

By: Senator(s) Tollison

To: Education

SENATE BILL NO. 2370

1 AN ACT TO AMEND SECTION 37-7-301, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE LOCAL SCHOOL BOARDS TO REQUIRE THE SCHOOL NURSE TO
3 UTILIZE PROPER PROCEDURES FOR THE STORAGE OF ALL PRESCRIPTION
4 DRUGS BROUGHT ON PROPERTY BY STUDENTS; AND FOR RELATED PURPOSES.

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

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

8 37-7-301. The school boards of all school districts shall
9 have the following powers, authority and duties in addition to all
10 others imposed or granted by law, to wit:

11 (a) To organize and operate the schools of the district
12 and to make such division between the high school grades and
13 elementary grades as, in their judgment, will serve the best
14 interests of the school;

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

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

21 (d) To have responsibility for the erection, repairing
22 and equipping of school facilities and the making of necessary
23 school improvements;

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

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

31 (g) To support, within reasonable limits, the
32 superintendent, administrative superintendent, principal and
33 teachers where necessary for the proper discipline of the school;

34 (h) To exclude from the schools students with what
35 appears to be infectious or contagious diseases; provided,
36 however, such student may be allowed to return to school upon
37 presenting a certificate from a public health officer, duly
38 licensed physician or nurse practitioner that the student is free
39 from such disease;

40 (i) To require those vaccinations specified by the
41 State Health Officer as provided in Section 41-23-37, Mississippi
42 Code of 1972;

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

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

48 (l) To prescribe and enforce rules and regulations not
49 inconsistent with law or with the regulations of the State Board
50 of Education for their own government and for the government of
51 the schools, and to transact their business at regular and special
52 meetings called and held in the manner provided by law;

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

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

58 (o) To make orders directed to the superintendent of
59 schools or administrative superintendent for the issuance of pay
60 certificates for lawful purposes on any available funds of the

61 district and to have full control of the receipt, distribution,
62 allotment and disbursement of all funds provided for the support
63 and operation of the schools of such school district whether such
64 funds be derived from state appropriations, local ad valorem tax
65 collections, or otherwise;

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

70 (q) To provide athletic programs and other school
71 activities and to regulate the establishment and operation of such
72 programs and activities;

73 (r) To join, in their discretion, any association of
74 school boards and other public school-related organizations, and
75 to pay from local funds other than minimum foundation funds, any
76 membership dues;

77 (s) To expend local school activity funds, or other
78 available school district funds, other than minimum education
79 program funds, for the purposes prescribed under this paragraph.
80 "Activity funds" shall mean all funds received by school officials
81 in all school districts paid or collected to participate in any
82 school activity, such activity being part of the school program
83 and partially financed with public funds or supplemented by public
84 funds. The term "activity funds" shall not include any funds
85 raised and/or expended by any organization unless commingled in a
86 bank account with existing activity funds, regardless of whether
87 the funds were raised by school employees or received by school
88 employees during school hours or using school facilities, and
89 regardless of whether a school employee exercises influence over
90 the expenditure or disposition of such funds. Organizations shall
91 not be required to make any payment to any school for the use of
92 any school facility if, in the discretion of the local school
93 governing board, the organization's function shall be deemed to be

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

122 (t) To contract, on a shared savings, lease or
123 lease-purchase basis, for energy efficiency services and/or
124 equipment as provided for in Section 31-7-14, not to exceed ten
125 (10) years;

126 (u) To maintain accounts and issue pay certificates on

127 school food service bank accounts;

128 (v) (i) To lease a school building from an individual,
129 partnership, nonprofit corporation or a private for-profit
130 corporation for the use of such school district, and to expend
131 funds therefor as may be available from any nonminimum program
132 sources. The school board of the school district desiring to
133 lease a school building shall declare by resolution that a need
134 exists for a school building and that the school district cannot
135 provide the necessary funds to pay the cost or its proportionate
136 share of the cost of a school building required to meet the
137 present needs. The resolution so adopted by the school board
138 shall be published once each week for three (3) consecutive weeks
139 in a newspaper having a general circulation in the school district
140 involved, with the first publication thereof to be made not less
141 than thirty (30) days prior to the date upon which the school
142 board is to act on the question of leasing a school building. If
143 no petition requesting an election is filed prior to such meeting
144 as hereinafter provided, then the school board may, by resolution
145 spread upon its minutes, proceed to lease a school building. If
146 at any time prior to said meeting a petition signed by not less
147 than twenty percent (20%) or fifteen hundred (1500), whichever is
148 less, of the qualified electors of the school district involved
149 shall be filed with the school board requesting that an election
150 be called on the question, then the school board shall, not later
151 than the next regular meeting, adopt a resolution calling an
152 election to be held within such school district upon the question
153 of authorizing the school board to lease a school building. Such
154 election shall be called and held, and notice thereof shall be
155 given, in the same manner for elections upon the questions of the
156 issuance of the bonds of school districts, and the results thereof
157 shall be certified to the school board. If at least three-fifths
158 (3/5) of the qualified electors of the school district who voted
159 in such election shall vote in favor of the leasing of a school

160 building, then the school board shall proceed to lease a school
161 building. The term of the lease contract shall not exceed twenty
162 (20) years, and the total cost of such lease shall be either the
163 amount of the lowest and best bid accepted by the school board
164 after advertisement for bids or an amount not to exceed the
165 current fair market value of the lease as determined by the
166 averaging of at least two (2) appraisals by members of the
167 American Institute of Real Estate Appraisers or the Society of
168 Real Estate Appraisers. The term "school building" as used in
169 this item (v) shall be construed to mean any building or buildings
170 used for classroom purposes in connection with the operation of
171 schools and shall include the site therefor, necessary support
172 facilities, and the equipment thereof and appurtenances thereto
173 such as heating facilities, water supply, sewage disposal,
174 landscaping, walks, drives and playgrounds. The term "lease" as
175 used in this item (v)(i) may include a lease/purchase contract;

176 (ii) If two (2) or more school districts propose
177 to enter into a lease contract jointly, then joint meetings of the
178 school boards having control may be held but no action taken shall
179 be binding on any such school district unless the question of
180 leasing a school building is approved in each participating school
181 district under the procedure hereinabove set forth in item (v)(i).
182 All of the provisions of item (v)(i) regarding the term and amount
183 of the lease contract shall apply to the school boards of school
184 districts acting jointly. Any lease contract executed by two (2)
185 or more school districts as joint lessees shall set out the amount
186 of the aggregate lease rental to be paid by each, which may be
187 agreed upon, but there shall be no right of occupancy by any
188 lessee unless the aggregate rental is paid as stipulated in the
189 lease contract. All rights of joint lessees under the lease
190 contract shall be in proportion to the amount of lease rental paid
191 by each;

192 (w) To employ all noninstructional and noncertificated

193 employees and fix the duties and compensation of such personnel
194 deemed necessary pursuant to the recommendation of the
195 superintendent of schools or the administrative superintendent;

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

198 (y) Subject to rules and regulations of the State Board
199 of Education, to purchase, own and operate trucks, vans and other
200 motor vehicles, which shall bear the proper identification
201 required by law;

202 (z) To expend funds for the payment of substitute
203 teachers and to adopt reasonable regulations for the employment
204 and compensation of such substitute teachers;

205 (aa) To acquire in its own name by purchase all real
206 property which shall be necessary and desirable in connection with
207 the construction, renovation or improvement of any public school
208 building or structure. If the board shall be unable to agree with
209 the owner of any such real property in connection with any such
210 project, the board shall have the power and authority to acquire
211 any such real property by condemnation proceedings pursuant to
212 Section 11-27-1 et seq., Mississippi Code of 1972, and for such
213 purpose, the right of eminent domain is hereby conferred upon and
214 vested in said board. Provided further, that the local school
215 board is authorized to grant an easement for ingress and egress
216 over sixteenth section land or lieu land in exchange for a similar
217 easement upon adjoining land where the exchange of easements
218 affords substantial benefit to the sixteenth section land;
219 provided, however, the exchange must be based upon values as
220 determined by a competent appraiser, with any differential in
221 value to be adjusted by cash payment. Any easement rights granted
222 over sixteenth section land under such authority shall terminate
223 when the easement ceases to be used for its stated purpose. No
224 sixteenth section or lieu land which is subject to an existing
225 lease shall be burdened by any such easement except by consent of

226 the lessee or unless the school district shall acquire the
227 unexpired leasehold interest affected by the easement;

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

231 (cc) Subject to rules and regulations of the State
232 Board of Education, to purchase relocatable classrooms for the use
233 of such school district, in the manner prescribed in Section
234 37-1-13;

235 (dd) Enter into contracts or agreements with other
236 school districts, political subdivisions or governmental entities
237 to carry out one or more of the powers or duties of the school
238 board, or to allow more efficient utilization of limited resources
239 for providing services to the public;

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

248 (ff) The school boards of all school districts, as part
249 of their duties to prescribe the use of textbooks, may provide
250 that parents and legal guardians shall be responsible for the
251 textbooks and for the compensation to the school district for any
252 books which are not returned to the proper schools upon the
253 withdrawal of their dependent child. If a textbook is lost or not
254 returned by any student who drops out of the public school
255 district, the parent or legal guardian shall also compensate the
256 school district for the fair market value of the textbooks;

257 (gg) To conduct fund-raising activities on behalf of
258 the school district that the local school board, in its

259 discretion, deems appropriate or beneficial to the official or
260 extracurricular programs of the district; provided that:

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

264 (ii) Fund-raising activities conducted or
265 authorized by the board for the sale of school pictures, the
266 rental of caps and gowns or the sale of graduation invitations for
267 which the school board receives a commission, rebate or fee shall
268 contain a disclosure statement advising that a portion of the
269 proceeds of the sales or rentals shall be contributed to the
270 student activity fund;

271 (hh) To allow individual lessons for music, art and
272 other curriculum-related activities for academic credit or
273 nonacademic credit during school hours and using school equipment
274 and facilities, subject to uniform rules and regulations adopted
275 by the school board;

276 (ii) To charge reasonable fees for participating in an
277 extracurricular activity for academic or nonacademic credit for
278 necessary and required equipment such as safety equipment, band
279 instruments and uniforms;

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

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

285 (ll) To expend funds for the services of nonprofit arts
286 organizations or other such nonprofit organizations who provide
287 performances or other services for the students of the school
288 district; and

289 (mm) To require the school nurse or other proper school
290 personnel to utilize proper procedures for the storage of all
291 prescription drugs brought on school property by students or by

292 parents for the use of students.

293 SECTION 2. This act shall take effect and be in force from
294 and after July 1, 1999.