

By: Senator(s) Dawkins

To: Education

## SENATE BILL NO. 2095

1 AN ACT TO CREATE THE MISSISSIPPI COMMISSION ON PUBLIC SCHOOL  
2 ACTIVITIES WITHIN THE STATE DEPARTMENT OF EDUCATION TO REGULATE  
3 ALL ATHLETIC, EXTRACURRICULAR AND INTERSCHOLASTIC ACTIVITIES AMONG  
4 PUBLIC SCHOOLS; TO PROVIDE FOR THE MEMBERSHIP AND POWERS OF SAID  
5 COMMISSION; TO CREATE AND EMPOWER THE POSITION OF EXECUTIVE  
6 DIRECTOR OF THE COMMISSION ON PUBLIC SCHOOL ACTIVITIES; TO PROVIDE  
7 FOR HEARING PROCEDURES REGARDING CONTROVERSIES ARISING FROM SCHOOL  
8 ACTIVITIES; TO AUTHORIZE THE COMMISSION TO PRESCRIBE FEES TO BE  
9 CHARGED AT SUCH INTERSCHOOL EVENTS FOR THE PURPOSE OF FUNDING THE  
10 ACTIVITIES OF THE COMMISSION; TO AMEND SECTION 37-7-301,  
11 MISSISSIPPI CODE OF 1972, TO AUTHORIZE LOCAL SCHOOL BOARDS TO  
12 COMPLY WITH THE REGULATIONS AND FEES PRESCRIBED BY THE COMMISSION  
13 ON PUBLIC SCHOOL ACTIVITIES; AND FOR RELATED PURPOSES.

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

15 **SECTION 1.** As used in this act:

16 (a) "Commission" means the Mississippi Commission on  
17 Public School Activities.

18 (b) "Executive director" means the Executive Director  
19 of the Mississippi Commission on Public School Activities.

20 **SECTION 2.** There is hereby created the "Mississippi  
21 Commission on Public School Activities" which shall be a division  
22 of the State Department of Education. The commission shall be  
23 composed of four (4) members appointed one (1) from each  
24 Mississippi congressional district, and one (1) from the state at  
25 large. The membership of said commission shall be appointed by  
26 the State Board of Education upon the recommendation of the State  
27 Superintendent of Education. In making the first appointments,  
28 one (1) member shall be appointed for a term of one (1) year, one  
29 (1) member shall be appointed for a term of two (2) years, one (1)  
30 member shall be appointed for a term of three (3) years, and two  
31 (2) members shall be appointed for a term of four (4) years, to be  
32 designated at the time of appointment. Thereafter all members

33 shall be appointed for a term of four (4) years. All members of  
34 the commission shall possess at least a high school diploma, and  
35 be persons knowledgeable in school affairs. Said commission shall  
36 meet upon call of the State Superintendent of Education. Each  
37 member of said commission shall receive the per diem authorized by  
38 Section 25-3-69, Mississippi Code of 1972, plus actual and  
39 necessary expenses and mileage as authorized by Section 25-3-41,  
40 Mississippi Code of 1972, for each day in actual attendance at  
41 meetings of the commission. The expenses of the commission shall  
42 be paid out of the Public School Activities Special Fund, created  
43 in this act.

44 **SECTION 3.** There is hereby created the position of Executive  
45 Director of the Commission on Public School Activities, who shall  
46 be appointed by the State Board of Education upon the  
47 recommendation of the commission. He shall hold his position  
48 subject to the will and pleasure of the State Board of Education  
49 and shall be responsible to the Commission on Public School  
50 Activities for the proper administration of its programs. The  
51 executive director shall possess at least a baccalaureate degree  
52 and shall be knowledgeable in public school administration. The  
53 salary of the executive director shall be fixed by the State Board  
54 of Education with the approval of the State Personnel Board. Such  
55 salary and expenses for the operation of the Commission on Public  
56 School Activities shall be paid out of the Public School  
57 Activities Special Fund created in this act.

58 **SECTION 4.** The Commission on Public School Activities shall  
59 have exclusive authority in planning, directing and controlling  
60 contests, games, athletic events, music festivals and all other  
61 interscholastic or extracurricular activities among the public  
62 schools accredited by the Mississippi Commission on School  
63 Accreditation. Such activities shall include all athletic,  
64 extracurricular and interscholastic activities in Grades K-12.

65           **SECTION 5.** The Executive Director of the Commission on  
66 Public School Activities shall have charge of and be responsible  
67 for promoting the general welfare of the public schools accredited  
68 by the Mississippi Commission on School Accreditation in their  
69 relations with each other. He shall have the following duties and  
70 responsibilities, subject to the direction of the commission:

71                   (a) Planning, directing and controlling contests, games  
72 and other interscholastic activities;

73                   (b) Elevating the standards of sportsmanship by seeking  
74 to strengthen the moral fibre of all concerned;

75                   (c) Developing a higher standard of scholarship and  
76 encouraging pride in scholastic achievement; and

77                   (d) Encouraging the formation and promotion of  
78 noncompetitive activities which contribute to the molding of good  
79 character as part of a well-rounded extracurricular program.

80           **SECTION 6.** All controversies involving the activities among  
81 schools shall be initially heard by the Executive Director of the  
82 Commission on Public School Activities before whom a complete  
83 record shall be made. After the conclusion of the hearing, the  
84 executive director shall make a recommendation to the commission  
85 as to the resolution of the controversy, and the commission, after  
86 considering the transcribed record and the recommendation of the  
87 executive director, shall make its decision which becomes final.  
88 All appeals from the Commission on Public School Activities shall  
89 be on the record and shall be filed in the Circuit Court of the  
90 First Judicial District of Hinds County, Mississippi. The  
91 commission shall select a competent and qualified court reporter  
92 to the record and transcribe all hearings held before the  
93 executive director whose fees and costs of transcription shall be  
94 paid by the school district(s) involved within forty-five (45)  
95 days after having been notified of such costs and fees by the  
96 commission.

97           **SECTION 7.** (1) The Commission on Public School Activities  
98 is empowered to develop and promulgate rules and regulations for  
99 the purpose of administering athletic, extracurricular and  
100 interscholastic activities among public schools.

101           (2) The Commission on Public School Activities is empowered  
102 to prescribe reasonable fees to be charged at any such  
103 extracurricular and interscholastic events among public schools in  
104 order to fund the regulatory functions of the commission. The  
105 commission shall provide for the collection of such fees by local  
106 school district personnel and the deposit of such funds into the  
107 Public School Activities Special Fund created herein.

108           (3) There is hereby created in the State Treasury the  
109 "Public School Activities Special Fund." Such salaries,  
110 compensation and other necessary expenses of the Commission on  
111 Public School Activities shall be paid from the Public School  
112 Activities Special Fund upon the requisition of the State  
113 Superintendent of Education and warrant issued thereunder by the  
114 State Auditor, subject to appropriation by the Legislature.

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

117           37-7-301. The school boards of all school districts shall  
118 have the following powers, authority and duties in addition to all  
119 others imposed or granted by law, to wit:

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

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

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

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

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

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

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

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

158           (i) To require those vaccinations specified by the  
159 State Health Officer as provided in Section 41-23-37;

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

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

165           (l) To prescribe and enforce rules and regulations not  
166 inconsistent with law or with the regulations of the State Board  
167 of Education for their own government and for the government of  
168 the schools, and to transact their business at regular and special  
169 meetings called and held in the manner provided by law;

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

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

175           (o) To make orders directed to the superintendent of  
176 schools for the issuance of pay certificates for lawful purposes  
177 on any available funds of the district and to have full control of  
178 the receipt, distribution, allotment and disbursement of all funds  
179 provided for the support and operation of the schools of such  
180 school district whether such funds be derived from state  
181 appropriations, local ad valorem tax collections, or otherwise.  
182 The local school board shall be authorized and empowered to  
183 promulgate rules and regulations that specify the types of claims  
184 and set limits of the dollar amount for payment of claims by the  
185 superintendent of schools to be ratified by the board at the next  
186 regularly scheduled meeting after payment has been made;

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

191           (q) To provide athletic programs and other school  
192 activities subject to the regulations of the Commission on Public  
193 School Activities of the State Department of Education;

194           (r) To join, in their discretion, any association of  
195 school boards and other public school-related organizations, and  
196 to pay from local funds other than minimum foundation funds, any  
197 membership dues;

198           (s) To expend local school activity funds, or other  
199 available school district funds, other than minimum education  
200 program funds, for the purposes prescribed under this paragraph.  
201 "Activity funds" shall mean all funds received by school officials  
202 in all school districts paid or collected to participate in any  
203 school activity, such activity being part of the school program  
204 and partially financed with public funds or supplemented by public  
205 funds. The term "activity funds" shall not include any funds  
206 raised and/or expended by any organization unless commingled in a  
207 bank account with existing activity funds, regardless of whether  
208 the funds were raised by school employees or received by school  
209 employees during school hours or using school facilities, and  
210 regardless of whether a school employee exercises influence over  
211 the expenditure or disposition of such funds. Organizations shall  
212 not be required to make any payment to any school for the use of  
213 any school facility if, in the discretion of the local school  
214 governing board, the organization's function shall be deemed to be  
215 beneficial to the official or extracurricular programs of the  
216 school. For the purposes of this provision, the term  
217 "organization" shall not include any organization subject to the  
218 control of the local school governing board. Activity funds may  
219 only be expended for any necessary expenses or travel costs,  
220 including advances, incurred by students and their chaperons in  
221 attending any in-state or out-of-state school-related programs,  
222 conventions or seminars and/or any commodities, equipment, travel  
223 expenses, purchased services or school supplies which the local  
224 school governing board, in its discretion, shall deem beneficial  
225 to the official or extracurricular programs of the district,  
226 including items which may subsequently become the personal

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

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

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

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

260 in a newspaper having a general circulation in the school district  
261 involved, with the first publication thereof to be made not less  
262 than thirty (30) days prior to the date upon which the school  
263 board is to act on the question of leasing a school building. If  
264 no petition requesting an election is filed prior to such meeting  
265 as hereinafter provided, then the school board may, by resolution  
266 spread upon its minutes, proceed to lease a school building. If  
267 at any time prior to said meeting a petition signed by not less  
268 than twenty percent (20%) or fifteen hundred (1500), whichever is  
269 less, of the qualified electors of the school district involved  
270 shall be filed with the school board requesting that an election  
271 be called on the question, then the school board shall, not later  
272 than the next regular meeting, adopt a resolution calling an  
273 election to be held within such school district upon the question  
274 of authorizing the school board to lease a school building. Such  
275 election shall be called and held, and notice thereof shall be  
276 given, in the same manner for elections upon the questions of the  
277 issuance of the bonds of school districts, and the results thereof  
278 shall be certified to the school board. If at least three-fifths  
279 (3/5) of the qualified electors of the school district who voted  
280 in such election shall vote in favor of the leasing of a school  
281 building, then the school board shall proceed to lease a school  
282 building. The term of the lease contract shall not exceed twenty  
283 (20) years, and the total cost of such lease shall be either the  
284 amount of the lowest and best bid accepted by the school board  
285 after advertisement for bids or an amount not to exceed the  
286 current fair market value of the lease as determined by the  
287 averaging of at least two (2) appraisals by certified general  
288 appraisers licensed by the State of Mississippi. The term "school  
289 building" as used in this paragraph (v)(i) shall be construed to  
290 mean any building or buildings used for classroom purposes in  
291 connection with the operation of schools and shall include the  
292 site therefor, necessary support facilities, and the equipment

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

297 (ii) If two (2) or more school districts propose  
298 to enter into a lease contract jointly, then joint meetings of the  
299 school boards having control may be held but no action taken shall  
300 be binding on any such school district unless the question of  
301 leasing a school building is approved in each participating school  
302 district under the procedure hereinabove set forth in paragraph  
303 (v)(i). All of the provisions of paragraph (v)(i) regarding the  
304 term and amount of the lease contract shall apply to the school  
305 boards of school districts acting jointly. Any lease contract  
306 executed by two (2) or more school districts as joint lessees  
307 shall set out the amount of the aggregate lease rental to be paid  
308 by each, which may be agreed upon, but there shall be no right of  
309 occupancy by any lessee unless the aggregate rental is paid as  
310 stipulated in the lease contract. All rights of joint lessees  
311 under the lease contract shall be in proportion to the amount of  
312 lease rental paid by each;

313 (w) To employ all noninstructional and noncertificated  
314 employees and fix the duties and compensation of such personnel  
315 deemed necessary pursuant to the recommendation of the  
316 superintendent of schools;

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

319 (y) Subject to rules and regulations of the State Board  
320 of Education, to purchase, own and operate trucks, vans and other  
321 motor vehicles, which shall bear the proper identification  
322 required by law;

323 (z) To expend funds for the payment of substitute  
324 teachers and to adopt reasonable regulations for the employment  
325 and compensation of such substitute teachers;

326 (aa) To acquire in its own name by purchase all real  
327 property which shall be necessary and desirable in connection with  
328 the construction, renovation or improvement of any public school  
329 building or structure. Whenever the purchase price for such real  
330 property is greater than Fifty Thousand Dollars (\$50,000.00), the  
331 school board shall not purchase the property for an amount  
332 exceeding the fair market value of such property as determined by  
333 the average of at least two (2) independent appraisals by  
334 certified general appraisers licensed by the State of Mississippi.  
335 If the board shall be unable to agree with the owner of any such  
336 real property in connection with any such project, the board shall  
337 have the power and authority to acquire any such real property by  
338 condemnation proceedings pursuant to Section 11-27-1 et seq.,  
339 Mississippi Code of 1972, and for such purpose, the right of  
340 eminent domain is hereby conferred upon and vested in said board.  
341 Provided further, that the local school board is authorized to  
342 grant an easement for ingress and egress over sixteenth section  
343 land or lieu land in exchange for a similar easement upon  
344 adjoining land where the exchange of easements affords substantial  
345 benefit to the sixteenth section land; provided, however, the  
346 exchange must be based upon values as determined by a competent  
347 appraiser, with any differential in value to be adjusted by cash  
348 payment. Any easement rights granted over sixteenth section land  
349 under such authority shall terminate when the easement ceases to  
350 be used for its stated purpose. No sixteenth section or lieu land  
351 which is subject to an existing lease shall be burdened by any  
352 such easement except by consent of the lessee or unless the school  
353 district shall acquire the unexpired leasehold interest affected  
354 by the easement;

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

358           (cc) Subject to rules and regulations of the State  
359 Board of Education, to purchase relocatable classrooms for the use  
360 of such school district, in the manner prescribed in Section  
361 37-1-13;

362           (dd) Enter into contracts or agreements with other  
363 school districts, political subdivisions or governmental entities  
364 to carry out one or more of the powers or duties of the school  
365 board, or to allow more efficient utilization of limited resources  
366 for providing services to the public;

367           (ee) To provide for in-service training for employees  
368 of the district;

369           (ff) As part of their duties to prescribe the use of  
370 textbooks, to provide that parents and legal guardians shall be  
371 responsible for the textbooks and for the compensation to the  
372 school district for any books which are not returned to the proper  
373 schools upon the withdrawal of their dependent child. If a  
374 textbook is lost or not returned by any student who drops out of  
375 the public school district, the parent or legal guardian shall  
376 also compensate the school district for the fair market value of  
377 the textbooks;

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

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

385           (ii) Fund-raising activities conducted or  
386 authorized by the board for the sale of school pictures, the  
387 rental of caps and gowns or the sale of graduation invitations for  
388 which the school board receives a commission, rebate or fee shall  
389 contain a disclosure statement advising that a portion of the

390 proceeds of the sales or rentals shall be contributed to the  
391 student activity fund;

392 (hh) To allow individual lessons for music, art and  
393 other curriculum-related activities for academic credit or  
394 nonacademic credit during school hours and using school equipment  
395 and facilities, subject to uniform rules and regulations adopted  
396 by the school board;

397 (ii) To charge reasonable fees for participating in an  
398 extracurricular activity for academic or nonacademic credit for  
399 necessary and required equipment such as safety equipment, band  
400 instruments and uniforms;

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

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

406 (ll) To expend funds for the services of nonprofit arts  
407 organizations or other such nonprofit organizations who provide  
408 performances or other services for the students of the school  
409 district;

410 (mm) To expend federal No Child Left Behind Act funds,  
411 or any other available funds that are expressly designated and  
412 authorized for that use, to pay training, educational expenses,  
413 salary incentives and salary supplements to employees of local  
414 school districts; except that incentives shall not be considered  
415 part of the local supplement as defined in Section 37-151-5(o),  
416 nor shall incentives be considered part of the local supplement  
417 paid to an individual teacher for the purposes of Section  
418 37-19-7(1). Mississippi Adequate Education Program funds or any  
419 other state funds may not be used for salary incentives or salary  
420 supplements as provided in this paragraph (mm);

421 (nn) To use any available funds, not appropriated or  
422 designated for any other purpose, for reimbursement to the

423 state-licensed employees from both in state and out of state, who  
424 enter into a contract for employment in a school district, for the  
425 expense of moving when the employment necessitates the relocation  
426 of the licensed employee to a different geographical area than  
427 that in which the licensed employee resides before entering into  
428 the contract. The reimbursement shall not exceed One Thousand  
429 Dollars (\$1,000.00) for the documented actual expenses incurred in  
430 the course of relocating, including the expense of any  
431 professional moving company or persons employed to assist with the  
432 move, rented moving vehicles or equipment, mileage in the amount  
433 authorized for county and municipal employees under Section  
434 25-3-41 if the licensed employee used his personal vehicle or  
435 vehicles for the move, meals and such other expenses associated  
436 with the relocation. No licensed employee may be reimbursed for  
437 moving expenses under this section on more than one (1) occasion  
438 by the same school district. Nothing in this section shall be  
439 construed to require the actual residence to which the licensed  
440 employee relocates to be within the boundaries of the school  
441 district that has executed a contract for employment in order for  
442 the licensed employee to be eligible for reimbursement for the  
443 moving expenses. However, the licensed employee must relocate  
444 within the boundaries of the State of Mississippi. Any individual  
445 receiving relocation assistance through the Critical Teacher  
446 Shortage Act as provided in Section 37-159-5 shall not be eligible  
447 to receive additional relocation funds as authorized in this  
448 paragraph;

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

455           (pp) Consistent with the report of the Task Force to  
456 Conduct a Best Financial Management Practices Review, to improve  
457 school district management and use of resources and identify cost  
458 savings as established in Section 8 of Chapter 610, Laws of 2002,  
459 local school boards are encouraged to conduct independent reviews  
460 of the management and efficiency of schools and school districts.  
461 Such management and efficiency reviews shall provide state and  
462 local officials and the public with the following:

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

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

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

468                   (iv) An assessment of facilities utilization,  
469 planning and maintenance;

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

472                   (vi) An assessment of instructional and  
473 administrative technology;

474                   (vii) A review of the instructional management and  
475 the efficiency and effectiveness of existing instructional  
476 programs; and

477                   (viii) Recommended methods for increasing  
478 efficiency and effectiveness in providing educational services to  
479 the public;

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

485           (rr) To implement a financial literacy program for  
486 students in Grades 10 and 11. The board may review the national  
487 programs and obtain free literature from various nationally

488 recognized programs. After review of the different programs, the  
489 board may certify a program that is most appropriate for the  
490 school districts' needs. If a district implements a financial  
491 literacy program, then any student in Grade 10 or 11 may  
492 participate in the program. The financial literacy program shall  
493 include, but is not limited to, instruction in the same areas of  
494 personal business and finance as required under Section  
495 37-1-3(2)(b). The school board may coordinate with volunteer  
496 teachers from local community organizations, including, but not  
497 limited to, the following: United States Department of  
498 Agriculture Rural Development, United States Department of Housing  
499 and Urban Development, Junior Achievement, bankers and other  
500 nonprofit organizations. Nothing in this paragraph shall be  
501 construed as to require school boards to implement a financial  
502 literacy program;

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

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

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

521                   (ii) Pay the same over to any financial  
522 institution, trustee or other obligee, as directed in writing by  
523 the school board, to satisfy all or part of such obligation of the  
524 school district.

525           The school board may make such written agreement to withhold  
526 and transfer funds irrevocable for the term of the written  
527 obligation and may include in the written agreement any other  
528 terms and provisions acceptable to the school board. If the  
529 school board files a copy of such written agreement with the State  
530 Tax Commission, or any state agency, department or commission  
531 created under state law then the State Tax Commission or any state  
532 agency, department or commission created under state law shall  
533 immediately make the withholdings provided in such agreement from  
534 the amounts due the local school board and shall continue to pay  
535 the same over to such financial institution, trustee or obligee  
536 for the term of the agreement.

537           This paragraph (tt) shall not grant any extra authority to a  
538 school board to issue debt in any amount exceeding statutory  
539 limitations on assessed value of taxable property within such  
540 school district or the statutory limitations on debt maturities,  
541 and shall not grant any extra authority to impose, levy or collect  
542 a tax which is not otherwise expressly provided for, and shall not  
543 be construed to apply to sixteenth section public school trust  
544 land;

545           (uu) With respect to any matter or transaction that is  
546 competitively bid by a school district, to accept from any bidder  
547 as a good faith deposit or bid bond or bid surety, the same type  
548 of good faith deposit or bid bond or bid surety that may be  
549 accepted by the state or any other political subdivision on  
550 similar competitively bid matters or transactions. This paragraph  
551 (uu) shall not be construed to apply to sixteenth section public  
552 school trust land. The school board may authorize the investment  
553 of any school district funds in the same kind and manner of

554 investments, including pooled investments, as any other political  
555 subdivision, including community hospitals;

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

561 (ww) To delegate, privatize or otherwise enter into a  
562 contract with private entities for the operation of any and all  
563 functions of nonacademic school process, procedures and operations  
564 including, but not limited to, cafeteria workers, janitorial  
565 services, transportation, professional development, achievement  
566 and instructional consulting services materials and products,  
567 purchasing cooperatives, insurance, business manager services,  
568 auditing and accounting services, school safety/risk prevention,  
569 data processing and student records, and other staff services;  
570 however, the authority under this paragraph does not apply to the  
571 leasing, management or operation of sixteenth section lands.  
572 Local school districts, working through their regional education  
573 service agency, are encouraged to enter into buying consortia with  
574 other member districts for the purposes of more efficient use of  
575 state resources as described in Section 37-7-345;

576 (xx) To partner with entities, organizations and  
577 corporations for the purpose of benefiting the school  
578 district; \* \* \*

579 (yy) To borrow funds from the Rural Economic  
580 Development Authority for the maintenance of school buildings; and

581 (zz) To charge fees prescribed by the Commission on  
582 Public School Activities of the State Department of Education and  
583 deposit such fees into the Public School Activities Special Fund.

584 **SECTION 9.** This act shall take effect and be in force from  
585 and after July 1, 2007.