

House Amendments to Senate Bill No. 2606

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:

11 **SECTION 1.** Any public school district that received a loan
12 from the Educational Facilities Revolving Loan Fund, which was
13 created under former Section 37-47-24, that has not been repaid in
14 full before the effective date of this act shall make repayments
15 of the principal of and, when applicable, interest on the loan to
16 the Department of Finance and Administration in accordance with
17 the terms of the loan agreement made between the school district
18 and the Department of Education until the loan is fully repaid.
19 The Department of Finance and Administration shall deposit all
20 such loan repayments received into the Education Enhancement Fund.
21 The Department of Finance and Administration may take any of the
22 actions that the State Department of Education could take under
23 former Section 37-47-24 against a school district that is in
24 arrears on loan repayments, in order to enforce the repayment of
25 the loan.

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

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

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

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

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

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

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

103 use of procurement cards or a digital solution capable of
104 tracking, paying and reporting purchases. Classroom supply funds
105 shall not be expended for administrative purposes. On a date to
106 be determined by the State Department of Education, but not later
107 than July 1 of each year, local school districts shall determine
108 and submit to the State Department of Education the number of
109 teachers eligible to receive an allocation for the current year.
110 For purposes of this subparagraph, "teacher" means any employee of
111 the school board of a school district, or the Mississippi School
112 for the Arts, the Mississippi School for Math and Science, the
113 Mississippi School for the Blind, the Mississippi School for the
114 Deaf or public charter school, who is required by law to obtain a
115 teacher's license from the State Department of Education and who
116 is assigned to an instructional area of work as defined by the
117 department, and shall include any full- or part-time gifted or
118 special education teacher. It is the intent of the Legislature
119 that all classroom teachers shall utilize these funds in a manner
120 that addresses individual classroom needs and supports the overall
121 goals of the school regarding supplies, instructional materials,
122 equipment, computers or computer software under the provisions of
123 this subparagraph, including the type, quantity and quality of
124 such supplies, materials and equipment. Classroom supply funds
125 allocated under this subparagraph shall supplement, not replace,
126 other local and state funds available for the same purposes. The
127 State Board of Education shall develop and promulgate rules and
128 regulations for the administration of this subparagraph consistent

with the above criteria, with particular emphasis on allowing the individual teachers to expend funds as they deem appropriate. The local school board shall require each school to issue credentials for a digital solution selected by or procurement cards provided by the Department of Finance and Administration under the provisions of Section 31-7-9(1)(c) for the use of teachers and necessary support personnel in making instructional supply fund expenditures under this section, consistent with the regulations of the Mississippi Department of Finance and Administration pursuant to Section 31-7-9. Such credentials or procurement cards shall be provided by the State Department of Education to local school districts on a date determined by the State Department of Education, but not later than August 1 of each year. Local school districts shall issue such credentials or procurement cards to classroom teachers at the beginning of the school year, but no later than August 1 of each year, and shall be issued in equal amounts per teacher determined by the total number of qualifying personnel and the current state appropriation for classroom supplies with the Education Enhancement Fund. After initial cards are issued under the timeline prescribed by this section, the State Department of Education may issue cards to districts for any classroom teacher hired after July 1 under a timeline prescribed 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 3. This act shall take effect and be in force from and after its passage.

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

1 AN ACT TO PROVIDE THAT PUBLIC SCHOOL DISTRICTS THAT RECEIVED
2 A LOAN FROM THE EDUCATIONAL FACILITIES REVOLVING LOAN FUND THAT
3 HAS NOT BEEN REPAID IN FULL BEFORE THE EFFECTIVE DATE OF THIS ACT
4 SHALL MAKE REPAYMENTS OF THE LOAN TO THE DEPARTMENT OF FINANCE AND
5 ADMINISTRATION UNTIL THE LOAN IS FULLY REPAID; TO PROVIDE THAT THE
6 DEPARTMENT OF FINANCE AND ADMINISTRATION SHALL DEPOSIT ALL SUCH
7 LOAN REPAYMENTS RECEIVED INTO THE EDUCATION ENHANCEMENT FUND; TO
8 AMEND SECTION 37-61-33, MISSISSIPPI CODE OF 1972, TO CONFORM TO
9 THE PRECEDING PROVISION; AND FOR RELATED PURPOSES.

HR26\SB2606A.J

Andrew Ketchings
Clerk of the House of Representatives