

By: Senator(s) Ferris

To: Education

SENATE BILL NO. 3043
(As Passed the Senate)

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, TO CLARIFY
18 THE POWERS AND RESPONSIBILITIES OF LOCAL SCHOOL BOARDS AND TO
19 PERMIT THE SCHOOL BOARD OF ALL SCHOOL DISTRICTS TO EXPEND FUNDS
20 FROM ANY AVAILABLE SOURCES FOR THE PURPOSE OF DEFRAYING THE COSTS
21 OF STUDENT FIELD TRIPS TO PUBLIC OR PRIVATE NONPROFIT MUSEUMS; TO
22 CODIFY SECTION 37-57-2, MISSISSIPPI CODE OF 1972, TO CLARIFY THE
23 DEFINITION OF PROPERTY FOR SCHOOL AD VALOREM TAX PURPOSES; TO
24 AMEND SECTION 37-9-17, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE
25 SCHOOL BOARD OF ANY SCHOOL DISTRICT TO DESIGNATE A PERSONNEL
26 SUPERVISOR OR ANOTHER PRINCIPAL EMPLOYED BY THE SCHOOL DISTRICT TO
27 MAKE OR ACCEPT RECOMMENDATIONS FOR THE EMPLOYMENT OF
28 NONINSTRUCTIONAL EMPLOYEES AND TO TRANSMIT APPROVED
29 RECOMMENDATIONS TO THE BOARD; AND FOR RELATED PURPOSES.

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

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

33 37-61-9. (1) On or before the first day of September of
34 each year, the local school board of each school district, with
35 the assistance of the superintendent of schools or administrative

36 superintendent, shall prepare and file with the levying authority
37 for the school district, as defined in Section 37-57-1,
38 Mississippi Code of 1972, at least two (2) copies of a budget of
39 estimated expenditures for the support, maintenance and operation
40 of the public schools of the school district for the fiscal year
41 commencing on July 1 of such year. Such budget shall be prepared
42 on forms prescribed and provided by the State Auditor and shall
43 contain such information as the State Auditor may require.

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

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

64 (4) Beginning with the Fiscal Year 1995-1996, there shall be
65 imposed limitations on budgeted expenditures for certain
66 administration costs, as defined hereinafter, in an amount not
67 greater than One Hundred Fifty Thousand Dollars (\$150,000.00) plus

68 four percent (4%) of the expenditures of all school districts each
69 year. For purposes of this subsection, "administration costs"
70 shall be defined as expenditures for salaries and fringe benefits
71 paid for central administration costs from all sources of revenue
72 in the following expenditure functions as defined in the
73 MISSISSIPPI PUBLIC SCHOOL DISTRICT FINANCIAL ACCOUNTING MANUAL:

- 74 2300 = Support Services - General Administration
- 75 2310 = Board of Education Services
- 76 2320 = Executive Administration Services
- 77 2330 = Special Area Administration Services
- 78 2500 = Business Services
- 79 2510 = Fiscal Services
- 80 2520 = Purchasing Services
- 81 2530 = Warehousing and Distributing Services
- 82 2540 = Printing, Publishing and Duplicating Services
- 83 2590 = Other Support Services - Business
- 84 2800 = Support Services - Central
- 85 2810 = Planning, Research, Development and Evaluation
- 86 2820 = Information Services
- 87 2830 = Staff Services
- 88 2840 = Data Processing Services

89 Any costs classified as "administration costs" for purposes
90 of this subsection which can be demonstrated by the local school
91 district to be an expenditure that results in a net cost savings
92 to the district that may otherwise require budget expenditures for
93 functions not covered under the definition of administration costs
94 herein may be excluded from the limitations imposed herein. The
95 local school board shall make a specific finding of such costs and
96 spread such finding upon its minutes, which shall be subject to

97 the approval of the Office of Educational Accountability of the
98 State Department of Education. Any school district required to
99 make expenditure cuts, as a result of application of this
100 subsection, shall not be required to reduce such expenditures more
101 than twenty-five percent (25%) in any year in order to comply with
102 this mandate.

103 The State Auditor shall ensure that functions in all
104 expenditure categories to which this administrative limitation
105 applies shall be properly classified.

106 This section shall not apply to central administration with
107 five (5) or less full-time employees, or to those school districts
108 which can substantiate that comparable reductions have occurred in
109 administrative costs for the five-year period immediately prior to
110 school year 1993-1994. In the event the application of this
111 section may jeopardize the fiscal integrity or operations of the
112 school district, have an adverse impact on the ability of the
113 district to deliver educational services, or otherwise restrict
114 the district from achieving or maintaining a quality education
115 program, the State Board of Education shall be authorized to
116 exempt the application of this section to such school district
117 pursuant to rules and regulations of the State Board of Education
118 consistent with the intent of this section.

119 * * *

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

122 37-61-21. If it should appear to the superintendent of
123 schools or administrative superintendent or the school board of
124 any school district that the amounts to be received from state
125 appropriations, taxation or any other source will be more than the

126 amount estimated in the budget filed and approved, or if it should
127 appear that such amounts shall be less than the amount estimated,
128 the school board of the school district, with assistance from the
129 superintendent, shall revise the budget at any time during the
130 fiscal year by increasing or decreasing the fund budget, in
131 proportion to the increase or decrease in the estimated amounts.
132 If it should appear to the superintendent of schools, or
133 administrative superintendent or the school board of a school
134 district that some function of the budget as filed is in excess of
135 the requirement of that function and that the entire amount
136 budgeted for such function will not be needed for expenditures
137 therefor during the fiscal year, the school board of the school
138 district, with assistance from the superintendent, may transfer
139 resources to and from functions and funds within the budget when
140 and where needed; however, no such transfer shall be made from
141 fund to fund or from function to function which will result in the
142 expenditure of any money for any purpose different from that for
143 which the money was appropriated, allotted, collected or otherwise
144 made available or for a purpose which is not authorized by law.
145 No revision of any budget under the provisions hereof shall be
146 made which will permit a fund expenditure in excess of the amounts
147 available for such purpose. The revised portions of the budgets
148 shall be incorporated in the minutes of the school board by
149 spreading them on the minutes or by attaching them as an addendum.
150 Final budget revisions, pertinent to a fiscal year, shall be
151 approved on or before September 1 of the following fiscal year.

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

154 37-7-455. (1) Except as otherwise provided in subsection

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

179 (2) As an alternative to the procedures established under
180 subsection (1) of this section, the school board of a school
181 district may elect, in its discretion, to sell by public auction
182 any property, other than real property or buildings of the school
183 district, which is not used for school or related school purposes

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

207 (3) When the sale of such property is authorized and
208 approved by the school board, the president of the school board
209 shall be authorized and empowered to execute a conveyance of the
210 property upon the terms and for the consideration fixed by the
211 board. The school board shall reserve unto the district at least
212 an undivided one-half (1/2) nonparticipating royalty interest in

213 all oil, gas and minerals in, on or under the land, and all
214 proceeds derived from royalties upon the reserved mineral
215 interests shall be used as provided by Section 37-7-457; if the
216 mineral interests of the district are less than the full and
217 undivided ownership, the undivided royalty interest reserved by
218 the district shall be reduced proportionately.

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

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

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

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

240 37-7-301. The school boards of all school districts shall
241 have the following powers, authority and duties in addition to all

242 others imposed or granted by law, to wit:

243 (a) To organize and operate the schools of the district
244 and to make such division between the high school grades and
245 elementary grades as, in their judgment, will serve the best
246 interests of the school;

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

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

253 (d) To have responsibility for the erection, repairing
254 and equipping of school facilities and the making of necessary
255 school improvements;

256 (e) To suspend or to expel a pupil for misconduct at
257 school-related activities, whether on or off school property, upon
258 school buses, on the road to and from school, during recess or
259 upon the school playgrounds, and for threats, assaults, harassment
260 or other disorderly acts against any school official or employee,
261 and to delegate such authority to the appropriate officials of the
262 school district;

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

266 (g) To support, within reasonable limits, the
267 superintendent, administrative superintendent, principal and
268 teachers where necessary for the proper discipline of the school;

269 (h) To exclude from the schools students with what
270 appears to be infectious or contagious diseases; provided,

271 however, such student may be allowed to return to school upon
272 presenting a certificate from a public health officer, duly
273 licensed physician or nurse practitioner that the student is free
274 from such disease;

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

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

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

283 (l) To prescribe and enforce rules and regulations not
284 inconsistent with law or with the regulations of the State Board
285 of Education for their own government and for the government of
286 the schools, and to transact their business at regular and special
287 meetings called and held in the manner provided by law;

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

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

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

300 collections, or otherwise;

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

305 (q) To provide athletic programs and other school
306 activities and to regulate the establishment and operation of such
307 programs and activities;

308 (r) To join, in their discretion, any association of
309 school boards and other public school-related organizations, and
310 to pay from local funds other than minimum foundation funds, any
311 membership dues;

312 (s) To expend local school activity funds, or other
313 available school district funds, other than minimum education
314 program funds, for the purposes prescribed under this paragraph.
315 "Activity funds" shall mean all funds received by school officials
316 in all school districts paid or collected to participate in any
317 school activity, such activity being part of the school program
318 and partially financed with public funds or supplemented by public
319 funds. The term "activity funds" shall not include any funds
320 raised and/or expended by any organization unless commingled in a
321 bank account with existing activity funds, regardless of whether
322 the funds were raised by school employees or received by school
323 employees during school hours or using school facilities, and
324 regardless of whether a school employee exercises influence over
325 the expenditure or disposition of such funds. Organizations shall
326 not be required to make any payment to any school for the use of
327 any school facility if, in the discretion of the local school
328 governing board, the organization's function shall be deemed to be

329 beneficial to the official or extracurricular programs of the
330 school. For the purposes of this provision, the term
331 "organization" shall not include any organization subject to the
332 control of the local school governing board. Activity funds may
333 only be expended for any necessary expenses or travel costs,
334 including advances, incurred by students and their chaperons in
335 attending any in-state or out-of-state school-related programs,
336 conventions or seminars and/or any commodities, equipment, travel
337 expenses, purchased services or school supplies which the local
338 school governing board, in its discretion, shall deem beneficial
339 to the official or extracurricular programs of the district,
340 including items which may subsequently become the personal
341 property of individuals, including yearbooks, athletic apparel,
342 book covers and trophies. Activity funds may be used to pay
343 travel expenses of school district personnel. The local school
344 governing board shall be authorized and empowered to promulgate
345 rules and regulations specifically designating for what purposes
346 school activity funds may be expended. The local school governing
347 board shall provide (a) that such school activity funds shall be
348 maintained and expended by the principal of the school generating
349 the funds in individual bank accounts, or (b) that such school
350 activity funds shall be maintained and expended by the
351 superintendent of schools in a central depository approved by the
352 board. The local school governing board shall provide that such
353 school activity funds be audited as part of the annual audit
354 required in Section 37-9-18. The State Auditor shall prescribe a
355 uniform system of accounting and financial reporting for all
356 school activity fund transactions;

357 (t) To contract, on a shared savings, lease or

358 lease-purchase basis, for energy efficiency services and/or
359 equipment as provided for in Section 31-7-14, not to exceed ten
360 (10) years;

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

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

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

416 district under the procedure hereinabove set forth in item (v)(i).
417 All of the provisions of item (v)(i) regarding the term and amount
418 of the lease contract shall apply to the school boards of school
419 districts acting jointly. Any lease contract executed by two (2)
420 or more school districts as joint lessees shall set out the amount
421 of the aggregate lease rental to be paid by each, which may be
422 agreed upon, but there shall be no right of occupancy by any
423 lessee unless the aggregate rental is paid as stipulated in the
424 lease contract. All rights of joint lessees under the lease
425 contract shall be in proportion to the amount of lease rental paid
426 by each;

427 (w) To employ all noninstructional and noncertificated
428 employees and fix the duties and compensation of such personnel
429 deemed necessary pursuant to the recommendation of the
430 superintendent of schools or the administrative superintendent;

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

433 (y) Subject to rules and regulations of the State Board
434 of Education, to purchase, own and operate trucks, vans and other
435 motor vehicles, which shall bear the proper identification
436 required by law;

437 (z) To expend funds for the payment of substitute
438 teachers and to adopt reasonable regulations for the employment
439 and compensation of such substitute teachers;

440 (aa) To acquire in its own name by purchase all real
441 property which shall be necessary and desirable in connection with
442 the construction, renovation or improvement of any public school
443 building or structure. If the board shall be unable to agree with
444 the owner of any such real property in connection with any such

445 project, the board shall have the power and authority to acquire
446 any such real property by condemnation proceedings pursuant to
447 Section 11-27-1 et seq., Mississippi Code of 1972, and for such
448 purpose, the right of eminent domain is hereby conferred upon and
449 vested in said board. Provided further, that the local school
450 board is authorized to grant an easement for ingress and egress
451 over sixteenth section land or lieu land in exchange for a similar
452 easement upon adjoining land where the exchange of easements
453 affords substantial benefit to the sixteenth section land;
454 provided, however, the exchange must be based upon values as
455 determined by a competent appraiser, with any differential in
456 value to be adjusted by cash payment. Any easement rights granted
457 over sixteenth section land under such authority shall terminate
458 when the easement ceases to be used for its stated purpose. No
459 sixteenth section or lieu land which is subject to an existing
460 lease shall be burdened by any such easement except by consent of
461 the lessee or unless the school district shall acquire the
462 unexpired leasehold interest affected by the easement;

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

466 (cc) Subject to rules and regulations of the State
467 Board of Education, to purchase relocatable classrooms for the use
468 of such school district, in the manner prescribed in Section
469 37-1-13;

470 (dd) Enter into contracts or agreements with other
471 school districts, political subdivisions or governmental entities
472 to carry out one or more of the powers or duties of the school
473 board, or to allow more efficient utilization of limited resources

474 for providing services to the public;

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

483 (ff) The school boards of all school districts, as part
484 of their duties to prescribe the use of textbooks, may provide
485 that parents and legal guardians shall be responsible for the
486 textbooks and for the compensation to the school district for any
487 books which are not returned to the proper schools upon the
488 withdrawal of their dependent child. If a textbook is lost or not
489 returned by any student who drops out of the public school
490 district, the parent or legal guardian shall also compensate the
491 school district for the fair market value of the textbooks;

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

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

499 (ii) Fund-raising activities conducted or
500 authorized by the board for the sale of school pictures, the
501 rental of caps and gowns or the sale of graduation invitations for
502 which the school board receives a commission, rebate or fee shall

503 contain a disclosure statement advising that a portion of the
504 proceeds of the sales or rentals shall be contributed to the
505 student activity fund; and

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

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

515 (ii) To charge reasonable fees for participating in an
516 extracurricular activity for academic or nonacademic credit for
517 necessary and required equipment such as safety equipment, band
518 instruments and uniforms;

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

522 (kk) To exercise such powers as may be reasonably
523 necessary or implied to carry out the general duties and
524 responsibilities of school boards; * * *

525 (ll) To expend funds for the services of nonprofit arts
526 organizations or other such nonprofit organizations who provide
527 performances or other services for the students of the school
528 district;

529 (mm) To take all action necessary to borrow funds
530 pursuant to any federal laws or regulations, provided that such
531 borrowing will not impose additional special ad valorem taxes on

532 property within the district; and

533 (nn) To expend funds from any available sources for the
534 purpose of defraying the cost of student field trips to public or
535 private nonprofit museums, including the cost of admission to such
536 museum.

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

539 37-57-102. For purposes of this chapter, the term property
540 shall have such meaning as is prescribed by Section 1-3-45,
541 Mississippi Code of 1972, as amended.

542 SECTION 7. Section 37-9-17, Mississippi Code of 1972, is
543 amended as follows:

544 37-9-17. On or before April 1 of each year, the principal of
545 each school shall recommend to the superintendent of the school
546 district the licensed employees or noninstructional employees to
547 be employed for the school involved except those licensed
548 employees or noninstructional employees who have been previously
549 employed and who have a contract valid for the ensuing scholastic
550 year. If such recommendations meet with the approval of the
551 superintendent, the superintendent shall recommend the employment
552 of such licensed employees or noninstructional employees to the
553 school board, and, unless good reason to the contrary exists, the
554 board shall elect the employees so recommended. If, for any
555 reason, the school board shall decline to elect any employee so
556 recommended, additional recommendations for the places to be
557 filled shall be made by the principal to the superintendent and
558 then by the superintendent to the school board as provided above.

559 The school board of any school district shall be authorized to
560 designate a personnel supervisor or another principal employed by

561 the school district to recommend to the superintendent licensed
562 employees or noninstructional employees; however, this
563 authorization shall be restricted to no more than two (2)
564 positions for each employment period for each school in the school
565 district, and provided further that any noninstructional employee
566 employed under this authorization shall have been employed by the
567 school district at the time such superintendent takes office and
568 no noninstructional employee employed under this authorization
569 shall receive compensation in excess of the statewide average
570 compensation for such noninstructional position with comparable
571 experience, as developed by the State Department of Education.

572 The school board of any school district shall be authorized to
573 designate a personnel supervisor or another principal employed by
574 the school district to accept the recommendations of principals or
575 their designees for licensed employees or noninstructional
576 employees and to transmit approved recommendations to the board;
577 however, this authorization shall be restricted to no more than
578 two (2) positions for each employment period for each school in
579 the school district.

580 When the licensed employees have been elected as provided in
581 the preceding paragraph, the superintendent of the district shall
582 enter into a contract with such persons in the manner provided in
583 this chapter.

584 If, at the commencement of the scholastic year, any licensed
585 employee shall present to the superintendent a license of a higher
586 grade than that specified in such individual's contract, such
587 individual may, if funds are available from minimum education
588 program funds of the district, or from district funds, be paid
589 from such funds the amount to which such higher grade license

590 would have entitled the individual, had the license been held at
591 the time the contract was executed.

592 SECTION 8. This act shall take effect and be in force from
593 and after its passage.