

By: Harden

To: Education;
Appropriations

SENATE BILL NO. 2302

1 AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO IMPLEMENT A
2 PRE-KINDERGARTEN PILOT PROGRAM IN THE PUBLIC SCHOOL DISTRICTS; TO
3 PROVIDE THAT THE PILOT PROGRAM SHALL BE AVAILABLE TO 25% OF THE
4 SCHOOL DISTRICTS IN THE STATE; TO PROVIDE THAT THE
5 PRE-KINDERGARTEN PILOT PROGRAM SHALL BE FUNDED FROM EDUCATION
6 ENHANCEMENT FUND APPROPRIATIONS; TO AMEND SECTION 37-7-301,
7 MISSISSIPPI CODE OF 1972, TO AUTHORIZE LOCAL SCHOOL BOARDS TO USE
8 SCHOOL FACILITIES TO PROVIDE CHILD CARE, EXTENDED DAY AND
9 INSTRUCTION SERVICES FOR PRE-KINDERGARTEN-AGE CHILDREN ENROLLED IN
10 THE PILOT PROGRAM; AND FOR RELATED PURPOSES.

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

12 SECTION 1. (1) Beginning with the 2000-2001 school year,
13 the State Board of Education shall establish and implement a
14 Pre-Kindergarten Pilot Program to provide child care services,
15 extended day services and instruction for pre-kindergarten-age
16 children residing in the pilot school districts in the state.
17 Said pilot program shall be available and limited to twenty-five
18 percent (25%) of the school districts in the state, to be selected
19 by the State Board of Education pursuant to criteria and standards
20 established by the board.

21 (2) Transportation for students attending the
22 pre-kindergarten pilot programs shall be the responsibility of the
23 local school district.

24 (3) The expense of establishing, maintaining and operating
25 such pre-kindergarten pilot programs shall be paid from funds
26 contributed or otherwise made available to the school district by
27 the State Board of Education for such purpose from state
28 appropriation from the Education Enhancement Fund created under
29 Section 37-61-33, Mississippi Code of 1972.

30 (4) Any such pre-kindergarten pilot program shall be in

31 compliance with regulations of the State Board of Health related
32 to child day care facilities.

33 (5) Each local school district of this state may annually
34 apply for pre-kindergarten pilot program grant funds subject to
35 appropriations by the Legislature. In order to be eligible for
36 such program, each local school board desiring to participate
37 shall apply to the State Department of Education by May 31 before
38 the beginning of the applicable fiscal year on forms provided by
39 the department. The State Board of Education shall determine by
40 July 1 of each succeeding year which local school districts have
41 submitted approved applications for pre-kindergarten pilot program
42 grants.

43 (6) The State Board of Education shall promulgate rules and
44 regulations regarding the use of school facilities for
45 pre-kindergarten services under the pilot program.

46 SECTION 2. Section 37-7-301, Mississippi Code of 1972, is
47 amended as follows:

48 37-7-301. The school boards of all school districts shall
49 have the following powers, authority and duties in addition to all
50 others imposed or granted by law, to wit:

51 (a) To organize and operate the schools of the district
52 and to make such division between the high school grades and
53 elementary grades as, in their judgment, will serve the best
54 interests of the school;

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

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

61 (d) To have responsibility for the erection, repairing
62 and equipping of school facilities and the making of necessary
63 school improvements;

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

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

71 (g) To support, within reasonable limits, the
72 superintendent, administrative superintendent, principal and
73 teachers where necessary for the proper discipline of the school;

74 (h) To exclude from the schools students with what
75 appears to be infectious or contagious diseases; provided,
76 however, such student may be allowed to return to school upon
77 presenting a certificate from a public health officer, duly
78 licensed physician or nurse practitioner that the student is free
79 from such disease;

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

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

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

88 (l) To prescribe and enforce rules and regulations not
89 inconsistent with law or with the regulations of the State Board
90 of Education for their own government and for the government of
91 the schools, and to transact their business at regular and special
92 meetings called and held in the manner provided by law;

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

96 (n) To enforce in the schools the courses of study and

97 the use of the textbooks prescribed by the proper authorities;

98 (o) To make orders directed to the superintendent of
99 schools or administrative superintendent for the issuance of pay
100 certificates for lawful purposes on any available funds of the
101 district and to have full control of the receipt, distribution,
102 allotment and disbursement of all funds provided for the support
103 and operation of the schools of such school district whether such
104 funds be derived from state appropriations, local ad valorem tax
105 collections, or otherwise;

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

110 (q) To provide athletic programs and other school
111 activities and to regulate the establishment and operation of such
112 programs and activities;

113 (r) To join, in their discretion, any association of
114 school boards and other public school-related organizations, and
115 to pay from local funds other than minimum foundation funds, any
116 membership dues;

117 (s) To expend local school activity funds, or other
118 available school district funds, other than minimum education
119 program funds, for the purposes prescribed under this paragraph.
120 "Activity funds" shall mean all funds received by school officials
121 in all school districts paid or collected to participate in any
122 school activity, such activity being part of the school program
123 and partially financed with public funds or supplemented by public
124 funds. The term "activity funds" shall not include any funds
125 raised and/or expended by any organization unless commingled in a
126 bank account with existing activity funds, regardless of whether
127 the funds were raised by school employees or received by school
128 employees during school hours or using school facilities, and
129 regardless of whether a school employee exercises influence over

130 the expenditure or disposition of such funds. Organizations shall
131 not be required to make any payment to any school for the use of
132 any school facility if, in the discretion of the local school
133 governing board, the organization's function shall be deemed to be
134 beneficial to the official or extracurricular programs of the
135 school. For the purposes of this provision, the term
136 "organization" shall not include any organization subject to the
137 control of the local school governing board. Activity funds may
138 only be expended for any necessary expenses or travel costs,
139 including advances, incurred by students and their chaperons in
140 attending any in-state or out-of-state school-related programs,
141 conventions or seminars and/or any commodities, equipment, travel
142 expenses, purchased services or school supplies which the local
143 school governing board, in its discretion, shall deem beneficial
144 to the official or extracurricular programs of the district,
145 including items which may subsequently become the personal
146 property of individuals, including yearbooks, athletic apparel,
147 book covers and trophies. Activity funds may be used to pay
148 travel expenses of school district personnel. The local school
149 governing board shall be authorized and empowered to promulgate
150 rules and regulations specifically designating for what purposes
151 school activity funds may be expended. The local school governing
152 board shall provide (a) that such school activity funds shall be
153 maintained and expended by the principal of the school generating
154 the funds in individual bank accounts, or (b) that such school
155 activity funds shall be maintained and expended by the
156 superintendent of schools in a central depository approved by the
157 board. The local school governing board shall provide that such
158 school activity funds be audited as part of the annual audit
159 required in Section 37-9-18. The State Auditor shall prescribe a
160 uniform system of accounting and financial reporting for all
161 school activity fund transactions;

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

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

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

168 (v) (i) To lease a school building from an individual,
169 partnership, nonprofit corporation or a private for-profit
170 corporation for the use of such school district, and to expend
171 funds therefor as may be available from any nonminimum program
172 sources. The school board of the school district desiring to
173 lease a school building shall declare by resolution that a need
174 exists for a school building and that the school district cannot
175 provide the necessary funds to pay the cost or its proportionate
176 share of the cost of a school building required to meet the
177 present needs. The resolution so adopted by the school board
178 shall be published once each week for three (3) consecutive weeks
179 in a newspaper having a general circulation in the school district
180 involved, with the first publication thereof to be made not less
181 than thirty (30) days prior to the date upon which the school
182 board is to act on the question of leasing a school building. If
183 no petition requesting an election is filed prior to such meeting
184 as hereinafter provided, then the school board may, by resolution
185 spread upon its minutes, proceed to lease a school building. If
186 at any time prior to said meeting a petition signed by not less
187 than twenty percent (20%) or fifteen hundred (1500), whichever is
188 less, of the qualified electors of the school district involved
189 shall be filed with the school board requesting that an election
190 be called on the question, then the school board shall, not later
191 than the next regular meeting, adopt a resolution calling an
192 election to be held within such school district upon the question
193 of authorizing the school board to lease a school building. Such
194 election shall be called and held, and notice thereof shall be
195 given, in the same manner for elections upon the questions of the

196 issuance of the bonds of school districts, and the results thereof
197 shall be certified to the school board. If at least three-fifths
198 (3/5) of the qualified electors of the school district who voted
199 in such election shall vote in favor of the leasing of a school
200 building, then the school board shall proceed to lease a school
201 building. The term of the lease contract shall not exceed twenty
202 (20) years, and the total cost of such lease shall be either the
203 amount of the lowest and best bid accepted by the school board
204 after advertisement for bids or an amount not to exceed the
205 current fair market value of the lease as determined by the
206 averaging of at least two (2) appraisals by members of the
207 American Institute of Real Estate Appraisers or the Society of
208 Real Estate Appraisers. The term "school building" as used in
209 this item (v) shall be construed to mean any building or buildings
210 used for classroom purposes in connection with the operation of
211 schools and shall include the site therefor, necessary support
212 facilities, and the equipment thereof and appurtenances thereto
213 such as heating facilities, water supply, sewage disposal,
214 landscaping, walks, drives and playgrounds. The term "lease" as
215 used in this item (v)(i) may include a lease/purchase contract;
216 (ii) If two (2) or more school districts propose
217 to enter into a lease contract jointly, then joint meetings of the
218 school boards having control may be held but no action taken shall
219 be binding on any such school district unless the question of
220 leasing a school building is approved in each participating school
221 district under the procedure hereinabove set forth in item (v)(i).
222 All of the provisions of item (v)(i) regarding the term and amount
223 of the lease contract shall apply to the school boards of school
224 districts acting jointly. Any lease contract executed by two (2)
225 or more school districts as joint lessees shall set out the amount
226 of the aggregate lease rental to be paid by each, which may be
227 agreed upon, but there shall be no right of occupancy by any
228 lessee unless the aggregate rental is paid as stipulated in the

229 lease contract. All rights of joint lessees under the lease
230 contract shall be in proportion to the amount of lease rental paid
231 by each;

232 (w) To employ all noninstructional and noncertificated
233 employees and fix the duties and compensation of such personnel
234 deemed necessary pursuant to the recommendation of the
235 superintendent of schools or the administrative superintendent;

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

238 (y) Subject to rules and regulations of the State Board
239 of Education, to purchase, own and operate trucks, vans and other
240 motor vehicles, which shall bear the proper identification
241 required by law;

242 (z) To expend funds for the payment of substitute
243 teachers and to adopt reasonable regulations for the employment
244 and compensation of such substitute teachers;

245 (aa) To acquire in its own name by purchase all real
246 property which shall be necessary and desirable in connection with
247 the construction, renovation or improvement of any public school
248 building or structure. If the board shall be unable to agree with
249 the owner of any such real property in connection with any such
250 project, the board shall have the power and authority to acquire
251 any such real property by condemnation proceedings pursuant to
252 Section 11-27-1 et seq., Mississippi Code of 1972, and for such
253 purpose, the right of eminent domain is hereby conferred upon and
254 vested in said board. Provided further, that the local school
255 board is authorized to grant an easement for ingress and egress
256 over sixteenth section land or lieu land in exchange for a similar
257 easement upon adjoining land where the exchange of easements
258 affords substantial benefit to the sixteenth section land;
259 provided, however, the exchange must be based upon values as
260 determined by a competent appraiser, with any differential in
261 value to be adjusted by cash payment. Any easement rights granted

262 over sixteenth section land under such authority shall terminate
263 when the easement ceases to be used for its stated purpose. No
264 sixteenth section or lieu land which is subject to an existing
265 lease shall be burdened by any such easement except by consent of
266 the lessee or unless the school district shall acquire the
267 unexpired leasehold interest affected by the easement;

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

271 (cc) Subject to rules and regulations of the State
272 Board of Education, to purchase relocatable classrooms for the use
273 of such school district, in the manner prescribed in Section
274 37-1-13;

275 (dd) Enter into contracts or agreements with other
276 school districts, political subdivisions or governmental entities
277 to carry out one or more of the powers or duties of the school
278 board, or to allow more efficient utilization of limited resources
279 for providing services to the public;

280 (ee) To provide for in-service training for employees
281 of the district. Until June 30, 1994, the school boards may
282 designate two (2) days of the minimum school term, as defined in
283 Section 37-19-1, for employee in-service training for
284 implementation of the new statewide testing system as developed by
285 the State Board of Education. Such designation shall be subject
286 to approval by the State Board of Education pursuant to uniform
287 rules and regulations;

288 (ff) The school boards of all school districts, as part
289 of their duties to prescribe the use of textbooks, may provide
290 that parents and legal guardians shall be responsible for the
291 textbooks and for the compensation to the school district for any
292 books which are not returned to the proper schools upon the
293 withdrawal of their dependent child. If a textbook is lost or not
294 returned by any student who drops out of the public school

295 district, the parent or legal guardian shall also compensate the
296 school district for the fair market value of the textbooks;

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

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

304 (ii) Fund-raising activities conducted or
305 authorized by the board for the sale of school pictures, the
306 rental of caps and gowns or the sale of graduation invitations for
307 which the school board receives a commission, rebate or fee shall
308 contain a disclosure statement advising that a portion of the
309 proceeds of the sales or rentals shall be contributed to the
310 student activity fund;

311 (hh) To allow individual lessons for music, art and
312 other curriculum-related activities for academic credit or
313 nonacademic credit during school hours and using school equipment
314 and facilities, subject to uniform rules and regulations adopted
315 by the school board;

316 (ii) To charge reasonable fees for participating in an
317 extracurricular activity for academic or nonacademic credit for
318 necessary and required equipment such as safety equipment, band
319 instruments and uniforms;

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

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

325 (ll) To expend funds for the services of nonprofit arts
326 organizations or other such nonprofit organizations who provide
327 performances or other services for the students of the school

328 district; and

329 (mm) To authorize, in its discretion, the use of school
330 facilities to provide child care services, extended school day
331 services and instruction for pre-kindergarten-age children under a
332 pilot program agreement with the State Department of Education and
333 to expend funds for such purposes as may be available from any
334 sources. Any such program shall be in compliance with regulations
335 of the State Board of Health related to child day care facilities.
336 The State Board of Education shall promulgate rules and
337 regulations regarding the use of school facilities for child day
338 care services.

339 SECTION 3. This act shall take effect and be in force from
340 and after July 1, 2000.