections 37-151-200 through 37-151-215, to any school district or charter school for improperly or inaccurately reporting the student data required by Sections 37-151-200 through 37-151-215.

**SECTION 2.** Section 25-11-126, Mississippi Code of 1972, is amended as follows:

25-11-126. (1) Any person who has at least thirty (30) years of creditable service, who was employed as a public school teacher at the time of his or her retirement, has been retired at least ninety (90) days and is receiving a retirement allowance, and holds a standard teaching license in Mississippi, may be employed as a teacher in a public school district after retirement, and choose to continue receiving the retirement allowance under this article during his or her employment as a teacher after retirement in addition to receiving the salary authorized under this section, along with the local contribution of the school district in which the retiree is employed, at the discretion of the school district. Any teacher who has retired with at least twenty-five (25) years of creditable service as of July 1, 2024, may also participate in this program if the teacher otherwise qualifies under this section.

(2) A retired teacher may only be hired to teach in a school district designated by the Department of Education as having critical shortages and/or critical subject-area shortages, and shall hold the related standard teaching license and/or



endorsements to teach in the subject area. The base compensation authorized for returning retired teachers under Section 37-19-7 shall not be graduated annually in the same manner as teachers who are employed by a school district under traditional employment guidelines, but shall remain static for the entirety of his or her eligible teaching period as a retired teacher.

(3) (a) A retired teacher may be employed as a teacher, continue receiving his or her retirement allowance and be a contributing member of the system without accruing additional retirement benefits for a total of five (5) years, which may be performed consecutively or intermittently. This method is designed specifically to provide funding for the system to actuarially offset any pension liability created by this section. Each school district hiring retired teachers under the authority of this section, shall make a direct payment to PERS, which shall serve as pension liability participation assessment. The pension liability participation assessment and the retired teacher's salary for returning to work shall be determined as follows:

(i) A school district shall rely on the salary schedule in Section 37-19-7 in considering the salary for a retired teacher; provided, however, that the school district may allocate up to one hundred and twenty-five percent (125%) of the amount provided under the salary schedule comparable to the teacher's years of service and license type as salary and assessment under the program.



(ii) After determining the retired teacher's compensation, the school district may pay no more than fifty percent (50%) of the retired teacher's compensation as salary to the retired teacher; and

(iii) The remaining fifty percent (50%) of the retired teacher's compensation as salary shall be paid by the school district to PERS as a pension liability participation assessment.

(b) If a retired teacher, reemployed under the authority of this section, works in a school district for any portion of a scholastic year less than a full contractual term of traditional teachers, the time worked by the retired teacher shall constitute one (1) of the five (5) years of post retirement teaching eligibility. A retired teacher, under the authority of this section, shall be entitled to work in any applicable school district and shall not be obligated to remain in any one (1) school district for the entirety of his or her post retirement teaching eligibility, but shall be cumulative in nature so as not to exceed five (5) years. The salary authorized under Section 37-19-7 for retired teachers shall be prorated for any period worked by the retired teacher that is less than one (1) full academic year.

(c) The State Department of Education shall transfer to the system the \* \* \* total funding formula funds of local school districts that on or after July 1, 2024, hire retired members as



teachers under this section and other funds that otherwise would have been payable to the districts if the districts had not taken advantage of this section. The crediting of assets and financing shall follow the provisions of Section 25-11-123.

(d) Local educational agencies shall transfer to the system \* \* \* the total funding formula funds of local school districts that on or after July 1, 2024, hire retired members as teachers under this section and other funds that otherwise would have been payable to the districts if the districts had not taken advantage of this section. The crediting of assets and financing must follow the provisions of Section 25-11-123.

(4) Under the authority of this section, school districts may employ retired teachers based on criteria established by the department of education for critical teacher shortage areas and critical subject-matter areas. A school district that is not within a critical teacher shortage area may employ teachers for critical subject-matter areas.

(5) A person may be hired under this section subject to the following conditions:

(a) The retired member holds any teacher's professional license or certificate as may be required in Section 37-3-2, and holds the related standard teaching license and/or endorsements to teach in the applicable subject area;

(b) The superintendent of the employing school district certifies in writing to the State Department of Education that the



retired member has the requisite experience, training and expertise for the position to be filled;

(c) The superintendent of the school district certifies or the principal of the school certifies that there was no preexisting arrangement for the person to be hired;

(d) The person had a satisfactory performance review for the most recent period before retirement; and

(e) The person is hired to teach in a critical subject-matter area or in a critical teacher shortage area.

(6) The State Superintendent of Public Education shall report the persons who are employed under this section to the Executive Director of the Public Employees' Retirement System.

(7) The department of education shall promulgate regulations that prescribe a salary schedule that reflects the provisions of this section. Each school district shall create a policy, approved by the local school board, related to the hiring of retired teachers and including, but not limited to, the hiring of full- and part-time retired teacher employees under this section and Section 25-11-127.

(8) Any retired teacher who returns to work in accordance with this section shall not be eligible to return to work under the provisions of Section 25-11-127.

**SECTION 3.** Section 37-61-33, Mississippi Code of 1972, is amended as follows:





194           37-61-33. (1) There is created within the State Treasury a  
195 special fund to be designated the "Education Enhancement Fund"  
196 into which shall be deposited all the revenues collected pursuant  
197 to Sections 27-65-75(5), (7) and (8) and 27-67-31(a) and (b).

198           (2) Of the amount deposited into the Education Enhancement  
199 Fund, Sixteen Million Dollars (\$16,000,000.00) shall be  
200 appropriated each fiscal year to the State Department of Education  
201 to be distributed to all school districts. Such money shall be  
202 distributed to all school districts in the proportion that the net  
203 enrollment of each school district bears to the net enrollment of  
204 all school districts within the state for the following purposes:

205           (a) Purchasing, erecting, repairing, equipping,  
206 remodeling and enlarging school buildings and related facilities,  
207 including gymnasiums, auditoriums, lunchrooms, vocational training  
208 buildings, libraries, teachers' homes, school barns,  
209 transportation vehicles (which shall include new and used  
210 transportation vehicles) and garages for transportation vehicles,  
211 and purchasing land therefor;

212           (b) Establishing and equipping school athletic fields  
213 and necessary facilities connected therewith, and purchasing land  
214 therefor;

215           (c) Providing necessary water, light, heating,  
216 air-conditioning and sewerage facilities for school buildings, and  
217 purchasing land therefor;



218           (d) As a pledge to pay all or a portion of the debt  
219 service on debt issued by the school district under Sections  
220 37-59-1 through 37-59-45, 37-59-101 through 37-59-115, 37-7-351  
221 through 37-7-359, 37-41-89 through 37-41-99, 37-7-301, 37-7-302  
222 and 37-41-81, or debt issued by boards of supervisors for  
223 agricultural high schools pursuant to Section 37-27-65, if such  
224 pledge is accomplished pursuant to a written contract or  
225 resolution approved and spread upon the minutes of an official  
226 meeting of the district's school board or board of supervisors.  
227 The annual grant to such district in any subsequent year during  
228 the term of the resolution or contract shall not be reduced below  
229 an amount equal to the district's grant amount for the year in  
230 which the contract or resolution was adopted. The intent of this  
231 provision is to allow school districts to irrevocably pledge a  
232 certain, constant stream of revenue as security for long-term  
233 obligations issued under the code sections enumerated in this  
234 paragraph or as otherwise allowed by law. It is the intent of the  
235 Legislature that the provisions of this paragraph shall be  
236 cumulative and supplemental to any existing funding programs or  
237 other authority conferred upon school districts or school boards.  
238 Debt of a district secured by a pledge of sales tax revenue  
239 pursuant to this paragraph shall not be subject to any debt  
240 limitation contained in the foregoing enumerated code sections;  
241 and



(e) Any other purpose for which the total funding formula funds as determined by Sections 37-151-200 through 37-151-215 are not sufficient.

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

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

(i) Sixteen and sixty-one one-hundredths percent (16.61%) to the cost of the total funding formula determined under Sections 37-151-200 through 37-151-215; of the funds generated by the percentage set forth in this section for the support of the \* \* \* total funding formula, one and one hundred seventy-eight one-thousandths percent (1.178%) of the funds shall be appropriated to be used by the State Department of Education for the purchase of textbooks to be loaned under Sections 37-43-1 through 37-43-59 to approved nonpublic schools, as described in Section 37-43-1. The funds to be distributed to each nonpublic school shall be in the proportion that the average daily attendance of each nonpublic school bears to the total average daily attendance of all nonpublic schools;

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

(iii) Nine and sixty-one one-hundredths percent (9.61%) for classroom supplies, instructional materials and equipment, including computers and computer software, to be



267 distributed to all eligible teachers within the state through the  
268 use of procurement cards or a digital solution capable of  
269 tracking, paying and reporting purchases. Classroom supply funds  
270 shall not be expended for administrative purposes. On a date to  
271 be determined by the State Department of Education, but not later  
272 than July 1 of each year, local school districts shall determine  
273 and submit to the State Department of Education the number of  
274 teachers eligible to receive an allocation for the current year.  
275 For purposes of this subparagraph, "teacher" means any employee of  
276 the school board of a school district, or the Mississippi School  
277 for the Arts, the Mississippi School for Math and Science, the  
278 Mississippi School for the Blind, the Mississippi School for the  
279 Deaf or public charter school, who is required by law to obtain a  
280 teacher's license from the State Department of Education and who  
281 is assigned to an instructional area of work as defined by the  
282 department, and shall include any full- or part-time gifted or  
283 special education teacher. It is the intent of the Legislature  
284 that all classroom teachers shall utilize these funds in a manner  
285 that addresses individual classroom needs and supports the overall  
286 goals of the school regarding supplies, instructional materials,  
287 equipment, computers or computer software under the provisions of  
288 this subparagraph, including the type, quantity and quality of  
289 such supplies, materials and equipment. Classroom supply funds  
290 allocated under this subparagraph shall supplement, not replace,  
291 other local and state funds available for the same purposes. The



292 State Board of Education shall develop and promulgate rules and  
293 regulations for the administration of this subparagraph consistent  
294 with the above criteria, with particular emphasis on allowing the  
295 individual teachers to expend funds as they deem appropriate. The  
296 local school board shall require each school to issue credentials  
297 for a digital solution selected by or procurement cards provided  
298 by the Department of Finance and Administration under the  
299 provisions of Section 31-7-9(1)(c) for the use of teachers and  
300 necessary support personnel in making instructional supply fund  
301 expenditures under this section, consistent with the regulations  
302 of the Mississippi Department of Finance and Administration  
303 pursuant to Section 31-7-9. Such credentials or procurement cards  
304 shall be provided by the State Department of Education to local  
305 school districts on a date determined by the State Department of  
306 Education, but not later than August 1 of each year. Local school  
307 districts shall issue such credentials or procurement cards to  
308 classroom teachers at the beginning of the school year, but no  
309 later than August 1 of each year, and shall be issued in equal  
310 amounts per teacher determined by the total number of qualifying  
311 personnel and the current state appropriation for classroom  
312 supplies with the Education Enhancement Fund. After initial cards  
313 are issued under the timeline prescribed by this section, the  
314 State Department of Education may issue cards to districts for any  
315 classroom teacher hired after July 1 under a timeline prescribed  
316 by the State Department of Education. Such credentials or cards



will expire on a predetermined date at the end of each school year, but not before April 1 of each year;

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

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

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

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

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

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



(6) Any funds appropriated from the Education Enhancement Fund that are unexpended at the end of a fiscal year shall lapse into the Education Enhancement Fund.

**SECTION 4.** Section 37-159-7, Mississippi Code of 1972, is amended as follows:

37-159-7. The school board of any school district situated within a geographical area of the state where there exists a critical shortage of teachers, as designated by the State Board of Education, in its discretion, may reimburse persons who interview for employment as a licensed teacher with the district for the mileage and other actual expenses incurred in the course of travel to and from the interview by such persons at the rate authorized for county and municipal employees under Section 25-3-41. Any reimbursement by a school board under this section shall be paid from funds other than \* \* \* total funding formula funds.

**SECTION 5.** This act shall take effect and be in force from and after July 1, 2025.

