

By: Senator(s) Furniss, Simmons, Horhn,
Dearing, Carlton

To: Education

SENATE BILL NO. 2704

1 AN ACT TO AMEND SECTION 37-7-301, MISSISSIPPI CODE OF 1972,
2 TO PERMIT THE SCHOOL BOARD OF ALL SCHOOL DISTRICTS TO EXPEND FUNDS
3 FROM ANY AVAILABLE SOURCES FOR THE PURPOSE OF DEFRAYING THE COSTS
4 OF STUDENT FIELD TRIPS TO PUBLIC OR PRIVATE NONPROFIT MUSEUMS,
5 INCLUDING THE COST OF ADMISSION TO SUCH MUSEUMS; AND FOR RELATED
6 PURPOSES. BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF
7 MISSISSIPPI:

8
9 SECTION 1. Section 37-7-301, Mississippi Code of 1972, is
10 amended as follows:

11 37-7-301. The school boards of all school districts shall
12 have the following powers, authority and duties in addition to all
13 others imposed or granted by law, to wit:

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

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

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

24 (d) To have responsibility for the erection, repairing
25 and equipping of school facilities and the making of necessary
26 school improvements;

27 (e) To suspend or to expel a pupil for misconduct in
28 the school, upon school buses, on the road to and from school,
29 during recess or upon the school playgrounds, and to delegate such

30 authority to the appropriate officials of the school district;

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

34 (g) To support, within reasonable limits, the
35 superintendent, administrative superintendent, principal and
36 teachers where necessary for the proper discipline of the school;

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

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

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

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

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

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

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

61 (o) To make orders directed to the superintendent of
62 schools or administrative superintendent for the issuance of pay
63 certificates for lawful purposes on any available funds of the
64 district and to have full control of the receipt, distribution,
65 allotment and disbursement of all funds provided for the support
66 and operation of the schools of such school district whether such

67 funds be derived from state appropriations, local ad valorem tax
68 collections, or otherwise;

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

73 (q) To provide athletic programs and other school
74 activities and to regulate the establishment and operation of such
75 programs and activities;

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

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

100 control of the local school governing board. Activity funds may
101 only be expended for any necessary expenses or travel costs,
102 including advances, incurred by students and their chaperons in
103 attending any in-state or out-of-state school-related programs,
104 conventions or seminars and/or any commodities, equipment, travel
105 expenses, purchased services or school supplies which the local
106 school governing board, in its discretion, shall deem beneficial
107 to the official or extracurricular programs of the district,
108 including items which may subsequently become the personal
109 property of individuals, including yearbooks, athletic apparel,
110 book covers and trophies. Activity funds may be used to pay
111 travel expenses of school district personnel. The local school
112 governing board shall be authorized and empowered to promulgate
113 rules and regulations specifically designating for what purposes
114 school activity funds may be expended. The local school governing
115 board shall provide (a) that such school activity funds shall be
116 maintained and expended by the principal of the school generating
117 the funds in individual bank accounts, or (b) that such school
118 activity funds shall be maintained and expended by the
119 superintendent of schools in a central depository approved by the
120 board. The local school governing board shall provide that such
121 school activity funds be audited as part of the annual audit
122 required in Section 37-9-18. The State Auditor shall prescribe a
123 uniform system of accounting and financial reporting for all
124 school activity fund transactions;

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

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

131 (v) (i) To lease a school building from an individual,
132 partnership, nonprofit corporation or a private for-profit

133 corporation for the use of such school district, and to expend
134 funds therefor as may be available from any non-minimum program
135 sources. The school board of the school district desiring to
136 lease a school building shall declare by resolution that a need
137 exists for a school building and that the school district cannot
138 provide the necessary funds to pay the cost or its proportionate
139 share of the cost of a school building required to meet the
140 present needs. The resolution so adopted by the school board
141 shall be published once each week for three (3) consecutive weeks
142 in a newspaper having a general circulation in the school district
143 involved, with the first publication thereof to be made not less
144 than thirty (30) days prior to the date upon which the school
145 board is to act on the question of leasing a school building. If
146 no petition requesting an election is filed prior to such meeting
147 as hereinafter provided, then the school board may, by resolution
148 spread upon its minutes, proceed to lease a school building. If
149 at any time prior to said meeting a petition signed by not less
150 than twenty percent (20%) or fifteen hundred (1500), whichever is
151 less, of the qualified electors of the school district involved
152 shall be filed with the school board requesting that an election
153 be called on the question, then the school board shall, not later
154 than the next regular meeting, adopt a resolution calling an
155 election to be held within such school district upon the question
156 of authorizing the school board to lease a school building. Such
157 election shall be called and held, and notice thereof shall be
158 given, in the same manner for elections upon the questions of the
159 issuance of the bonds of school districts, and the results thereof
160 shall be certified to the school board. If at least three-fifths
161 (3/5) of the qualified electors of the school district who voted
162 in such election shall vote in favor of the leasing of a school
163 building, then the school board shall proceed to lease a school
164 building. The term of the lease contract shall not exceed twenty
165 (20) years, and the total cost of such lease shall be either the

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

195 (w) To employ all noninstructional and noncertificated
196 employees and fix the duties and compensation of such personnel
197 deemed necessary pursuant to the recommendation of the
198 superintendent of schools or the administrative superintendent;

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

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

205 (z) To expend funds for the payment of substitute
206 teachers and to adopt reasonable regulations for the employment
207 and compensation of such substitute teachers;

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

231 (bb) To charge reasonable fees related to the

232 educational programs of the district, in the manner prescribed in
233 Section 37-7-335;

234 (cc) Subject to rules and regulations of the State
235 Board of Education, to purchase relocatable classrooms for the use
236 of such school district, in the manner prescribed in Section
237 37-1-13;

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

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

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

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

264 (i) Any proceeds of the fund-raising activities

265 shall be treated as "activity funds" and shall be accounted for as
266 are other activity funds under this section; and

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

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

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

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

286 (kk) To exercise such powers as may be reasonably
287 necessary to carry out the provisions of this section; and

288 (ll) To expend funds for the services of nonprofit arts
289 organizations or other such nonprofit organizations who provide
290 performances or other services for the students of the school
291 district.

292 (mm) To expend funds from any available sources for the
293 purpose of defraying the cost of student field trips to public or
294 private nonprofit museums, including the cost of admission to such
295 museum.

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