

By: Furniss

To: Education

SENATE BILL NO. 2245
(As Passed the Senate)

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.

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

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

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

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

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

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

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

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

29 authority to the appropriate officials of the school district;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

230 (bb) To charge reasonable fees related to the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

295 SECTION 2. This act shall take effect and be in force from
296 and after July 1, 2000.