

**Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

House Bill No. 657

BY: Committee

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

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

23 37-7-301. The school boards of all school districts shall
24 have the following powers, authority and duties in addition to all
25 others imposed or granted by law, to wit:

26 (a) To organize and operate the schools of the district
27 and to make such division between the high school grades and
28 elementary grades as, in their judgment, will serve the best
29 interests of the school;

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

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

36 (d) To have responsibility for the erection, repairing
37 and equipping of school facilities and the making of necessary
38 school improvements;

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

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

55 (g) To support, within reasonable limits, the
56 superintendent, principal and teachers where necessary for the
57 proper discipline of the school;

58 (h) To exclude from the schools students with what
59 appears to be infectious or contagious diseases; provided,
60 however, such student may be allowed to return to school upon
61 presenting a certificate from a public health officer, duly
62 licensed physician or nurse practitioner that the student is free
63 from such disease;

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

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

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

72 (l) To prescribe and enforce rules and regulations not
73 inconsistent with law or with the regulations of the State Board
74 of Education for their own government and for the government of
75 the schools, and to transact their business at regular and special
76 meetings called and held in the manner provided by law;

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

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

82 (o) To make orders directed to the superintendent of
83 schools for the issuance of pay certificates for lawful purposes
84 on any available funds of the district and to have full control of
85 the receipt, distribution, allotment and disbursement of all funds
86 provided for the support and operation of the schools of such
87 school district whether such funds be derived from state
88 appropriations, local ad valorem tax collections, or otherwise;

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

93 (q) To provide athletic programs and other school
94 activities and to regulate the establishment and operation of such
95 programs and activities;

96 (r) To join, in their discretion, any association of
97 school boards and other public school-related organizations, and
98 to pay from local funds other than minimum foundation funds, any
99 membership dues;

100 (s) To expend local school activity funds, or other
101 available school district funds, other than minimum education
102 program funds, for the purposes prescribed under this paragraph.
103 "Activity funds" shall mean all funds received by school officials
104 in all school districts paid or collected to participate in any
105 school activity, such activity being part of the school program
106 and partially financed with public funds or supplemented by public
107 funds. The term "activity funds" shall not include any funds
108 raised and/or expended by any organization unless commingled in a
109 bank account with existing activity funds, regardless of whether
110 the funds were raised by school employees or received by school
111 employees during school hours or using school facilities, and
112 regardless of whether a school employee exercises influence over
113 the expenditure or disposition of such funds. Organizations shall
114 not be required to make any payment to any school for the use of
115 any school facility if, in the discretion of the local school
116 governing board, the organization's function shall be deemed to be
117 beneficial to the official or extracurricular programs of the
118 school. For the purposes of this provision, the term
119 "organization" shall not include any organization subject to the
120 control of the local school governing board. Activity funds may
121 only be expended for any necessary expenses or travel costs,
122 including advances, incurred by students and their chaperons in
123 attending any in-state or out-of-state school-related programs,
124 conventions or seminars and/or any commodities, equipment, travel
125 expenses, purchased services or school supplies which the local
126 school governing board, in its discretion, shall deem beneficial
127 to the official or extracurricular programs of the district,
128 including items which may subsequently become the personal
129 property of individuals, including yearbooks, athletic apparel,
130 book covers and trophies. Activity funds may be used to pay
131 travel expenses of school district personnel. The local school

132 governing board shall be authorized and empowered to promulgate
133 rules and regulations specifically designating for what purposes
134 school activity funds may be expended. The local school governing
135 board shall provide (i) that such school activity funds shall be
136 maintained and expended by the principal of the school generating
137 the funds in individual bank accounts, or (ii) that such school
138 activity funds shall be maintained and expended by the
139 superintendent of schools in a central depository approved by the
140 board. The local school governing board shall provide that such
141 school activity funds be audited as part of the annual audit
142 required in Section 37-9-18. The State Auditor shall prescribe a
143 uniform system of accounting and financial reporting for all
144 school activity fund transactions;

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

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

151 (v) (i) To lease a school building from an individual,
152 partnership, nonprofit corporation or a private for-profit
153 corporation for the use of such school district, and to expend
154 funds therefor as may be available from any nonminimum program
155 sources. The school board of the school district desiring to
156 lease a school building shall declare by resolution that a need
157 exists for a school building and that the school district cannot
158 provide the necessary funds to pay the cost or its proportionate
159 share of the cost of a school building required to meet the
160 present needs. The resolution so adopted by the school board
161 shall be published once each week for three (3) consecutive weeks
162 in a newspaper having a general circulation in the school district
163 involved, with the first publication thereof to be made not less

164 than thirty (30) days prior to the date upon which the school
165 board is to act on the question of leasing a school building. If
166 no petition requesting an election is filed prior to such meeting
167 as hereinafter provided, then the school board may, by resolution
168 spread upon its minutes, proceed to lease a school building. If
169 at any time prior to said meeting a petition signed by not less
170 than twenty percent (20%) or fifteen hundred (1500), whichever is
171 less, of the qualified electors of the school district involved
172 shall be filed with the school board requesting that an election
173 be called on the question, then the school board shall, not later
174 than the next regular meeting, adopt a resolution calling an
175 election to be held within such school district upon the question
176 of authorizing the school board to lease a school building. Such
177 election shall be called and held, and notice thereof shall be
178 given, in the same manner for elections upon the questions of the
179 issuance of the bonds of school districts, and the results thereof
180 shall be certified to the school board. If at least three-fifths
181 (3/5) of the qualified electors of the school district who voted
182 in such election shall vote in favor of the leasing of a school
183 building, then the school board shall proceed to lease a school
184 building. The term of the lease contract shall not exceed twenty
185 (20) years, and the total cost of such lease shall be either the
186 amount of the lowest and best bid accepted by the school board
187 after advertisement for bids or an amount not to exceed the
188 current fair market value of the lease as determined by the
189 averaging of at least two (2) appraisals by certified general
190 appraisers licensed by the State of Mississippi. The term "school
191 building" as used in this item (v) shall be construed to mean any
192 building or buildings used for classroom purposes in connection
193 with the operation of schools and shall include the site therefor,
194 necessary support facilities, and the equipment thereof and
195 appurtenances thereto such as heating facilities, water supply,

196 sewage disposal, landscaping, walks, drives and playgrounds. The
197 term "lease" as used in this item (v)(i) may include a
198 lease/purchase contract;

199 (ii) If two (2) or more school districts propose
200 to enter into a lease contract jointly, then joint meetings of the
201 school boards having control may be held but no action taken shall
202 be binding on any such school district unless the question of
203 leasing a school building is approved in each participating school
204 district under the procedure hereinabove set forth in item (v)(i).
205 All of the provisions of item (v)(i) regarding the term and amount
206 of the lease contract shall apply to the school boards of school
207 districts acting jointly. Any lease contract executed by two (2)
208 or more school districts as joint lessees shall set out the amount
209 of the aggregate lease rental to be paid by each, which may be
210 agreed upon, but there shall be no right of occupancy by any
211 lessee unless the aggregate rental is paid as stipulated in the
212 lease contract. All rights of joint lessees under the lease
213 contract shall be in proportion to the amount of lease rental paid
214 by each;

215 (w) To employ all noninstructional and noncertificated
216 employees and fix the duties and compensation of such personnel
217 deemed necessary pursuant to the recommendation of the
218 superintendent of schools;

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

221 (y) Subject to rules and regulations of the State Board
222 of Education, to purchase, own and operate trucks, vans and other
223 motor vehicles, which shall bear the proper identification
224 required by law;

225 (z) To expend funds for the payment of substitute
226 teachers and to adopt reasonable regulations for the employment
227 and compensation of such substitute teachers;

228 (aa) To acquire in its own name by purchase all real
229 property which shall be necessary and desirable in connection with
230 the construction, renovation or improvement of any public school
231 building or structure. Whenever the purchase price for such real
232 property is greater than Fifty Thousand Dollars (\$50,000.00), the
233 school board shall not purchase the property for an amount
234 exceeding the fair market value of such property as determined by
235 the average of at least two (2) independent appraisals by
236 certified general appraisers licensed by the State of Mississippi.
237 If the board shall be unable to agree with the owner of any such
238 real property in connection with any such project, the board shall
239 have the power and authority to acquire any such real property by
240 condemnation proceedings pursuant to Section 11-27-1 et seq.,
241 Mississippi Code of 1972, and for such purpose, the right of
242 eminent domain is hereby conferred upon and vested in said board.
243 Provided further, that the local school board is authorized to
244 grant an easement for ingress and egress over sixteenth section
245 land or lieu land in exchange for a similar easement upon
246 adjoining land where the exchange of easements affords substantial
247 benefit to the sixteenth section land; provided, however, the
248 exchange must be based upon values as determined by a competent
249 appraiser, with any differential in value to be adjusted by cash
250 payment. Any easement rights granted over sixteenth section land
251 under such authority shall terminate when the easement ceases to
252 be used for its stated purpose. No sixteenth section or lieu land
253 which is subject to an existing lease shall be burdened by any
254 such easement except by consent of the lessee or unless the school
255 district shall acquire the unexpired leasehold interest affected
256 by the easement;

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

260 (cc) Subject to rules and regulations of the State
261 Board of Education, to purchase relocatable classrooms for the use
262 of such school district, in the manner prescribed in Section
263 37-1-13;

264 (dd) Enter into contracts or agreements with other
265 school districts, political subdivisions or governmental entities
266 to carry out one or more of the powers or duties of the school
267 board, or to allow more efficient utilization of limited resources
268 for providing services to the public;

269 (ee) To provide for in-service training for employees
270 of the district. Until June 30, 1994, the school boards may
271 designate two (2) days of the minimum school term, as defined in
272 Section 37-19-1, for employee in-service training for
273 implementation of the new statewide testing system as developed by
274 the State Board of Education. Such designation shall be subject
275 to approval by the State Board of Education pursuant to uniform
276 rules and regulations;

277 (ff) As part of their duties to prescribe the use of
278 textbooks, to provide that parents and legal guardians shall be
279 responsible for the textbooks and for the compensation to the
280 school district for any books which are not returned to the proper
281 schools upon the withdrawal of their dependent child. If a
282 textbook is lost or not returned by any student who drops out of
283 the public school district, the parent or legal guardian shall
284 also compensate the school district for the fair market value of
285 the textbooks;

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

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

293 (ii) Fund-raising activities conducted or
294 authorized by the board for the sale of school pictures, the
295 rental of caps and gowns or the sale of graduation invitations for
296 which the school board receives a commission, rebate or fee shall
297 contain a disclosure statement advising that a portion of the
298 proceeds of the sales or rentals shall be contributed to the
299 student activity fund;

300 (hh) To allow individual lessons for music, art and
301 other curriculum-related activities for academic credit or
302 nonacademic credit during school hours and using school equipment
303 and facilities, subject to uniform rules and regulations adopted
304 by the school board;

305 (ii) To charge reasonable fees for participating in an
306 extracurricular activity for academic or nonacademic credit for
307 necessary and required equipment such as safety equipment, band
308 instruments and uniforms;

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

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

314 (ll) To expend funds for the services of nonprofit arts
315 organizations or other such nonprofit organizations who provide
316 performances or other services for the students of the school
317 district;

318 (mm) To expend federal No Child Left Behind Act funds,
319 or any other available nonstate source funds that are expressly
320 designated and authorized for that use, to pay training,
321 educational expenses, incentives and salary supplements to

322 employees of local school districts; except that incentives shall
323 not be considered part of the local supplement as defined in
324 Section 37-151-5(o), nor shall incentives be considered part of
325 the local supplement paid to an individual teacher for the
326 purposes of Section 37-19-7(1);

327 (nn) To use any available funds, not appropriated or
328 designated for any other purpose, for reimbursement to the
329 state-licensed employees from both in state and out of state, who
330 enter into a contract for employment in a school district, for the
331 expense of moving when the employment necessitates the relocation
332 of the licensed employee to a different geographical area than
333 that in which the licensed employee resides before entering into
334 the contract. The reimbursement shall not exceed One Thousand
335 Dollars (\$1,000.00) for the documented actual expenses incurred in
336 the course of relocating, including the expense of any
337 professional moving company or persons employed to assist with the
338 move, rented moving vehicles or equipment, mileage in the amount
339 authorized for county and municipal employees under Section
340 25-3-41 if the licensed employee used his personal vehicle or
341 vehicles for the move, meals and such other expenses associated
342 with the relocation. No licensed employee may be reimbursed for
343 moving expenses under this section on more than one (1) occasion
344 by the same school district. Nothing in this section shall be
345 construed to require the actual residence to which the licensed
346 employee relocates to be within the boundaries of the school
347 district that has executed a contract for employment in order for
348 the licensed employee to be eligible for reimbursement for the
349 moving expenses. However, the licensed employee must relocate
350 within the boundaries of the State of Mississippi. Any individual
351 receiving relocation assistance through the Critical Teacher
352 Shortage Act as provided in Section 37-159-5 shall not be eligible

353 to receive additional relocation funds as authorized in this
354 paragraph;

355 (oo) To use any available funds, not appropriated or
356 designated for any other purpose, to reimburse persons who
357 interview for employment as a licensed employee with the district
358 for the mileage and other actual expenses incurred in the course
359 of travel to and from the interview at the rate authorized for
360 county and municipal employees under Section 25-3-41;

361 (pp) Consistent with the report of the Task Force to
362 Conduct a Best Financial Management Practices Review, to improve
363 school district management and use of resources and identify cost
364 savings as established in Section 8 of Chapter 610, Laws of 2002,
365 local school boards are encouraged to conduct independent reviews
366 of the management and efficiency of schools and school districts.
367 Such management and efficiency reviews shall provide state and
368 local officials and the public with the following:

369 (i) An assessment of a school district's
370 governance and organizational structure;

371 (ii) An assessment of the school district's
372 financial and personnel management;

373 (iii) An assessment of revenue levels and sources;

374 (iv) An assessment of facilities utilization,
375 planning and maintenance;

376 (v) An assessment of food services, transportation
377 and safety/security systems;

378 (vi) An assessment of instructional and
379 administrative technology;

380 (vii) A review of the instructional management and
381 the efficiency and effectiveness of existing instructional
382 programs; and

383 (viii) Recommended methods for increasing
384 efficiency and effectiveness in providing educational services to
385 the public; and

386 (qq) To implement a financial literacy program for
387 students in 10th and/or 11th grade and to expend any available
388 nonstate funds therefor. The board may review the national
389 programs and obtain free literature from various nationally
390 recognized programs. After review of the different programs, the
391 board may certify a program that is most appropriate for the
392 school districts' needs and shall require its students to
393 participate in the program. The financial literacy program shall
394 include, but is not limited to, instruction in the same areas of
395 personal business and finance as required under Section
396 37-1-3(2)(b). The school board may coordinate with volunteer
397 teachers from local community organizations, including, but not
398 limited to, the following: United States Department of
399 Agriculture Rural Development, Department of Housing and Urban
400 Development, Junior Achievement, bankers and other nonprofit
401 organizations. Nothing in this paragraph shall be construed as to
402 require schools to implement additional course credits beyond what
403 is required now but said financial literacy program can be worked
404 into already existing courses at the school district's discretion.

405 **SECTION 2.** The following provision shall be codified as
406 Section 37-15-37, Mississippi Code of 1972:

407 37-15-37. The local school boards of public school districts
408 and the Board of Trustees of State Institutions of Higher Learning
409 are authorized to establish a dual enrollment program under which
410 high school students meeting the requirements prescribed in this
411 section may enroll at an institution of higher learning in
412 Mississippi while they are still attending high school and
413 enrolled in high school courses, with tuition and costs to be paid
414 by grants, foundations or other private sources. Students may be

415 admitted to enroll in university-level courses under the dual
416 enrollment program if they meet the following recommended
417 admission requirements:

418 (a) Students must have completed a minimum of fourteen
419 (14) core high school units;

420 (b) Students must have a 2.5 grade point average on a
421 4.0 scale, or better, on all high school courses, as documented by
422 an official high school transcript; a home-schooled student must
423 submit a transcript prepared by a parent, guardian or custodian
424 with a signed, sworn affidavit to meet the requirement of this
425 paragraph; and

426 (c) Students must have an unconditional written
427 recommendation from their high school principal and/or guidance
428 counselor. A home-schooled student must submit a parent, legal
429 guardian or custodian's written recommendation to meet the
430 requirement of this paragraph.

431 Students may be considered for the dual enrollment program
432 who have not completed the minimum of fourteen (14) core high
433 school units if they have a minimum ACT composite score of thirty
434 (30) or the equivalent SAT score, and have the required grade
435 point average and recommendations prescribed above.

436 Tuition and costs for university-level courses under this
437 program shall be paid from grants, foundations or other private
438 sources, to be paid directly to the participating university.
439 Students admitted in the dual enrollment program shall be counted
440 for adequate education program funding purposes in the average
441 daily attendance of the public school district in which they
442 attend high school. Any additional transportation required by a
443 student to participate in the dual enrollment program shall be the
444 responsibility of the parents or legal guardians of the student,
445 but may be paid for from private sources. Grades and college
446 credits earned by students admitted to the dual enrollment program

447 shall be recorded on the college transcript at the university
448 where the student attends classes. The transcript of such
449 university course work may be released to another institution or
450 used for college graduation requirements only after the student
451 has received his high school diploma.

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

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 37-7-301, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE LOCAL SCHOOL BOARDS TO EXPEND FEDERAL NO CHILD LEFT
3 BEHIND ACT FUNDS TO PAY FOR TRAINING, INCENTIVES AND SALARY
4 SUPPLEMENTS TO SCHOOL DISTRICT EMPLOYEES IN COMPLIANCE WITH
5 FEDERAL LAW; TO AUTHORIZE LOCAL SCHOOL BOARDS TO EXPEND FUNDS TO
6 REIMBURSE LICENSED SCHOOL DISTRICT EMPLOYEES FOR RELOCATION
7 EXPENSES FOR MOVING INTO THE DISTRICT FOR EMPLOYMENT PURPOSES; TO
8 AUTHORIZE LOCAL SCHOOL BOARDS TO EXPEND FUNDS TO REIMBURSE
9 LICENSED INDIVIDUALS FOR INTERVIEWING EXPENSES; TO AUTHORIZE LOCAL
10 SCHOOL DISTRICTS TO CONDUCT INDEPENDENT MANAGEMENT AND EFFICIENCY
11 REVIEWS; TO AUTHORIZE SCHOOL BOARDS TO IMPLEMENT A FINANCIAL
12 LITERACY PROGRAM FOR STUDENTS IN GRADES 10 AND 11; TO CODIFY
13 SECTION 37-15-37, MISSISSIPPI CODE OF 1972, TO AUTHORIZE LOCAL
14 SCHOOL DISTRICTS TO ESTABLISH DUAL ENROLLMENT PROGRAMS ALLOWING
15 CERTAIN HIGH SCHOOL STUDENTS TO ENROLL IN STATE INSTITUTIONS OF
16 HIGHER LEARNING IN ORDER TO DUALY EARN CREDITS FOR A HIGH SCHOOL
17 DIPLOMA AND A UNIVERSITY DEGREE AT BOTH LEVELS, AND TO ESTABLISH
18 STANDARDS FOR SUCH PROGRAMS; TO PROVIDE THAT TUITION COSTS SHALL
19 BE PAID FROM PRIVATE SOURCES; AND FOR RELATED PURPOSES.