

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.