

By: Representative Pierce

To: Education

HOUSE BILL NO. 758

1 AN ACT TO AMEND SECTIONS 37-7-301 AND 37-9-14, MISSISSIPPI
2 CODE OF 1972, TO AUTHORIZE LOCAL SCHOOL BOARDS TO ADOPT RULES
3 ALLOWING THE SCHOOL SUPERINTENDENT TO PAY SCHOOL DISTRICT CLAIMS
4 TO BE RATIFIED BY THE BOARD AT THE NEXT REGULAR MEETING; AND FOR
5 RELATED PURPOSES.

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

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

9 37-7-301. The school boards of all school districts shall
10 have the following powers, authority and duties in addition to all
11 others imposed or granted by law, to wit:

12 (a) To organize and operate the schools of the district
13 and to make such division between the high school grades and
14 elementary grades as, in their judgment, will serve the best
15 interests of the school;

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

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

22 (d) To have responsibility for the erection, repairing
23 and equipping of school facilities and the making of necessary
24 school improvements;

25 (e) To suspend or to expel a pupil or to change the
26 placement of a pupil to the school district's alternative school
27 or home-bound program for misconduct in the school or on school
28 property, as defined in Section 37-11-29, on the road to and from

29 school, or at any school-related activity or event, or for conduct
30 occurring on property other than school property or other than at
31 a school-related activity or event when such conduct by a pupil,
32 in the determination of the school superintendent or principal,
33 renders that pupil's presence in the classroom a disruption to the
34 educational environment of the school or a detriment to the best
35 interest and welfare of the pupils and teacher of such class as a
36 whole, and to delegate such authority to the appropriate officials
37 of the school district;

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

41 (g) To support, within reasonable limits, the
42 superintendent, principal and teachers where necessary for the
43 proper discipline of the school;

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

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

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

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

58 (l) To prescribe and enforce rules and regulations not
59 inconsistent with law or with the regulations of the State Board
60 of Education for their own government and for the government of

61 the schools, and to transact their business at regular and special
62 meetings called and held in the manner provided by law;

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

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

68 (o) To make orders directed to the superintendent of
69 schools for the issuance of pay certificates for lawful purposes
70 on any available funds of the district and to have full control of
71 the receipt, distribution, allotment and disbursement of all funds
72 provided for the support and operation of the schools of such
73 school district whether such funds be derived from state
74 appropriations, local ad valorem tax collections, or otherwise.
75 The local school board shall be authorized and empowered to
76 promulgate rules and regulations for payment of claims by the
77 superintendent of schools to be ratified by the board at the next
78 regularly scheduled meeting after payment has been made;

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

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

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

90 (s) To expend local school activity funds, or other
91 available school district funds, other than minimum education
92 program funds, for the purposes prescribed under this paragraph.

93 "Activity funds" shall mean all funds received by school officials

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

127 the funds in individual bank accounts, or (ii) that such school
128 activity funds shall be maintained and expended by the
129 superintendent of schools in a central depository approved by the
130 board. The local school governing board shall provide that such
131 school activity funds be audited as part of the annual audit
132 required in Section 37-9-18. The State Auditor shall prescribe a
133 uniform system of accounting and financial reporting for all
134 school activity fund transactions;

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

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

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

160 than twenty percent (20%) or fifteen hundred (1500), whichever is
161 less, of the qualified electors of the school district involved
162 shall be filed with the school board requesting that an election
163 be called on the question, then the school board shall, not later
164 than the next regular meeting, adopt a resolution calling an
165 election to be held within such school district upon the question
166 of authorizing the school board to lease a school building. Such
167 election shall be called and held, and notice thereof shall be
168 given, in the same manner for elections upon the questions of the
169 issuance of the bonds of school districts, and the results thereof
170 shall be certified to the school board. If at least three-fifths
171 (3/5) of the qualified electors of the school district who voted
172 in such election shall vote in favor of the leasing of a school
173 building, then the school board shall proceed to lease a school
174 building. The term of the lease contract shall not exceed twenty
175 (20) years, and the total cost of such lease shall be either the
176 amount of the lowest and best bid accepted by the school board
177 after advertisement for bids or an amount not to exceed the
178 current fair market value of the lease as determined by the
179 averaging of at least two (2) appraisals by certified general
180 appraisers licensed by the State of Mississippi. The term "school
181 building" as used in this item (v) shall be construed to mean any
182 building or buildings used for classroom purposes in connection
183 with the operation of schools and shall include the site therefor,
184 necessary support facilities, and the equipment thereof and
185 appurtenances thereto such as heating facilities, water supply,
186 sewage disposal, landscaping, walks, drives and playgrounds. The
187 term "lease" as used in this item (v)(i) may include a
188 lease/purchase contract;

189 (ii) If two (2) or more school districts propose
190 to enter into a lease contract jointly, then joint meetings of the
191 school boards having control may be held but no action taken shall
192 be binding on any such school district unless the question of

193 leasing a school building is approved in each participating school
194 district under the procedure hereinabove set forth in item (v)(i).
195 All of the provisions of item (v)(i) regarding the term and amount
196 of the lease contract shall apply to the school boards of school
197 districts acting jointly. Any lease contract executed by two (2)
198 or more school districts as joint lessees shall set out the amount
199 of the aggregate lease rental to be paid by each, which may be
200 agreed upon, but there shall be no right of occupancy by any
201 lessee unless the aggregate rental is paid as stipulated in the
202 lease contract. All rights of joint lessees under the lease
203 contract shall be in proportion to the amount of lease rental paid
204 by each;

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

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

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

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

218 (aa) To acquire in its own name by purchase all real
219 property which shall be necessary and desirable in connection with
220 the construction, renovation or improvement of any public school
221 building or structure. Whenever the purchase price for such real
222 property is greater than Fifty Thousand Dollars (\$50,000.00), the
223 school board shall not purchase the property for an amount
224 exceeding the fair market value of such property as determined by
225 the average of at least two (2) independent appraisals by

226 certified general appraisers licensed by the State of Mississippi.
227 If the board shall be unable to agree with the owner of any such
228 real property in connection with any such project, the board shall
229 have the power and authority to acquire any such real property by
230 condemnation proceedings pursuant to Section 11-27-1 et seq.,
231 Mississippi Code of 1972, and for such purpose, the right of
232 eminent domain is hereby conferred upon and vested in said board.
233 Provided further, that the local school board is authorized to
234 grant an easement for ingress and egress over sixteenth section
235 land or lieu land in exchange for a similar easement upon
236 adjoining land where the exchange of easements affords substantial
237 benefit to the sixteenth section land; provided, however, the
238 exchange must be based upon values as determined by a competent
239 appraiser, with any differential in value to be adjusted by cash
240 payment. Any easement rights granted over sixteenth section land
241 under such authority shall terminate when the easement ceases to
242 be used for its stated purpose. No sixteenth section or lieu land
243 which is subject to an existing lease shall be burdened by any
244 such easement except by consent of the lessee or unless the school
245 district shall acquire the unexpired leasehold interest affected
246 by the easement;

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

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

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

259 (ee) To provide for in-service training for employees
260 of the district. Until June 30, 1994, the school boards may
261 designate two (2) days of the minimum school term, as defined in
262 Section 37-19-1, for employee in-service training for
263 implementation of the new statewide testing system as developed by
264 the State Board of Education. Such designation shall be subject
265 to approval by the State Board of Education pursuant to uniform
266 rules and regulations;

267 (ff) As part of their duties to prescribe the use of
268 textbooks, to provide that parents and legal guardians shall be
269 responsible for the textbooks and for the compensation to the
270 school district for any books which are not returned to the proper
271 schools upon the withdrawal of their dependent child. If a
272 textbook is lost or not returned by any student who drops out of
273 the public school district, the parent or legal guardian shall
274 also compensate the school district for the fair market value of
275 the textbooks;

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

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

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

290 (hh) To allow individual lessons for music, art and
291 other curriculum-related activities for academic credit or

292 nonacademic credit during school hours and using school equipment
293 and facilities, subject to uniform rules and regulations adopted
294 by the school board;

295 (ii) To charge reasonable fees for participating in an
296 extracurricular activity for academic or nonacademic credit for
297 necessary and required equipment such as safety equipment, band
298 instruments and uniforms;

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

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

304 (ll) To expend funds for the services of nonprofit arts
305 organizations or other such nonprofit organizations who provide
306 performances or other services for the students of the school
307 district;

308 (mm) To expend federal No Child Left Behind Act funds,
309 or any other available funds that are expressly designated and
310 authorized for that use, to pay training, educational expenses,
311 salary incentives and salary supplements to employees of local
312 school districts; except that incentives shall not be considered
313 part of the local supplement as defined in Section 37-151-5(o),
314 nor shall incentives be considered part of the local supplement
315 paid to an individual teacher for the purposes of Section
316 37-19-7(1). Mississippi Adequate Education Program funds or any
317 other state funds may not be used for salary incentives or salary
318 supplements as provided in this paragraph (mm);

319 (nn) To use any available funds, not appropriated or
320 designated for any other purpose, for reimbursement to the
321 state-licensed employees from both in-state and out-of-state, who
322 enter into a contract for employment in a school district, for the
323 expense of moving when the employment necessitates the relocation
324 of the licensed employee to a different geographical area than

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

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

353 (pp) Consistent with the report of the Task Force to
354 Conduct a Best Financial Management Practices Review, to improve
355 school district management and use of resources and identify cost
356 savings as established in Section 8 of Chapter 610, Laws of 2002,
357 local school boards are encouraged to conduct independent reviews

358 of the management and efficiency of schools and school districts.
359 Such management and efficiency reviews shall provide state and
360 local officials and the public with the following:

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

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

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

366 (iv) An assessment of facilities utilization,
367 planning and maintenance;

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

370 (vi) An assessment of instructional and
371 administrative technology;

372 (vii) A review of the instructional management and
373 the efficiency and effectiveness of existing instructional
374 programs; and

375 (viii) Recommended methods for increasing
376 efficiency and effectiveness in providing educational services to
377 the public;

378 (qq) To enter into agreements with other local school
379 boards for the establishment of an educational service agency
380 (ESA) to provide for the cooperative needs of the region in which
381 the school district is located, as provided in Section 37-7-345.
382 This paragraph shall repeal on July 1, 2007;

383 (rr) To implement a financial literacy program for
384 students in Grades 10 and 11. The board may review the national
385 programs and obtain free literature from various nationally
386 recognized programs. After review of the different programs, the
387 board may certify a program that is most appropriate for the
388 school districts' needs. If a district implements a financial
389 literacy program, then any student in Grade 10 or 11 may
390 participate in the program. The financial literacy program shall

391 include, but is not limited to, instruction in the same areas of
392 personal business and finance as required under Section
393 37-1-3(2)(b). The school board may coordinate with volunteer
394 teachers from local community organizations, including, but not
395 limited to, the following: United States Department of
396 Agriculture Rural Development, United States Department of Housing
397 and Urban Development, Junior Achievement, bankers and other
398 nonprofit organizations. Nothing in this paragraph shall be
399 construed as to require school boards to implement a financial
400 literacy program;

401 (ss) To collaborate with the State Board of Education,
402 Community Action Agencies or the Department of Human Services to
403 develop and implement a voluntary program to provide services for
404 a full day prekindergarten program that addresses the cognitive,
405 social, and emotional needs of four-year-old and three-year-old
406 children. The school board may utilize nonstate source special
407 funds, grants, donations or gifts to fund the voluntary program.

408 **SECTION 2.** Section 37-9-14, Mississippi Code of 1972, is
409 amended as follows:

410 37-9-14. (1) It shall be the duty of the superintendent of
411 schools to administer the schools within his district and to
412 implement the decisions of the school board.

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

416 (a) To enter into contracts in the manner provided by
417 law with each assistant superintendent, principal and teacher of
418 the public schools under his supervision, after such assistant
419 superintendent, principal and teachers have been selected and
420 approved in the manner provided by law.

421 (b) To enforce in the public schools of the school
422 district the courses of study provided by law or the rules and
423 regulations of the State Board of Education, and to comply with

424 the law with reference to the use and distribution of free
425 textbooks.

426 (c) To administer oaths in all cases to persons
427 testifying before him relative to disputes relating to the schools
428 submitted to him for determination, and to take testimony in such
429 cases as provided by law.

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

433 (e) To preserve all reports of superintendents,
434 principals, teachers and other school officers, and to deliver to
435 his successor or clerk of the board of supervisors all money,
436 property, books, effects and papers.

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

442 (g) To keep an accurate record of the names of all of
443 the members of the school board showing the districts for which
444 each was elected or appointed, the post office address of each,
445 and the date of the expiration of his term of office. All
446 official correspondence shall be addressed to the school board,
447 and notice to such members shall be regarded as notice to the
448 residents of the district, and it shall be the duty of the members
449 to notify such residents.

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

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

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

461 (k) To keep on file and preserve in his office all
462 appropriate information concerning the affairs of the school
463 district.

464 (l) To visit the schools of his school district in his
465 discretion, and to require the assistant superintendents,
466 principals and teachers thereof to perform their duties as
467 prescribed by law.

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

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

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

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

478 (q) To keep in his office and carefully preserve the
479 public school record provided, to enter therein the proceedings of
480 the school board and his decision upon cases and his other
481 official acts, to record therein the data required from the
482 monthly and term reports of principals and teachers, and from the
483 summaries of records thus kept.

484 (r) To delegate student disciplinary matters to
485 appropriate school personnel.

486 (s) To make assignments to the various schools in the
487 district of all noninstructional and nonlicensed employees and all
488 licensed employees, as provided in Sections 37-9-15 and 37-9-17,

489 and to make reassignments of such employees from time to time;
490 however, a reassignment of a licensed employee may only be to an
491 area in which the employee has a valid license issued by the State
492 Department of Education. Upon request from any employee
493 transferred, such assignment shall be subject to review by the
494 school board.

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

499 (u) To comply in a timely manner with the compulsory
500 education reporting requirements prescribed in Section
501 37-13-91(6).

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

504 (w) To notify, in writing, the parent, guardian or
505 custodian, the youth court and local law enforcement of any
506 expulsion of a student for criminal activity as defined in Section
507 37-11-92.

508 (x) To notify the youth court and local law enforcement
509 agencies, by affidavit, of the occurrence of any crime committed
510 by a student or students upon school property or during any
511 school-related activity, regardless of location and the identity
512 of the student or students committing the crime.

513 (y) To employ and dismiss noninstructional and
514 nonlicensed employees as provided by law.

515 (3) All funds to the credit of a school district shall be
516 paid out on pay certificates issued by the superintendent upon
517 order of the school board of the school district properly entered
518 upon the minutes thereof, and all such orders shall be supported
519 by properly itemized invoices from the vendors covering the
520 materials and supplies purchased. All such orders and the
521 itemized invoices supporting same shall be filed as a public

522 record in the office of the superintendent for a period of five
523 (5) years. The superintendent shall be liable upon his official
524 bond for the amount of any pay certificate issued in violation of
525 the provisions of this section. The school board shall have the
526 power and authority to direct and cause warrants to be issued
527 against such district funds for the purpose of refunding any
528 amount of taxes erroneously or illegally paid into such fund when
529 such refund has been approved in the manner provided by law.

530 (4) The superintendent of schools shall be special
531 accounting officer and treasurer with respect to any and all
532 district school funds for his school district. He or his designee
533 shall issue all warrants without the necessity of registration
534 thereof by the chancery clerk. Transactions with the depositories
535 and with the various tax collecting agencies which involve school
536 funds for such school district shall be with the superintendent of
537 schools, or his designee.

538 (5) The superintendent of schools will have no
539 responsibility with regard to agricultural high school and junior
540 college funds.

541 All agricultural high school and junior college funds shall
542 be handled and expended in the manner provided for in Sections
543 37-29-31 through 37-29-39.

544 (6) It shall be the duty of the superintendent of schools to
545 keep and preserve the minutes of the proceedings of the school
546 board.

547 (7) The superintendent of schools shall maintain as a record
548 in his office a book or a computer printout in which he shall
549 enter all demands, claims and accounts paid from any funds of the
550 school district. The record shall be in a form to be prescribed
551 by the State Auditor. All demands, claims and accounts filed
552 shall be preserved by the superintendent of schools as a public
553 record for a period of five (5) years. All claims found by the
554 school board to be illegal shall be rejected or disallowed. To

555 the extent allowed by board policy, all claims which are found to
556 be legal and proper may be paid and then ratified by the school
557 board at the next regularly scheduled board meeting, as paid by
558 the superintendent of schools. All claims as to which a
559 continuance is requested by the claimant and those found to be
560 defective but which may be perfected by amendment shall be
561 continued. The superintendent of schools shall issue a pay
562 certificate against any legal and proper fund of the school
563 district in favor of the claimant in payment of claims. The
564 provisions of this section, however, shall not be applicable to
565 the payment of * * * salaries and applicable benefits, * * *
566 travel advances, amounts due private contractors or other
567 obligations where the amount thereof has been previously approved
568 by a contract or by an order of the school board entered upon its
569 minutes, or paid by board policy, or by inclusion in the current
570 fiscal year budget, and all such amounts may be paid by the
571 superintendent of schools by pay certificates issued by him
572 against the legal and proper fund without allowance of a specific
573 claim therefor as provided in this section, provided that the
574 payment thereof is otherwise in conformity with law.

575 **SECTION 3.** This act shall take effect and be in force from
576 and after July 1, 2005.