

By: Representative Scott (80th)

To: Education

HOUSE BILL NO. 1474

1 AN ACT TO AMEND SECTION 37-7-301, MISSISSIPPI CODE OF 1972,  
 2 TO REQUIRE THE SCHOOL BOARDS OF THE SCHOOL DISTRICTS SELECTED BY  
 3 THE STATE BOARD OF EDUCATION FOR PARTICIPATION IN A PILOT PROGRAM  
 4 TO PRESCRIBE A MANDATORY STUDENT UNIFORM; TO AMEND SECTION  
 5 37-7-335, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE SCHOOL  
 6 DISTRICTS SELECTED BY THE STATE BOARD OF EDUCATION FOR  
 7 PARTICIPATION IN A PILOT PROGRAM TO CHARGE FEES NOT EXCEEDING THE  
 8 ACTUAL COST FOR STUDENT UNIFORMS; TO AMEND SECTION 37-11-55,  
 9 MISSISSIPPI CODE OF 1972, TO REQUIRE THE SCHOOL DISTRICTS SELECTED  
 10 BY THE STATE BOARD OF EDUCATION FOR PARTICIPATION IN A PILOT  
 11 PROGRAM TO INCLUDE AN EXPLANATION OF STUDENTS' RESPONSIBILITIES  
 12 REGARDING UNIFORMS IN THE CODE OF STUDENT CONDUCT; AND FOR RELATED  
 13 PURPOSES.

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

15 **SECTION 1.** Section 37-7-301, Mississippi Code of 1972, is  
 16 amended as follows:

17 37-7-301. The school boards of all school districts shall  
 18 have the following powers, authority and duties in addition to all  
 19 others imposed or granted by law, to wit:

20 (a) To organize and operate the schools of the district  
 21 and to make such division between the high school grades and  
 22 elementary grades as, in their judgment, will serve the best  
 23 interests of the school;

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

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

30 (d) To have responsibility for the erection, repairing  
 31 and equipping of school facilities and the making of necessary  
 32 school improvements;



33           (e) To suspend or to expel a pupil or to change the  
34 placement of a pupil to the school district's alternative school  
35 or home-bound program for misconduct in the school or on school  
36 property, as defined in Section 37-11-29, on the road to and from  
37 school, or at any school-related activity or event, or for conduct  
38 occurring on property other than school property or other than at  
39 a school-related activity or event when such conduct by a pupil,  
40 in the determination of the school superintendent or principal,  
41 renders that pupil's presence in the classroom a disruption to the  
42 educational environment of the school or a detriment to the best  
43 interest and welfare of the pupils and teacher of such class as a  
44 whole, and to delegate such authority to the appropriate officials  
45 of the school district;

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

49           (g) To support, within reasonable limits, the  
50 superintendent, principal and teachers where necessary for the  
51 proper discipline of the school;

52           (h) To exclude from the schools students with what  
53 appears to be infectious or contagious diseases; \* \* \* however,  
54 such student may be allowed to return to school upon presenting a  
55 certificate from a public health officer, duly licensed physician  
56 or nurse practitioner that the student is free from such disease;

57           (i) To require those vaccinations specified by the  
58 State Health Officer as provided in Section 41-23-37;

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

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

64           (l) To prescribe and enforce rules and regulations not  
65 inconsistent with law or with the regulations of the State Board



66 of Education for their own government and for the government of  
67 the schools, and to transact their business at regular and special  
68 meetings called and held in the manner provided by law;

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

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

74 (o) To make orders directed to the superintendent of  
75 schools for the issuance of pay certificates for lawful purposes  
76 on any available funds of the district and to have full control of  
77 the receipt, distribution, allotment and disbursement of all funds  
78 provided for the support and operation of the schools of such  
79 school district whether such funds be derived from state  
80 appropriations, local ad valorem tax collections, or otherwise;

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

85 (q) To provide athletic programs and other school  
86 activities and to regulate the establishment and operation of such  
87 programs and activities;

88 (r) To join, in their discretion, any association of  
89 school boards and other public school-related organizations, and  
90 to pay from local funds other than minimum foundation funds, any  
91 membership dues;

92 (s) To expend local school activity funds, or other  
93 available school district funds, other than minimum education  
94 program funds, for the purposes prescribed under this paragraph.  
95 "Activity funds" shall mean all funds received by school officials  
96 in all school districts paid or collected to participate in any  
97 school activity, such activity being part of the school program  
98 and partially financed with public funds or supplemented by public



99 funds. The term "activity funds" shall not include any funds  
100 raised and/or expended by any organization unless commingled in a  
101 bank account with existing activity funds, regardless of whether  
102 the funds were raised by school employees or received by school  
103 employees during school hours or using school facilities, and  
104 regardless of whether a school employee exercises influence over  
105 the expenditure or disposition of such funds. Organizations shall  
106 not be required to make any payment to any school for the use of  
107 any school facility if, in the discretion of the local school  
108 governing board, the organization's function shall be deemed to be  
109 beneficial to the official or extracurricular programs of the  
110 school. For the purposes of this provision, the term  
111 "organization" shall not include any organization subject to the  
112 control of the local school governing board. Activity funds may  
113 only be expended for any necessary expenses or travel costs,  
114 including advances, incurred by students and their chaperons in  
115 attending any in-state or out-of-state school-related programs,  
116 conventions or seminars and/or any commodities, equipment, travel  
117 expenses, purchased services or school supplies which the local  
118 school governing board, in its discretion, shall deem beneficial  
119 to the official or extracurricular programs of the district,  
120 including items which may subsequently become the personal  
121 property of individuals, including yearbooks, athletic apparel,  
122 book covers and trophies. Activity funds may be used to pay  
123 travel expenses of school district personnel. The local school  
124 governing board shall be authorized and empowered to promulgate  
125 rules and regulations specifically designating for what purposes  
126 school activity funds may be expended. The local school governing  
127 board shall provide (a) that such school activity funds shall be  
128 maintained and expended by the principal of the school generating  
129 the funds in individual bank accounts, or (b) that such school  
130 activity funds shall be maintained and expended by the  
131 superintendent of schools in a central depository approved by the



132 board. The local school governing board shall provide that such  
133 school activity funds be audited as part of the annual audit  
134 required in Section 37-9-18. The State Auditor shall prescribe a  
135 uniform system of accounting and financial reporting for all  
136 school activity fund transactions;

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

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

143 (v) (i) To lease a school building from an individual,  
144 partnership, nonprofit corporation or a private for-profit  
145 corporation for the use of such school district, and to expend  
146 funds therefor as may be available from any nonminimum program  
147 sources. The school board of the school district desiring to  
148 lease a school building shall declare by resolution that a need  
149 exists for a school building and that the school district cannot  
150 provide the necessary funds to pay the cost or its proportionate  
151 share of the cost of a school building required to meet the  
152 present needs. The resolution so adopted by the school board  
153 shall be published once each week for three (3) consecutive weeks  
154 in a newspaper having a general circulation in the school district  
155 involved, with the first publication thereof to be made not less  
156 than thirty (30) days prior to the date upon which the school  
157 board is to act on the question of leasing a school building. If  
158 no petition requesting an election is filed prior to such meeting  
159 as hereinafter provided, then the school board may, by resolution  
160 spread upon its minutes, proceed to lease a school building. If  
161 at any time prior to said meeting a petition signed by not less  
162 than twenty percent (20%) or fifteen hundred (1500), whichever is  
163 less, of the qualified electors of the school district involved  
164 shall be filed with the school board requesting that an election



165 be called on the question, then the school board shall, not later  
166 than the next regular meeting, adopt a resolution calling an  
167 election to be held within such school district upon the question  
168 of authorizing the school board to lease a school building. Such  
169 election shall be called and held, and notice thereof shall be  
170 given, in the same manner for elections upon the questions of the  
171 issuance of the bonds of school districts, and the results thereof  
172 shall be certified to the school board. If at least three-fifths  
173 (3/5) of the qualified electors of the school district who voted  
174 in such election shall vote in favor of the leasing of a school  
175 building, then the school board shall proceed to lease a school  
176 building. The term of the lease contract shall not exceed twenty  
177 (20) years, and the total cost of such lease shall be either the  
178 amount of the lowest and best bid accepted by the school board  
179 after advertisement for bids or an amount not to exceed the  
180 current fair market value of the lease as determined by the  
181 averaging of at least two (2) appraisals by certified general  
182 appraisers licensed by the State of Mississippi. The term "school  
183 building" as used in this item (v) shall be construed to mean any  
184 building or buildings used for classroom purposes in connection  
185 with the operation of schools and shall include the site therefor,  
186 necessary support facilities, and the equipment thereof and  
187 appurtenances thereto such as heating facilities, water supply,  
188 sewage disposal, landscaping, walks, drives and playgrounds. The  
189 term "lease" as used in this item (v)(i) may include a  
190 lease/purchase contract;

191 (ii) If two (2) or more school districts propose  
192 to enter into a lease contract jointly, then joint meetings of the  
193 school boards having control may be held but no action taken shall  
194 be binding on any such school district unless the question of  
195 leasing a school building is approved in each participating school  
196 district under the procedure hereinabove set forth in item (v)(i).  
197 All of the provisions of item (v)(i) regarding the term and amount



198 of the lease contract shall apply to the school boards of school  
199 districts acting jointly. Any lease contract executed by two (2)  
200 or more school districts as joint lessees shall set out the amount  
201 of the aggregate lease rental to be paid by each, which may be  
202 agreed upon, but there shall be no right of occupancy by any  
203 lessee unless the aggregate rental is paid as stipulated in the  
204 lease contract. All rights of joint lessees under the lease  
205 contract shall be in proportion to the amount of lease rental paid  
206 by each;

207 (w) To employ all noninstructional and noncertificated  
208 employees and fix the duties and compensation of such personnel  
209 deemed necessary pursuant to the recommendation of the  
210 superintendent of schools;

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

213 (y) Subject to rules and regulations of the State Board  
214 of Education, to purchase, own and operate trucks, vans and other  
215 motor vehicles, which shall bear the proper identification  
216 required by law;

217 (z) To expend funds for the payment of substitute  
218 teachers and to adopt reasonable regulations for the employment  
219 and compensation of such substitute teachers;

220 (aa) To acquire in its own name by purchase all real  
221 property which shall be necessary and desirable in connection with  
222 the construction, renovation or improvement of any public school  
223 building or structure. Whenever the purchase price for such real  
224 property is greater than Fifty Thousand Dollars (\$50,000.00), the  
225 school board shall not purchase the property for an amount  
226 exceeding the fair market value of such property as determined by  
227 the average of at least two (2) independent appraisals by  
228 certified general appraisers licensed by the State of Mississippi.  
229 If the board shall be unable to agree with the owner of any such  
230 real property in connection with any such project, the board shall



231 have the power and authority to acquire any such real property by  
232 condemnation proceedings pursuant to Section 11-27-1 et seq., and  
233 for such purpose, the right of eminent domain is \* \* \* conferred  
234 upon and vested in the board. \* \* \* The local school board is  
235 authorized to grant an easement for ingress and egress over  
236 sixteenth section land or lieu land in exchange for a similar  
237 easement upon adjoining land where the exchange of easements  
238 affords substantial benefit to the sixteenth section land; \* \* \*  
239 however, the exchange must be based upon values as determined by a  
240 competent appraiser, with any differential in value to be adjusted  
241 by cash payment. Any easement rights granted over sixteenth  
242 section land under such authority shall terminate when the  
243 easement ceases to be used for its stated purpose. No sixteenth  
244 section or lieu land which is subject to an existing lease shall  
245 be burdened by any such easement except by consent of the lessee  
246 or unless the school district shall acquire the unexpired  
247 leasehold interest affected by the easement;

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

251 (cc) Subject to rules and regulations of the State  
252 Board of Education, to purchase relocatable classrooms for the use  
253 of such school district, in the manner prescribed in Section  
254 37-1-13;

255 (dd) To enter into contracts or agreements with other  
256 school districts, political subdivisions or governmental entities  
257 to carry out one or more of the powers or duties of the school  
258 board, or to allow more efficient utilization of limited resources  
259 for providing services to the public;

260 (ee) To provide for in-service training for employees  
261 of the district \* \* \*;

262 (ff) \* \* \* To prescribe the use of textbooks, and in  
263 the discretion of the school board, to provide that parents and





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

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

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

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

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

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

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



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

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

303 (mm) In those districts selected by the State Board of  
304 Education for participation in a pilot program, to prescribe a  
305 mandatory uniform for all students enrolled in the district and to  
306 make available to the students, for purchase, the various  
307 components of the uniform when not available in the local  
308 community. The State Board of Education shall select districts  
309 for the pilot program having a high incidence of juvenile crime,  
310 sixty percent (60%) food stamp participation and a Level 3 or  
311 lower accreditation rating.

312 **SECTION 2.** Section 37-7-335, Mississippi Code of 1972, is  
313 amended as follows:

314 37-7-335. (1) The school board of each school district may  
315 charge reasonable fees, but not more than the actual cost, for the  
316 following:

317 (a) Supplemental instructional materials and supplies,  
318 excluding textbooks;

319 (b) Any other fees designated by the local school board  
320 as fees related to a valid curriculum educational objective,  
321 including school uniforms in those districts selected for  
322 participation in a pilot program under Section 37-7-301 and  
323 transportation; and

324 (c) Extracurricular activities and any other  
325 educational activities of the school district which are not  
326 designated by the local school board as valid curriculum  
327 educational objectives, such as band trips and athletic events.

328 (2) (a) All fees authorized to be charged under this  
329 section, except those fees authorized under subsection (1)(c) of



330 this section, shall be charged only upon the condition that the  
331 school board of each school district shall adopt a financial  
332 hardship waiver policy that shall be kept in the strictest of  
333 confidence with all files and personal disclosures restricted from  
334 review by the general public. The board shall insure that a pupil  
335 eligible to have any such fees waived as a result of an inability  
336 to pay for said fees, shall not be discriminated against nor shall  
337 there be any overt identification of any pupil who has received a  
338 financial hardship waiver by use of special tokens or tickets,  
339 announcements, posting or publication of names, physical  
340 separation, choice of materials or by any other means. In no case  
341 shall any school district's procedures expose any pupil receiving  
342 a hardship waiver to any type of stigma or ridicule by other  
343 pupils or school district personnel.

344 (b) The confidentiality of the financial hardship  
345 waiver policy adopted by such school board shall apply to any  
346 students who have an inability to pay any fees authorized under  
347 subsection (1)(c) of this section.

348 (3) In no case shall the inability to pay the assessment of  
349 fees authorized under \* \* \* this section result in a pupil being  
350 denied or deprived of any academic awards or standards, any class  
351 selection, grade, diploma, transcript or the right to participate  
352 in any activity related to educational enhancement.

353 **SECTION 3.** Section 37-11-55, Mississippi Code of 1972, is  
354 amended as follows:

355 37-11-55. The local school board shall adopt and make  
356 available to all teachers, school personnel, students and parents  
357 or guardians, at the beginning of each school year, a code of  
358 student conduct developed in consultation with teachers, school  
359 personnel, students and parents or guardians. The code shall be  
360 based on the rules governing student conduct and discipline  
361 adopted by the school board and shall be made available at the



362 school level in the student handbook or similar publication. The  
363 code shall include, but not be limited to:

364 (a) Specific grounds for disciplinary action under the  
365 school district's discipline plan;

366 (b) Procedures to be followed for acts requiring  
367 discipline, including suspensions and expulsion, which comply with  
368 due process requirements;

369 (c) An explanation of the responsibilities and rights  
370 of students with regard to attendance, proper attire in conformity  
371 with the school uniform in those districts selected for  
372 participation in a pilot program under Section 37-7-301, respect  
373 for persons and property, knowledge and observation of rules of  
374 conduct, free speech and student publications, assembly, privacy  
375 and participation in school programs and activities;

376 (d) Policies and procedures recognizing the teacher as  
377 the authority in classroom matters, and supporting that teacher in  
378 any decision in compliance with the written discipline code of  
379 conduct; such recognition shall include the right of the teacher  
380 to remove from the classroom any student who, in the professional  
381 judgment of the teacher, is disrupting the learning environment,  
382 to the office of the principal or assistant principal. The  
383 principal or assistant principal shall determine the proper  
384 placement for the student, who may not be returned to the  
385 classroom until a conference of some kind has been held with the  
386 parent, guardian or custodian during which the disrupting behavior  
387 is discussed and agreements are reached that no further disruption  
388 will be tolerated. If the principal does not approve of the  
389 determination of the teacher to remove the student from the  
390 classroom, the student may not be removed from the classroom, and  
391 the principal, upon request from the teacher, must provide  
392 justification for his disapproval. This paragraph (d) shall be  
393 repealed on July 1, 2002;



394 (e) Policies and procedures for dealing with a student  
395 who causes a disruption in the classroom, on school property or  
396 vehicles, or at school-related activities;

397 (f) Procedures for the development of behavior  
398 modification plans by the school principal, reporting teacher and  
399 student's parent for a student who causes a disruption in the  
400 classroom, on school property or vehicles, or at school-related  
401 activities for a second time during the school year; and

402 (g) Policies and procedures specifically concerning  
403 gang-related activities in the school, on school property or  
404 vehicles, or at school-related activities.

405 **SECTION 4.** This act shall take effect and be in force from  
406 and after July 1, 2002.

