

By: Representatives Currie, Campbell,
Bennett

To: Education

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 168

1 AN ACT TO IMPOSE CONDITIONS UPON A SCHOOL BOARD'S AUTHORITY
2 TO REGULATE ATHLETICS AND EXTRACURRICULAR ACTIVITIES, AND TO
3 EXPEND FUNDS FOR CERTAIN PURPOSES; TO PROVIDE THAT THE STATE BOARD
4 OF EDUCATION SHALL SELECT THREE OF ITS MEMBERS TO STUDY THE
5 OVERSIGHT AND REGULATION OF SCHOOL ATHLETICS AND EXTRACURRICULAR
6 ACTIVITIES AND TO DECIDE BY JANUARY 1, 2017, WHETHER THE
7 REGULATION SHALL BE ACCOMPLISHED BY A PRIVATE NOT-FOR-PROFIT
8 CORPORATION CREATED BY THE THREE-MEMBER COMMITTEE OR BY ANY
9 NOT-FOR-PROFIT CORPORATION CURRENTLY INVOLVED IN THE REGULATION OF
10 SCHOOL ATHLETICS AND EXTRACURRICULAR ACTIVITIES; TO RESTRICT THE
11 SCHOOL BOARD'S AUTHORITY TO PAY FUNDS UNDER THEIR CONTROL TO
12 ORGANIZATIONS THAT CURRENTLY REGULATE SCHOOL ATHLETICS AND
13 EXTRACURRICULAR ACTIVITIES; TO AMEND SECTION 37-7-301, MISSISSIPPI
14 CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

16 **SECTION 1.** (1) The Legislature recognizes that public
17 schools athletics and extracurricular activities constitute an
18 important part of the educational experience for Mississippi's
19 public school children, but the oversight of those programs must
20 be transparent and accessible to the school administrators of the
21 state as well as to the parents and taxpayers of the State of
22 Mississippi.

23 (2) From and after July 1, 2018, no school district shall be
24 authorized to pay any public funds, or other funds over which it



25 may have control, to an association, corporation or other
26 organization established and operated for the purpose of
27 regulating high school athletics and extracurricular activities.
28 Further, no school administrator or school district shall direct,
29 require, suggest or recommend that any booster organization or
30 other association of parents, businesses or other persons pay any
31 funds to any such association, corporation or other organization
32 for the purpose of funding its operations.

33 (3) From and after July 1, 2016, the State Board of
34 Education shall select from its membership a three-member
35 committee that shall study the regulation and oversight of high
36 school athletics and extracurricular activities, and shall take
37 the following action by January 1, 2017:

38 (a) Take steps to establish a not-for-profit
39 corporation for the purpose of regulating athletics and activities
40 in the states' public schools and other schools who choose to be
41 members of the newly established corporation. Such corporation
42 shall provide in its bylaws for the participations of members in
43 its governance, but shall also require that three (3) members of
44 the State Board of Education shall have final authority over any
45 and all policies adopted with respect to the regulation of high
46 school athletic and extracurricular activities. The three-member
47 committee from the State Board of Education shall ensure that the
48 corporation adopts its bylaws, which shall include:



49 (i) Open, transparent policymaking processes that
50 ensure that policies considered for adoption may be debated by
51 members before adoption;

52 (ii) Requirements that the corporation send member
53 schools a monthly, quarterly and/or semi-annual report with all
54 data indicating financial position;

55 (iii) Requirements to provide member schools with
56 all the information and data necessary to understand why fees
57 change before those changes are officially made and become
58 effective. Member schools shall be able to understand why a fee
59 change was made;

60 (iv) Requirements to provide member schools with
61 information regarding staff salaries, data showing the need for
62 certain gate percentages and fees, and an identification of the
63 programs or events that remitted fees support; and

64 (v) Requirements that the corporation retain and
65 log formal complaint information and provide member schools or
66 complainants with a formal document to show how that complaint was
67 addressed;

68 (b) In lieu of establishing a not-for-profit
69 corporation as set out in paragraph (a) of this subsection, the
70 three-member committee of the State Board of Education may select
71 a currently constituted not-for-profit corporation organized for
72 the purpose of regulating public schools' and other member



73 school's athletics and extracurricular activities, provided the
74 following:

75 (i) The corporation described in paragraph (b)
76 above consents to the State Board of Education and three (3)
77 public members not associated with the administration of any
78 school, school district, or athletic program who shall have veto
79 power of any policy, rule, regulation or any other pronouncement
80 of the corporation that purports to regulate school athletics and
81 extracurricular activities; and

82 (ii) The corporation agrees to the adoption of
83 policies as described in paragraph (a) of this subsection;

84 (c) All actions of the three-member committee shall be
85 complete by January 1, 2017. Any corporation established by
86 authority of this section shall be authorized to receive public
87 funds or other funds from any school or school district from and
88 after July 1, 2019. Further, from and after July 1, 2019, there
89 shall be no prohibition against schools or school districts
90 requesting, suggesting or recommending that a booster organization
91 or other association of parents, businesses or other persons pay
92 any funds to any such corporation for the purpose of funding its
93 operations; and

94 (d) In the event that the three-member committee
95 selects an existing not-for-profit corporation to perform the
96 functions of the regulation of school athletics and
97 extracurricular activities, the not-for-profit corporation shall



be authorized to receive public funds or any other funds under the control of such schools and school districts from and after July 1, 2019. Further, from and after July 1, 2019, there shall be no prohibition against schools or school districts requesting, suggesting or recommending that a booster organization or other association of parents, businesses or other persons pay any funds to any such corporation for the purpose of funding its operations.

(4) In the event that a not-for-profit corporation existing on July 1, 2018, for the purpose of regulating school athletic and extracurricular activities is not selected by the three-member committee to continue regulating school athletics and extracurricular activities, no public school or school district shall be authorized to confer upon such corporation any authority to regulate athletics or extracurricular activities or charge any fee to such school district and their constituent schools after June 30, 2019.

(5) This section shall stand repealed on July 1, 2017.

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

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

(a) To organize and operate the schools of the district and to make such division between the high school grades and



elementary grades as, in their judgment, will serve the best interests of the school;

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

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

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

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



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

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

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

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

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

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

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



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

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

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

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

(q) To provide athletic programs and other school activities and to regulate the establishment and operation of such programs and activities, provided that the regulations established comply with Section 1 of this act;



195 (r) To join, in their discretion, any association of
196 school boards and other public school-related organizations, and
197 to pay from local funds other than minimum foundation funds, any
198 membership dues, provided that the payment of membership dues
199 complies with Section 1 of this act;

200 (s) To expend local school activity funds, or other
201 available school district funds, other than minimum education
202 program funds, for the purposes prescribed under this paragraph.
203 "Activity funds" shall mean all funds received by school officials
204 in all school districts paid or collected to participate in any
205 school activity, such activity being part of the school program
206 and partially financed with public funds or supplemented by public
207 funds. The term "activity funds" shall not include any funds
208 raised and/or expended by any organization unless commingled in a
209 bank account with existing activity funds, regardless of whether
210 the funds were raised by school employees or received by school
211 employees during school hours or using school facilities, and
212 regardless of whether a school employee exercises influence over
213 the expenditure or disposition of such funds. Organizations shall
214 not be required to make any payment to any school for the use of
215 any school facility if, in the discretion of the local school
216 governing board, the organization's function shall be deemed to be
217 beneficial to the official or extracurricular programs of the
218 school. For the purposes of this provision, the term
219 "organization" shall not include any organization subject to the



220 control of the local school governing board. Activity funds may
221 only be expended for any necessary expenses or travel costs,
222 including advances, incurred by students and their chaperons in
223 attending any in-state or out-of-state school-related programs,
224 conventions or seminars and/or any commodities, equipment, travel
225 expenses, purchased services or school supplies which the local
226 school governing board, in its discretion, shall deem beneficial
227 to the official or extracurricular programs of the district,
228 including items which may subsequently become the personal
229 property of individuals, including yearbooks, athletic apparel,
230 book covers and trophies. Activity funds may be used to pay
231 travel expenses of school district personnel. The local school
232 governing board shall be authorized and empowered to promulgate
233 rules and regulations specifically designating for what purposes
234 school activity funds may be expended. The local school governing
235 board shall provide (i) that such school activity funds shall be
236 maintained and expended by the principal of the school generating
237 the funds in individual bank accounts, or (ii) that such school
238 activity funds shall be maintained and expended by the
239 superintendent of schools in a central depository approved by the
240 board. The local school governing board shall provide that such
241 school activity funds be audited as part of the annual audit
242 required in Section 37-9-18. The State Department of Education
243 shall prescribe a uniform system of accounting and financial
244 reporting for all school activity fund transactions;



(t) To enter into an energy performance contract, energy services contract, on a shared-savings, lease or lease-purchase basis, for energy efficiency services and/or equipment as provided for in Section 31-7-14;

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

(v) (i) To lease a school building from an individual, partnership, nonprofit corporation or a private for-profit corporation for the use of such school district, and to expend funds therefor as may be available from any nonminimum program sources. The school board of the school district desiring to lease a school building shall declare by resolution that a need exists for a school building and that the school district cannot provide the necessary funds to pay the cost or its proportionate share of the cost of a school building required to meet the present needs. The resolution so adopted by the school board shall be published once each week for three (3) consecutive weeks in a newspaper having a general circulation in the school district involved, with the first publication thereof to be made not less than thirty (30) days prior to the date upon which the school board is to act on the question of leasing a school building. If no petition requesting an election is filed prior to such meeting as hereinafter provided, then the school board may, by resolution spread upon its minutes, proceed to lease a school building. If at any time prior to said meeting a petition signed by not less



270 than twenty percent (20%) or fifteen hundred (1500), whichever is
271 less, of the qualified electors of the school district involved
272 shall be filed with the school board requesting that an election
273 be called on the question, then the school board shall, not later
274 than the next regular meeting, adopt a resolution calling an
275 election to be held within such school district upon the question
276 of authorizing the school board to lease a school building. Such
277 election shall be called and held, and notice thereof shall be
278 given, in the same manner for elections upon the questions of the
279 issuance of the bonds of school districts, and the results thereof
280 shall be certified to the school board. If at least three-fifths
281 (3/5) of the qualified electors of the school district who voted
282 in such election shall vote in favor of the leasing of a school
283 building, then the school board shall proceed to lease a school
284 building. The term of the lease contract shall not exceed twenty
285 (20) years, and the total cost of such lease shall be either the
286 amount of the lowest and best bid accepted by the school board
287 after advertisement for bids or an amount not to exceed the
288 current fair market value of the lease as determined by the
289 averaging of at least two (2) appraisals by certified general
290 appraisers licensed by the State of Mississippi. The term "school
291 building" as used in this paragraph (v)(i) shall be construed to
292 mean any building or buildings used for classroom purposes in
293 connection with the operation of schools and shall include the
294 site therefor, necessary support facilities, and the equipment



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

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

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



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

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

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

328 (aa) To acquire in its own name by purchase all real
329 property which shall be necessary and desirable in connection with
330 the construction, renovation or improvement of any public school
331 building or structure. Whenever the purchase price for such real
332 property is greater than Fifty Thousand Dollars (\$50,000.00), the
333 school board shall not purchase the property for an amount
334 exceeding the fair market value of such property as determined by
335 the average of at least two (2) independent appraisals by
336 certified general appraisers licensed by the State of Mississippi.
337 If the board shall be unable to agree with the owner of any such
338 real property in connection with any such project, the board shall
339 have the power and authority to acquire any such real property by
340 condemnation proceedings pursuant to Section 11-27-1 et seq.,
341 Mississippi Code of 1972, and for such purpose, the right of
342 eminent domain is hereby conferred upon and vested in said board.
343 Provided further, that the local school board is authorized to



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

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

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

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



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

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

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

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

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



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

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

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

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

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

412 (mm) To expend federal No Child Left Behind Act funds,
413 or any other available funds that are expressly designated and
414 authorized for that use, to pay training, educational expenses,
415 salary incentives and salary supplements to employees of local
416 school districts; except that incentives shall not be considered
417 part of the local supplement as defined in Section 37-151-5(o),
418 nor shall incentives be considered part of the local supplement



419 paid to an individual teacher for the purposes of Section
420 37-19-7(1). Mississippi Adequate Education Program funds or any
421 other state funds may not be used for salary incentives or salary
422 supplements as provided in this paragraph (mm);

423 (nn) To use any available funds, not appropriated or
424 designated for any other purpose, for reimbursement to the
425 state-licensed employees from both in state and out of state, who
426 enter into a contract for employment in a school district, for the
427 expense of moving when the employment necessitates the relocation
428 of the licensed employee to a different geographical area than
429 that in which the licensed employee resides before entering into
430 the contract. The reimbursement shall not exceed One Thousand
431 Dollars (\$1,000.00) for the documented actual expenses incurred in
432 the course of relocating, including the expense of any
433 professional moving company or persons employed to assist with the
434 move, rented moving vehicles or equipment, mileage in the amount
435 authorized for county and municipal employees under Section
436 25-3-41 if the licensed employee used his personal vehicle or
437 vehicles for the move, meals and such other expenses associated
438 with the relocation. No licensed employee may be reimbursed for
439 moving expenses under this section on more than one (1) occasion
440 by the same school district. Nothing in this section shall be
441 construed to require the actual residence to which the licensed
442 employee relocates to be within the boundaries of the school
443 district that has executed a contract for employment in order for



the licensed employee to be eligible for reimbursement for the moving expenses. However, the licensed employee must relocate within the boundaries of the State of Mississippi. Any individual receiving relocation assistance through the Critical Teacher Shortage Act as provided in Section 37-159-5 shall not be eligible to receive additional relocation funds as authorized in this paragraph;

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

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

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

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



469 (iii) An assessment of revenue levels and sources;
470 (iv) An assessment of facilities utilization,
471 planning and maintenance;
472 (v) An assessment of food services, transportation
473 and safety/security systems;
474 (vi) An assessment of instructional and
475 administrative technology;
476 (vii) A review of the instructional management and
477 the efficiency and effectiveness of existing instructional
478 programs; and
479 (viii) Recommended methods for increasing
480 efficiency and effectiveness in providing educational services to
481 the public;
482 (qq) To enter into agreements with other local school
483 boards for the establishment of an educational service agency
484 (ESA) to provide for the cooperative needs of the region in which
485 the school district is located, as provided in Section 37-7-345;
486 (rr) To implement a financial literacy program for
487 students in Grades 10 and 11. The board may review the national
488 programs and obtain free literature from various nationally
489 recognized programs. After review of the different programs, the
490 board may certify a program that is most appropriate for the
491 school districts' needs. If a district implements a financial
492 literacy program, then any student in Grade 10 or 11 may
493 participate in the program. The financial literacy program shall



include, but is not limited to, instruction in the same areas of personal business and finance as required under Section 37-1-3(2) (b). The school board may coordinate with volunteer teachers from local community organizations, including, but not limited to, the following: United States Department of Agriculture Rural Development, United States Department of Housing and Urban Development, Junior Achievement, bankers and other nonprofit organizations. Nothing in this paragraph shall be construed as to require school boards to implement a financial literacy program;

(ss) To collaborate with the State Board of Education, Community Action Agencies or the Department of Human Services to develop and implement a voluntary program to provide services for a prekindergarten program that addresses the cognitive, social, and emotional needs of four-year-old and three-year-old children. The school board may utilize any source of available revenue to fund the voluntary program. Effective with the 2013-2014 school year, to implement voluntary prekindergarten programs under the Early Learning Collaborative Act of 2013 pursuant to state funds awarded by the State Department of Education on a matching basis;

(tt) With respect to any lawful, written obligation of a school district, including, but not limited to, leases (excluding leases of sixteenth section public school trust land), bonds, notes, or other agreement, to agree in writing with the



518 obligee that the Department of Revenue or any state agency,
519 department or commission created under state law may:

520 (i) Withhold all or any part (as agreed by the
521 school board) of any monies which such local school board is
522 entitled to receive from time to time under any law and which is
523 in the possession of the Department of Revenue, or any state
524 agency, department or commission created under state law; and

525 (ii) Pay the same over to any financial
526 institution, trustee or other obligee, as directed in writing by
527 the school board, to satisfy all or part of such obligation of the
528 school district.

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

541 This paragraph (tt) shall not grant any extra authority to a
542 school board to issue debt in any amount exceeding statutory



543 limitations on assessed value of taxable property within such
544 school district or the statutory limitations on debt maturities,
545 and shall not grant any extra authority to impose, levy or collect
546 a tax which is not otherwise expressly provided for, and shall not
547 be construed to apply to sixteenth section public school trust
548 land;

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

560 (vv) To utilize the alternate method for the conveyance
561 or exchange of unused school buildings and/or land, reserving a
562 partial or other undivided interest in the property, as
563 specifically authorized and provided in Section 37-7-485;

564 (wv) To delegate, privatize or otherwise enter into a
565 contract with private entities for the operation of any and all
566 functions of nonacademic school process, procedures and operations
567 including, but not limited to, cafeteria workers, janitorial



568 services, transportation, professional development, achievement
569 and instructional consulting services materials and products,
570 purchasing cooperatives, insurance, business manager services,
571 auditing and accounting services, school safety/risk prevention,
572 data processing and student records, and other staff services;
573 however, the authority under this paragraph does not apply to the
574 leasing, management or operation of sixteenth section lands.
575 Local school districts, working through their regional education
576 service agency, are encouraged to enter into buying consortia with
577 other member districts for the purposes of more efficient use of
578 state resources as described in Section 37-7-345;

579 (xx) To partner with entities, organizations and
580 corporations for the purpose of benefiting the school district;

581 (yy) To borrow funds from the Rural Economic
582 Development Authority for the maintenance of school buildings;

583 (zz) To fund and operate voluntary early childhood
584 education programs, defined as programs for children less than
585 five (5) years of age on or before September 1, and to use any
586 source of revenue for such early childhood education programs.
587 Such programs shall not conflict with the Early Learning
588 Collaborative Act of 2013;

589 (aaa) To issue and provide for the use of procurement
590 cards by school board members, superintendents and licensed school
591 personnel consistent with the rules and regulations of the



592 Mississippi Department of Finance and Administration under Section
593 31-7-9; and

594 (bbb) To conduct an annual comprehensive evaluation of
595 the superintendent of schools consistent with the assessment
596 components of paragraph (pp) of this section and the assessment
597 benchmarks established by the Mississippi School Board Association
598 to evaluate the success the superintendent has attained in meeting
599 district goals and objectives, the superintendent's leadership
600 skill and whether or not the superintendent has established
601 appropriate standards for performance, is monitoring success and
602 is using data for improvement.

603 **SECTION 3.** This act shall take effect and be in force from
604 and after July 1, 2016 and shall stand repealed on June 30, 2016.

