

By: Senator(s) Ferris

To: Education

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 3043

1 AN ACT TO AMEND SECTION 37-61-9, MISSISSIPPI CODE OF 1972, TO  
2 REQUIRE SCHOOL BOARDS TO FILE BUDGET REQUESTS WITH THE LEVYING  
3 AUTHORITIES ON OR BEFORE SEPTEMBER 1; TO AMEND SECTION 37-61-21,  
4 MISSISSIPPI CODE OF 1972, TO REQUIRE SCHOOL BOARDS TO ADOPT FINAL  
5 AMENDED BUDGETS ON OR BEFORE SEPTEMBER 1 OF THE FOLLOWING FISCAL  
6 YEAR; TO AMEND SECTION 37-7-455, MISSISSIPPI CODE OF 1972, TO  
7 AUTHORIZE SCHOOL DISTRICTS TO SELL SURPLUS PROPERTY OTHER THAN  
8 REAL PROPERTY AND BUILDINGS AT PUBLIC AUCTION WITHOUT HAVING  
9 ADVERTISED FOR AND RECEIVED COMPETITIVE BIDS; TO AMEND SECTION  
10 11-41-1, MISSISSIPPI CODE OF 1972, TO GRANT TO A SCHOOL BOARD OR  
11 SUPERINTENDENT OF EDUCATION STANDING TO SEEK A WRIT OF MANDAMUS TO  
12 COMPEL PERFORMANCE OF A LAWFUL DUTY IN MATTERS AFFECTING THE  
13 OPERATION OF THE SCHOOL DISTRICT OVER WHICH THEY MAY PRESIDE; TO  
14 AMEND SECTION 37-7-301, MISSISSIPPI CODE OF 1972, TO AUTHORIZE  
15 INTEREST-FREE BORROWING WITHOUT ADDITIONAL TAX LEVIES, TO  
16 AUTHORIZE SCHOOL OFFICIALS TO TAKE DISCIPLINARY ACTION AGAINST  
17 STUDENTS FOR DISORDERLY ACTS AGAINST SCHOOL EMPLOYEES WHICH OCCUR  
18 OFF THE SCHOOL PROPERTY, TO CLARIFY THE POWERS AND  
19 RESPONSIBILITIES OF LOCAL SCHOOL BOARDS AND TO PERMIT THE SCHOOL  
20 BOARD OF ALL SCHOOL DISTRICTS TO EXPEND FUNDS FROM ANY AVAILABLE  
21 SOURCES FOR THE PURPOSE OF DEFRAYING THE COSTS OF STUDENT FIELD  
22 TRIPS TO PUBLIC OR PRIVATE NONPROFIT MUSEUMS; TO CODIFY SECTION  
23 37-57-2, MISSISSIPPI CODE OF 1972, TO CLARIFY THE DEFINITION OF  
24 PROPERTY FOR SCHOOL AD VALOREM TAX PURPOSES; AND FOR RELATED  
25 PURPOSES.

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

27 SECTION 1. Section 37-61-9, Mississippi Code of 1972, is  
28 amended as follows:

29 37-61-9. (1) On or before the first day of September of  
30 each year, the local school board of each school district, with  
31 the assistance of the superintendent of schools or administrative  
32 superintendent, shall prepare and file with the levying authority  
33 for the school district, as defined in Section 37-57-1,  
34 Mississippi Code of 1972, at least two (2) copies of a budget of  
35 estimated expenditures for the support, maintenance and operation  
36 of the public schools of the school district for the fiscal year  
37 commencing on July 1 of such year. Such budget shall be prepared  
38 on forms prescribed and provided by the State Auditor and shall

39 contain such information as the State Auditor may require.

40 (2) In addition, on or before the first day of September of  
41 each year, the local school board of each school district, with  
42 the assistance of the superintendent of schools or administrative  
43 superintendent, shall prepare and file with the State Department  
44 of Education such budgetary information as the State Board of  
45 Education may require. The State Board of Education shall  
46 prescribe and provide forms to each school district for this  
47 purpose.

48 (3) Prior to the adoption of a budget pursuant to this  
49 section, the school board of each school district shall hold at  
50 least one (1) public hearing to provide the general public with an  
51 opportunity to comment on the taxing and spending plan  
52 incorporated in the proposed budget. The public hearing shall be  
53 held at least one (1) week prior to the adoption of the budget  
54 with advance notice. After final adoption of the budget, a  
55 synopsis of such budget in a form prescribed by the State  
56 Department of Audit shall be published in a newspaper having  
57 general circulation in the school district on a date different  
58 from the date on which the county or any municipality therein may  
59 publish its budget.

60 (4) Beginning with the Fiscal Year 1995-1996, there shall be  
61 imposed limitations on budgeted expenditures for certain  
62 administration costs, as defined hereinafter, in an amount not  
63 greater than One Hundred Fifty Thousand Dollars (\$150,000.00) plus  
64 four percent (4%) of the expenditures of all school districts each  
65 year. For purposes of this subsection, "administration costs"  
66 shall be defined as expenditures for salaries and fringe benefits  
67 paid for central administration costs from all sources of revenue  
68 in the following expenditure functions as defined in the  
69 MISSISSIPPI PUBLIC SCHOOL DISTRICT FINANCIAL ACCOUNTING MANUAL:

- 70 2300 = Support Services - General Administration
- 71 2310 = Board of Education Services
- 72 2320 = Executive Administration Services
- 73 2330 = Special Area Administration Services
- 74 2500 = Business Services
- 75 2510 = Fiscal Services
- 76 2520 = Purchasing Services

- 77           2530 =     Warehousing and Distributing Services  
78           2540 =     Printing, Publishing and Duplicating Services  
79           2590 =     Other Support Services - Business  
80         2800 =     Support Services - Central  
81           2810 =     Planning, Research, Development and Evaluation  
82           2820 =     Information Services  
83           2830 =     Staff Services  
84           2840 =     Data Processing Services

85           Any costs classified as "administration costs" for purposes  
86 of this subsection which can be demonstrated by the local school  
87 district to be an expenditure that results in a net cost savings  
88 to the district that may otherwise require budget expenditures for  
89 functions not covered under the definition of administration costs  
90 herein may be excluded from the limitations imposed herein. The  
91 local school board shall make a specific finding of such costs and  
92 spread such finding upon its minutes, which shall be subject to  
93 the approval of the Office of Educational Accountability of the  
94 State Department of Education. Any school district required to  
95 make expenditure cuts, as a result of application of this  
96 subsection, shall not be required to reduce such expenditures more  
97 than twenty-five percent (25%) in any year in order to comply with  
98 this mandate.

99           The State Auditor shall ensure that functions in all  
100 expenditure categories to which this administrative limitation  
101 applies shall be properly classified.

102           This section shall not apply to central administration with  
103 five (5) or less full-time employees, or to those school districts  
104 which can substantiate that comparable reductions have occurred in  
105 administrative costs for the five-year period immediately prior to  
106 school year 1993-1994. In the event the application of this  
107 section may jeopardize the fiscal integrity or operations of the  
108 school district, have an adverse impact on the ability of the  
109 district to deliver educational services, or otherwise restrict  
110 the district from achieving or maintaining a quality education

111 program, the State Board of Education shall be authorized to  
112 exempt the application of this section to such school district  
113 pursuant to rules and regulations of the State Board of Education  
114 consistent with the intent of this section.

115 \* \* \*

116 SECTION 2. Section 37-61-21, Mississippi Code of 1972, is  
117 amended as follows:

118 37-61-21. If it should appear to the superintendent of  
119 schools or administrative superintendent or the school board of  
120 any school district that the amounts to be received from state  
121 appropriations, taxation or any other source will be more than the  
122 amount estimated in the budget filed and approved, or if it should  
123 appear that such amounts shall be less than the amount estimated,  
124 the school board of the school district, with assistance from the  
125 superintendent, shall revise the budget at any time during the  
126 fiscal year by increasing or decreasing the fund budget, in  
127 proportion to the increase or decrease in the estimated amounts.  
128 If it should appear to the superintendent of schools, or  
129 administrative superintendent or the school board of a school  
130 district that some function of the budget as filed is in excess of  
131 the requirement of that function and that the entire amount  
132 budgeted for such function will not be needed for expenditures  
133 therefor during the fiscal year, the school board of the school  
134 district, with assistance from the superintendent, may transfer  
135 resources to and from functions and funds within the budget when  
136 and where needed; however, no such transfer shall be made from  
137 fund to fund or from function to function which will result in the  
138 expenditure of any money for any purpose different from that for  
139 which the money was appropriated, allotted, collected or otherwise  
140 made available or for a purpose which is not authorized by law.  
141 No revision of any budget under the provisions hereof shall be  
142 made which will permit a fund expenditure in excess of the amounts  
143 available for such purpose. The revised portions of the budgets  
144 shall be incorporated in the minutes of the school board by

145 spreading them on the minutes or by attaching them as an addendum.

146 Final budget revisions, pertinent to a fiscal year, shall be  
147 approved on or before September 1 of the following fiscal year.

148 SECTION 3. Section 37-7-455, Mississippi Code of 1972, is  
149 amended as follows:

150 37-7-455. (1) Except as otherwise provided in subsection  
151 (2) of this section, all such land, buildings or other property  
152 shall be sold only after the receipt of sealed bids therefor after  
153 the time and place of making such sale has been duly advertised in  
154 some newspaper having a general circulation in the county in which  
155 the property is located once each week for three (3) consecutive  
156 weeks with the first publication to be made not less than fifteen  
157 (15) days prior to the date upon which such bids are to be  
158 received and opened. The property shall be sold to the highest  
159 and best bidder for cash, but the school board shall have the  
160 right to reject any and all bids. If the property is not sold  
161 pursuant to such advertisement, the school board \* \* \*, by  
162 resolution, may set a date for an open meeting of the school  
163 board to be held within sixty (60) days after the date upon which  
164 the bids were opened. At the meeting held pursuant to such  
165 resolution, the school board may sell by auction the \* \* \*  
166 property for a consideration not less than the highest sealed bid  
167 previously received pursuant to the advertisement. At the  
168 meeting, \* \* \* any interested party may bid for cash, and the  
169 property shall be sold to the highest and best bidder for cash,  
170 but the school board shall have the right to reject any and all  
171 bids. The school board may require a written confirmation of bids  
172 received at such called meeting before selling the property at  
173 auction, but it shall not be necessary that sealed bids be  
174 received before conducting the auction.

175 (2) As an alternative to the procedures established under  
176 subsection (1) of this section, the school board of a school  
177 district may elect, in its discretion, to sell by public auction  
178 any property, other than real property or buildings of the school

179 district, which is not used for school or related school purposes  
180 and not needed in the operation of the schools. Before such  
181 auction, the school board shall adopt a resolution calling for the  
182 auction and shall advertise the auction in some newspaper having a  
183 general circulation in the county in which the property is located  
184 once each week for two (2) consecutive weeks, with the first  
185 publication to be made not less than fifteen (15) days before the  
186 date upon which the auction shall be held. The advertisement  
187 shall include a general description of the property to be sold at  
188 the auction and the date, time and place that such auction shall  
189 be held. At the auction, any interested party may bid for cash.  
190 The property shall be sold to the highest and best bidder;  
191 however, the school board may reject any and all bids. When  
192 selling property under this subsection, a school board is not  
193 required to advertise for or receive competitive bids in  
194 connection with the sale of the property. Any items not sold at  
195 such auctions or any other property, other than real property or  
196 buildings of the district, not classified as fixed assets for  
197 school purposes pursuant to regulations of the State Department of  
198 Audit, which no longer have useful value to the school district,  
199 in the discretion of the school board or its designated  
200 representative, may be destroyed or disposed of in any manner  
201 whatsoever, provided that no school official or employee derives  
202 any personal economic benefit from such disposal.

203       (3) When the sale of such property is authorized and  
204 approved by the school board, the president of the school board  
205 shall be authorized and empowered to execute a conveyance of the  
206 property upon the terms and for the consideration fixed by the  
207 board. The school board shall reserve unto the district at least  
208 an undivided one-half (1/2) nonparticipating royalty interest in  
209 all oil, gas and minerals in, on or under the land, and all  
210 proceeds derived from royalties upon the reserved mineral  
211 interests shall be used as provided by Section 37-7-457; if the  
212 mineral interests of the district are less than the full and

213 undivided ownership, the undivided royalty interest reserved by  
214 the district shall be reduced proportionately.

215 SECTION 4. Section 11-41-1, Mississippi Code of 1972, is  
216 amended as follows:

217 11-41-1. (1) On the complaint of the state, by its Attorney  
218 General or a district attorney, in any matter affecting the public  
219 interest, or on the complaint of any private person who is  
220 interested, the judgment shall be issued by the circuit court,  
221 commanding any inferior tribunal, corporation, board, officer, or  
222 person to do or not to do an act the performance or omission of  
223 which the law specially enjoins as a duty resulting from an  
224 office, trust, or station, where there is not a plain, adequate,  
225 and speedy remedy in the ordinary course of law. All procedural  
226 aspects of this action shall be governed by the Mississippi Rules  
227 of Civil Procedure.

228 (2) In any matter affecting the operation of the school  
229 district over which they preside, the duly appointed or elected  
230 school board, or school superintendent as directed by the school  
231 board, shall have the same authority as is conferred on the  
232 Attorney General or district attorney by subsection (1) of this  
233 section.

234 SECTION 5. Section 37-7-301, Mississippi Code of 1972, is  
235 amended as follows:

236 37-7-301. The school boards of all school districts shall  
237 have the following powers, authority and duties in addition to all  
238 others imposed or granted by law, to wit:

239 (a) To organize and operate the schools of the district  
240 and to make such division between the high school grades and  
241 elementary grades as, in their judgment, will serve the best  
242 interests of the school;

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

246 (c) To be the custodians of real and personal school

247 property and to manage, control and care for same, both during the  
248 school term and during vacation;

249 (d) To have responsibility for the erection, repairing  
250 and equipping of school facilities and the making of necessary  
251 school improvements;

252 (e) To suspend or to expel a pupil for misconduct at  
253 school-related activities, whether on or off school property, upon  
254 school buses, on the road to and from school, during recess or  
255 upon the school playgrounds, and for disorderly acts toward any  
256 principal, teacher, student or employee occurring on or off the  
257 school property, and to delegate such authority to the appropriate  
258 officials of the school district;

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

262 (g) To support, within reasonable limits, the  
263 superintendent, administrative superintendent, principal and  
264 teachers where necessary for the proper discipline of the school;

265 (h) To exclude from the schools students with what  
266 appears to be infectious or contagious diseases; provided,  
267 however, such student may be allowed to return to school upon  
268 presenting a certificate from a public health officer, duly  
269 licensed physician or nurse practitioner that the student is free  
270 from such disease;

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

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

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

279 (l) To prescribe and enforce rules and regulations not  
280 inconsistent with law or with the regulations of the State Board



281 of Education for their own government and for the government of  
282 the schools, and to transact their business at regular and special  
283 meetings called and held in the manner provided by law;

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

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

289 (o) To make orders directed to the superintendent of  
290 schools or administrative superintendent for the issuance of pay  
291 certificates for lawful purposes on any available funds of the  
292 district and to have full control of the receipt, distribution,  
293 allotment and disbursement of all funds provided for the support  
294 and operation of the schools of such school district whether such  
295 funds be derived from state appropriations, local ad valorem tax  
296 collections, or otherwise;

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

301 (q) To provide athletic programs and other school  
302 activities and to regulate the establishment and operation of such  
303 programs and activities;

304 (r) To join, in their discretion, any association of  
305 school boards and other public school-related organizations, and  
306 to pay from local funds other than minimum foundation funds, any  
307 membership dues;

308 (s) To expend local school activity funds, or other  
309 available school district funds, other than minimum education  
310 program funds, for the purposes prescribed under this paragraph.  
311 "Activity funds" shall mean all funds received by school officials  
312 in all school districts paid or collected to participate in any  
313 school activity, such activity being part of the school program  
314 and partially financed with public funds or supplemented by public

315 funds. The term "activity funds" shall not include any funds  
316 raised and/or expended by any organization unless commingled in a  
317 bank account with existing activity funds, regardless of whether  
318 the funds were raised by school employees or received by school  
319 employees during school hours or using school facilities, and  
320 regardless of whether a school employee exercises influence over  
321 the expenditure or disposition of such funds. Organizations shall  
322 not be required to make any payment to any school for the use of  
323 any school facility if, in the discretion of the local school  
324 governing board, the organization's function shall be deemed to be  
325 beneficial to the official or extracurricular programs of the  
326 school. For the purposes of this provision, the term  
327 "organization" shall not include any organization subject to the  
328 control of the local school governing board. Activity funds may  
329 only be expended for any necessary expenses or travel costs,  
330 including advances, incurred by students and their chaperons in  
331 attending any in-state or out-of-state school-related programs,  
332 conventions or seminars and/or any commodities, equipment, travel  
333 expenses, purchased services or school supplies which the local  
334 school governing board, in its discretion, shall deem beneficial  
335 to the official or extracurricular programs of the district,  
336 including items which may subsequently become the personal  
337 property of individuals, including yearbooks, athletic apparel,  
338 book covers and trophies. Activity funds may be used to pay  
339 travel expenses of school district personnel. The local school  
340 governing board shall be authorized and empowered to promulgate  
341 rules and regulations specifically designating for what purposes  
342 school activity funds may be expended. The local school governing  
343 board shall provide (a) that such school activity funds shall be  
344 maintained and expended by the principal of the school generating  
345 the funds in individual bank accounts, or (b) that such school  
346 activity funds shall be maintained and expended by the  
347 superintendent of schools in a central depository approved by the  
348 board. The local school governing board shall provide that such

349 school activity funds be audited as part of the annual audit  
350 required in Section 37-9-18. The State Auditor shall prescribe a  
351 uniform system of accounting and financial reporting for all  
352 school activity fund transactions;

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

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

359 (v) (i) To lease a school building from an individual,  
360 partnership, nonprofit corporation or a private for-profit  
361 corporation for the use of such school district, and to expend  
362 funds therefor as may be available from any nonminimum program  
363 sources. The school board of the school district desiring to  
364 lease a school building shall declare by resolution that a need  
365 exists for a school building and that the school district cannot  
366 provide the necessary funds to pay the cost or its proportionate  
367 share of the cost of a school building required to meet the  
368 present needs. The resolution so adopted by the school board  
369 shall be published once each week for three (3) consecutive weeks  
370 in a newspaper having a general circulation in the school district  
371 involved, with the first publication thereof to be made not less  
372 than thirty (30) days prior to the date upon which the school  
373 board is to act on the question of leasing a school building. If  
374 no petition requesting an election is filed prior to such meeting  
375 as hereinafter provided, then the school board may, by resolution  
376 spread upon its minutes, proceed to lease a school building. If  
377 at any time prior to said meeting a petition signed by not less  
378 than twenty percent (20%) or fifteen hundred (1500), whichever is  
379 less, of the qualified electors of the school district involved  
380 shall be filed with the school board requesting that an election  
381 be called on the question, then the school board shall, not later  
382 than the next regular meeting, adopt a resolution calling an

383 election to be held within such school district upon the question  
384 of authorizing the school board to lease a school building. Such  
385 election shall be called and held, and notice thereof shall be  
386 given, in the same manner for elections upon the questions of the  
387 issuance of the bonds of school districts, and the results thereof  
388 shall be certified to the school board. If at least three-fifths  
389 (3/5) of the qualified electors of the school district who voted  
390 in such election shall vote in favor of the leasing of a school  
391 building, then the school board shall proceed to lease a school  
392 building. The term of the lease contract shall not exceed twenty  
393 (20) years, and the total cost of such lease shall be either the  
394 amount of the lowest and best bid accepted by the school board  
395 after advertisement for bids or an amount not to exceed the  
396 current fair market value of the lease as determined by the  
397 averaging of at least two (2) appraisals by members of the  
398 American Institute of Real Estate Appraisers or the Society of  
399 Real Estate Appraisers. The term "school building" as used in  
400 this item (v) shall be construed to mean any building or buildings  
401 used for classroom purposes in connection with the operation of  
402 schools and shall include the site therefor, necessary support  
403 facilities, and the equipment thereof and appurtenances thereto  
404 such as heating facilities, water supply, sewage disposal,  
405 landscaping, walks, drives and playgrounds. The term "lease" as  
406 used in this item (v)(i) may include a lease/purchase contract;  
407                   (ii) If two (2) or more school districts propose  
408 to enter into a lease contract jointly, then joint meetings of the  
409 school boards having control may be held but no action taken shall  
410 be binding on any such school district unless the question of  
411 leasing a school building is approved in each participating school  
412 district under the procedure hereinabove set forth in item (v)(i).  
413 All of the provisions of item (v)(i) regarding the term and amount  
414 of the lease contract shall apply to the school boards of school  
415 districts acting jointly. Any lease contract executed by two (2)  
416 or more school districts as joint lessees shall set out the amount

417 of the aggregate lease rental to be paid by each, which may be  
418 agreed upon, but there shall be no right of occupancy by any  
419 lessee unless the aggregate rental is paid as stipulated in the  
420 lease contract. All rights of joint lessees under the lease  
421 contract shall be in proportion to the amount of lease rental paid  
422 by each;

423 (w) To employ all noninstructional and noncertificated  
424 employees and fix the duties and compensation of such personnel  
425 deemed necessary pursuant to the recommendation of the  
426 superintendent of schools or the administrative superintendent;

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

429 (y) Subject to rules and regulations of the State Board  
430 of Education, to purchase, own and operate trucks, vans and other  
431 motor vehicles, which shall bear the proper identification  
432 required by law;

433 (z) To expend funds for the payment of substitute  
434 teachers and to adopt reasonable regulations for the employment  
435 and compensation of such substitute teachers;

436 (aa) To acquire in its own name by purchase all real  
437 property which shall be necessary and desirable in connection with  
438 the construction, renovation or improvement of any public school  
439 building or structure. If the board shall be unable to agree with  
440 the owner of any such real property in connection with any such  
441 project, the board shall have the power and authority to acquire  
442 any such real property by condemnation proceedings pursuant to  
443 Section 11-27-1 et seq., Mississippi Code of 1972, and for such  
444 purpose, the right of eminent domain is hereby conferred upon and  
445 vested in said board. Provided further, that the local school  
446 board is authorized to grant an easement for ingress and egress  
447 over sixteenth section land or lieu land in exchange for a similar  
448 easement upon adjoining land where the exchange of easements  
449 affords substantial benefit to the sixteenth section land;  
450 provided, however, the exchange must be based upon values as

451 determined by a competent appraiser, with any differential in  
452 value to be adjusted by cash payment. Any easement rights granted  
453 over sixteenth section land under such authority shall terminate  
454 when the easement ceases to be used for its stated purpose. No  
455 sixteenth section or lieu land which is subject to an existing  
456 lease shall be burdened by any such easement except by consent of  
457 the lessee or unless the school district shall acquire the  
458 unexpired leasehold interest affected by the easement;

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

462 (cc) Subject to rules and regulations of the State  
463 Board of Education, to purchase relocatable classrooms for the use  
464 of such school district, in the manner prescribed in Section  
465 37-1-13;

466 (dd) Enter into contracts or agreements with other  
467 school districts, political subdivisions or governmental entities  
468 to carry out one or more of the powers or duties of the school  
469 board, or to allow more efficient utilization of limited resources  
470 for providing services to the public;

471 (ee) To provide for in-service training for employees  
472 of the district. Until June 30, 1994, the school boards may  
473 designate two (2) days of the minimum school term, as defined in  
474 Section 37-19-1, for employee in-service training for  
475 implementation of the new statewide testing system as developed by  
476 the State Board of Education. Such designation shall be subject  
477 to approval by the State Board of Education pursuant to uniform  
478 rules and regulations;

479 (ff) The school boards of all school districts, as part  
480 of their duties to prescribe the use of textbooks, may provide  
481 that parents and legal guardians shall be responsible for the  
482 textbooks and for the compensation to the school district for any  
483 books which are not returned to the proper schools upon the  
484 withdrawal of their dependent child. If a textbook is lost or not

485 returned by any student who drops out of the public school  
486 district, the parent or legal guardian shall also compensate the  
487 school district for the fair market value of the textbooks;

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

492 (i) Any proceeds of the fund-raising activities  
493 shall be treated as "activity funds" and shall be accounted for as  
494 are other activity funds under this section; \* \* \*

495 (ii) Fund-raising activities conducted or  
496 authorized by the board for the sale of school pictures, the  
497 rental of caps and gowns or the sale of graduation invitations for  
498 which the school board receives a commission, rebate or fee shall  
499 contain a disclosure statement advising that a portion of the  
500 proceeds of the sales or rentals shall be contributed to the  
501 student activity fund; and

502 (iii) No individual incentive may be offered or  
503 given to a student in Grades Kindergarten through 6 with a fair  
504 market value in excess of Twenty-five Dollars (\$25.00) for  
505 participating in such fund-raising activity;

506 (hh) To allow individual lessons for music, art and  
507 other curriculum-related activities for academic credit or  
508 nonacademic credit during school hours and using school equipment  
509 and facilities, subject to uniform rules and regulations adopted  
510 by the school board;

511 (ii) To charge reasonable fees for participating in an  
512 extracurricular activity for academic or nonacademic credit for  
513 necessary and required equipment such as safety equipment, band  
514 instruments and uniforms;

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

518 (kk) To exercise such powers as may be reasonably

519 necessary or implied to carry out the general duties and  
520 responsibilities of school boards; \* \* \*

521 (ll) To expend funds for the services of nonprofit arts  
522 organizations or other such nonprofit organizations who provide  
523 performances or other services for the students of the school  
524 district;

525 (mm) To take all action necessary to borrow funds  
526 pursuant to any federal laws or regulations, provided that such  
527 borrowing will not impose additional special ad valorem taxes on  
528 property within the district; and

529 (nn) To expend funds from any available sources for the  
530 purpose of defraying the cost of student field trips to public or  
531 private nonprofit museums, including the cost of admission to such  
532 museum.

533 SECTION 6. The following provision shall be codified as  
534 Section 37-57-102, Mississippi Code of 1972.

535 37-57-102. For purposes of this chapter, the term property  
536 shall have such meaning as is prescribed by Section 1-3-45,  
537 Mississippi Code of 1972, as amended.

538 SECTION 7. This act shall take effect and be in force from  
539 and after its passage.