

By: Representative Chism

To: Education;
Appropriations

HOUSE BILL NO. 17

1 AN ACT TO AMEND SECTION 37-61-33, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE THE EXPENDITURE OF CERTAIN EDUCATION ENHANCEMENT
3 FUNDS FOR CLASSROOM SUPPLIES AND INSTRUCTIONAL MATERIALS AND TO
4 DIVERT A PORTION OF EDUCATION ENHANCEMENT FUNDS THAT ARE ALLOCATED
5 FOR CLASSROOM SUPPLIES TO THE GENERAL SUPPORT OF THE MISSISSIPPI
6 ADEQUATE EDUCATION PROGRAM AND THE SUPPORT OF TECH PREP BOND DEBT
7 SERVICE, SCHOOL OF THE ARTS, AND NATIONAL BOARD CERTIFICATION; AND
8 FOR RELATED PURPOSES.

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

10 SECTION 1. Section 37-61-33, Mississippi Code of 1972, is
11 amended as follows:

12 [Until July 1, 2006, this section shall read as follows:]

13 37-61-33. (1) There is created within the State Treasury a
14 special fund to be designated the "Education Enhancement Fund"
15 into which shall be deposited all the revenues collected pursuant
16 to Sections 27-65-75(7) and (8) and 27-67-31(a) and (b).

17 (2) Of the amount deposited into the Education Enhancement
18 Fund, Sixteen Million Dollars (\$16,000,000.00) shall be
19 appropriated each fiscal year to the State Department of Education
20 to be distributed to all school districts. Such money shall be
21 distributed to all school districts in the proportion that the
22 average daily attendance of each school district bears to the
23 average daily attendance of all school districts within the state
24 for the following purposes:

25 (a) Purchasing, erecting, repairing, equipping,
26 remodeling and enlarging school buildings and related facilities,
27 including gymnasiums, auditoriums, lunchrooms, vocational training
28 buildings, libraries, teachers' homes, school barns,
29 transportation vehicles (which shall include new and used

30 transportation vehicles) and garages for transportation vehicles,
31 and purchasing land therefor.

32 (b) Establishing and equipping school athletic fields
33 and necessary facilities connected therewith, and purchasing land
34 therefor.

35 (c) Providing necessary water, light, heating, air
36 conditioning and sewerage facilities for school buildings, and
37 purchasing land therefor.

38 (d) As a pledge to pay all or a portion of the debt
39 service on debt issued by the school district under Sections
40 37-59-1 through 37-59-45, 37-59-101 through 37-59-115, 37-7-351
41 through 37-7-359, 37-41-89 through 37-41-99, 37-7-301, 37-7-302
42 and 37-41-81, or debt issued by boards of supervisors for
43 agricultural high schools pursuant to Section 37-27-65, if such
44 pledge is accomplished pursuant to a written contract or
45 resolution approved and spread upon the minutes of an official
46 meeting of the district's school board or board of supervisors.
47 The annual grant to such district in any subsequent year during
48 the term of the resolution or contract shall not be reduced below
49 an amount equal to the district's grant amount for the year in
50 which the contract or resolution was adopted. The intent of this
51 provision is to allow school districts to irrevocably pledge a
52 certain, constant stream of revenue as security for long-term
53 obligations issued under the code sections enumerated in this
54 paragraph or as otherwise allowed by law. It is the intent of the
55 Legislature that the provisions of this paragraph shall be
56 cumulative and supplemental to any existing funding programs or
57 other authority conferred upon school districts or school boards.
58 Debt of a district secured by a pledge of sales tax revenue
59 pursuant to this paragraph shall not be subject to any debt
60 limitation contained in the foregoing enumerated code sections.

61 (e) Purchasing classroom supplies and instructional
62 materials, to be distributed to all school districts in the

63 proportion that the average daily attendance of each school
64 district bears to the average daily attendance of all school
65 districts in the state.

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

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

69 (i) Sixteen and sixty-one one-hundredths percent
70 (16.61%) to the cost of the adequate education program determined
71 under Section 37-151-7; of the funds generated by the percentage
72 set forth in this section for the support of the adequate
73 education program, one and one hundred seventy-eight
74 one-thousandths percent (1.178%) of the funds shall be
75 appropriated to be used by the State Department of Education for
76 the purchase of textbooks to be loaned under Sections 37-43-1
77 through 37-43-59 to approved nonpublic schools, as described in
78 Section 37-43-1. The funds to be distributed to each nonpublic
79 school shall be in the proportion that the average daily
80 attendance of each nonpublic school bears to the total average
81 daily attendance of all nonpublic schools;

82 (ii) Seven and ninety-seven one-hundredths percent
83 (7.97%) to assist the funding of transportation operations and
84 maintenance pursuant to Section 37-19-23; and

85 (iii) The revenue generated from nine and
86 sixty-one one-hundredths percent (9.61%) that exceeds Fifteen
87 Million One Hundred Sixty-five Thousand Five Hundred Thirty-five
88 Dollars (\$15,165,535.00), for classroom supplies, instructional
89 materials and equipment, including computers and computer
90 software, to be distributed to all school districts in the
91 proportion that the average daily attendance of each school
92 district bears to the average daily attendance of all school
93 districts within the state. Classroom supply funds shall not be
94 expended for administrative purposes. Local school districts
95 shall allocate classroom supply funds equally among all classroom

96 teachers in the school district. For purposes of this
97 subparagraph, "teacher" means any employee of the school board of
98 a school district who is required by law to obtain a teacher's
99 license from the State Department of Education and who is assigned
100 to an instructional area of work as defined by the department, but
101 shall not include a federally funded teacher. Two (2) or more
102 teachers may agree to pool their classroom supply funds for the
103 benefit of a school within the district. It is the intent of the
104 Legislature that all classroom teachers shall be involved in the
105 development of a spending plan that addresses individual classroom
106 needs and supports the overall goals of the school regarding
107 supplies, instructional materials, equipment, computers or
108 computer software under the provisions of this subparagraph,
109 including the type, quantity and quality of such supplies,
110 materials and equipment. This plan shall be submitted in writing
111 to the school principal for approval. Classroom supply funds
112 allocated under this subparagraph shall supplement, not replace,
113 other local and state funds available for the same purposes.
114 School districts need not fully expend the funds received under
115 this subparagraph in the year in which they are received, but such
116 funds may be carried forward for expenditure in any succeeding
117 school year. The State Board of Education shall develop and
118 promulgate rules and regulations for the administration of this
119 subparagraph consistent with the above criteria, with particular
120 emphasis on allowing the individual teachers to expend funds as
121 they deem appropriate. The revenue generated from the percentage
122 under this subparagraph that does not exceed Fifteen Million One
123 Hundred Sixty-five Thousand Five Hundred Thirty-five Dollars
124 (\$15,165,535.00) shall be appropriated to the State Department of
125 Education, as follows: Ten Million Seven Hundred Ninety-two
126 Thousand Two Hundred Ninety Dollars (\$10,792,290.00) for the
127 support of the Mississippi Adequate Education Program, One Million
128 One Hundred Twenty-nine Thousand Three Hundred Twenty-one Dollars

129 (\$1,129,321.00) for the support of Tech Prep Bond Debt Service,
130 Three Hundred Eighty-five Thousand Six Hundred Sixty Dollars
131 (\$385,660.00) for the support of the School of the Arts, Two
132 Million Eight Hundred Fifty-eight Thousand Two Hundred Sixty-four
133 Dollars (\$2,858,264.00) for the support of National Board
134 Certification;

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

138 (c) Fourteen and forty-one one-hundredths percent
139 (14.41%) to the State Board for Community and Junior Colleges for
140 the purpose of providing support to community and junior colleges.

141 (4) The amount remaining in the Education Enhancement Fund
142 after funds are distributed as provided in subsections (2) and (3)
143 of this section shall be disbursed as follows:

144 (a) Twenty-five Million Dollars (\$25,000,000.00) shall
145 be deposited into the Working Cash-Stabilization Reserve Fund
146 created pursuant to Section 27-103-203(1), until the balance in
147 such fund reaches the maximum balance of seven and one-half
148 percent (7-1/2%) of the General Fund appropriations in the
149 appropriate fiscal year. After the maximum balance in the Working
150 Cash-Stabilization Reserve Fund is reached, such money shall
151 remain in the Education Enhancement Fund to be appropriated in the
152 manner provided for in paragraph (b) of this subsection.

153 (b) The remainder shall be appropriated for other
154 educational needs.

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

159 (a) For subsection (3)(a)(ii) of this section,
160 Thirty-six Million Seven Hundred Thousand Dollars
161 (\$36,700,000.00);

162 (b) For the aggregate of minimum program allotments in
163 the 1997 fiscal year, formerly provided for in Chapter 19, Title
164 37, Mississippi Code of 1972, as amended, excluding those funds
165 for transportation as provided for in subsection (5)(a) in this
166 section.

167 **[From and after July 1, 2006, this section reads as follows:]**

168 37-61-33. (1) There is created within the State Treasury a
169 special fund to be designated the "Education Enhancement Fund"
170 into which shall be deposited all the revenues collected pursuant
171 to Sections 27-65-75(7) and (8) and 27-67-31(a) and (b).

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173 Fund, Sixteen Million Dollars (\$16,000,000.00) shall be
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175 to be distributed to all school districts. Such money shall be
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177 average daily attendance of each school district bears to the
178 average daily attendance of all school districts within the state
179 for the following purposes:

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

187 (b) Establishing and equipping school athletic fields
188 and necessary facilities connected therewith, and purchasing land
189 therefor.

190 (c) Providing necessary water, light, heating, air
191 conditioning and sewerage facilities for school buildings, and
192 purchasing land therefor.

193 (d) As a pledge to pay all or a portion of the debt
194 service on debt issued by the school district under Sections

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199 pledge is accomplished pursuant to a written contract or
200 resolution approved and spread upon the minutes of an official
201 meeting of the district's school board or board of supervisors.
202 The annual grant to such district in any subsequent year during
203 the term of the resolution or contract shall not be reduced below
204 an amount equal to the district's grant amount for the year in
205 which the contract or resolution was adopted. The intent of this
206 provision is to allow school districts to irrevocably pledge a
207 certain, constant stream of revenue as security for long-term
208 obligations issued under the code sections enumerated in this
209 paragraph or as otherwise allowed by law. It is the intent of the
210 Legislature that the provisions of this paragraph shall be
211 cumulative and supplemental to any existing funding programs or
212 other authority conferred upon school districts or school boards.
213 Debt of a district secured by a pledge of sales tax revenue
214 pursuant to this paragraph shall not be subject to any debt
215 limitation contained in the foregoing enumerated code sections.

216 * * *

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218 Enhancement Fund shall be appropriated as follows:

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224 education program, one and one hundred seventy-eight
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231 attendance of each nonpublic school bears to the total average
232 daily attendance of all nonpublic schools;

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234 (7.97%) to assist the funding of transportation operations and
235 maintenance pursuant to Section 37-19-23; and

236 (iii) * * * Nine and sixty-one one-hundredths
237 percent (9.61%) * * * for classroom supplies, instructional
238 materials and equipment, including computers and computer
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240 proportion that the average daily attendance of each school
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242 districts within the state. Classroom supply funds shall not be
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244 shall allocate classroom supply funds equally among all classroom
245 teachers in the school district. For purposes of this
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247 a school district who is required by law to obtain a teacher's
248 license from the State Department of Education and who is assigned
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251 teachers may agree to pool their classroom supply funds for the
252 benefit of a school within the district. It is the intent of the
253 Legislature that all classroom teachers shall be involved in the
254 development of a spending plan that addresses individual classroom
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257 computer software under the provisions of this subparagraph,
258 including the type, quantity and quality of such supplies,
259 materials and equipment. This plan shall be submitted in writing
260 to the school principal for approval. Classroom supply funds

261 allocated under this subparagraph shall supplement, not replace,
262 other local and state funds available for the same purposes.
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264 this subparagraph in the year in which they are received, but such
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268 subparagraph consistent with the above criteria, with particular
269 emphasis on allowing the individual teachers to expend funds as
270 they deem appropriate * * *;

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272 to the Board of Trustees of State Institutions of Higher Learning
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299 the 1997 fiscal year, formerly provided for in Chapter 19, Title
300 37, Mississippi Code of 1972, as amended, excluding those funds
301 for transportation as provided for in subsection (5)(a) in this
302 section.

303 **SECTION 2.** This act shall take effect and be in force from
304 and after July 1, 2005.