

By: Representatives Brown, Weathersby, Lott,
Montgomery, Reynolds, Upshaw, Walley

To: Education;
Appropriations

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 213

1 AN ACT TO CREATE THE OFFICE OF DROPOUT PREVENTION WITHIN THE
2 STATE DEPARTMENT OF EDUCATION; TO PROVIDE THAT THE STATE
3 SUPERINTENDENT SHALL APPOINT A DIRECTOR OF THE OFFICE; TO AMEND
4 SECTION 37-13-81, MISSISSIPPI CODE OF 1972, TO PLACE THE OFFICE OF
5 COMPULSORY SCHOOL ATTENDANCE ENFORCEMENT UNDER THE OFFICE OF
6 DROPOUT PREVENTION; TO AMEND SECTION 37-13-83, MISSISSIPPI CODE OF
7 1972, TO REQUIRE THE DIRECTOR OF THE OFFICE OF COMPULSORY SCHOOL
8 ATTENDANCE ENFORCEMENT TO REPORT DIRECTLY TO THE DIRECTOR OF THE
9 OFFICE OF DROPOUT PREVENTION; TO AMEND SECTIONS 37-13-85,
10 37-13-89, 37-13-107, MISSISSIPPI CODE OF 1972, IN CONFORMITY; TO
11 AMEND SECTION 37-7-301, MISSISSIPPI CODE OF 1972, TO REQUIRE EACH
12 SCHOOL DISTRICT TO IMPLEMENT A DROPOUT PREVENTION PROGRAM BY THE
13 2008 SCHOOL YEAR; AND FOR RELATED PURPOSES.

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

15 **SECTION 1.** (1) There is created the Office of Dropout
16 Prevention within the State Department of Education. The office
17 shall be responsible for the administration of a statewide dropout
18 prevention program and the Office of Compulsory School Attendance
19 Enforcement.

20 (2) The State Superintendent of Public Education shall
21 appoint a director for the Office of Dropout Prevention, who shall
22 meet all qualifications established by the State Superintendent of
23 Public Education or State Personnel Board. The director shall be
24 responsible for the proper administration of the Office of Dropout
25 Prevention and any other regulations or policies that may be
26 adopted by the State Board of Education. The director shall
27 report to the Legislature on the activities and programs of the
28 office by January 1 of each year beginning in 2009.

29 (3) It is the intent of the Legislature that, through the
30 statewide dropout prevention program and the dropout prevention
31 programs implemented by each school district, the graduation rate
32 for cohort classes will be increased to not less than eighty-five

33 percent (85%) by the 2018-2019 school year. The Office of Dropout
34 Prevention shall establish graduation rate benchmarks for each
35 two-year period from the 2008-2009 school year through the
36 2018-2019 school year, which shall serve as guidelines for
37 increasing the graduation rate for cohort classes on a systematic
38 basis to eighty-five percent (85%) by the 2018-2019 school year.

39 **SECTION 2.** Section 37-13-81, Mississippi Code of 1972, is
40 amended as follows:

41 37-13-81. There is created the Office of Compulsory School
42 Attendance Enforcement within the Office of Dropout Prevention of
43 the State Department of Education. The office shall be
44 responsible for the administration of a statewide system of
45 enforcement of the Mississippi Compulsory School Attendance Law
46 (Section 37-13-91) and for the supervision of school attendance
47 officers throughout the state.

48 **SECTION 3.** Section 37-13-83, Mississippi Code of 1972, is
49 amended as follows:

50 37-13-83. The State Superintendent of Public Education shall
51 appoint a director for the Office of Compulsory School Attendance
52 Enforcement, who shall meet all qualifications established for
53 school attendance officer supervisors and any additional
54 qualifications that may be established by the State Superintendent
55 of Public Education or State Personnel Board. The director shall
56 be responsible for the proper administration of the Office of
57 Compulsory School Attendance Enforcement in conformity with the
58 Mississippi Compulsory School Attendance Law and any other
59 regulations or policies that may be adopted by the State Board of
60 Education. The director will report directly to the director of
61 the Office of Dropout Prevention.

62 **SECTION 4.** Section 37-13-85, Mississippi Code of 1972, is
63 amended as follows:

64 37-13-85. The Office of Compulsory School Attendance
65 Enforcement within the Office of Dropout Prevention shall have the

66 following powers and duties, in addition to all others imposed or
67 granted by law:

68 (a) To establish any policies or guidelines concerning
69 the employment of school attendance officers which serve to
70 effectuate a uniform system of enforcement under the Mississippi
71 Compulsory School Attendance Law throughout the state, and to
72 designate the number of school attendance officers which shall be
73 employed to serve in each school district area;

74 (b) To supervise and assist school attendance officer
75 supervisors in the performance of their duties;

76 (c) To establish minimum standards for enrollment and
77 attendance for the state and each individual school district, and
78 to monitor the success of the state and districts in achieving the
79 required levels of performance;

80 (d) To provide to school districts failing to meet the
81 established standards for enrollment and attendance assistance in
82 reducing absenteeism or the dropout rates in those districts;

83 (e) To establish any qualifications, in addition to
84 those required under Section 37-13-89, for school attendance
85 officers as the office deems necessary to further the purposes of
86 the Mississippi Compulsory School Attendance Law;

87 (f) To develop and implement a system under which
88 school districts are required to maintain accurate records that
89 document enrollment and attendance in such a manner that the
90 records reflect all changes in enrollment and attendance, and to
91 require school attendance officers to submit information
92 concerning public school attendance on a monthly basis to the
93 office;

94 (g) To prepare the form of the certificate of
95 enrollment required under the Mississippi Compulsory School
96 Attendance Law and to furnish a sufficient number of the
97 certificates of enrollment to each school attendance officer in
98 the state;

99 (h) To publish a report each year on the work of school
100 attendance officers in each school district concerning enforcement
101 of the Mississippi Compulsory School Attendance Law. The report
102 shall include: figures reflecting school attendance violations
103 and reductions or increases in the school dropout rates;
104 information describing attendance-related problems and proposed
105 solutions for those problems; and any other information that the
106 State Department of Education may require. The report shall be
107 submitted to the State Board of Education and the Education
108 Committees of the Senate and House of Representatives before the
109 first day of July for the immediately preceding school year;

110 (i) To provide to the State Board of Education
111 statistical information concerning absenteeism, dropouts and other
112 attendance-related problems as requested by the State Board of
113 Education;

114 (j) To provide for the certification of school
115 attendance officers;

116 (k) To provide for a course of training and education
117 for school attendance officers, and to require successful
118 completion of the course as a prerequisite to certification by the
119 office as school attendance officers;

120 (l) To adopt any guidelines or policies the office
121 deems necessary to effectuate an orderly transition from the
122 supervision of school attendance officers by district attorneys to
123 the supervision by the school attendance officer supervisors;

124 (m) Beginning on July 1, 1998, to require school
125 attendance officer supervisors to employ persons employed by
126 district attorneys before July 1, 1998, as school attendance
127 officers without requiring such persons to submit an application
128 or interview for employment with the State Department of
129 Education;

130 (n) To adopt policies or guidelines linking the duties
131 of school attendance officers to the appropriate courts, law
132 enforcement agencies and community service providers; and

133 (o) To adopt any other policies or guidelines that the
134 office deems necessary for the enforcement of the Mississippi
135 Compulsory School Attendance Law; however, the policies or
136 guidelines shall not add to or contradict with the requirements of
137 Section 37-13-91.

138 **SECTION 5.** Section 37-13-89, Mississippi Code of 1972, is
139 amended as follows:

140 37-13-89. (1) In each school district within the state,
141 there shall be employed the number of school attendance officers
142 determined by the Office of Compulsory School Attendance
143 Enforcement within the Office of Dropout Prevention to be
144 necessary to adequately enforce the provisions of the Mississippi
145 Compulsory School Attendance Law; however, this number shall not
146 exceed one hundred fifty-three (153) school attendance officers at
147 any time. From and after July 1, 1998, all school attendance
148 officers employed pursuant to this section shall be employees of
149 the State Department of Education. The State Department of
150 Education shall employ all persons employed as school attendance
151 officers by district attorneys before July 1, 1998, and shall
152 assign them to school attendance responsibilities in the school
153 district in which they were employed before July 1, 1998. The
154 first twelve (12) months of employment for each school attendance
155 officer shall be the probationary period of state service.

156 (2) (a) The State Department of Education shall obtain
157 current criminal records background checks and current child abuse
158 registry checks on all persons applying for the position of school
159 attendance officer after July 2, 2002. The criminal records
160 information and registry checks must be kept on file for any new
161 hires. In order to determine an applicant's suitability for
162 employment as a school attendance officer, the applicant must be

163 fingerprinted. If no disqualifying record is identified at the
164 state level, the Department of Public Safety shall forward the
165 fingerprints to the Federal Bureau of Investigation (FBI) for a
166 national criminal history record check. The applicant shall pay
167 the fee, not to exceed Fifty Dollars (\$50.00), for the
168 fingerprinting and criminal records background check; however, the
169 State Department of Education, in its discretion, may pay the fee
170 for the fingerprinting and criminal records background check on
171 behalf of any applicant. Under no circumstances may a member of
172 the State Board of Education, employee of the State Department of
173 Education or any person other than the subject of the criminal
174 records background check disseminate information received through
175 any such checks except insofar as required to fulfill the purposes
176 of this subsection.

177 (b) If the fingerprinting or criminal records check
178 discloses a felony conviction, guilty plea or plea of nolo
179 contendere to a felony of possession or sale of drugs, murder,
180 manslaughter, armed robbery, rape, sexual battery, sex offense
181 listed in Section 45-33-23(g), child abuse, arson, grand larceny,
182 burglary, gratification of lust or aggravated assault which has
183 not been reversed on appeal or for which a pardon has not been
184 granted, the applicant is not eligible to be employed as a school
185 attendance officer. Any employment of an applicant pending the
186 results of the fingerprinting and criminal records check is
187 voidable if the new hire receives a disqualifying criminal records
188 check. However, the State Board of Education, in its discretion,
189 may allow an applicant aggrieved by an employment decision under
190 this subsection to appear before the board, or before a hearing
191 officer designated for that purpose, to show mitigating
192 circumstances that may exist and allow the new hire to be employed
193 as a school attendance officer. The State Board of Education may
194 grant waivers for mitigating circumstances, which may include, but
195 are not necessarily limited to: (i) age at which the crime was

196 committed; (ii) circumstances surrounding the crime; (iii) length
197 of time since the conviction and criminal history since the
198 conviction; (iv) work history; (v) current employment and
199 character references; and (vi) other evidence demonstrating the
200 ability of the person to perform the responsibilities of a school
201 attendance officer competently and that the person does not pose a
202 threat to the health or safety of children.

203 (c) A member of the State Board of Education or
204 employee of the State Department of Education may not be held
205 liable in any employment discrimination suit in which an
206 allegation of discrimination is made regarding an employment
207 decision authorized under this section.

208 (3) Each school attendance officer shall possess a college
209 degree with a major in a behavioral science or a related field or
210 shall have no less than three (3) years combined actual experience
211 as a school teacher, school administrator, law enforcement officer
212 possessing such degree, and/or social worker; however, these
213 requirements shall not apply to persons employed as school
214 attendance officers before January 1, 1987. School attendance
215 officers also shall satisfy any additional requirements that may
216 be established by the State Personnel Board for the position of
217 school attendance officer.

218 (4) It shall be the duty of each school attendance officer
219 to:

220 (a) Cooperate with any public agency to locate and
221 identify all compulsory-school-age children who are not attending
222 school;

223 (b) Cooperate with all courts of competent
224 jurisdiction;

225 (c) Investigate all cases of nonattendance and unlawful
226 absences by compulsory-school-age children not enrolled in a
227 nonpublic school;

228 (d) Provide appropriate counseling to encourage all
229 school-age children to attend school until they have completed
230 high school;

231 (e) Attempt to secure the provision of social or
232 welfare services that may be required to enable any child to
233 attend school;

234 (f) Contact the home or place of residence of a
235 compulsory-school-age child and any other place in which the
236 officer is likely to find any compulsory-school-age child when the
237 child is absent from school during school hours without a valid
238 written excuse from school officials, and when the child is found,
239 the officer shall notify the parents and school officials as to
240 where the child was physically located;

241 (g) Contact promptly the home of each
242 compulsory-school-age child in the school district within the
243 officer's jurisdiction who is not enrolled in school or is not in
244 attendance at public school and is without a valid written excuse
245 from school officials; if no valid reason is found for the
246 nonenrollment or absence from the school, the school attendance
247 officer shall give written notice to the parent, guardian or
248 custodian of the requirement for the child's enrollment or
249 attendance;

250 (h) Collect and maintain information concerning
251 absenteeism, dropouts and other attendance-related problems, as
252 may be required by law or the Office of Compulsory School
253 Attendance Enforcement; and

254 (i) Perform all other duties relating to compulsory
255 school attendance established by the State Department of Education
256 or district school attendance supervisor, or both.

257 (5) While engaged in the performance of his duties, each
258 school attendance officer shall carry on his person a badge
259 identifying him as a school attendance officer under the Office of
260 Compulsory School Attendance Enforcement of the State Department

261 of Education and an identification card designed by the State
262 Superintendent of Public Education and issued by the school
263 attendance officer supervisor. Neither the badge nor the
264 identification card shall bear the name of any elected public
265 official.

266 (6) The State Personnel Board shall develop a salary scale
267 for school attendance officers as part of the variable
268 compensation plan. The various pay ranges of the salary scale
269 shall be based upon factors including, but not limited to,
270 education, professional certification and licensure, and number of
271 years of experience. School attendance officers shall be paid in
272 accordance with this salary scale. The minimum salaries under the
273 scale shall be no less than the following:

274 (a) For school attendance officers holding a bachelor's
275 degree or any other attendance officer who does not hold such a
276 degree, the annual salary shall be based on years of experience as
277 a school attendance officer or related field of service or
278 employment, no less than as follows:

279	Years of Experience	Salary
280	0 - 4 years	\$19,650.00
281	5 - 8 years	21,550.00
282	9 - 12 years	23,070.00
283	13 - 16 years	24,590.00
284	Over 17 years	26,110.00

285 (b) For school attendance officers holding a license as
286 a social worker, the annual salary shall be based on years of
287 experience as a school attendance officer or related field of
288 service or employment, no less than as follows:

289	Years of Experience	Salary
290	0 - 4 years	\$20,650.00
291	5 - 8 years	22,950.00
292	9 - 12 years	24,790.00
293	13 - 16 years	26,630.00

294 17 - 20 years 28,470.00

295 Over 21 years 30,310.00

296 (c) For school attendance officers holding a master's
297 degree in a behavioral science or a related field, the annual
298 salary shall be based on years of experience as a school
299 attendance officer or related field of service or employment, no
300 less than as follows:

301	Years of Experience	Salary
302	0 - 4 years	\$21,450.00
303	5 - 8 years	24,000.00
304	9 - 12 years	26,040.00
305	13 - 16 years	28,080.00
306	17 - 20 years	30,120.00
307	Over 21 years	32,160.00

308 (7) (a) Each school attendance officer employed by a
309 district attorney on June 30, 1998, who became an employee of the
310 State Department of Education on July 1, 1998, shall be awarded
311 credit for personal leave and major medical leave for his
312 continuous service as a school attendance officer under the
313 district attorney, and if applicable, the youth or family court or
314 a state agency. The credit for personal leave shall be in an
315 amount equal to one-third (1/3) of the maximum personal leave the
316 school attendance officer could have accumulated had he been
317 credited with such leave under Section 25-3-93 during his
318 employment with the district attorney, and if applicable, the
319 youth or family court or a state agency. The credit for major
320 medical leave shall be in an amount equal to one-half (1/2) of the
321 maximum major medical leave the school attendance officer could
322 have accumulated had he been credited with such leave under
323 Section 25-3-95 during his employment with the district attorney,
324 and if applicable, the youth or family court or a state agency.
325 However, if a district attorney who employed a school attendance
326 officer on June 30, 1998, certifies, in writing, to the State

327 Department of Education that the school attendance officer had
328 accumulated, pursuant to a personal leave policy or major medical
329 leave policy lawfully adopted by the district attorney, a number
330 of days of unused personal leave or major medical leave, or both,
331 which is greater than the number of days to which the school
332 attendance officer is entitled under this paragraph, the State
333 Department of Education shall authorize the school attendance
334 officer to retain the actual unused personal leave or major
335 medical leave, or both, certified by the district attorney,
336 subject to the maximum amount of personal leave and major medical
337 leave the school attendance officer could have accumulated had he
338 been credited with such leave under Sections 25-3-93 and 25-3-95.

339 (b) For the purpose of determining the accrual rate for
340 personal leave under Section 25-3-93 and major medical leave under
341 Section 25-3-95, the State Department of Education shall give
342 consideration to all continuous service rendered by a school
343 attendance officer before July 1, 1998, in addition to the service
344 rendered by the school attendance officer as an employee of the
345 department.

346 (c) In order for a school attendance officer to be
347 awarded credit for personal leave and major medical leave or to
348 retain the actual unused personal leave and major medical leave
349 accumulated by him before July 1, 1998, the district attorney who
350 employed the school attendance officer must certify, in writing,
351 to the State Department of Education the hire date of the school
352 attendance officer. For each school attendance officer employed
353 by the youth or family court or a state agency before being
354 designated an employee of the district attorney who has not had a
355 break in continuous service, the hire date shall be the date that
356 the school attendance officer was hired by the youth or family
357 court or state agency. The department shall prescribe the date by
358 which the certification must be received by the department and
359 shall provide written notice to all district attorneys of the

360 certification requirement and the date by which the certification
361 must be received.

362 (8) (a) School attendance officers shall maintain regular
363 office hours on a year-round basis; however, during the school
364 term, on those days that teachers in all of the school districts
365 served by a school attendance officer are not required to report
366 to work, the school attendance officer also shall not be required
367 to report to work. (For purposes of this subsection, a school
368 district's school term is that period of time identified as the
369 school term in contracts entered into by the district with
370 licensed personnel.) A school attendance officer shall be
371 required to report to work on any day recognized as an official
372 state holiday if teachers in any school district served by that
373 school attendance officer are required to report to work on that
374 day, regardless of the school attendance officer's status as an
375 employee of the State Department of Education, and compensatory
376 leave may not be awarded to the school attendance officer for
377 working during that day. However, a school attendance officer may
378 be allowed by the school attendance officer's supervisor to use
379 earned leave on such days.

380 (b) The State Department of Education annually shall
381 designate a period of two (2) consecutive weeks in the summer
382 between school years during which school attendance officers shall
383 not be required to report to work. A school attendance officer
384 who elects to work at any time during that period may not be
385 awarded compensatory leave for such work and may not opt to be
386 absent from work at any time other than during the two (2) weeks
387 designated by the department unless the school attendance officer
388 uses personal leave or major medical leave accrued under Section
389 25-3-93 or 25-3-95 for such absence.

390 (9) The State Department of Education shall provide all
391 continuing education and training courses that school attendance

392 officers are required to complete under state law or rules and
393 regulations of the department.

394 **SECTION 6.** Section 37-13-107, Mississippi Code of 1972, is
395 amended as follows:

396 37-13-107. (1) Every school attendance officer shall be
397 required annually to attend and complete a comprehensive course of
398 training and education which is provided or approved by the Office
399 of Compulsory School Attendance Enforcement within the Office of
400 Dropout Prevention. Attendance shall be required beginning with
401 the first training seminar conducted after the school attendance
402 officer is employed as a school attendance officer.

403 (2) The Office of Compulsory School Attendance Enforcement
404 shall provide or approve a course of training and education for
405 school attendance officers of the state. The course shall consist
406 of at least twelve (12) hours of training per year. The content
407 of the course of training and when and where it is to be conducted
408 shall be approved by the office. A certificate of completion
409 shall be furnished by the State Department of Education to those
410 school attendance officers who complete the course. Each
411 certificate shall be made a permanent record of the school
412 attendance officer supervisor's office where the school attendance
413 officer is employed.

414 (3) Upon the failure of any person employed as a school
415 attendance officer to receive the certificate of completion from
416 the State Department of Education within the first year of his
417 employment, the person shall not be allowed to carry out any of
418 the duties of a school attendance officer and shall not be
419 entitled to compensation for the period of time during which the
420 certificate has not been obtained.

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

423 37-7-301. The school boards of all school districts shall
424 have the following powers, authority and duties in addition to all
425 others imposed or granted by law, to wit:

426 (a) To organize and operate the schools of the district
427 and to make such division between the high school grades and
428 elementary grades as, in their judgment, will serve the best
429 interests of the school;

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

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

436 (d) To have responsibility for the erection, repairing
437 and equipping of school facilities and the making of necessary
438 school improvements;

439 (e) To suspend or to expel a pupil or to change the
440 placement of a pupil to the school district's alternative school
441 or home-bound program for misconduct in the school or on school
442 property, as defined in Section 37-11-29, on the road to and from
443 school, or at any school-related activity or event, or for conduct
444 occurring on property other than school property or other than at
445 a school-related activity or event when such conduct by a pupil,
446 in the determination of the school superintendent or principal,
447 renders that pupil's presence in the classroom a disruption to the
448 educational environment of the school or a detriment to the best
449 interest and welfare of the pupils and teacher of such class as a
450 whole, and to delegate such authority to the appropriate officials
451 of the school district;

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

455 (g) To support, within reasonable limits, the
456 superintendent, principal and teachers where necessary for the
457 proper discipline of the school;

458 (h) To exclude from the schools students with what
459 appears to be infectious or contagious diseases; provided,
460 however, such student may be allowed to return to school upon
461 presenting a certificate from a public health officer, duly
462 licensed physician or nurse practitioner that the student is free
463 from such disease;

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

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

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

472 (l) To prescribe and enforce rules and regulations not
473 inconsistent with law or with the regulations of the State Board
474 of Education for their own government and for the government of
475 the schools, and to transact their business at regular and special
476 meetings called and held in the manner provided by law;

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

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

482 (o) To make orders directed to the superintendent of
483 schools for the issuance of pay certificates for lawful purposes
484 on any available funds of the district and to have full control of
485 the receipt, distribution, allotment and disbursement of all funds
486 provided for the support and operation of the schools of such
487 school district whether such funds be derived from state

488 appropriations, local ad valorem tax collections, or otherwise.
489 The local school board shall be authorized and empowered to
490 promulgate rules and regulations that specify the types of claims
491 and set limits of the dollar amount for payment of claims by the
492 superintendent of schools to be ratified by the board at the next
493 regularly scheduled meeting after payment has been made;

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

498 (q) To provide athletic programs and other school
499 activities and to regulate the establishment and operation of such
500 programs and activities;

501 (r) To join, in their discretion, any association of
502 school boards and other public school-related organizations, and
503 to pay from local funds other than minimum foundation funds, any
504 membership dues;

505 (s) To expend local school activity funds, or other
506 available school district funds, other than minimum education
507 program funds, for the purposes prescribed under this paragraph.
508 "Activity funds" shall mean all funds received by school officials
509 in all school districts paid or collected to participate in any
510 school activity, such activity being part of the school program
511 and partially financed with public funds or supplemented by public
512 funds. The term "activity funds" shall not include any funds
513 raised and/or expended by any organization unless commingled in a
514 bank account with existing activity funds, regardless of whether
515 the funds were raised by school employees or received by school
516 employees during school hours or using school facilities, and
517 regardless of whether a school employee exercises influence over
518 the expenditure or disposition of such funds. Organizations shall
519 not be required to make any payment to any school for the use of
520 any school facility if, in the discretion of the local school

521 governing board, the organization's function shall be deemed to be
522 beneficial to the official or extracurricular programs of the
523 school. For the purposes of this provision, the term
524 "organization" shall not include any organization subject to the
525 control of the local school governing board. Activity funds may
526 only be expended for any necessary expenses or travel costs,
527 including advances, incurred by students and their chaperons in
528 attending any in-state or out-of-state school-related programs,
529 conventions or seminars and/or any commodities, equipment, travel
530 expenses, purchased services or school supplies which the local
531 school governing board, in its discretion, shall deem beneficial
532 to the official or extracurricular programs of the district,
533 including items which may subsequently become the personal
534 property of individuals, including yearbooks, athletic apparel,
535 book covers and trophies. Activity funds may be used to pay
536 travel expenses of school district personnel. The local school
537 governing board shall be authorized and empowered to promulgate
538 rules and regulations specifically designating for what purposes
539 school activity funds may be expended. The local school governing
540 board shall provide (i) that such school activity funds shall be
541 maintained and expended by the principal of the school generating
542 the funds in individual bank accounts, or (ii) that such school
543 activity funds shall be maintained and expended by the
544 superintendent of schools in a central depository approved by the
545 board. The local school governing board shall provide that such
546 school activity funds be audited as part of the annual audit
547 required in Section 37-9-18. The State Auditor shall prescribe a
548 uniform system of accounting and financial reporting for all
549 school activity fund transactions;

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

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

556 (v) (i) To lease a school building from an individual,
557 partnership, nonprofit corporation or a private for-profit
558 corporation for the use of such school district, and to expend
559 funds therefor as may be available from any nonminimum program
560 sources. The school board of the school district desiring to
561 lease a school building shall declare by resolution that a need
562 exists for a school building and that the school district cannot
563 provide the necessary funds to pay the cost or its proportionate
564 share of the cost of a school building required to meet the
565 present needs. The resolution so adopted by the school board
566 shall be published once each week for three (3) consecutive weeks
567 in a newspaper having a general circulation in the school district
568 involved, with the first publication thereof to be made not less
569 than thirty (30) days prior to the date upon which the school
570 board is to act on the question of leasing a school building. If
571 no petition requesting an election is filed prior to such meeting
572 as hereinafter provided, then the school board may, by resolution
573 spread upon its minutes, proceed to lease a school building. If
574 at any time prior to said meeting a petition signed by not less
575 than twenty percent (20%) or fifteen hundred (1500), whichever is
576 less, of the qualified electors of the school district involved
577 shall be filed with the school board requesting that an election
578 be called on the question, then the school board shall, not later
579 than the next regular meeting, adopt a resolution calling an
580 election to be held within such school district upon the question
581 of authorizing the school board to lease a school building. Such
582 election shall be called and held, and notice thereof shall be
583 given, in the same manner for elections upon the questions of the
584 issuance of the bonds of school districts, and the results thereof
585 shall be certified to the school board. If at least three-fifths
586 (3/5) of the qualified electors of the school district who voted

587 in such election shall vote in favor of the leasing of a school
588 building, then the school board shall proceed to lease a school
589 building. The term of the lease contract shall not exceed twenty
590 (20) years, and the total cost of such lease shall be either the
591 amount of the lowest and best bid accepted by the school board
592 after advertisement for bids or an amount not to exceed the
593 current fair market value of the lease as determined by the
594 averaging of at least two (2) appraisals by certified general
595 appraisers licensed by the State of Mississippi. The term "school
596 building" as used in this paragraph (v)(i) shall be construed to
597 mean any building or buildings used for classroom purposes in
598 connection with the operation of schools and shall include the
599 site therefor, necessary support facilities, and the equipment
600 thereof and appurtenances thereto such as heating facilities,
601 water supply, sewage disposal, landscaping, walks, drives and
602 playgrounds. The term "lease" as used in this paragraph (v)(i)
603 may include a lease/purchase contract;

604 (ii) If two (2) or more school districts propose
605 to enter into a lease contract jointly, then joint meetings of the
606 school boards having control may be held but no action taken shall
607 be binding on any such school district unless the question of
608 leasing a school building is approved in each participating school
609 district under the procedure hereinabove set forth in paragraph
610 (v)(i). All of the provisions of paragraph (v)(i) regarding the
611 term and amount of the lease contract shall apply to the school
612 boards of school districts acting jointly. Any lease contract
613 executed by two (2) or more school districts as joint lessees
614 shall set out the amount of the aggregate lease rental to be paid
615 by each, which may be agreed upon, but there shall be no right of
616 occupancy by any lessee unless the aggregate rental is paid as
617 stipulated in the lease contract. All rights of joint lessees
618 under the lease contract shall be in proportion to the amount of
619 lease rental paid by each;

620 (w) To employ all noninstructional and noncertificated
621 employees and fix the duties and compensation of such personnel
622 deemed necessary pursuant to the recommendation of the
623 superintendent of schools;

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

626 (y) Subject to rules and regulations of the State Board
627 of Education, to purchase, own and operate trucks, vans and other
628 motor vehicles, which shall bear the proper identification
629 required by law;

630 (z) To expend funds for the payment of substitute
631 teachers and to adopt reasonable regulations for the employment
632 and compensation of such substitute teachers;

633 (aa) To acquire in its own name by purchase all real
634 property which shall be necessary and desirable in connection with
635 the construction, renovation or improvement of any public school
636 building or structure. Whenever the purchase price for such real
637 property is greater than Fifty Thousand Dollars (\$50,000.00), the
638 school board shall not purchase the property for an amount
639 exceeding the fair market value of such property as determined by
640 the average of at least two (2) independent appraisals by
641 certified general appraisers licensed by the State of Mississippi.
642 If the board shall be unable to agree with the owner of any such
643 real property in connection with any such project, the board shall
644 have the power and authority to acquire any such real property by
645 condemnation proceedings pursuant to Section 11-27-1 et seq.,
646 Mississippi Code of 1972, and for such purpose, the right of
647 eminent domain is hereby conferred upon and vested in said board.
648 Provided further, that the local school board is authorized to
649 grant an easement for ingress and egress over sixteenth section
650 land or lieu land in exchange for a similar easement upon
651 adjoining land where the exchange of easements affords substantial
652 benefit to the sixteenth section land; provided, however, the

653 exchange must be based upon values as determined by a competent
654 appraiser, with any differential in value to be adjusted by cash
655 payment. Any easement rights granted over sixteenth section land
656 under such authority shall terminate when the easement ceases to
657 be used for its stated purpose. No sixteenth section or lieu land
658 which is subject to an existing lease shall be burdened by any
659 such easement except by consent of the lessee or unless the school
660 district shall acquire the unexpired leasehold interest affected
661 by the easement;

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

665 (cc) Subject to rules and regulations of the State
666 Board of Education, to purchase relocatable classrooms for the use
667 of such school district, in the manner prescribed in Section
668 37-1-13;

669 (dd) Enter into contracts or agreements with other
670 school districts, political subdivisions or governmental entities
671 to carry out one or more of the powers or duties of the school
672 board, or to allow more efficient utilization of limited resources
673 for providing services to the public;

674 (ee) To provide for in-service training for employees
675 of the district. Until June 30, 1994, the school boards may
676 designate two (2) days of the minimum school term, as defined in
677 Section 37-19-1, for employee in-service training for
678 implementation of the new statewide testing system as developed by
679 the State Board of Education. Such designation shall be subject
680 to approval by the State Board of Education pursuant to uniform
681 rules and regulations;

682 (ff) As part of their duties to prescribe the use of
683 textbooks, to provide that parents and legal guardians shall be
684 responsible for the textbooks and for the compensation to the
685 school district for any books which are not returned to the proper

686 schools upon the withdrawal of their dependent child. If a
687 textbook is lost or not returned by any student who drops out of
688 the public school district, the parent or legal guardian shall
689 also compensate the school district for the fair market value of
690 the textbooks;

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

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

698 (ii) Fund-raising activities conducted or
699 authorized by the board for the sale of school pictures, the
700 rental of caps and gowns or the sale of graduation invitations for
701 which the school board receives a commission, rebate or fee shall
702 contain a disclosure statement advising that a portion of the
703 proceeds of the sales or rentals shall be contributed to the
704 student activity fund;

705 (hh) To allow individual lessons for music, art and
706 other curriculum-related activities for academic credit or
707 nonacademic credit during school hours and using school equipment
708 and facilities, subject to uniform rules and regulations adopted
709 by the school board;

710 (ii) To charge reasonable fees for participating in an
711 extracurricular activity for academic or nonacademic credit for
712 necessary and required equipment such as safety equipment, band
713 instruments and uniforms;

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

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

719 (11) To expend funds for the services of nonprofit arts
720 organizations or other such nonprofit organizations who provide
721 performances or other services for the students of the school
722 district;

723 (mm) To expend federal No Child Left Behind Act funds,
724 or any other available funds that are expressly designated and
725 authorized for that use, to pay training, educational expenses,
726 salary incentives and salary supplements to employees of local
727 school districts; except that incentives shall not be considered
728 part of the local supplement as defined in Section 37-151-5(o),
729 nor shall incentives be considered part of the local supplement
730 paid to an individual teacher for the purposes of Section
731 37-19-7(1). Mississippi Adequate Education Program funds or any
732 other state funds may not be used for salary incentives or salary
733 supplements as provided in this paragraph (mm);

734 (nn) To use any available funds, not appropriated or
735 designated for any other purpose, for reimbursement to the
736 state-licensed employees from both in-state and out-of-state, who
737 enter into a contract for employment in a school district, for the
738 expense of moving when the employment necessitates the relocation
739 of the licensed employee to a different geographical area than
740 that in which the licensed employee resides before entering into
741 the contract. The reimbursement shall not exceed One Thousand
742 Dollars (\$1,000.00) for the documented actual expenses incurred in
743 the course of relocating, including the expense of any
744 professional moving company or persons employed to assist with the
745 move, rented moving vehicles or equipment, mileage in the amount
746 authorized for county and municipal employees under Section
747 25-3-41 if the licensed employee used his personal vehicle or
748 vehicles for the move, meals and such other expenses associated
749 with the relocation. No licensed employee may be reimbursed for
750 moving expenses under this section on more than one (1) occasion
751 by the same school district. Nothing in this section shall be

752 construed to require the actual residence to which the licensed
753 employee relocates to be within the boundaries of the school
754 district that has executed a contract for employment in order for
755 the licensed employee to be eligible for reimbursement for the
756 moving expenses. However, the licensed employee must relocate
757 within the boundaries of the State of Mississippi. Any individual
758 receiving relocation assistance through the Critical Teacher
759 Shortage Act as provided in Section 37-159-5 shall not be eligible
760 to receive additional relocation funds as authorized in this
761 paragraph;

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

768 (pp) Consistent with the report of the Task Force to
769 Conduct a Best Financial Management Practices Review, to improve
770 school district management and use of resources and identify cost
771 savings as established in Section 8 of Chapter 610, Laws of 2002,
772 local school boards are encouraged to conduct independent reviews
773 of the management and efficiency of schools and school districts.
774 Such management and efficiency reviews shall provide state and
775 local officials and the public with the following:

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

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

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

781 (iv) An assessment of facilities utilization,
782 planning and maintenance;

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

785 (vi) An assessment of instructional and
786 administrative technology;

787 (vii) A review of the instructional management and
788 the efficiency and effectiveness of existing instructional
789 programs; and

790 (viii) Recommended methods for increasing
791 efficiency and effectiveness in providing educational services to
792 the public;

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

798 (rr) To implement a financial literacy program for
799 students in Grades 10 and 11. The board may review the national
800 programs and obtain free literature from various nationally
801 recognized programs. After review of the different programs, the
802 board may certify a program that is most appropriate for the
803 school districts' needs. If a district implements a financial
804 literacy program, then any student in Grade 10 or 11 may
805 participate in the program. The financial literacy program shall
806 include, but is not limited to, instruction in the same areas of
807 personal business and finance as required under Section
808 37-1-3(2)(b). The school board may coordinate with volunteer
809 teachers from local community organizations, including, but not
810 limited to, the following: United States Department of
811 Agriculture Rural Development, United States Department of Housing
812 and Urban Development, Junior Achievement, bankers and other
813 nonprofit organizations. Nothing in this paragraph shall be
814 construed as to require school boards to implement a financial
815 literacy program;

816 (ss) To collaborate with the State Board of Education,
817 Community Action Agencies or the Department of Human Services to

818 develop and implement a voluntary program to provide services for
819 a full-day prekindergarten program that addresses the cognitive,
820 social, and emotional needs of four-year-old and three-year-old
821 children. The school board may utilize nonstate source special
822 funds, grants, donations or gifts to fund the voluntary program;

823 (tt) With respect to any lawful, written obligation of
824 a school district, including, but not limited to, leases
825 (excluding leases of sixteenth section public school trust land),
826 bonds, notes, or other agreement, to agree in writing with the
827 obligee that the State Tax Commission or any state agency,
828 department or commission created under state law may:

829 (i) Withhold all or any part (as agreed by the
830 school board) of any monies which such local school board is
831 entitled to receive from time to time under any law and which is
832 in the possession of the State Tax Commission, or any state
833 agency, department or commission created under state law; and

834 (ii) Pay the same over to any financial
835 institution, trustee or other obligee, as directed in writing by
836 the school board, to satisfy all or part of such obligation of the
837 school district.

838 The school board may make such written agreement to withhold
839 and transfer funds irrevocable for the term of the written
840 obligation and may include in the written agreement any other
841 terms and provisions acceptable to the school board. If the
842 school board files a copy of such written agreement with the State
843 Tax Commission, or any state agency, department or commission
844 created under state law then the State Tax Commission or any state
845 agency, department or commission created under state law shall
846 immediately make the withholdings provided in such agreement from
847 the amounts due the local school board and shall continue to pay
848 the same over to such financial institution, trustee or obligee
849 for the term of the agreement.

850 This paragraph (tt) shall not grant any extra authority to a
851 school board to issue debt in any amount exceeding statutory
852 limitations on assessed value of taxable property within such
853 school district or the statutory limitations on debt maturities,
854 and shall not grant any extra authority to impose, levy or collect
855 a tax which is not otherwise expressly provided for, and shall not
856 be construed to apply to sixteenth section public school trust
857 land;

858 (uu) With respect to any matter or transaction that is
859 competitively bid by a school district, to accept from any bidder
860 as a good faith deposit or bid bond or bid surety, the same type
861 of good faith deposit or bid bond or bid surety that may be
862 accepted by the state or any other political subdivision on
863 similar competitively bid matters or transactions. This paragraph
864 (uu) shall not be construed to apply to sixteenth section public
865 school trust land. The school board may authorize the investment
866 of any school district funds in the same kind and manner of
867 investments, including pooled investments, as any other political
868 subdivision, including community hospitals; * * *

869 (vv) To utilize the alternate method for the conveyance
870 or exchange of unused school buildings and/or land, reserving a
871 partial or other undivided interest in the property, as
872 specifically authorized and provided in Section 37-7-485,
873 Mississippi Code of 1972; and

874 (wv) To implement a dropout prevention program approved
875 by the Office of Dropout Prevention of the State Department of
876 Education by the 2008-2009 school year.

877 **SECTION 8.** This act shall take effect and be in force from
878 and after July 1, 2006.