

By: Senator(s) Chaney

To: Education

SENATE BILL NO. 2324
(As Sent to Governor)

1 AN ACT TO AMEND SECTIONS 37-3-93, 37-7-301, 37-9-77,
2 37-11-18.1, 37-11-54, 37-11-61 AND 37-15-1, MISSISSIPPI CODE OF
3 1972, TO EXTEND THE AUTOMATIC REPEALERS ON CERTAIN SCHOOL DISTRICT
4 PROGRAMS RELATING TO SCHOOL CRISIS MANAGEMENT, REGIONAL
5 EDUCATIONAL SERVICE AGENCIES, SCHOOL ADMINISTRATORS SABBATICAL
6 LEAVE, EXPULSION OF HABITUALLY DISRUPTIVE STUDENTS, CONFLICT
7 RESOLUTION AND PEER MEDIATION CURRICULA, PARENTAL INFORMATION ON
8 MENINGOCOCCAL DISEASE AND EVIDENCE OF AGE FOR PUPIL ENROLLMENT; TO
9 INCREASE THE NUMBER OF OCCASIONS DURING A SCHOOL YEAR WHICH A
10 STUDENT MUST PARTICIPATE IN DISRUPTIVE BEHAVIOR IN ORDER TO BE
11 DEEMED "HABITUALLY DISRUPTIVE," TO ESTABLISH CERTAIN REQUIREMENTS
12 FOR BEHAVIOR MODIFICATION PLANS DEVELOPED FOR DISRUPTIVE STUDENTS;
13 TO EXTEND THE REPEALER ON THE PROVISIONS RELATING TO THE EXPULSION
14 OF HABITUALLY DISRUPTIVE STUDENTS; TO PROVIDE THAT THE LIST OF
15 RECOMMENDED CONFLICT RESOLUTION AND MEDIATION MATERIALS DEVELOPED
16 BY THE STATE BOARD OF EDUCATION SHALL BE DEVELOPED FROM
17 EVIDENCE-BASED PRACTICES AND POSITIVE BEHAVIORAL INTERVENTION
18 SUPPORTS; TO REQUIRE LOCAL SCHOOL BOARDS TO INCORPORATE THESE
19 MATERIALS INTO INDIVIDUAL SCHOOL DISTRICT POLICIES AND CODES OF
20 CONDUCT; TO DELETE THE PROHIBITION ON USING MONIES FROM THE
21 TEMPORARY ASSISTANCE FOR NEEDY FAMILIES GRANT FOR DEVELOPING THE
22 LIST; AND FOR RELATED PURPOSES.

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

24 **SECTION 1.** Section 37-3-93, Mississippi Code of 1972, is
25 amended as follows:

26 37-3-93. (1) Subject to the availability of funding
27 specifically appropriated for such purpose, there is established a
28 School Crisis Management Program under the State Department of
29 Education. This program is to be initiated and executed by the
30 department using only existing staff and resources. Under this
31 program, the State Department of Education shall create an office
32 making available a quick response team of personnel trained in
33 school safety and crisis management to respond to traumatic or
34 violent situations that impact students and faculty in the public
35 schools in Mississippi. The School Crisis Management Program
36 shall operate in accordance with the following:

37 (a) The basic response team shall consist of those
38 personnel designated by the State Superintendent of Public
39 Education, or their designees, depending on the size of the school
40 and the nature of the event.

41 (b) In order to access the services of a response team,
42 the request must be made by the local school principal or the
43 superintendent of schools, who shall make the request to the State
44 Department of Education or its contact designee.

45 (c) A response team shall enter a school to work with
46 students and faculty for a period of no more than three (3) days,
47 unless otherwise requested by the school district.

48 (d) The State Department of Education, or its designee,
49 shall operate a toll-free incoming wide area telephone service for
50 the purpose of receiving reports of suspected cases of school
51 violence and other traumatic situations impacting on students and
52 faculty in the public schools.

53 (e) The request made by a school district to access the
54 services of a response team following a school safety incident may
55 seek a review of the local school district's safety plan, and the
56 results of this evaluation may be published by the local school
57 board in a newspaper with wide circulation in the district.

58 (f) Subject to the availability of funds specifically
59 appropriated therefor by the Legislature, the expenses of the
60 quick response teams and their administrative support shall be
61 provided from state funds. The State Department of Education may
62 apply for and expend funds for the support and maintenance of this
63 program from private and other funding sources.

64 (2) Local school districts, school superintendents and
65 principals may request and utilize the services of quick response
66 teams provided for under this section; however, this section does
67 not require school officials to request the services of quick
68 response teams.

69 (3) This section shall be repealed on July 1, 2010.

70 **SECTION 2.** Section 37-7-301, Mississippi Code of 1972, is
71 amended as follows:

72 37-7-301. The school boards of all school districts shall
73 have the following powers, authority and duties in addition to all
74 others imposed or granted by law, to wit:

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

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

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

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

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

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

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

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

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

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

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

120 (l) To prescribe and enforce rules and regulations not
121 inconsistent with law or with the regulations of the State Board
122 of Education for their own government and for the government of
123 the schools, and to transact their business at regular and special
124 meetings called and held in the manner provided by law;

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

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

130 (o) To make orders directed to the superintendent of
131 schools for the issuance of pay certificates for lawful purposes
132 on any available funds of the district and to have full control of
133 the receipt, distribution, allotment and disbursement of all funds

134 provided for the support and operation of the schools of such
135 school district whether such funds be derived from state
136 appropriations, local ad valorem tax collections, or otherwise.
137 The local school board shall be authorized and empowered to
138 promulgate rules and regulations that specify the types of claims
139 and set limits of the dollar amount for payment of claims by the
140 superintendent of schools to be ratified by the board at the next
141 regularly scheduled meeting after payment has been made;

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

146 (q) To provide athletic programs and other school
147 activities and to regulate the establishment and operation of such
148 programs and activities;

149 (r) To join, in their discretion, any association of
150 school boards and other public school-related organizations, and
151 to pay from local funds other than minimum foundation funds, any
152 membership dues;

153 (s) To expend local school activity funds, or other
154 available school district funds, other than minimum education
155 program funds, for the purposes prescribed under this paragraph.
156 "Activity funds" shall mean all funds received by school officials
157 in all school districts paid or collected to participate in any
158 school activity, such activity being part of the school program
159 and partially financed with public funds or supplemented by public
160 funds. The term "activity funds" shall not include any funds
161 raised and/or expended by any organization unless commingled in a
162 bank account with existing activity funds, regardless of whether
163 the funds were raised by school employees or received by school
164 employees during school hours or using school facilities, and
165 regardless of whether a school employee exercises influence over
166 the expenditure or disposition of such funds. Organizations shall

167 not be required to make any payment to any school for the use of
168 any school facility if, in the discretion of the local school
169 governing board, the organization's function shall be deemed to be
170 beneficial to the official or extracurricular programs of the
171 school. For the purposes of this provision, the term
172 "organization" shall not include any organization subject to the
173 control of the local school governing board. Activity funds may
174 only be expended for any necessary expenses or travel costs,
175 including advances, incurred by students and their chaperons in
176 attending any in-state or out-of-state school-related programs,
177 conventions or seminars and/or any commodities, equipment, travel
178 expenses, purchased services or school supplies which the local
179 school governing board, in its discretion, shall deem beneficial
180 to the official or extracurricular programs of the district,
181 including items which may subsequently become the personal
182 property of individuals, including yearbooks, athletic apparel,
183 book covers and trophies. Activity funds may be used to pay
184 travel expenses of school district personnel. The local school
185 governing board shall be authorized and empowered to promulgate
186 rules and regulations specifically designating for what purposes
187 school activity funds may be expended. The local school governing
188 board shall provide (i) that such school activity funds shall be
189 maintained and expended by the principal of the school generating
190 the funds in individual bank accounts, or (ii) that such school
191 activity funds shall be maintained and expended by the
192 superintendent of schools in a central depository approved by the
193 board. The local school governing board shall provide that such
194 school activity funds be audited as part of the annual audit
195 required in Section 37-9-18. The State Department of Education
196 shall prescribe a uniform system of accounting and financial
197 reporting for all school activity fund transactions;

198 (t) To contract, on a shared savings, lease or
199 lease-purchase basis, for energy efficiency services and/or

200 equipment as provided for in Section 31-7-14, not to exceed ten
201 (10) years;

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

204 (v) (i) To lease a school building from an individual,
205 partnership, nonprofit corporation or a private for-profit
206 corporation for the use of such school district, and to expend
207 funds therefor as may be available from any nonminimum program
208 sources. The school board of the school district desiring to
209 lease a school building shall declare by resolution that a need
210 exists for a school building and that the school district cannot
211 provide the necessary funds to pay the cost or its proportionate
212 share of the cost of a school building required to meet the
213 present needs. The resolution so adopted by the school board
214 shall be published once each week for three (3) consecutive weeks
215 in a newspaper having a general circulation in the school district
216 involved, with the first publication thereof to be made not less
217 than thirty (30) days prior to the date upon which the school
218 board is to act on the question of leasing a school building. If
219 no petition requesting an election is filed prior to such meeting
220 as hereinafter provided, then the school board may, by resolution
221 spread upon its minutes, proceed to lease a school building. If
222 at any time prior to said meeting a petition signed by not less
223 than twenty percent (20%) or fifteen hundred (1500), whichever is
224 less, of the qualified electors of the school district involved
225 shall be filed with the school board requesting that an election
226 be called on the question, then the school board shall, not later
227 than the next regular meeting, adopt a resolution calling an
228 election to be held within such school district upon the question
229 of authorizing the school board to lease a school building. Such
230 election shall be called and held, and notice thereof shall be
231 given, in the same manner for elections upon the questions of the
232 issuance of the bonds of school districts, and the results thereof

233 shall be certified to the school board. If at least three-fifths
234 (3/5) of the qualified electors of the school district who voted
235 in such election shall vote in favor of the leasing of a school
236 building, then the school board shall proceed to lease a school
237 building. The term of the lease contract shall not exceed twenty
238 (20) years, and the total cost of such lease shall be either the
239 amount of the lowest and best bid accepted by the school board
240 after advertisement for bids or an amount not to exceed the
241 current fair market value of the lease as determined by the
242 averaging of at least two (2) appraisals by certified general
243 appraisers licensed by the State of Mississippi. The term "school
244 building" as used in this paragraph (v)(i) shall be construed to
245 mean any building or buildings used for classroom purposes in
246 connection with the operation of schools and shall include the
247 site therefor, necessary support facilities, and the equipment
248 thereof and appurtenances thereto such as heating facilities,
249 water supply, sewage disposal, landscaping, walks, drives and
250 playgrounds. The term "lease" as used in this paragraph (v)(i)
251 may include a lease/purchase contract;

252 (ii) If two (2) or more school districts propose
253 to enter into a lease contract jointly, then joint meetings of the
254 school boards having control may be held but no action taken shall
255 be binding on any such school district unless the question of
256 leasing a school building is approved in each participating school
257 district under the procedure hereinabove set forth in paragraph
258 (v)(i). All of the provisions of paragraph (v)(i) regarding the
259 term and amount of the lease contract shall apply to the school
260 boards of school districts acting jointly. Any lease contract
261 executed by two (2) or more school districts as joint lessees
262 shall set out the amount of the aggregate lease rental to be paid
263 by each, which may be agreed upon, but there shall be no right of
264 occupancy by any lessee unless the aggregate rental is paid as
265 stipulated in the lease contract. All rights of joint lessees

266 under the lease contract shall be in proportion to the amount of
267 lease rental paid by each;

268 (w) To employ all noninstructional and noncertificated
269 employees and fix the duties and compensation of such personnel
270 deemed necessary pursuant to the recommendation of the
271 superintendent of schools;

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

274 (y) Subject to rules and regulations of the State Board
275 of Education, to purchase, own and operate trucks, vans and other
276 motor vehicles, which shall bear the proper identification
277 required by law;

278 (z) To expend funds for the payment of substitute
279 teachers and to adopt reasonable regulations for the employment
280 and compensation of such substitute teachers;

281 (aa) To acquire in its own name by purchase all real
282 property which shall be necessary and desirable in connection with
283 the construction, renovation or improvement of any public school
284 building or structure. Whenever the purchase price for such real
285 property is greater than Fifty Thousand Dollars (\$50,000.00), the
286 school board shall not purchase the property for an amount
287 exceeding the fair market value of such property as determined by
288 the average of at least two (2) independent appraisals by
289 certified general appraisers licensed by the State of Mississippi.
290 If the board shall be unable to agree with the owner of any such
291 real property in connection with any such project, the board shall
292 have the power and authority to acquire any such real property by
293 condemnation proceedings pursuant to Section 11-27-1 et seq.,
294 Mississippi Code of 1972, and for such purpose, the right of
295 eminent domain is hereby conferred upon and vested in said board.
296 Provided further, that the local school board is authorized to
297 grant an easement for ingress and egress over sixteenth section
298 land or lieu land in exchange for a similar easement upon

299 adjoining land where the exchange of easements affords substantial
300 benefit to the sixteenth section land; provided, however, the
301 exchange must be based upon values as determined by a competent
302 appraiser, with any differential in value to be adjusted by cash
303 payment. Any easement rights granted over sixteenth section land
304 under such authority shall terminate when the easement ceases to
305 be used for its stated purpose. No sixteenth section or lieu land
306 which is subject to an existing lease shall be burdened by any
307 such easement except by consent of the lessee or unless the school
308 district shall acquire the unexpired leasehold interest affected
309 by the easement;

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

313 (cc) Subject to rules and regulations of the State
314 Board of Education, to purchase relocatable classrooms for the use
315 of such school district, in the manner prescribed in Section
316 37-1-13;

317 (dd) Enter into contracts or agreements with other
318 school districts, political subdivisions or governmental entities
319 to carry out one or more of the powers or duties of the school
320 board, or to allow more efficient utilization of limited resources
321 for providing services to the public;

322 (ee) To provide for in-service training for employees
323 of the district;

324 (ff) As part of their duties to prescribe the use of
325 textbooks, to provide that parents and legal guardians shall be
326 responsible for the textbooks and for the compensation to the
327 school district for any books which are not returned to the proper
328 schools upon the withdrawal of their dependent child. If a
329 textbook is lost or not returned by any student who drops out of
330 the public school district, the parent or legal guardian shall

331 also compensate the school district for the fair market value of
332 the textbooks;

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

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

340 (ii) Fund-raising activities conducted or
341 authorized by the board for the sale of school pictures, the
342 rental of caps and gowns or the sale of graduation invitations for
343 which the school board receives a commission, rebate or fee shall
344 contain a disclosure statement advising that a portion of the
345 proceeds of the sales or rentals shall be contributed to the
346 student activity fund;

347 (hh) To allow individual lessons for music, art and
348 other curriculum-related activities for academic credit or
349 nonacademic credit during school hours and using school equipment
350 and facilities, subject to uniform rules and regulations adopted
351 by the school board;

352 (ii) To charge reasonable fees for participating in an
353 extracurricular activity for academic or nonacademic credit for
354 necessary and required equipment such as safety equipment, band
355 instruments and uniforms;

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

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

361 (ll) To expend funds for the services of nonprofit arts
362 organizations or other such nonprofit organizations who provide

363 performances or other services for the students of the school
364 district;

365 (mm) To expend federal No Child Left Behind Act funds,
366 or any other available funds that are expressly designated and
367 authorized for that use, to pay training, educational expenses,
368 salary incentives and salary supplements to employees of local
369 school districts; except that incentives shall not be considered
370 part of the local supplement as defined in Section 37-151-5(o),
371 nor shall incentives be considered part of the local supplement
372 paid to an individual teacher for the purposes of Section
373 37-19-7(1). Mississippi Adequate Education Program funds or any
374 other state funds may not be used for salary incentives or salary
375 supplements as provided in this paragraph (mm);

376 (nn) To use any available funds, not appropriated or
377 designated for any other purpose, for reimbursement to the
378 state-licensed employees from both in state and out of state, who
379 enter into a contract for employment in a school district, for the
380 expense of moving when the employment necessitates the relocation
381 of the licensed employee to a different geographical area than
382 that in which the licensed employee resides before entering into
383 the contract. The reimbursement shall not exceed One Thousand
384 Dollars (\$1,000.00) for the documented actual expenses incurred in
385 the course of relocating, including the expense of any
386 professional moving company or persons employed to assist with the
387 move, rented moving vehicles or equipment, mileage in the amount
388 authorized for county and municipal employees under Section
389 25-3-41 if the licensed employee used his personal vehicle or
390 vehicles for the move, meals and such other expenses associated
391 with the relocation. No licensed employee may be reimbursed for
392 moving expenses under this section on more than one (1) occasion
393 by the same school district. Nothing in this section shall be
394 construed to require the actual residence to which the licensed
395 employee relocates to be within the boundaries of the school

396 district that has executed a contract for employment in order for
397 the licensed employee to be eligible for reimbursement for the
398 moving expenses. However, the licensed employee must relocate
399 within the boundaries of the State of Mississippi. Any individual
400 receiving relocation assistance through the Critical Teacher
401 Shortage Act as provided in Section 37-159-5 shall not be eligible
402 to receive additional relocation funds as authorized in this
403 paragraph;

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

410 (pp) Consistent with the report of the Task Force to
411 Conduct a Best Financial Management Practices Review, to improve
412 school district management and use of resources and identify cost
413 savings as established in Section 8 of Chapter 610, Laws of 2002,
414 local school boards are encouraged to conduct independent reviews
415 of the management and efficiency of schools and school districts.
416 Such management and efficiency reviews shall provide state and
417 local officials and the public with the following:

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

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

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

423 (iv) An assessment of facilities utilization,
424 planning and maintenance;

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

427 (vi) An assessment of instructional and
428 administrative technology;

429 (vii) A review of the instructional management and
430 the efficiency and effectiveness of existing instructional
431 programs; and

432 (viii) Recommended methods for increasing
433 efficiency and effectiveness in providing educational services to
434 the public;

435 (qq) To enter into agreements with other local school
436 boards for the establishment of an educational service agency
437 (ESA) to provide for the cooperative needs of the region in which
438 the school district is located, as provided in Section 37-7-345.
439 This paragraph shall repeal on July 1, 2010;

440 (rr) To implement a financial literacy program for
441 students in Grades 10 and 11. The board may review the national
442 programs and obtain free literature from various nationally
443 recognized programs. After review of the different programs, the
444 board may certify a program that is most appropriate for the
445 school districts' needs. If a district implements a financial
446 literacy program, then any student in Grade 10 or 11 may
447 participate in the program. The financial literacy program shall
448 include, but is not limited to, instruction in the same areas of
449 personal business and finance as required under Section
450 37-1-3(2)(b). The school board may coordinate with volunteer
451 teachers from local community organizations, including, but not
452 limited to, the following: United States Department of
453 Agriculture Rural Development, United States Department of Housing
454 and Urban Development, Junior Achievement, bankers and other
455 nonprofit organizations. Nothing in this paragraph shall be
456 construed as to require school boards to implement a financial
457 literacy program;

458 (ss) To collaborate with the State Board of Education,
459 Community Action Agencies or the Department of Human Services to
460 develop and implement a voluntary program to provide services for
461 a full-day prekindergarten program that addresses the cognitive,

462 social, and emotional needs of four-year-old and three-year-old
463 children. The school board may utilize nonstate source special
464 funds, grants, donations or gifts to fund the voluntary program;

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

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

476 (ii) Pay the same over to any financial
477 institution, trustee or other obligee, as directed in writing by
478 the school board, to satisfy all or part of such obligation of the
479 school district.

480 The school board may make such written agreement to withhold
481 and transfer funds irrevocable for the term of the written
482 obligation and may include in the written agreement any other
483 terms and provisions acceptable to the school board. If the
484 school board files a copy of such written agreement with the State
485 Tax Commission, or any state agency, department or commission
486 created under state law then the State Tax Commission or any state
487 agency, department or commission created under state law shall
488 immediately make the withholdings provided in such agreement from
489 the amounts due the local school board and shall continue to pay
490 the same over to such financial institution, trustee or obligee
491 for the term of the agreement.

492 This paragraph (tt) shall not grant any extra authority to a
493 school board to issue debt in any amount exceeding statutory
494 limitations on assessed value of taxable property within such

495 school district or the statutory limitations on debt maturities,
496 and shall not grant any extra authority to impose, levy or collect
497 a tax which is not otherwise expressly provided for, and shall not
498 be construed to apply to sixteenth section public school trust
499 land;

500 (uu) With respect to any matter or transaction that is
501 competitively bid by a school district, to accept from any bidder
502 as a good faith deposit or bid bond or bid surety, the same type
503 of good faith deposit or bid bond or bid surety that may be
504 accepted by the state or any other political subdivision on
505 similar competitively bid matters or transactions. This paragraph
506 (uu) shall not be construed to apply to sixteenth section public
507 school trust land. The school board may authorize the investment
508 of any school district funds in the same kind and manner of
509 investments, including pooled investments, as any other political
510 subdivision, including community hospitals;

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

516 (ww) To delegate, privatize or otherwise enter into a
517 contract with private entities for the operation of any and all
518 functions of nonacademic school process, procedures and operations
519 including, but not limited to, cafeteria workers, janitorial
520 services, transportation, professional development, achievement
521 and instructional consulting services materials and products,
522 purchasing cooperatives, insurance, business manager services,
523 auditing and accounting services, school safety/risk prevention,
524 data processing and student records, and other staff services;
525 however, the authority under this paragraph does not apply to the
526 leasing, management or operation of sixteenth section lands.

527 Local school districts, working through their regional education

528 service agency, are encouraged to enter into buying consortia with
529 other member districts for the purposes of more efficient use of
530 state resources as described in Section 37-7-345;

531 (xx) To partner with entities, organizations and
532 corporations for the purpose of benefiting the school district;
533 and

534 (yy) To borrow funds from the Rural Economic
535 Development Authority for the maintenance of school buildings.

536 **SECTION 3.** Section 37-9-77, Mississippi Code of 1972, is
537 amended as follows:

538 37-9-77. (1) There is established the Mississippi School
539 Administrator Sabbatical Program which shall be available to
540 licensed teachers employed in Mississippi school districts for not
541 less than three (3) years, for the purpose of allowing such
542 teachers to become local school district administrators under the
543 conditions set forth in this section. The State Board of
544 Education, in coordination with the Board of Trustees of State
545 Institutions of Higher Learning, shall develop guidelines for the
546 program. Application shall be made to the State Department of
547 Education for the Mississippi School Administrator Sabbatical
548 Program by qualified teachers meeting the criteria for a
549 department-approved administration program and who have been
550 recommended by the local school board. Administration programs
551 that are eligible for the administrator sabbatical program shall
552 be limited to those that have been approved by the department by
553 the January 1 preceding the date of admission to the program.
554 Admission into the program shall authorize the applicant to take
555 university course work and training leading to an administrator's
556 license.

557 (2) The salaries of the teachers approved for participation
558 in the administrator sabbatical program shall be paid by the
559 employing school district from nonminimum education program funds.
560 However, the State Department of Education shall reimburse the

561 employing school districts for the cost of the salaries and paid
562 fringe benefits of teachers participating in the administrator
563 sabbatical program for one (1) contract year. Reimbursement shall
564 be made in accordance with the then current minimum education
565 program salary schedule under Section 37-19-7, except that the
566 maximum amount of the reimbursement from state funds shall not
567 exceed the minimum education program salary for a teacher holding
568 a Class A license and having five (5) years' experience. The
569 local school district shall be responsible for that portion of a
570 participating teacher's salary attributable to the local
571 supplement and for any portion of the teacher's salary that
572 exceeds the maximum amount allowed for reimbursement from state
573 funds as provided in this subsection, and the school board may not
574 reduce the local supplement payable to that teacher. Any
575 reimbursements made by the State Department of Education to local
576 school districts under this section shall be subject to available
577 appropriations and may be made only to school districts determined
578 by the State Board of Education as being in need of
579 administrators.

580 (3) Such teachers participating in the program on a
581 full-time basis shall continue to receive teaching experience and
582 shall receive the salary prescribed in Section 37-19-7, including
583 the annual experience increments. Such participants shall be
584 fully eligible to continue participation in the Public Employees'
585 Retirement System and the Public School Employees Health Insurance
586 Plan during the time they are in the program on a full-time basis.

587 (4) As a condition for participation in the School
588 Administrator Sabbatical Program, such teachers shall agree to
589 employment as administrators in the sponsoring school district for
590 not less than five (5) years following completion of administrator
591 licensure requirements. Any person failing to comply with this
592 employment commitment in any required school year, unless the
593 commitment is deferred as provided in subsection (5) of this

594 section, shall immediately be in breach of contract and become
595 liable to the State Department of Education for that amount of his
596 salary and paid fringe benefits paid by the state while the
597 teacher was on sabbatical, less twenty percent (20%) of the amount
598 of his salary and paid fringe benefits paid by the state for each
599 year that the person was employed as an administrator following
600 completion of the administrator licensure requirements. In
601 addition, the person shall become liable to the local school
602 district for any portion of his salary and paid fringe benefits
603 paid by the local school district while the teacher was on
604 sabbatical that is attributable to the local salary supplement or
605 is attributable to the amount that exceeds the maximum amount
606 allowed for reimbursement from state funds as provided in
607 subsection (2) of this section, less twenty percent (20%) of the
608 amount of his salary and paid fringe benefits paid by the school
609 district for each year that the person was employed as an
610 administrator following completion of the administrator licensure
611 requirements. Interest on the amount due shall accrue at the
612 current Stafford Loan rate at the time the breach occurs. If the
613 claim for repayment of such salary and fringe benefits is placed
614 in the hands of an attorney for collection after default, then the
615 obligor shall be liable for an additional amount equal to a
616 reasonable attorney's fee.

617 (5) If there is not an administrator position immediately
618 available in the sponsoring school district after a person has
619 completed the administrator licensure requirements, or if the
620 administrator position in the sponsoring school district in which
621 the person is employed is no longer needed before the completion
622 of the five-year employment commitment, the local school board
623 shall defer any part of the employment commitment that has not
624 been met until such time as an administrator position becomes
625 available in the sponsoring school district. If such a deferral
626 is made, the sponsoring school district shall employ the person as

627 a teacher in the school district during the period of deferral,
628 unless the person desires to be released from employment by the
629 sponsoring school district and the district agrees to release the
630 person from employment. If the sponsoring school district
631 releases a person from employment, that person may be employed as
632 an administrator in another school district in the state that is
633 in need of administrators as determined by the State Board of
634 Education, and that employment for the other school district shall
635 be applied to any remaining portion of the five-year employment
636 commitment required under this section. Nothing in this
637 subsection shall prevent a school district from not renewing the
638 person's contract before the end of the five-year employment
639 commitment in accordance with the School Employment Procedures Law
640 (Section 37-9-101 et seq.). However, if the person is not
641 employed as an administrator by another school district after
642 being released by the sponsoring school district, or after his
643 contract was not renewed by the sponsoring school district, he
644 shall be liable for repayment of the amount of his salary and
645 fringe benefits as provided in subsection (4) of this section.

646 (6) All funds received by the State Department of Education
647 from the repayment of salary and fringe benefits paid by the state
648 from program participants shall be deposited in the Mississippi
649 Critical Teacher Shortage Fund.

650 (7) This section shall stand repealed on July 1, 2010.

651 **SECTION 4.** Section 37-11-18.1, Mississippi Code of 1972, is
652 amended as follows:

653 37-11-18.1. (1) For the purposes of this section:

654 (a) The term "disruptive behavior" means conduct of a
655 student that is so unruly, disruptive or abusive that it seriously
656 interferes with a school teacher's or school administrator's
657 ability to communicate with the students in a classroom, with a
658 student's ability to learn, or with the operation of a school or
659 school-related activity, and which is not covered by other laws

660 related to violence or possession of weapons or controlled
661 substances on school property, school vehicles or at
662 school-related activities. Such behaviors include, but are not
663 limited to: foul, profane, obscene, threatening, defiant or
664 abusive language or action toward teachers or other school
665 employees; defiance, ridicule or verbal attack of a teacher; and
666 willful, deliberate and overt acts of disobedience of the
667 directions of a teacher; and

668 (b) The term "habitually disruptive" refers to such
669 actions of a student which cause disruption in a classroom, on
670 school property or vehicles or at a school-related activity on
671 more than two (2) occasions during a school year, and to
672 disruptive behavior that was initiated, willful and overt on the
673 part of the student and which required the attention of school
674 personnel to deal with the disruption. However, no student shall
675 be considered to be habitually disruptive before the development
676 of a behavior modification plan for the student in accordance with
677 the code of student conduct and discipline plans of the school
678 district.

679 (2) Every behavior modification plan written pursuant to
680 this section must be developed by utilizing evidence-based
681 practices and positive behavioral intervention supports. The plan
682 must be implemented no later than two (2) weeks after the
683 occurrence of the disruptive behavior.

684 (3) Any student who is thirteen (13) years of age or older
685 for whom a behavior modification plan is developed by the school
686 principal, reporting teacher and student's parent and which
687 student does not comply with the plan shall be deemed habitually
688 disruptive and subject to * * * expulsion on the occurrence of the
689 third act of disruptive behavior during a school year. After the
690 second act of disruptive behavior during a school year by a
691 student * * *, a psychological evaluation shall be performed upon
692 the child.

693 (4) This section shall be repealed on July 1, 2010.

694 **SECTION 5.** Section 37-11-54, Mississippi Code of 1972, is
695 amended as follows:

696 37-11-54. The State Board of Education * * * shall develop a
697 list of recommended conflict resolution and mediation materials,
698 models and curricula that are developed from evidence-based
699 practices and positive behavioral intervention supports to address
700 responsible decision making, the causes and effects of school
701 violence and harassment, cultural diversity, and nonviolent
702 methods for resolving conflict, including peer mediation, and
703 shall make the list available to local school administrative units
704 and school buildings before the beginning of the 2007-2008 school
705 year. In addition, local school boards shall incorporate
706 evidence-based practices and positive behavioral intervention
707 supports into individual school district policies and Codes of
708 Conduct. In developing this list, the board shall emphasize
709 materials, models and curricula that currently are being used in
710 Mississippi and that the board determines to be effective. The
711 board shall include at least one (1) model that includes
712 instruction and guidance for the voluntary implementation of peer
713 mediation programs and one (1) model that provides instruction and
714 guidance for teachers concerning the integration of conflict
715 resolution and mediation lessons into the existing classroom
716 curriculum.

717 This section shall be repealed on July 1, 2010.

718 **SECTION 6.** Section 37-11-61, Mississippi Code of 1972, is
719 amended as follows:

720 37-11-61. (1) Local school boards shall ensure that all
721 public schools and agricultural high schools provide parents and
722 guardians with information about meningococcal disease and the
723 effectiveness of vaccination against meningococcal disease. Such
724 information may be provided through the school district Web site,
725 student handbook or other appropriate means of dissemination of

726 information. Such information shall be updated annually if new
727 information on such disease is available. This information shall
728 include the causes, symptoms and means by which meningococcal
729 disease is spread and the places where parents and guardians may
730 obtain additional information and vaccinations for their children.
731 Nothing in this section shall be construed to require a local
732 school board or school to provide or purchase vaccine against
733 meningococcal disease.

734 (2) The State Board of Health shall develop and make
735 available educational materials appropriate for distribution so
736 that the information required by this section can be provided to
737 parents and guardians. The Department of Health may provide this
738 information, at its discretion, electronically, on its Web site.
739 Nothing in this section shall be construed to require the
740 Department of Health to provide or purchase vaccine against
741 meningococcal disease.

742 This section shall stand repealed from and after July 1,
743 2010.

744 **SECTION 7.** Section 37-15-1, Mississippi Code of 1972, is
745 amended as follows:

746 37-15-1. The State Board of Education shall prepare and
747 provide necessary forms for keeping permanent records and
748 cumulative folders for each pupil in the public schools of the
749 state. In the permanent record and cumulative folders, the
750 teachers and principals shall keep information concerning the
751 pupil's date of birth, as verified by the documentation authorized
752 in this section, record of attendance, grades and withdrawal from
753 the school, including the date of any expulsion from the school
754 system and a description of the student's act or behavior
755 resulting in the expulsion. The records also shall contain
756 information pertaining to immunization and such other information
757 as the State Board of Education may prescribe. The cumulative
758 folder, in addition to that information maintained in the

759 permanent records, also shall contain such other information as
760 the State Board of Education shall prescribe. It shall be the
761 responsibility of the person in charge of each school to enforce
762 the requirement for evidence of the age of each pupil before
763 enrollment. If the first prescribed evidence is not available,
764 the next evidence obtainable in the order set forth below shall be
765 accepted:

766 (a) A certified birth certificate;

767 (b) A duly attested transcript of a certificate of
768 baptism showing the date of birth and place of baptism of the
769 child, accompanied by an affidavit sworn to by a parent,
770 grandparent or custodian;

771 (c) An insurance policy on the child's life which has
772 been in force for at least two (2) years;

773 (d) A bona fide contemporary Bible record of the
774 child's birth accompanied by an affidavit sworn to by the parent,
775 grandparent or custodian;

776 (e) A passport or certificate of arrival in the United
777 States showing the age of the child;

778 (f) A transcript of record of age shown in the child's
779 school record of at least four (4) years prior to application,
780 stating date of birth; or

781 (g) If none of these evidences can be produced, an
782 affidavit of age sworn to by a parent, grandparent or custodian.

783 Any child enrolling in Kindergarten or Grade 1 shall present the
784 required evidence of age upon enrollment. Any child in Grades 2
785 through 12 not in compliance at the end of sixty (60) days from
786 enrollment shall be suspended until in compliance.

787 This section shall stand repealed on July 1, 2010.

788 **SECTION 8.** This act shall take effect and be in force from
789 and after June 30, 2007.