

By: Representatives Brown, Weathersby, Lott,
Montgomery

To: Education;
Appropriations

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 SUPERINTENDENT
3 APPOINTS A DIRECTOR OF THE OFFICE; TO AMEND SECTION 37-13-81,
4 MISSISSIPPI CODE OF 1972, TO MOVE THE OFFICE OF COMPULSORY SCHOOL
5 ATTENDANCE ENFORCEMENT UNDER THE OFFICE OF DROPOUT PREVENTION; TO
6 AMEND SECTION 37-13-83, MISSISSIPPI CODE OF 1972, TO REQUIRE THE
7 DIRECTOR OF THE OFFICE OF COMPULSORY SCHOOL ATTENDANCE ENFORCEMENT
8 TO REPORT DIRECTLY TO THE DIRECTOR OF THE OFFICE OF DROPOUT
9 PREVENTION; TO AMEND SECTIONS 37-13-85, 37-13-89, 37-13-107,
10 MISSISSIPPI CODE OF 1972, IN CONFORMITY; TO AMEND SECTION
11 37-7-301, MISSISSIPPI CODE OF 1972, TO REQUIRE EACH SCHOOL
12 DISTRICT TO IMPLEMENT A DROPOUT PREVENTION PROGRAM BY THE 2008
13 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 **SECTION 2.** Section 37-13-81, Mississippi Code of 1972, is
30 amended as follows:

31 37-13-81. There is created the Office of Compulsory School
32 Attendance Enforcement within the Office of Dropout Prevention.

33 The office shall be responsible for the administration of a
34 statewide system of enforcement of the Mississippi Compulsory
35 School Attendance Law (Section 37-13-91) and for the supervision
36 of school attendance officers throughout the state.

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

39 37-13-83. The State Superintendent of Public Education shall
40 appoint a director for the Office of Compulsory School Attendance
41 Enforcement, who shall meet all qualifications established for
42 school attendance officer supervisors and any additional
43 qualifications that may be established by the State Superintendent
44 of Public Education or State Personnel Board. The director shall
45 be responsible for the proper administration of the Office of
46 Compulsory School Attendance Enforcement in conformity with the
47 Mississippi Compulsory School Attendance Law and any other
48 regulations or policies that may be adopted by the State Board of
49 Education. The director will report directly to the director of
50 the Office of Dropout Prevention.

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

53 37-13-85. The Office of Compulsory School Attendance
54 Enforcement within the Office of Dropout Prevention shall have the
55 following powers and duties, in addition to all others imposed or
56 granted by law:

57 (a) To establish any policies or guidelines concerning
58 the employment of school attendance officers which serve to
59 effectuate a uniform system of enforcement under the Mississippi
60 Compulsory School Attendance Law throughout the state, and to
61 designate the number of school attendance officers which shall be
62 employed to serve in each school district area;

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

65 (c) To establish minimum standards for enrollment and
66 attendance for the state and each individual school district, and
67 to monitor the success of the state and districts in achieving the
68 required levels of performance;

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

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

76 (f) To develop and implement a system under which
77 school districts are required to maintain accurate records that
78 document enrollment and attendance in such a manner that the
79 records reflect all changes in enrollment and attendance, and to
80 require school attendance officers to submit information
81 concerning public school attendance on a monthly basis to the
82 office;

83 (g) To prepare the form of the certificate of
84 enrollment required under the Mississippi Compulsory School
85 Attendance Law and to furnish a sufficient number of the
86 certificates of enrollment to each school attendance officer in
87 the state;

88 (h) To publish a report each year on the work of school
89 attendance officers in each school district concerning enforcement
90 of the Mississippi Compulsory School Attendance Law. The report
91 shall include: figures reflecting school attendance violations
92 and reductions or increases in the school dropout rates;
93 information describing attendance-related problems and proposed
94 solutions for those problems; and any other information that the
95 State Department of Education may require. The report shall be
96 submitted to the State Board of Education and the Education

Committees of the Senate and House of Representatives before the first day of July for the immediately preceding school year;

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

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

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

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

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

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

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

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

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

(2) (a) The State Department of Education shall obtain current criminal records background checks and current child abuse registry checks on all persons applying for the position of school attendance officer after July 2, 2002. The criminal records information and registry checks must be kept on file for any new hires. In order to determine an applicant's suitability for employment as a school attendance officer, the applicant must be fingerprinted. If no disqualifying record is identified at the state level, the Department of Public Safety shall forward the fingerprints to the Federal Bureau of Investigation (FBI) for a national criminal history record check. The applicant shall pay the fee, not to exceed Fifty Dollars (\$50.00), for the fingerprinting and criminal records background check; however, the State Department of Education, in its discretion, may pay the fee for the fingerprinting and criminal records background check on behalf of any applicant. Under no circumstances may a member of the State Board of Education, employee of the State Department of

Education or any person other than the subject of the criminal records background check disseminate information received through any such checks except insofar as required to fulfill the purposes of this subsection.

(b) If the fingerprinting or criminal records check discloses a felony conviction, guilty plea or plea of nolo contendere to a felony of possession or sale of drugs, murder, manslaughter, armed robbery, rape, sexual battery, sex offense listed in Section 45-33-23(g), child abuse, arson, grand larceny, burglary, gratification of lust or aggravated assault which has not been reversed on appeal or for which a pardon has not been granted, the applicant is not eligible to be employed as a school attendance officer. Any employment of an applicant pending the results of the fingerprinting and criminal records check is voidable if the new hire receives a disqualifying criminal records check. However, the State Board of Education, in its discretion, may allow an applicant aggrieved by an employment decision under this subsection to appear before the board, or before a hearing officer designated for that purpose, to show mitigating circumstances that may exist and allow the new hire to be employed as a school attendance officer. The State Board of Education may grant waivers for mitigating circumstances, which may include, but are not necessarily limited to: (i) age at which the crime was committed; (ii) circumstances surrounding the crime; (iii) length of time since the conviction and criminal history since the conviction; (iv) work history; (v) current employment and character references; and (vi) other evidence demonstrating the ability of the person to perform the responsibilities of a school attendance officer competently and that the person does not pose a threat to the health or safety of children.

(c) A member of the State Board of Education or employee of the State Department of Education may not be held liable in any employment discrimination suit in which an

allegation of discrimination is made regarding an employment decision authorized under this section.

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

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

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

(b) Cooperate with all courts of competent jurisdiction;

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

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

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

(f) Contact the home or place of residence of a compulsory-school-age child and any other place in which the officer is likely to find any compulsory-school-age child when the child is absent from school during school hours without a valid written excuse from school officials, and when the child is found,

228 the officer shall notify the parents and school officials as to
229 where the child was physically located;

230 (g) Contact promptly the home of each
231 compulsory-school-age child in the school district within the
232 officer's jurisdiction who is not enrolled in school or is not in
233 attendance at public school and is without a valid written excuse
234 from school officials; if no valid reason is found for the
235 nonenrollment or absence from the school, the school attendance
236 officer shall give written notice to the parent, guardian or
237 custodian of the requirement for the child's enrollment or
238 attendance;

239 (h) Collect and maintain information concerning
240 absenteeism, dropouts and other attendance-related problems, as
241 may be required by law or the Office of Compulsory School
242 Attendance Enforcement; and

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

246 (5) While engaged in the performance of his duties, each
247 school attendance officer shall carry on his person a badge
248 identifying him as a school attendance officer under the Office of
249 Compulsory School Attendance Enforcement of the State Department
250 of Education and an identification card designed by the State
251 Superintendent of Public Education and issued by the school
252 attendance officer supervisor. Neither the badge nor the
253 identification card shall bear the name of any elected public
254 official.

255 (6) The State Personnel Board shall develop a salary scale
256 for school attendance officers as part of the variable
257 compensation plan. The various pay ranges of the salary scale
258 shall be based upon factors including, but not limited to,
259 education, professional certification and licensure, and number of
260 years of experience. School attendance officers shall be paid in

261 accordance with this salary scale. The minimum salaries under the
262 scale shall be no less than the following:

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

268	Years of Experience	Salary
269	0 - 4 years	\$19,650.00
270	5 - 8 years	21,550.00
271	9 - 12 years	23,070.00
272	13 - 16 years	24,590.00
273	Over 17 years	26,110.00

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

278	Years of Experience	Salary
279	0 - 4 years	\$20,650.00
280	5 - 8 years	22,950.00
281	9 - 12 years	24,790.00
282	13 - 16 years	26,630.00
283	17 - 20 years	28,470.00
284	Over 21 years	30,310.00

285 (c) For school attendance officers holding a master's
286 degree in a behavioral science or a related field, the annual
287 salary shall be based on years of experience as a school
288 attendance officer or related field of service or employment, no
289 less than as follows:

290	Years of Experience	Salary
291	0 - 4 years	\$21,450.00
292	5 - 8 years	24,000.00
293	9 - 12 years	26,040.00

294	13 - 16 years	28,080.00
295	17 - 20 years	30,120.00
296	Over 21 years	32,160.00

297 (7) (a) Each school attendance officer employed by a
298 district attorney on June 30, 1998, who became an employee of the
299 State Department of Education on July 1, 1998, shall be awarded
300 credit for personal leave and major medical leave for his
301 continuous service as a school attendance officer under the
302 district attorney, and if applicable, the youth or family court or
303 a state agency. The credit for personal leave shall be in an
304 amount equal to one-third (1/3) of the maximum personal leave the
305 school attendance officer could have accumulated had he been
306 credited with such leave under Section 25-3-93 during his
307 employment with the district attorney, and if applicable, the
308 youth or family court or a state agency. The credit for major
309 medical leave shall be in an amount equal to one-half (1/2) of the
310 maximum major medical leave the school attendance officer could
311 have accumulated had he been credited with such leave under
312 Section 25-3-95 during his employment with the district attorney,
313 and if applicable, the youth or family court or a state agency.
314 However, if a district attorney who employed a school attendance
315 officer on June 30, 1998, certifies, in writing, to the State
316 Department of Education that the school attendance officer had
317 accumulated, pursuant to a personal leave policy or major medical
318 leave policy lawfully adopted by the district attorney, a number
319 of days of unused personal leave or major medical leave, or both,
320 which is greater than the number of days to which the school
321 attendance officer is entitled under this paragraph, the State
322 Department of Education shall authorize the school attendance
323 officer to retain the actual unused personal leave or major
324 medical leave, or both, certified by the district attorney,
325 subject to the maximum amount of personal leave and major medical

326 leave the school attendance officer could have accumulated had he
327 been credited with such leave under Sections 25-3-93 and 25-3-95.

328 (b) For the purpose of determining the accrual rate for
329 personal leave under Section 25-3-93 and major medical leave under
330 Section 25-3-95, the State Department of Education shall give
331 consideration to all continuous service rendered by a school
332 attendance officer before July 1, 1998, in addition to the service
333 rendered by the school attendance officer as an employee of the
334 department.

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

351 (8) (a) School attendance officers shall maintain regular
352 office hours on a year-round basis; however, during the school
353 term, on those days that teachers in all of the school districts
354 served by a school attendance officer are not required to report
355 to work, the school attendance officer also shall not be required
356 to report to work. (For purposes of this subsection, a school
357 district's school term is that period of time identified as the
358 school term in contracts entered into by the district with

licensed personnel.) A school attendance officer shall be required to report to work on any day recognized as an official state holiday if teachers in any school district served by that school attendance officer are required to report to work on that day, regardless of the school attendance officer's status as an employee of the State Department of Education, and compensatory leave may not be awarded to the school attendance officer for working during that day. However, a school attendance officer may be allowed by the school attendance officer's supervisor to use earned leave on such days.

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

(9) The State Department of Education shall provide all continuing education and training courses that school attendance officers are required to complete under state law or rules and regulations of the department.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

461 (l) To prescribe and enforce rules and regulations not
462 inconsistent with law or with the regulations of the State Board
463 of Education for their own government and for the government of
464 the schools, and to transact their business at regular and special
465 meetings called and held in the manner provided by law;

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

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

471 (o) To make orders directed to the superintendent of
472 schools for the issuance of pay certificates for lawful purposes
473 on any available funds of the district and to have full control of
474 the receipt, distribution, allotment and disbursement of all funds
475 provided for the support and operation of the schools of such
476 school district whether such funds be derived from state
477 appropriations, local ad valorem tax collections, or otherwise.
478 The local school board shall be authorized and empowered to
479 promulgate rules and regulations that specify the types of claims
480 and set limits of the dollar amount for payment of claims by the
481 superintendent of schools to be ratified by the board at the next
482 regularly scheduled meeting after payment has been made;

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

487 (q) To provide athletic programs and other school
488 activities and to regulate the establishment and operation of such
489 programs and activities;

490 (r) To join, in their discretion, any association of
491 school boards and other public school-related organizations, and
492 to pay from local funds other than minimum foundation funds, any
493 membership dues;

494 (s) To expend local school activity funds, or other
495 available school district funds, other than minimum education
496 program funds, for the purposes prescribed under this paragraph.
497 "Activity funds" shall mean all funds received by school officials
498 in all school districts paid or collected to participate in any
499 school activity, such activity being part of the school program
500 and partially financed with public funds or supplemented by public
501 funds. The term "activity funds" shall not include any funds
502 raised and/or expended by any organization unless commingled in a
503 bank account with existing activity funds, regardless of whether
504 the funds were raised by school employees or received by school
505 employees during school hours or using school facilities, and
506 regardless of whether a school employee exercises influence over
507 the expenditure or disposition of such funds. Organizations shall
508 not be required to make any payment to any school for the use of
509 any school facility if, in the discretion of the local school
510 governing board, the organization's function shall be deemed to be
511 beneficial to the official or extracurricular programs of the
512 school. For the purposes of this provision, the term
513 "organization" shall not include any organization subject to the
514 control of the local school governing board. Activity funds may
515 only be expended for any necessary expenses or travel costs,
516 including advances, incurred by students and their chaperons in
517 attending any in-state or out-of-state school-related programs,
518 conventions or seminars and/or any commodities, equipment, travel
519 expenses, purchased services or school supplies which the local
520 school governing board, in its discretion, shall deem beneficial
521 to the official or extracurricular programs of the district,
522 including items which may subsequently become the personal

property of individuals, including yearbooks, athletic apparel, book covers and trophies. Activity funds may be used to pay travel expenses of school district personnel. The local school governing board shall be authorized and empowered to promulgate rules and regulations specifically designating for what purposes school activity funds may be expended. The local school governing board shall provide (i) that such school activity funds shall be maintained and expended by the principal of the school generating the funds in individual bank accounts, or (ii) that such school activity funds shall be maintained and expended by the superintendent of schools in a central depository approved by the board. The local school governing board shall provide that such school activity funds be audited as part of the annual audit required in Section 37-9-18. The State Auditor shall prescribe a uniform system of accounting and financial reporting for all school activity fund transactions;

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

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

(v) (i) To lease a school building from an individual, partnership, nonprofit corporation or a private for-profit corporation for the use of such school district, and to expend funds therefor as may be available from any nonminimum program sources. The school board of the school district desiring to lease a school building shall declare by resolution that a need exists for a school building and that the school district cannot provide the necessary funds to pay the cost or its proportionate share of the cost of a school building required to meet the present needs. The resolution so adopted by the school board shall be published once each week for three (3) consecutive weeks

556 in a newspaper having a general circulation in the school district
557 involved, with the first publication thereof to be made not less
558 than thirty (30) days prior to the date upon which the school
559 board is to act on the question of leasing a school building. If
560 no petition requesting an election is filed prior to such meeting
561 as hereinafter provided, then the school board may, by resolution
562 spread upon its minutes, proceed to lease a school building. If
563 at any time prior to said meeting a petition signed by not less
564 than twenty percent (20%) or fifteen hundred (1500), whichever is
565 less, of the qualified electors of the school district involved
566 shall be filed with the school board requesting that an election
567 be called on the question, then the school board shall, not later
568 than the next regular meeting, adopt a resolution calling an
569 election to be held within such school district upon the question
570 of authorizing the school board to lease a school building. Such
571 election shall be called and held, and notice thereof shall be
572 given, in the same manner for elections upon the questions of the
573 issuance of the bonds of school districts, and the results thereof
574 shall be certified to the school board. If at least three-fifths
575 (3/5) of the qualified electors of the school district who voted
576 in such election shall vote in favor of the leasing of a school
577 building, then the school board shall proceed to lease a school
578 building. The term of the lease contract shall not exceed twenty
579 (20) years, and the total cost of such lease shall be either the
580 amount of the lowest and best bid accepted by the school board
581 after advertisement for bids or an amount not to exceed the
582 current fair market value of the lease as determined by the
583 averaging of at least two (2) appraisals by certified general
584 appraisers licensed by the State of Mississippi. The term "school
585 building" as used in this paragraph (v)(i) shall be construed to
586 mean any building or buildings used for classroom purposes in
587 connection with the operation of schools and shall include the
588 site therefor, necessary support facilities, and the equipment

589 thereof and appurtenances thereto such as heating facilities,
590 water supply, sewage disposal, landscaping, walks, drives and
591 playgrounds. The term "lease" as used in this paragraph (v)(i)
592 may include a lease/purchase contract;

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

609 (w) To employ all noninstructional and noncertificated
610 employees and fix the duties and compensation of such personnel
611 deemed necessary pursuant to the recommendation of the
612 superintendent of schools;

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

615 (y) Subject to rules and regulations of the State Board
616 of Education, to purchase, own and operate trucks, vans and other
617 motor vehicles, which shall bear the proper identification
618 required by law;

619 (z) To expend funds for the payment of substitute
620 teachers and to adopt reasonable regulations for the employment
621 and compensation of such substitute teachers;

622 (aa) To acquire in its own name by purchase all real
623 property which shall be necessary and desirable in connection with
624 the construction, renovation or improvement of any public school
625 building or structure. Whenever the purchase price for such real
626 property is greater than Fifty Thousand Dollars (\$50,000.00), the
627 school board shall not purchase the property for an amount
628 exceeding the fair market value of such property as determined by
629 the average of at least two (2) independent appraisals by
630 certified general appraisers licensed by the State of Mississippi.
631 If the board shall be unable to agree with the owner of any such
632 real property in connection with any such project, the board shall
633 have the power and authority to acquire any such real property by
634 condemnation proceedings pursuant to Section 11-27-1 et seq.,
635 Mississippi Code of 1972, and for such purpose, the right of
636 eminent domain is hereby conferred upon and vested in said board.
637 Provided further, that the local school board is authorized to
638 grant an easement for ingress and egress over sixteenth section
639 land or lieu land in exchange for a similar easement upon
640 adjoining land where the exchange of easements affords substantial
641 benefit to the sixteenth section land; provided, however, the
642 exchange must be based upon values as determined by a competent
643 appraiser, with any differential in value to be adjusted by cash
644 payment. Any easement rights granted over sixteenth section land
645 under such authority shall terminate when the easement ceases to
646 be used for its stated purpose. No sixteenth section or lieu land
647 which is subject to an existing lease shall be burdened by any
648 such easement except by consent of the lessee or unless the school
649 district shall acquire the unexpired leasehold interest affected
650 by the easement;

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

654 (cc) Subject to rules and regulations of the State
655 Board of Education, to purchase relocatable classrooms for the use
656 of such school district, in the manner prescribed in Section
657 37-1-13;

658 (dd) Enter into contracts or agreements with other
659 school districts, political subdivisions or governmental entities
660 to carry out one or more of the powers or duties of the school
661 board, or to allow more efficient utilization of limited resources
662 for providing services to the public;

663 (ee) To provide for in-service training for employees
664 of the district. Until June 30, 1994, the school boards may
665 designate two (2) days of the minimum school term, as defined in
666 Section 37-19-1, for employee in-service training for
667 implementation of the new statewide testing system as developed by
668 the State Board of Education. Such designation shall be subject
669 to approval by the State Board of Education pursuant to uniform
670 rules and regulations;

671 (ff) As part of their duties to prescribe the use of
672 textbooks, to provide that parents and legal guardians shall be
673 responsible for the textbooks and for the compensation to the
674 school district for any books which are not returned to the proper
675 schools upon the withdrawal of their dependent child. If a
676 textbook is lost or not returned by any student who drops out of
677 the public school district, the parent or legal guardian shall
678 also compensate the school district for the fair market value of
679 the textbooks;

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

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

687 (ii) Fund-raising activities conducted or
688 authorized by the board for the sale of school pictures, the
689 rental of caps and gowns or the sale of graduation invitations for
690 which the school board receives a commission, rebate or fee shall
691 contain a disclosure statement advising that a portion of the
692 proceeds of the sales or rentals shall be contributed to the
693 student activity fund;

694 (hh) To allow individual lessons for music, art and
695 other curriculum-related activities for academic credit or
696 nonacademic credit during school hours and using school equipment
697 and facilities, subject to uniform rules and regulations adopted
698 by the school board;

699 (ii) To charge reasonable fees for participating in an
700 extracurricular activity for academic or nonacademic credit for
701 necessary and required equipment such as safety equipment, band
702 instruments and uniforms;

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

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

708 (ll) To expend funds for the services of nonprofit arts
709 organizations or other such nonprofit organizations who provide
710 performances or other services for the students of the school
711 district;

712 (mm) To expend federal No Child Left Behind Act funds,
713 or any other available funds that are expressly designated and
714 authorized for that use, to pay training, educational expenses,
715 salary incentives and salary supplements to employees of local
716 school districts; except that incentives shall not be considered
717 part of the local supplement as defined in Section 37-151-5(o),
718 nor shall incentives be considered part of the local supplement
719 paid to an individual teacher for the purposes of Section

37-19-7(1). Mississippi Adequate Education Program funds or any other state funds may not be used for salary incentives or salary supplements as provided in this paragraph (mm);

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

(oo) To use any available funds, not appropriated or designated for any other purpose, to reimburse persons who

753 interview for employment as a licensed employee with the district
754 for the mileage and other actual expenses incurred in the course
755 of travel to and from the interview at the rate authorized for
756 county and municipal employees under Section 25-3-41;

757 (pp) Consistent with the report of the Task Force to
758 Conduct a Best Financial Management Practices Review, to improve
759 school district management and use of resources and identify cost
760 savings as established in Section 8 of Chapter 610, Laws of 2002,
761 local school boards are encouraged to conduct independent reviews
762 of the management and efficiency of schools and school districts.
763 Such management and efficiency reviews shall provide state and
764 local officials and the public with the following:

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

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

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

770 (iv) An assessment of facilities utilization,
771 planning and maintenance;

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

774 (vi) An assessment of instructional and
775 administrative technology;

776 (vii) A review of the instructional management and
777 the efficiency and effectiveness of existing instructional
778 programs; and

779 (viii) Recommended methods for increasing
780 efficiency and effectiveness in providing educational services to
781 the public;

782 (qq) To enter into agreements with other local school
783 boards for the establishment of an educational service agency
784 (ESA) to provide for the cooperative needs of the region in which

785 the school district is located, as provided in Section 37-7-345.

786 This paragraph shall repeal on July 1, 2007;

787 (rr) To implement a financial literacy program for
788 students in Grades 10 and 11. The board may review the national
789 programs and obtain free literature from various nationally
790 recognized programs. After review of the different programs, the
791 board may certify a program that is most appropriate for the
792 school districts' needs. If a district implements a financial
793 literacy program, then any student in Grade 10 or 11 may
794 participate in the program. The financial literacy program shall
795 include, but is not limited to, instruction in the same areas of
796 personal business and finance as required under Section
797 37-1-3(2)(b). The school board may coordinate with volunteer
798 teachers from local community organizations, including, but not
799 limited to, the following: United States Department of
800 Agriculture Rural Development, United States Department of Housing
801 and Urban Development, Junior Achievement, bankers and other
802 nonprofit organizations. Nothing in this paragraph shall be
803 construed as to require school boards to implement a financial
804 literacy program;

805 (ss) To collaborate with the State Board of Education,
806 Community Action Agencies or the Department of Human Services to
807 develop and implement a voluntary program to provide services for
808 a full-day prekindergarten program that addresses the cognitive,
809 social, and emotional needs of four-year-old and three-year-old
810 children. The school board may utilize nonstate source special
811 funds, grants, donations or gifts to fund the voluntary program;

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

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

823 (ii) Pay the same over to any financial
824 institution, trustee or other obligee, as directed in writing by
825 the school board, to satisfy all or part of such obligation of the
826 school district.

827 The school board may make such written agreement to withhold
828 and transfer funds irrevocable for the term of the written
829 obligation and may include in the written agreement any other
830 terms and provisions acceptable to the school board. If the
831 school board files a copy of such written agreement with the State
832 Tax Commission, or any state agency, department or commission
833 created under state law then the State Tax Commission or any state
834 agency, department or commission created under state law shall
835 immediately make the withholdings provided in such agreement from
836 the amounts due the local school board and shall continue to pay
837 the same over to such financial institution, trustee or obligee
838 for the term of the agreement.

839 This paragraph (tt) shall not grant any extra authority to a
840 school board to issue debt in any amount exceeding statutory
841 limitations on assessed value of taxable property within such
842 school district or the statutory limitations on debt maturities,
843 and shall not grant any extra authority to impose, levy or collect
844 a tax which is not otherwise expressly provided for, and shall not
845 be construed to apply to sixteenth section public school trust
846 land;

847 (uu) With respect to any matter or transaction that is
848 competitively bid by a school district, to accept from any bidder
849 as a good faith deposit or bid bond or bid surety, the same type
850 of good faith deposit or bid bond or bid surety that may be

851 accepted by the state or any other political subdivision on
852 similar competitively bid matters or transactions. This paragraph
853 (uu) shall not be construed to apply to sixteenth section public
854 school trust land. The school board may authorize the investment
855 of any school district funds in the same kind and manner of
856 investments, including pooled investments, as any other political
857 subdivision, including community hospitals; * * *

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

863 (ww) To implement a dropout prevention program approved
864 by the Office of Dropout Prevention within the State Department of
865 Education by the 2008-2009 school year.

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