

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.

