

By: Representative Scott (80th)

To: Education

HOUSE BILL NO. 197

1 AN ACT TO AMEND SECTION 37-7-301, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE THE SCHOOL BOARDS OF THE SCHOOL DISTRICTS SELECTED BY
3 THE STATE BOARD OF EDUCATION FOR PARTICIPATION IN A PILOT PROGRAM
4 TO PRESCRIBE A MANDATORY STUDENT UNIFORM; TO AMEND SECTION
5 37-7-335, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE SCHOOL
6 DISTRICTS SELECTED BY THE STATE BOARD OF EDUCATION FOR
7 PARTICIPATION IN A PILOT PROGRAM TO CHARGE FEES NOT EXCEEDING THE
8 ACTUAL COST FOR STUDENT UNIFORMS; TO AMEND SECTION 37-11-55,
9 MISSISSIPPI CODE OF 1972, TO REQUIRE THE SCHOOL DISTRICTS SELECTED
10 BY THE STATE BOARD OF EDUCATION FOR PARTICIPATION IN A PILOT
11 PROGRAM TO INCLUDE AN EXPLANATION OF STUDENTS' RESPONSIBILITIES
12 REGARDING UNIFORMS IN THE CODE OF STUDENT CONDUCT; AND FOR RELATED
13 PURPOSES.

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

15 SECTION 1. Section 37-7-301, Mississippi Code of 1972, is
16 amended as follows:

17 37-7-301. The school boards of all school districts shall
18 have the following powers, authority and duties in addition to all
19 others imposed or granted by law, to wit:

20 (a) To organize and operate the schools of the district
21 and to make such division between the high school grades and
22 elementary grades as, in their judgment, will serve the best
23 interests of the school;

24 (b) To introduce public school music, art, manual
25 training and other special subjects into either the elementary or
26 high school grades, as the board shall deem proper;

27 (c) To be the custodians of real and personal school
28 property and to manage, control and care for same, both during the
29 school term and during vacation;

30 (d) To have responsibility for the erection, repairing
31 and equipping of school facilities and the making of necessary

32 school improvements;

33 (e) To suspend or to expel a pupil for misconduct in
34 the school, upon school buses, on the road to and from school,
35 during recess or upon the school playgrounds, and to delegate such
36 authority to the appropriate officials of the school district;

37 (f) To visit schools in the district, in their
38 discretion, in a body for the purpose of determining what can be
39 done for the improvement of the school in a general way;

40 (g) To support, within reasonable limits, the
41 superintendent, administrative superintendent, principal and
42 teachers where necessary for the proper discipline of the school;

43 (h) To exclude from the schools students with what
44 appears to be infectious or contagious diseases; * * * however,
45 such student may be allowed to return to school upon presenting a
46 certificate from a public health officer, duly licensed physician
47 or nurse practitioner that the student is free from such disease;

48 (i) To require those vaccinations specified by the
49 State Health Officer as provided in Section 41-23-37;

50 (j) To see that all necessary utilities and services
51 are provided in the schools at all times when same are needed;

52 (k) To authorize the use of the school buildings and
53 grounds for the holding of public meetings and gatherings of the
54 people under such regulations as may be prescribed by said board;

55 (l) To prescribe and enforce rules and regulations not
56 inconsistent with law or with the regulations of the State Board
57 of Education for their own government and for the government of
58 the schools, and to transact their business at regular and special
59 meetings called and held in the manner provided by law;

60 (m) To maintain and operate all of the schools under
61 their control for such length of time during the year as may be
62 required;

63 (n) To enforce in the schools the courses of study and
64 the use of the textbooks prescribed by the proper authorities;

65 (o) To make orders directed to the superintendent of
66 schools or administrative superintendent for the issuance of pay
67 certificates for lawful purposes on any available funds of the
68 district and to have full control of the receipt, distribution,
69 allotment and disbursement of all funds provided for the support
70 and operation of the schools of such school district whether such
71 funds be derived from state appropriations, local ad valorem tax
72 collections, or otherwise;

73 (p) To select all school district personnel in the
74 manner provided by law, and to provide for such employee fringe
75 benefit programs, including accident reimbursement plans, as may
76 be deemed necessary and appropriate by the board;

77 (q) To provide athletic programs and other school
78 activities and to regulate the establishment and operation of such
79 programs and activities;

80 (r) To join, in their discretion, any association of
81 school boards and other public school-related organizations, and
82 to pay from local funds other than minimum foundation funds, any
83 membership dues;

84 (s) To expend local school activity funds, or other
85 available school district funds, other than minimum education
86 program funds, for the purposes prescribed under this paragraph.
87 "Activity funds" shall mean all funds received by school officials
88 in all school districts paid or collected to participate in any
89 school activity, such activity being part of the school program
90 and partially financed with public funds or supplemented by public
91 funds. The term "activity funds" shall not include any funds
92 raised and/or expended by any organization unless commingled in a
93 bank account with existing activity funds, regardless of whether
94 the funds were raised by school employees or received by school
95 employees during school hours or using school facilities, and
96 regardless of whether a school employee exercises influence over
97 the expenditure or disposition of such funds. Organizations shall

98 not be required to make any payment to any school for the use of
99 any school facility if, in the discretion of the local school
100 governing board, the organization's function shall be deemed to be
101 beneficial to the official or extracurricular programs of the
102 school. For the purposes of this provision, the term
103 "organization" shall not include any organization subject to the
104 control of the local school governing board. Activity funds may
105 only be expended for any necessary expenses or travel costs,
106 including advances, incurred by students and their chaperons in
107 attending any in-state or out-of-state school-related programs,
108 conventions or seminars and/or any commodities, equipment, travel
109 expenses, purchased services or school supplies which the local
110 school governing board, in its discretion, shall deem beneficial
111 to the official or extracurricular programs of the district,
112 including items which may subsequently become the personal
113 property of individuals, including yearbooks, athletic apparel,
114 book covers and trophies. Activity funds may be used to pay
115 travel expenses of school district personnel. The local school
116 governing board shall be authorized and empowered to promulgate
117 rules and regulations specifically designating for what purposes
118 school activity funds may be expended. The local school governing
119 board shall provide (a) that such school activity funds shall be
120 maintained and expended by the principal of the school generating
121 the funds in individual bank accounts, or (b) that such school
122 activity funds shall be maintained and expended by the
123 superintendent of schools in a central depository approved by the
124 board. The local school governing board shall provide that such
125 school activity funds be audited as part of the annual audit
126 required in Section 37-9-18. The State Auditor shall prescribe a
127 uniform system of accounting and financial reporting for all
128 school activity fund transactions;

129 (t) To contract, on a shared savings, lease or
130 lease-purchase basis, for energy efficiency services and/or

131 equipment as provided for in Section 31-7-14, not to exceed ten
132 (10) years;

133 (u) To maintain accounts and issue pay certificates on
134 school food service bank accounts;

135 (v) (i) To lease a school building from an individual,
136 partnership, nonprofit corporation or a private for-profit
137 corporation for the use of such school district, and to expend
138 funds therefor as may be available from any non-minimum program
139 sources. The school board of the school district desiring to
140 lease a school building shall declare by resolution that a need
141 exists for a school building and that the school district cannot
142 provide the necessary funds to pay the cost or its proportionate
143 share of the cost of a school building required to meet the
144 present needs. The resolution so adopted by the school board
145 shall be published once each week for three (3) consecutive weeks
146 in a newspaper having a general circulation in the school district
147 involved, with the first publication thereof to be made not less
148 than thirty (30) days prior to the date upon which the school
149 board is to act on the question of leasing a school building. If
150 no petition requesting an election is filed prior to such meeting
151 as hereinafter provided, then the school board may, by resolution
152 spread upon its minutes, proceed to lease a school building. If
153 at any time prior to said meeting a petition signed by not less
154 than twenty percent (20%) or fifteen hundred (1500), whichever is
155 less, of the qualified electors of the school district involved
156 shall be filed with the school board requesting that an election
157 be called on the question, then the school board shall, not later
158 than the next regular meeting, adopt a resolution calling an
159 election to be held within such school district upon the question
160 of authorizing the school board to lease a school building. Such
161 election shall be called and held, and notice thereof shall be
162 given, in the same manner for elections upon the questions of the
163 issuance of the bonds of school districts, and the results thereof

164 shall be certified to the school board. If at least three-fifths
165 (3/5) of the qualified electors of the school district who voted
166 in such election shall vote in favor of the leasing of a school
167 building, then the school board shall proceed to lease a school
168 building. The term of the lease contract shall not exceed twenty
169 (20) years, and the total cost of such lease shall be either the
170 amount of the lowest and best bid accepted by the school board
171 after advertisement for bids or an amount not to exceed the
172 current fair market value of the lease as determined by the
173 averaging of at least two (2) appraisals by members of the
174 American Institute of Real Estate Appraisers or the Society of
175 Real Estate Appraisers. The term "school building" as used in
176 this item (v) shall be construed to mean any building or buildings
177 used for classroom purposes in connection with the operation of
178 schools and shall include the site therefor, necessary support
179 facilities, and the equipment thereof and appurtenances thereto
180 such as heating facilities, water supply, sewage disposal,
181 landscaping, walks, drives and playgrounds. The term "lease" as
182 used in this item (v)(i) may include a lease/purchase contract;
183 (ii) If two (2) or more school districts propose
184 to enter into a lease contract jointly, then joint meetings of the
185 school boards having control may be held but no action taken shall
186 be binding on any such school district unless the question of
187 leasing a school building is approved in each participating school
188 district under the procedure hereinabove set forth in item (v)(i).
189 All of the provisions of item (v)(i) regarding the term and amount
190 of the lease contract shall apply to the school boards of school
191 districts acting jointly. Any lease contract executed by two (2)
192 or more school districts as joint lessees shall set out the amount
193 of the aggregate lease rental to be paid by each, which may be
194 agreed upon, but there shall be no right of occupancy by any
195 lessee unless the aggregate rental is paid as stipulated in the
196 lease contract. All rights of joint lessees under the lease

197 contract shall be in proportion to the amount of lease rental paid
198 by each;

199 (w) To employ all noninstructional and noncertificated
200 employees and fix the duties and compensation of such personnel
201 deemed necessary pursuant to the recommendation of the
202 superintendent of schools or the administrative superintendent;

203 (x) To employ and fix the duties and compensation of
204 such legal counsel as deemed necessary;

205 (y) Subject to rules and regulations of the State Board
206 of Education, to purchase, own and operate trucks, vans and other
207 motor vehicles, which shall bear the proper identification
208 required by law;

209 (z) To expend funds for the payment of substitute
210 teachers and to adopt reasonable regulations for the employment
211 and compensation of such substitute teachers;

212 (aa) To acquire in its own name by purchase all real
213 property which shall be necessary and desirable in connection with
214 the construction, renovation or improvement of any public school
215 building or structure. If the board shall be unable to agree with
216 the owner of any such real property in connection with any such
217 project, the board shall have the power and authority to acquire
218 any such real property by condemnation proceedings pursuant to
219 Section 11-27-1 et seq., and for such purpose, the right of
220 eminent domain is hereby conferred upon and vested in said board.

221 Provided further, that the local school board is authorized to
222 grant an easement for ingress and egress over sixteenth section
223 land or lieu land in exchange for a similar easement upon
224 adjoining land where the exchange of easements affords substantial
225 benefit to the sixteenth section land; provided, however, the
226 exchange must be based upon values as determined by a competent
227 appraiser, with any differential in value to be adjusted by cash
228 payment. Any easement rights granted over sixteenth section land
229 under such authority shall terminate when the easement ceases to

230 be used for its stated purpose. No sixteenth section or lieu land
231 which is subject to an existing lease shall be burdened by any
232 such easement except by consent of the lessee or unless the school
233 district shall acquire the unexpired leasehold interest affected
234 by the easement;

235 (bb) To charge reasonable fees related to the
236 educational programs of the district, in the manner prescribed in
237 Section 37-7-335;

238 (cc) Subject to rules and regulations of the State
239 Board of Education, to purchase relocatable classrooms for the use
240 of such school district, in the manner prescribed in Section
241 37-1-13;

242 (dd) To enter into contracts or agreements with other
243 school districts, political subdivisions or governmental entities
244 to carry out one or more of the powers or duties of the school
245 board, or to allow more efficient utilization of limited resources
246 for providing services to the public;

247 (ee) To provide for in-service training for employees
248 of the district. Until June 30, 1994, the school boards may
249 designate two (2) days of the minimum school term, as defined in
250 Section 37-19-1, for employee in-service training for
251 implementation of the new statewide testing system as developed by
252 the State Board of Education. Such designation shall be subject
253 to approval by the State Board of Education pursuant to uniform
254 rules and regulations;

255 (ff) * * * To prescribe the use of textbooks, and in
256 the discretion of the school board, to provide that parents and
257 legal guardians shall be responsible for the textbooks and for the
258 compensation to the school district for any books which are not
259 returned to the proper schools upon the withdrawal of their
260 dependent child. If a textbook is lost or not returned by any
261 student who drops out of the public school district, the parent or
262 legal guardian shall also compensate the school district for the

263 fair market value of the textbooks;

264 (gg) To conduct fund-raising activities on behalf of
265 the school district that the local school board, in its
266 discretion, deems appropriate or beneficial to the official or
267 extracurricular programs of the district; provided that:

268 (i) Any proceeds of the fund-raising activities
269 shall be treated as "activity funds" and shall be accounted for as
270 are other activity funds under this section; and

271 (ii) Fund-raising activities conducted or
272 authorized by the board for the sale of school pictures, the
273 rental of caps and gowns or the sale of graduation invitations for
274 which the school board receives a commission, rebate or fee shall
275 contain a disclosure statement advising that a portion of the
276 proceeds of the sales or rentals shall be contributed to the
277 student activity fund;

278 (hh) To allow individual lessons for music, art and
279 other curriculum-related activities for academic credit or
280 nonacademic credit during school hours and using school equipment
281 and facilities, subject to uniform rules and regulations adopted
282 by the school board;

283 (ii) To charge reasonable fees for participating in an
284 extracurricular activity for academic or nonacademic credit for
285 necessary and required equipment such as safety equipment, band
286 instruments and uniforms;

287 (jj) To conduct or participate in any fund-raising
288 activities on behalf of or in connection with a tax-exempt
289 charitable organization;

290 (kk) To exercise such powers as may be reasonably
291 necessary to carry out the provisions of this section; * * *

292 (ll) To expend funds for the services of nonprofit arts
293 organizations or other such nonprofit organizations who provide
294 performances or other services for the students of the school
295 district; and

296 (mm) In those districts selected by the State Board of
297 Education for participation in a pilot program, to prescribe a
298 mandatory uniform for all students enrolled in the district and to
299 make available to the students, for purchase, the various
300 components of the uniform when not available in the local
301 community. The State Board of Education shall select districts
302 for the pilot program having a high incidence of juvenile crime,
303 sixty percent (60%) food stamp participation and an accreditation
304 level of three (3) or less.

305 SECTION 2. Section 37-7-335, Mississippi Code of 1972, is
306 amended as follows:

307 37-7-335. (1) The school board of each school district may
308 charge reasonable fees, but not more than the actual cost, for the
309 following:

310 (a) Supplemental instructional materials and supplies,
311 excluding textbooks;

312 (b) Any other fees designated by the local school board
313 as fees related to a valid curriculum educational objective,
314 including school uniforms in those districts selected for
315 participation in a pilot program under Section 37-7-301 and
316 transportation; and

317 (c) Extracurricular activities and any other
318 educational activities of the school district which are not
319 designated by the local school board as valid curriculum
320 educational objectives, such as band trips and athletic events.

321 (2) (a) All fees authorized to be charged under this
322 section, except those fees authorized under subsection (1)(c) of
323 this section, shall be charged only upon the condition that the
324 school board of each school district shall adopt a financial
325 hardship waiver policy that shall be kept in the strictest of
326 confidence with all files and personal disclosures restricted from
327 review by the general public. The board shall insure that a pupil
328 eligible to have any such fees waived as a result of an inability

329 to pay for said fees, shall not be discriminated against nor shall
330 there be any overt identification of any pupil who has received a
331 financial hardship waiver by use of special tokens or tickets,
332 announcements, posting or publication of names, physical
333 separation, choice of materials or by any other means. In no case
334 shall any school district's procedures expose any pupil receiving
335 a hardship waiver to any type of stigma or ridicule by other
336 pupils or school district personnel.

337 (b) The confidentiality of the financial hardship
338 waiver policy adopted by such school board shall apply to any
339 students who have an inability to pay any fees authorized under
340 subsection (1)(c) of this section.

341 (3) In no case shall the inability to pay the assessment of
342 fees authorized under * * * this section result in a pupil being
343 denied or deprived of any academic awards or standards, any class
344 selection, grade, diploma, transcript or the right to participate
345 in any activity related to educational enhancement.

346 SECTION 3. Section 37-11-55, Mississippi Code of 1972, is
347 amended as follows:

348 37-11-55. The local school board shall adopt and make
349 available to all teachers, school personnel, students and parents
350 or guardians, at the beginning of * * * each school year * * *, a
351 code of student conduct developed in consultation with teachers,
352 school personnel, students and parents or guardians. The code
353 shall be based on the rules governing student conduct and
354 discipline adopted by the school board and may be made available
355 at the school level in the student handbook or similar
356 publication. The code shall include, but not be limited to:

357 (a) Specific grounds for disciplinary action;

358 (b) Procedures to be followed for acts requiring
359 discipline; and

360 (c) An explanation of the responsibilities and rights
361 of students with regard to attendance, proper attire in conformity

362 with the school uniform in those districts selected for
363 participation in a pilot program under Section 37-7-301, respect
364 for persons and property, knowledge and observation of rules of
365 conduct, the right to learn, free speech and student publications,
366 assembly, privacy and participation in school programs and
367 activities.

368 SECTION 4. This act shall take effect and be in force from
369 and after July 1, 1999.