

REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER AND MADAM PRESIDENT:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

H. B. No. 669: School boards; establish meeting attendance requirements for members.

We, therefore, respectfully submit the following report and recommendation:

1. That the Senate recede from its Amendment No. .

2. That the House and Senate adopt the following amendment:

1 **AMEND by inserting the following new SECTION 2 after line 45:**

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

4 37-7-301. The school boards of all school districts shall
5 have the following powers, authority and duties in addition to all
6 others imposed or granted by law, to wit:

7 (a) To organize and operate the schools of the district
8 and to make such division between the high school grades and
9 elementary grades as, in their judgment, will serve the best
10 interests of the school;

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

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

17 (d) To have responsibility for the erection, repairing
18 and equipping of school facilities and the making of necessary

19 school improvements;

20 (e) To suspend or to expel a pupil or to change the
21 placement of a pupil to the school district's alternative school
22 or home-bound program for misconduct in the school or on school
23 property, as defined in Section 37-11-29, on the road to and from
24 school, or at any school-related activity or event, or for conduct
25 occurring on property other than school property or other than at
26 a school-related activity or event when such conduct by a pupil,
27 in the determination of the school superintendent or principal,
28 renders that pupil's presence in the classroom a disruption to the
29 educational environment of the school or a detriment to the best
30 interest and welfare of the pupils and teacher of such class as a
31 whole, and to delegate such authority to the appropriate officials
32 of the school district;

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

36 (g) To support, within reasonable limits, the
37 superintendent, principal and teachers where necessary for the
38 proper discipline of the school;

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

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

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

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

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

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

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

63 (o) To make orders directed to the superintendent of
64 schools for the issuance of pay certificates for lawful purposes
65 on any available funds of the district and to have full control of
66 the receipt, distribution, allotment and disbursement of all funds
67 provided for the support and operation of the schools of such
68 school district whether such funds be derived from state
69 appropriations, local ad valorem tax collections, or otherwise;

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

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

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

81 (s) To expend local school activity funds, or other
82 available school district funds, other than minimum education
83 program funds, for the purposes prescribed under this paragraph.
84 "Activity funds" shall mean all funds received by school officials
85 in all school districts paid or collected to participate in any
86 school activity, such activity being part of the school program
87 and partially financed with public funds or supplemented by public
88 funds. The term "activity funds" shall not include any funds
89 raised and/or expended by any organization unless commingled in a
90 bank account with existing activity funds, regardless of whether
91 the funds were raised by school employees or received by school
92 employees during school hours or using school facilities, and
93 regardless of whether a school employee exercises influence over
94 the expenditure or disposition of such funds. Organizations shall
95 not be required to make any payment to any school for the use of
96 any school facility if, in the discretion of the local school
97 governing board, the organization's function shall be deemed to be
98 beneficial to the official or extracurricular programs of the
99 school. For the purposes of this provision, the term
100 "organization" shall not include any organization subject to the
101 control of the local school governing board. Activity funds may
102 only be expended for any necessary expenses or travel costs,
103 including advances, incurred by students and their chaperons in
104 attending any in-state or out-of-state school-related programs,
105 conventions or seminars and/or any commodities, equipment, travel
106 expenses, purchased services or school supplies which the local
107 school governing board, in its discretion, shall deem beneficial
108 to the official or extracurricular programs of the district,
109 including items which may subsequently become the personal
110 property of individuals, including yearbooks, athletic apparel,
111 book covers and trophies. Activity funds may be used to pay

112 travel expenses of school district personnel. The local school
113 governing board shall be authorized and empowered to promulgate
114 rules and regulations specifically designating for what purposes
115 school activity funds may be expended. The local school governing
116 board shall provide (a) that such school activity funds shall be
117 maintained and expended by the principal of the school generating
118 the funds in individual bank accounts, or (b) that such school
119 activity funds shall be maintained and expended by the
120 superintendent of schools in a central depository approved by the
121 board. The local school governing board shall provide that such
122 school activity funds be audited as part of the annual audit
123 required in Section 37-9-18. The State Auditor shall prescribe a
124 uniform system of accounting and financial reporting for all
125 school activity fund transactions;

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

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

132 (v) (i) To lease a school building from an individual,
133 partnership, nonprofit corporation or a private for-profit
134 corporation for the use of such school district, and to expend
135 funds therefor as may be available from any nonminimum program
136 sources. The school board of the school district desiring to
137 lease a school building shall declare by resolution that a need
138 exists for a school building and that the school district cannot
139 provide the necessary funds to pay the cost or its proportionate
140 share of the cost of a school building required to meet the
141 present needs. The resolution so adopted by the school board
142 shall be published once each week for three (3) consecutive weeks

143 in a newspaper having a general circulation in the school district
144 involved, with the first publication thereof to be made not less
145 than thirty (30) days prior to the date upon which the school
146 board is to act on the question of leasing a school building. If
147 no petition requesting an election is filed prior to such meeting
148 as hereinafter provided, then the school board may, by resolution
149 spread upon its minutes, proceed to lease a school building. If
150 at any time prior to said meeting a petition signed by not less
151 than twenty percent (20%) or fifteen hundred (1500), whichever is
152 less, of the qualified electors of the school district involved
153 shall be filed with the school board requesting that an election
154 be called on the question, then the school board shall, not later
155 than the next regular meeting, adopt a resolution calling an
156 election to be held within such school district upon the question
157 of authorizing the school board to lease a school building. Such
158 election shall be called and held, and notice thereof shall be
159 given, in the same manner for elections upon the questions of the
160 issuance of the bonds of school districts, and the results thereof
161 shall be certified to the school board. If at least three-fifths
162 (3/5) of the qualified electors of the school district who voted
163 in such election shall vote in favor of the leasing of a school
164 building, then the school board shall proceed to lease a school
165 building. The term of the lease contract shall not exceed twenty
166 (20) years, and the total cost of such lease shall be either the
167 amount of the lowest and best bid accepted by the school board
168 after advertisement for bids or an amount not to exceed the
169 current fair market value of the lease as determined by the
170 averaging of at least two (2) appraisals by certified general
171 appraisers licensed by the State of Mississippi. The term "school
172 building" as used in this item (v) shall be construed to mean any
173 building or buildings used for classroom purposes in connection

174 with the operation of schools and shall include the site therefor,
175 necessary support facilities, and the equipment thereof and
176 appurtenances thereto such as heating facilities, water supply,
177 sewage disposal, landscaping, walks, drives and playgrounds. The
178 term "lease" as used in this item (v)(i) may include a
179 lease/purchase contract;

180 (ii) If two (2) or more school districts propose
181 to enter into a lease contract jointly, then joint meetings of the
182 school boards having control may be held but no action taken shall
183 be binding on any such school district unless the question of
184 leasing a school building is approved in each participating school
185 district under the procedure hereinabove set forth in item (v)(i).
186 All of the provisions of item (v)(i) regarding the term and amount
187 of the lease contract shall apply to the school boards of school
188 districts acting jointly. Any lease contract executed by two (2)
189 or more school districts as joint lessees shall set out the amount
190 of the aggregate lease rental to be paid by each, which may be
191 agreed upon, but there shall be no right of occupancy by any
192 lessee unless the aggregate rental is paid as stipulated in the
193 lease contract. All rights of joint lessees under the lease
194 contract shall be in proportion to the amount of lease rental paid
195 by each;

196 (w) To employ all noninstructional and noncertificated
197 employees and fix the duties and compensation of such personnel
198 deemed necessary pursuant to the recommendation of the
199 superintendent of schools;

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

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

205 required by law;

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

209 (aa) To acquire in its own name by purchase all real
210 property which shall be necessary and desirable in connection with
211 the construction, renovation or improvement of any public school
212 building or structure. Whenever the purchase price for such real
213 property is greater than Fifty Thousand Dollars (\$50,000.00), the
214 school board shall not purchase the property for an amount
215 exceeding the fair market value of such property as determined by
216 the average of at least two (2) independent appraisals by
217 certified general appraisers licensed by the State of Mississippi.
218 If the board shall be unable to agree with the owner of any such
219 real property in connection with any such project, the board shall
220 have the power and authority to acquire any such real property by
221 condemnation proceedings pursuant to Section 11-27-1 et seq.,
222 Mississippi Code of 1972, and for such purpose, the right of
223 eminent domain is hereby conferred upon and vested in said board.

224 Provided further, that the local school board is authorized to
225 grant an easement for ingress and egress over sixteenth section
226 land or lieu land in exchange for a similar easement upon
227 adjoining land where the exchange of easements affords substantial
228 benefit to the sixteenth section land; provided, however, the
229 exchange must be based upon values as determined by a competent
230 appraiser, with any differential in value to be adjusted by cash
231 payment. Any easement rights granted over sixteenth section land
232 under such authority shall terminate when the easement ceases to
233 be used for its stated purpose. No sixteenth section or lieu land
234 which is subject to an existing lease shall be burdened by any
235 such easement except by consent of the lessee or unless the school

236 district shall acquire the unexpired leasehold interest affected
237 by the easement;

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

241 (cc) Subject to rules and regulations of the State
242 Board of Education, to purchase relocatable classrooms for the use
243 of such school district, in the manner prescribed in Section
244 37-1-13;

245 (dd) Enter into contracts or agreements with other
246 school districts, political subdivisions or governmental entities
247 to carry out one or more of the powers or duties of the school
248 board, or to allow more efficient utilization of limited resources
249 for providing services to the public;

250 (ee) To provide for in-service training for employees
251 of the district. Until June 30, 1994, the school boards may
252 designate two (2) days of the minimum school term, as defined in
253 Section 37-19-1, for employee in-service training for
254 implementation of the new statewide testing system as developed by
255 the State Board of Education. Such designation shall be subject
256 to approval by the State Board of Education pursuant to uniform
257 rules and regulations;

258 (ff) As part of their duties to prescribe the use of
259 textbooks, to provide that parents and legal guardians shall be
260 responsible for the textbooks and for the compensation to the
261 school district for any books which are not returned to the proper
262 schools upon the withdrawal of their dependent child. If a
263 textbook is lost or not returned by any student who drops out of
264 the public school district, the parent or legal guardian shall
265 also compensate the school district for the fair market value of
266 the textbooks;

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

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

274 (ii) Fund-raising activities conducted or
275 authorized by the board for the sale of school pictures, the
276 rental of caps and gowns or the sale of graduation invitations for
277 which the school board receives a commission, rebate or fee shall
278 contain a disclosure statement advising that a portion of the
279 proceeds of the sales or rentals shall be contributed to the
280 student activity fund;

281 (hh) To allow individual lessons for music, art and
282 other curriculum-related activities for academic credit or
283 nonacademic credit during school hours and using school equipment
284 and facilities, subject to uniform rules and regulations adopted
285 by the school board;

286 (ii) To charge reasonable fees for participating in an
287 extracurricular activity for academic or nonacademic credit for
288 necessary and required equipment such as safety equipment, band
289 instruments and uniforms;

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

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

295 (ll) To expend funds for the services of nonprofit arts
296 organizations or other such nonprofit organizations who provide
297 performances or other services for the students of the school

298 district; and

299 (mm) In the discretion of the school board, to expend
300 funds from any available sources for the purpose of defraying the
301 cost of student field trips.

302 **AMEND FURTHER by striking lines 46 through 60 in their**
303 **entirety and inserting in lieu thereof the following:**

304 SECTION 3. The Attorney General of the State of Mississippi
305 shall submit Section 1 of this act, immediately upon approval by
306 the Governor, or upon approval by the Legislature subsequent to a
307 veto, to the Attorney General of the United States or to the
308 United States District Court for the District of Columbia in
309 accordance with the provisions of the Voting Rights Act of 1965,
310 as amended and extended.

311 SECTION 4. Section 1 of this act shall take effect and be in
312 force from and after January 1, 2002, if it is effectuated on or
313 before that date under Section 5 of the Voting Rights Act of 1965,
314 as amended and extended. If Section 1 of this act it is
315 effectuated under Section 5 of the Voting Rights Act of 1965, as
316 amended or extended, after January 1, 2002, it shall take effect
317 and be in force from and after the date it is effectuated under
318 Section 5 of the Voting Rights Act of 1965, as amended and
319 extended. Section 2 of this act shall take effect and be in force
320 from and after its passage.

321 **AMEND FURTHER the title on line 3 by inserting the following**
322 **after the semicolon:**

323 TO AMEND SECTION 37-7-301, MISSISSIPPI CODE OF 1972, TO AUTHORIZE
324 LOCAL SCHOOL BOARDS TO EXPEND FUNDS FROM ANY AVAILABLE SOURCES FOR
325 THE PURPOSE OF DEFRAYING THE COSTS OF STUDENT FIELD TRIPS;

CONFEREES FOR THE HOUSE

CONFEREES FOR THE SENATE

X _____

Joseph L. Warren

John R. Reeves

X _____

John Eads

X _____

David Jordan

X _____

Tommy Dickerson

X _____

Alice Harden