

*****Adopted*****

AMENDMENT No. 1 PROPOSED TO

House Bill NO. 669

By Senator(s) Furniss

1 **AMEND by inserting the following section after line 45 and**
2 **renumbering subsequent sections:**

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

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

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

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

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

18 (d) To have responsibility for the erection, repairing
19 and equipping of school facilities and the making of necessary
20 school improvements;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

81 membership dues;

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

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

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

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

133 (v) (i) To lease a school building from an individual,
134 partnership, nonprofit corporation or a private for-profit
135 corporation for the use of such school district, and to expend
136 funds therefor as may be available from any nonminimum program
137 sources. The school board of the school district desiring to
138 lease a school building shall declare by resolution that a need
139 exists for a school building and that the school district cannot
140 provide the necessary funds to pay the cost or its proportionate

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

171 averaging of at least two (2) appraisals by certified general
172 appraisers licensed by the State of Mississippi. The term "school
173 building" as used in this item (v) shall be construed to mean any
174 building or buildings used for classroom purposes in connection
175 with the operation of schools and shall include the site therefor,
176 necessary support facilities, and the equipment thereof and
177 appurtenances thereto such as heating facilities, water supply,
178 sewage disposal, landscaping, walks, drives and playgrounds. The
179 term "lease" as used in this item (v)(i) may include a
180 lease/purchase contract;

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

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

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

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

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

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

225 Provided further, that the local school board is authorized to
226 grant an easement for ingress and egress over sixteenth section
227 land or lieu land in exchange for a similar easement upon
228 adjoining land where the exchange of easements affords substantial
229 benefit to the sixteenth section land; provided, however, the
230 exchange must be based upon values as determined by a competent

231 appraiser, with any differential in value to be adjusted by cash
232 payment. Any easement rights granted over sixteenth section land
233 under such authority shall terminate when the easement ceases to
234 be used for its stated purpose. No sixteenth section or lieu land
235 which is subject to an existing lease shall be burdened by any
236 such easement except by consent of the lessee or unless the school
237 district shall acquire the unexpired leasehold interest affected
238 by the easement;

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

242 (cc) Subject to rules and regulations of the State
243 Board of Education, to purchase relocatable classrooms for the use
244 of such school district, in the manner prescribed in Section
245 37-1-13;

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

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

259 (ff) As part of their duties to prescribe the use of
260 textbooks, to provide that parents and legal guardians shall be

261 responsible for the textbooks and for the compensation to the
262 school district for any books which are not returned to the proper
263 schools upon the withdrawal of their dependent child. If a
264 textbook is lost or not returned by any student who drops out of
265 the public school district, the parent or legal guardian shall
266 also compensate the school district for the fair market value of
267 the textbooks;

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

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

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

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

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

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

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

296 (ll) To expend funds for the services of nonprofit arts
297 organizations or other such nonprofit organizations who provide
298 performances or other services for the students of the school
299 district; and

300 (mm) To expend funds from any available sources for the
301 purpose of defraying the cost of student field trips to public or
302 private nonprofit museums, including the cost of admission to such
303 museum.

304 **FURTHER, AMEND line 53 by inserting the following at the**
305 **beginning of the sentence:**

306 Section 2 of this act shall take effect and be in force from and
307 after its passage; Section 1 of

308 **FURTHER, AMEND the title by inserting the following after the**
309 **semicolon on line 3:**

310 TO AMEND SECTION 37-7-301, MISSISSIPPI CODE OF 1972, TO PERMIT THE
311 SCHOOL BOARD OF ALL SCHOOL DISTRICTS TO EXPEND FUNDS FROM ANY
312 AVAILABLE SOURCES FOR THE PURPOSE OF DEFRAYING THE COSTS OF
313 STUDENT FIELD TRIPS TO PUBLIC OR PRIVATE NONPROFIT MUSEUMS,
314 INCLUDING THE COST OF ADMISSION TO SUCH MUSEUMS;