

By: Senator(s) Harden

To: Education;
Appropriations

SENATE BILL NO. 2252

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 2001-2002 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 or to change the
65 placement of a pupil to the school district's alternative school
66 or home-bound program for misconduct in the school or on school
67 property, as defined in Section 37-11-29, on the road to and from
68 school, or at any school-related activity or event, or for conduct
69 occurring on property other than school property or other than at
70 a school-related activity or event when such conduct by a pupil,
71 in the determination of the school superintendent or principal,
72 renders that pupil's presence in the classroom a disruption to the
73 educational environment of the school or a detriment to the best
74 interest and welfare of the pupils and teacher of such class as a
75 whole, and to delegate such authority to the appropriate officials
76 of the school district;

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

80 (g) To support, within reasonable limits, the
81 superintendent, principal and teachers where necessary for the
82 proper discipline of the school;

83 (h) To exclude from the schools students with what
84 appears to be infectious or contagious diseases; provided,
85 however, such student may be allowed to return to school upon
86 presenting a certificate from a public health officer, duly
87 licensed physician or nurse practitioner that the student is free
88 from such disease;

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

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

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

97 (l) To prescribe and enforce rules and regulations not
98 inconsistent with law or with the regulations of the State Board
99 of Education for their own government and for the government of
100 the schools, and to transact their business at regular and special
101 meetings called and held in the manner provided by law;

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

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

107 (o) To make orders directed to the superintendent of
108 schools for the issuance of pay certificates for lawful purposes
109 on any available funds of the district and to have full control of
110 the receipt, distribution, allotment and disbursement of all funds
111 provided for the support and operation of the schools of such
112 school district whether such funds be derived from state
113 appropriations, local ad valorem tax collections, or otherwise;

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

118 (q) To provide athletic programs and other school
119 activities and to regulate the establishment and operation of such
120 programs and activities;

121 (r) To join, in their discretion, any association of
122 school boards and other public school-related organizations, and
123 to pay from local funds other than minimum foundation funds, any
124 membership dues;

125 (s) To expend local school activity funds, or other
126 available school district funds, other than minimum education

127 program funds, for the purposes prescribed under this paragraph.
128 "Activity funds" shall mean all funds received by school officials
129 in all school districts paid or collected to participate in any
130 school activity, such activity being part of the school program
131 and partially financed with public funds or supplemented by public
132 funds. The term "activity funds" shall not include any funds
133 raised and/or expended by any organization unless commingled in a
134 bank account with existing activity funds, regardless of whether
135 the funds were raised by school employees or received by school
136 employees during school hours or using school facilities, and
137 regardless of whether a school employee exercises influence over
138 the expenditure or disposition of such funds. Organizations shall
139 not be required to make any payment to any school for the use of
140 any school facility if, in the discretion of the local school
141 governing board, the organization's function shall be deemed to be
142 beneficial to the official or extracurricular programs of the
143 school. For the purposes of this provision, the term
144 "organization" shall not include any organization subject to the
145 control of the local school governing board. Activity funds may
146 only be expended for any necessary expenses or travel costs,
147 including advances, incurred by students and their chaperons in
148 attending any in-state or out-of-state school-related programs,
149 conventions or seminars and/or any commodities, equipment, travel
150 expenses, purchased services or school supplies which the local
151 school governing board, in its discretion, shall deem beneficial
152 to the official or extracurricular programs of the district,
153 including items which may subsequently become the personal
154 property of individuals, including yearbooks, athletic apparel,
155 book covers and trophies. Activity funds may be used to pay
156 travel expenses of school district personnel. The local school
157 governing board shall be authorized and empowered to promulgate
158 rules and regulations specifically designating for what purposes
159 school activity funds may be expended. The local school governing

160 board shall provide (a) that such school activity funds shall be
161 maintained and expended by the principal of the school generating
162 the funds in individual bank accounts, or (b) that such school
163 activity funds shall be maintained and expended by the
164 superintendent of schools in a central depository approved by the
165 board. The local school governing board shall provide that such
166 school activity funds be audited as part of the annual audit
167 required in Section 37-9-18. The State Auditor shall prescribe a
168 uniform system of accounting and financial reporting for all
169 school activity fund transactions;

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

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

176 (v) (i) To lease a school building from an individual,
177 partnership, nonprofit corporation or a private for-profit
178 corporation for the use of such school district, and to expend
179 funds therefor as may be available from any nonminimum program
180 sources. The school board of the school district desiring to
181 lease a school building shall declare by resolution that a need
182 exists for a school building and that the school district cannot
183 provide the necessary funds to pay the cost or its proportionate
184 share of the cost of a school building required to meet the
185 present needs. The resolution so adopted by the school board
186 shall be published once each week for three (3) consecutive weeks
187 in a newspaper having a general circulation in the school district
188 involved, with the first publication thereof to be made not less
189 than thirty (30) days prior to the date upon which the school
190 board is to act on the question of leasing a school building. If
191 no petition requesting an election is filed prior to such meeting
192 as hereinafter provided, then the school board may, by resolution

193 spread upon its minutes, proceed to lease a school building. If
194 at any time prior to said meeting a petition signed by not less
195 than twenty percent (20%) or fifteen hundred (1500), whichever is
196 less, of the qualified electors of the school district involved
197 shall be filed with the school board requesting that an election
198 be called on the question, then the school board shall, not later
199 than the next regular meeting, adopt a resolution calling an
200 election to be held within such school district upon the question
201 of authorizing the school board to lease a school building. Such
202 election shall be called and held, and notice thereof shall be
203 given, in the same manner for elections upon the questions of the
204 issuance of the bonds of school districts, and the results thereof
205 shall be certified to the school board. If at least three-fifths
206 (3/5) of the qualified electors of the school district who voted
207 in such election shall vote in favor of the leasing of a school
208 building, then the school board shall proceed to lease a school
209 building. The term of the lease contract shall not exceed twenty
210 (20) years, and the total cost of such lease shall be either the
211 amount of the lowest and best bid accepted by the school board
212 after advertisement for bids or an amount not to exceed the
213 current fair market value of the lease as determined by the
214 averaging of at least two (2) appraisals by certified general
215 appraisers licensed by the State of Mississippi. The term "school
216 building" as used in this item (v) shall be construed to mean any
217 building or buildings used for classroom purposes in connection
218 with the operation of schools and shall include the site therefor,
219 necessary support facilities, and the equipment thereof and
220 appurtenances thereto such as heating facilities, water supply,
221 sewage disposal, landscaping, walks, drives and playgrounds. The
222 term "lease" as used in this item (v)(i) may include a
223 lease/purchase contract;

224 (ii) If two (2) or more school districts propose
225 to enter into a lease contract jointly, then joint meetings of the

226 school boards having control may be held but no action taken shall
227 be binding on any such school district unless the question of
228 leasing a school building is approved in each participating school
229 district under the procedure hereinabove set forth in item (v)(i).
230 All of the provisions of item (v)(i) regarding the term and amount
231 of the lease contract shall apply to the school boards of school
232 districts acting jointly. Any lease contract executed by two (2)
233 or more school districts as joint lessees shall set out the amount
234 of the aggregate lease rental to be paid by each, which may be
235 agreed upon, but there shall be no right of occupancy by any
236 lessee unless the aggregate rental is paid as stipulated in the
237 lease contract. All rights of joint lessees under the lease
238 contract shall be in proportion to the amount of lease rental paid
239 by each;

240 (w) To employ all noninstructional and noncertificated
241 employees and fix the duties and compensation of such personnel
242 deemed necessary pursuant to the recommendation of the
243 superintendent of schools;

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

246 (y) Subject to rules and regulations of the State Board
247 of Education, to purchase, own and operate trucks, vans and other
248 motor vehicles, which shall bear the proper identification
249 required by law;

250 (z) To expend funds for the payment of substitute
251 teachers and to adopt reasonable regulations for the employment
252 and compensation of such substitute teachers;

253 (aa) To acquire in its own name by purchase all real
254 property which shall be necessary and desirable in connection with
255 the construction, renovation or improvement of any public school
256 building or structure. Whenever the purchase price for such real
257 property is greater than Fifty Thousand Dollars (\$50,000.00), the
258 school board shall not purchase the property for an amount

259 exceeding the fair market value of such property as determined by
260 the average of at least two (2) independent appraisals by
261 certified general appraisers licensed by the State of Mississippi.
262 If the board shall be unable to agree with the owner of any such
263 real property in connection with any such project, the board shall
264 have the power and authority to acquire any such real property by
265 condemnation proceedings pursuant to Section 11-27-1 et seq.,
266 Mississippi Code of 1972, and for such purpose, the right of
267 eminent domain is hereby conferred upon and vested in said board.
268 Provided further, that the local school board is authorized to
269 grant an easement for ingress and egress over sixteenth section
270 land or lieu land in exchange for a similar easement upon
271 adjoining land where the exchange of easements affords substantial
272 benefit to the sixteenth section land; provided, however, the
273 exchange must be based upon values as determined by a competent
274 appraiser, with any differential in value to be adjusted by cash
275 payment. Any easement rights granted over sixteenth section land
276 under such authority shall terminate when the easement ceases to
277 be used for its stated purpose. No sixteenth section or lieu land
278 which is subject to an existing lease shall be burdened by any
279 such easement except by consent of the lessee or unless the school
280 district shall acquire the unexpired leasehold interest affected
281 by the easement;

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

285 (cc) Subject to rules and regulations of the State
286 Board of Education, to purchase relocatable classrooms for the use
287 of such school district, in the manner prescribed in Section
288 37-1-13;

289 (dd) Enter into contracts or agreements with other
290 school districts, political subdivisions or governmental entities
291 to carry out one or more of the powers or duties of the school

292 board, or to allow more efficient utilization of limited resources
293 for providing services to the public;

294 (ee) To provide for in-service training for employees
295 of the district. Until June 30, 1994, the school boards may
296 designate two (2) days of the minimum school term, as defined in
297 Section 37-19-1, for employee in-service training for
298 implementation of the new statewide testing system as developed by
299 the State Board of Education. Such designation shall be subject
300 to approval by the State Board of Education pursuant to uniform
301 rules and regulations;

302 (ff) As part of their duties to prescribe the use of
303 textbooks, to provide that parents and legal guardians shall be
304 responsible for the textbooks and for the compensation to the
305 school district for any books which are not returned to the proper
306 schools upon the withdrawal of their dependent child. If a
307 textbook is lost or not returned by any student who drops out of
308 the public school district, the parent or legal guardian shall
309 also compensate the school district for the fair market value of
310 the textbooks;

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

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

318 (ii) Fund-raising activities conducted or
319 authorized by the board for the sale of school pictures, the
320 rental of caps and gowns or the sale of graduation invitations for
321 which the school board receives a commission, rebate or fee shall
322 contain a disclosure statement advising that a portion of the
323 proceeds of the sales or rentals shall be contributed to the
324 student activity fund;

325 (hh) To allow individual lessons for music, art and
326 other curriculum-related activities for academic credit or
327 nonacademic credit during school hours and using school equipment
328 and facilities, subject to uniform rules and regulations adopted
329 by the school board;

330 (ii) To charge reasonable fees for participating in an
331 extracurricular activity for academic or nonacademic credit for
332 necessary and required equipment such as safety equipment, band
333 instruments and uniforms;

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

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

339 (ll) To expend funds for the services of nonprofit arts
340 organizations or other such nonprofit organizations who provide
341 performances or other services for the students of the school
342 district; and

343 (mm) To authorize, in its discretion, the use of school
344 facilities to provide child care services, extended school day
345 services and instruction for pre-kindergarten-age children under a
346 pilot program agreement with the State Department of Education and
347 to expend funds for such purposes as may be available from any
348 sources. Any such program shall be in compliance with regulations
349 of the State Board of Health related to child day care facilities.
350 The State Board of Education shall promulgate rules and
351 regulations regarding the use of school facilities for child day
352 care services.

353 SECTION 3. This act shall take effect and be in force from
354 and after July 1, 2001.