

By: Senator(s) Kirby

To: Education

SENATE BILL NO. 2085

1 AN ACT TO AMEND SECTION 37-9-14, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE SUPERINTENDENTS OF PUBLIC SCHOOLS TO APPROVE THE PAYMENT
3 OF INVOICES FOR NOMINAL AMOUNTS OF BUDGETED EXPENDITURES WITH THE
4 SPECIFIC CLAIM TO BE APPROVED BY THE SCHOOL BOARD AT ITS NEXT
5 MEETING; TO AMEND SECTION 37-37-1, MISSISSIPPI CODE OF 1972, TO
6 PROVIDE THAT SUCH PROCEDURE SHALL BE SUBJECT TO GUIDELINES ISSUED
7 BY THE STATE DEPARTMENT OF AUDIT; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 37-9-14, Mississippi Code of 1972, is
10 amended as follows:

11 37-9-14. (1) It shall be the duty of the superintendent of
12 schools to administer the schools within his district and to
13 implement the decisions of the school board.

14 (2) In addition to all other powers, authority and duties
15 imposed or granted by law, the superintendent of schools shall
16 have the following powers, authority and duties:

17 (a) To enter into contracts in the manner provided by
18 law with each assistant superintendent, principal and teacher of
19 the public schools under his supervision, after such assistant
20 superintendent, principal and teachers have been selected and
21 approved in the manner provided by law.

22 (b) To enforce in the public schools of the school
23 district the courses of study provided by law or the rules and
24 regulations of the State Board of Education, and to comply with
25 the law with reference to the use and distribution of free
26 textbooks.

27 (c) To administer oaths in all cases to persons
28 testifying before him relative to disputes relating to the schools

29 submitted to him for determination, and to take testimony in such
30 cases as provided by law.

31 (d) To examine the monthly and annual reports submitted
32 to him by principals and teachers for the purpose of determining
33 and verifying the accuracy thereof.

34 (e) To preserve all reports of superintendents,
35 principals, teachers and other school officers, and to deliver to
36 his successor or clerk of the board of supervisors all money,
37 property, books, effects and papers.

38 (f) To prepare and keep in his office a map or maps
39 showing the territory embraced in his school district, to furnish
40 the county assessor with a copy of such map or maps, and to revise
41 and correct same from time to time as changes in or alterations of
42 school districts may necessitate.

43 (g) To keep an accurate record of the names of all of
44 the members of the school board showing the districts for which
45 each was elected or appointed, the post office address of each,
46 and the date of the expiration of his term of office. All
47 official correspondence shall be addressed to the school board,
48 and notice to such members shall be regarded as notice to the
49 residents of the district, and it shall be the duty of the members
50 to notify such residents.

51 (h) To deliver in proper time to the assistant
52 superintendents, principals, teachers and board members such
53 forms, records and other supplies which will be needed during the
54 school year as provided by law or any applicable rules and
55 regulations, and to give to such individuals such information with
56 regard to their duties as may be required.

57 (i) To make to the school board reports for each
58 scholastic month in such form as the school board may require.

59 (j) To distribute promptly all reports, letters, forms,
60 circulars and instructions which he may receive for the use of
61 school officials.

62 (k) To keep on file and preserve in his office all
63 appropriate information concerning the affairs of the school
64 district.

65 (l) To visit the schools of his school district in his
66 discretion, and to require the assistant superintendents,
67 principals and teachers thereof to perform their duties as
68 prescribed by law.

69 (m) To observe such instructions and regulations as the
70 school board and other public officials may prescribe, and to make
71 special reports to these officers whenever required.

72 (n) To keep his office open for the transaction of
73 business upon the days and during the hours to be designated by
74 the school board.

75 (o) To make such reports as are required by the State
76 Board of Education.

77 (p) To make an enumeration of educable children in his
78 school district as prescribed by law.

79 (q) To keep in his office and carefully preserve the
80 public school record provided, to enter therein the proceedings of
81 the school board and his decision upon cases and his other
82 official acts, to record therein the data required from the
83 monthly and term reports of principals and teachers, and from the
84 summaries of records thus kept.

85 (r) To delegate student disciplinary matters to
86 appropriate school personnel.

87 (s) To make assignments to the various schools in the
88 district of all noninstructional and nonlicensed employees and all
89 licensed employees, as provided in Sections 37-9-15 and 37-9-17,
90 and to make reassignments of such employees from time to time;
91 however, a reassignment of a licensed employee may only be to an
92 area in which the employee has a valid license issued by the State
93 Department of Education. Upon request from any employee

94 transferred, such assignment shall be subject to review by the
95 school board.

96 (t) To employ substitutes for licensed employees,
97 regardless of whether or not such substitute holds the proper
98 license, subject to such reasonable rules and regulations as may
99 be adopted by the State Board of Education.

100 (u) To comply in a timely manner with the compulsory
101 education reporting requirements prescribed in Section
102 37-13-91(6).

103 (v) To perform such other duties as may be required of
104 him by law.

105 (w) To notify, in writing, the parent, guardian or
106 custodian, the youth court and local law enforcement of any
107 expulsion of a student for criminal activity as defined in Section
108 37-11-92.

109 (x) To notify the youth court and local law enforcement
110 agencies, by affidavit, of the occurrence of any crime committed
111 by a student or students upon school property or during any
112 school-related activity, regardless of location and the identity
113 of the student or students committing the crime.

114 (y) To employ and dismiss noninstructional and
115 nonlicensed employees as provided by law.

116 (3) All funds to the credit of a school district shall be
117 paid out on pay certificates issued by the superintendent upon
118 order of the school board of the school district properly entered
119 upon the minutes thereof, and all such orders shall be supported
120 by properly itemized invoices from the vendors covering the
121 materials and supplies purchased. All such orders and the
122 itemized invoices supporting same shall be filed as a public
123 record in the office of the superintendent for a period of five
124 (5) years. The superintendent shall be liable upon his official
125 bond for the amount of any pay certificate issued in violation of
126 the provisions of this section. The school board shall have the

127 power and authority to direct and cause warrants to be issued
128 against such district funds for the purpose of refunding any
129 amount of taxes erroneously or illegally paid into such fund when
130 such refund has been approved in the manner provided by law.

131 (4) The superintendent of schools shall be special
132 accounting officer and treasurer with respect to any and all
133 district school funds for his school district. He or his designee
134 shall issue all warrants without the necessity of registration
135 thereof by the chancery clerk. Transactions with the depositories
136 and with the various tax collecting agencies which involve school
137 funds for such school district shall be with the superintendent of
138 schools, or his designee.

139 (5) The superintendent of schools will have no
140 responsibility with regard to agricultural high school and junior
141 college funds.

142 All agricultural high school and junior college funds shall
143 be handled and expended in the manner provided for in Sections
144 37-29-31 through 37-29-39.

145 (6) It shall be the duty of the superintendent of schools to
146 keep and preserve the minutes of the proceedings of the school
147 board.

148 (7) The superintendent of schools shall maintain as a record
149 in his office a book or a computer printout in which he shall
150 enter all demands, claims and accounts paid from any funds of the
151 school district. The record shall be in a form to be prescribed
152 by the State Auditor. All demands, claims and accounts filed
153 shall be preserved by the superintendent of schools as a public
154 record for a period of five (5) years. All claims found by the
155 school board to be illegal shall be rejected or disallowed. All
156 claims which are found to be legal and proper shall be allowed and
157 ratified as paid by the superintendent of schools. The local
158 school board shall be authorized and empowered to promulgate rules
159 and regulations for the payment of claims by the superintendent of

160 schools in an amount not to exceed Two Hundred Fifty Dollars
161 (\$250.00) per claim, to be ratified by the school board after
162 payment has been made at its next regular meeting, pursuant to
163 guidelines issued by the State Department of Audit under Section
164 37-37-1. All claims as to which a continuance is requested by the
165 claimant and those found to be defective but which may be
166 perfected by amendment shall be continued. The superintendent of
167 schools shall issue a pay certificate against any legal and proper
168 fund of the school district in favor of the claimant in payment of
169 claims. The provisions of this section, however, shall not be
170 applicable to the payment of teachers' salaries, salaries of
171 drivers of publicly owned school buses, travel advances, amounts
172 due private contractors or other obligations where the amount
173 thereof has been previously approved by a contract or by an order
174 of the school board entered upon its minutes, or for an amount
175 authorized to be paid by board policy, or by inclusion in the
176 current fiscal year budget, and all such amounts may be paid by
177 the superintendent of schools by pay certificates issued by him
178 against the legal and proper fund without allowance of a specific
179 claim therefor as provided in this section, provided that the
180 payment thereof is otherwise in conformity with law.

181 **SECTION 2.** Section 37-37-1, Mississippi Code of 1972, is
182 amended as follows:

183 37-37-1. The Department of Audit of the Office of the State
184 Auditor of Public Accounts is hereby authorized and directed to
185 prescribe and formulate for use by all school districts of this
186 state, including municipal separate school districts, adequate
187 accounting systems and other essential financial records which
188 shall be uniform for all of the school districts of this state.
189 Such uniform system shall include a method of accounting for and
190 keeping records of all funds received, handled and disbursed by
191 such school district, whether derived from taxation or otherwise,
192 including funds derived from donations, athletic events and other

193 special activities of the school district. The uniform system of
194 accounts so prescribed and formulated by the Department of Audit
195 shall be distributed and disseminated to all of the school
196 districts of this state and it shall be mandatory that the boards
197 of trustees of all such school districts install, utilize and
198 follow said uniform system of accounts in keeping the financial
199 records of the school district. The State Department of Audit
200 shall issue guidelines for local school boards to follow in order
201 to authorize the prior payment of claims by the superintendent of
202 schools for amounts not to exceed Two Hundred Fifty Dollars
203 (\$250.00) to be ratified by the school board after payment has
204 been made.

205 **SECTION 3.** This act shall take effect and be in force from
206 and after July 1, 2004.