

By: Representative Wooten

To: Education

HOUSE BILL NO. 266

1 AN ACT TO AUTHORIZE SCHOOL BOARDS TO IMPLEMENT A FINANCIAL
 2 LITERACY CURRICULUM FOR STUDENTS IN HIGH SCHOOL; TO AMEND SECTION
 3 37-7-301, MISSISSIPPI CODE OF 1972, TO EXPAND THE GRADES IN WHICH
 4 SCHOOL BOARDS ARE AUTHORIZED TO IMPLEMENT A FINANCIAL LITERACY
 5 PROGRAM FROM GRADES 10 AND 11 TO GRADES 9 THROUGH 12; TO REMOVE
 6 THE AUTHORITY OF SCHOOL BOARDS TO ACQUIRE PROPERTY THROUGH
 7 CONDEMNATION PROCEEDINGS OR USE OF EMINENT DOMAIN; AND FOR RELATED
 8 PURPOSES.

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

10 **SECTION 1.** In addition to the curriculum otherwise required
 11 by law or the State Board of Education to be taught in the public
 12 schools of this state, the school board of a local school district
 13 may implement a financial literacy curriculum for students in
 14 Grades 9 through 12. In developing the curriculum, the school
 15 board may review national programs and solicit free literature
 16 from various nationally recognized programs. After a review of
 17 the different programs, the school board may certify a program
 18 that is most appropriate for the school districts' needs for a
 19 financial literacy curriculum. Any student in Grades 9 through 12
 20 may participate in the financial literacy program. The program
 21 must include, but not necessarily be limited to, instruction in



22 the same areas of personal business and finance as required under
23 Section 37-1-3(2) (b). The school board may coordinate with
24 volunteer teachers from local community organizations to offer the
25 financial literacy curriculum including, but not limited to,
26 representatives of the following: the United States Department of
27 Agriculture Rural Development; the United States Department of
28 Housing and Urban Development; Junior Achievement; financial
29 institutions; and other nonprofit organizations.

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

32 37-7-301. The school boards of all school districts shall
33 have the following powers, authority and duties in addition to all
34 others imposed or granted by law, to wit:

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

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

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



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

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

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

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

67 (h) To exclude from the schools students with what
68 appears to be infectious or contagious diseases; provided,
69 however, such student may be allowed to return to school upon



70 presenting a certificate from a public health officer, duly
71 licensed physician or nurse practitioner that the student is free
72 from such disease;

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

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

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

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

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

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

90 (o) To make orders directed to the superintendent of
91 schools for the issuance of pay certificates for lawful purposes
92 on any available funds of the district and to have full control of
93 the receipt, distribution, allotment and disbursement of all funds
94 provided for the support and operation of the schools of such



95 school district whether such funds be derived from state
96 appropriations, local ad valorem tax collections, or otherwise.
97 The local school board shall be authorized and empowered to
98 promulgate rules and regulations that specify the types of claims
99 and set limits of the dollar amount for payment of claims by the
100 superintendent of schools to be ratified by the board at the next
101 regularly scheduled meeting after payment has been made;

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

106 (q) To provide athletic programs and other school
107 activities and to regulate the establishment and operation of such
108 programs and activities;

109 (r) To join, in their discretion, any association of
110 school boards and other public school-related organizations, and
111 to pay from local funds other than minimum foundation funds, any
112 membership dues;

113 (s) To expend local school activity funds, or other
114 available school district funds, other than minimum education
115 program funds, for the purposes prescribed under this paragraph.
116 "Activity funds" shall mean all funds received by school officials
117 in all school districts paid or collected to participate in any
118 school activity, such activity being part of the school program
119 and partially financed with public funds or supplemented by public



120 funds. The term "activity funds" shall not include any funds
121 raised and/or expended by any organization unless commingled in a
122 bank account with existing activity funds, regardless of whether
123 the funds were raised by school employees or received by school
124 employees during school hours or using school facilities, and
125 regardless of whether a school employee exercises influence over
126 the expenditure or disposition of such funds. Organizations shall
127 not be required to make any payment to any school for the use of
128 any school facility if, in the discretion of the local school
129 governing board, the organization's function shall be deemed to be
130 beneficial to the official or extracurricular programs of the
131 school. For the purposes of this provision, the term
132 "organization" shall not include any organization subject to the
133 control of the local school governing board. Activity funds may
134 only be expended for any necessary expenses or travel costs,
135 including advances, incurred by students and their chaperons in
136 attending any in-state or out-of-state school-related programs,
137 conventions or seminars and/or any commodities, equipment, travel
138 expenses, purchased services or school supplies which the local
139 school governing board, in its discretion, shall deem beneficial
140 to the official or extracurricular programs of the district,
141 including items which may subsequently become the personal
142 property of individuals, including yearbooks, athletic apparel,
143 book covers and trophies. Activity funds may be used to pay
144 travel expenses of school district personnel. The local school



145 governing board shall be authorized and empowered to promulgate
146 rules and regulations specifically designating for what purposes
147 school activity funds may be expended. The local school governing
148 board shall provide (i) that such school activity funds shall be
149 maintained and expended by the principal of the school generating
150 the funds in individual bank accounts, or (ii) that such school
151 activity funds shall be maintained and expended by the
152 superintendent of schools in a central depository approved by the
153 board. The local school governing board shall provide that such
154 school activity funds be audited as part of the annual audit
155 required in Section 37-9-18. The State Department of Education
156 shall prescribe a uniform system of accounting and financial
157 reporting for all school activity fund transactions;

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

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

164 (v) (i) To lease a school building from an individual,
165 partnership, nonprofit corporation or a private for-profit
166 corporation for the use of such school district, and to expend
167 funds therefor as may be available from any nonminimum program
168 sources. The school board of the school district desiring to
169 lease a school building shall declare by resolution that a need



170 exists for a school building and that the school district cannot
171 provide the necessary funds to pay the cost or its proportionate
172 share of the cost of a school building required to meet the
173 present needs. The resolution so adopted by the school board
174 shall be published once each week for three (3) consecutive weeks
175 in a newspaper having a general circulation in the school district
176 involved, with the first publication thereof to be made not less
177 than thirty (30) days prior to the date upon which the school
178 board is to act on the question of leasing a school building. If
179 no petition requesting an election is filed prior to such meeting
180 as hereinafter provided, then the school board may, by resolution
181 spread upon its minutes, proceed to lease a school building. If
182 at any time prior to said meeting a petition signed by not less
183 than twenty percent (20%) or fifteen hundred (1500), whichever is
184 less, of the qualified electors of the school district involved
185 shall be filed with the school board requesting that an election
186 be called on the question, then the school board shall, not later
187 than the next regular meeting, adopt a resolution calling an
188 election to be held within such school district upon the question
189 of authorizing the school board to lease a school building. Such
190 election shall be called and held, and notice thereof shall be
191 given, in the same manner for elections upon the questions of the
192 issuance of the bonds of school districts, and the results thereof
193 shall be certified to the school board. If at least three-fifths
194 (3/5) of the qualified electors of the school district who voted



195 in such election shall vote in favor of the leasing of a school
196 building, then the school board shall proceed to lease a school
197 building. The term of the lease contract shall not exceed twenty
198 (20) years, and the total cost of such lease shall be either the
199 amount of the lowest and best bid accepted by the school board
200 after advertisement for bids or an amount not to exceed the
201 current fair market value of the lease as determined by the
202 averaging of at least two (2) appraisals by certified general
203 appraisers licensed by the State of Mississippi. The term "school
204 building" as used in this paragraph (v) (i) shall be construed to
205 mean any building or buildings used for classroom purposes in
206 connection with the operation of schools and shall include the
207 site therefor, necessary support facilities, and the equipment
208 thereof and appurtenances thereto such as heating facilities,
209 water supply, sewage disposal, landscaping, walks, drives and
210 playgrounds. The term "lease" as used in this paragraph (v) (i)
211 may include a lease-purchase contract;

212 (ii) If two (2) or more school districts propose
213 to enter into a lease contract jointly, then joint meetings of the
214 school boards having control may be held but no action taken shall
215 be binding on any such school district unless the question of
216 leasing a school building is approved in each participating school
217 district under the procedure hereinabove set forth in paragraph
218 (v) (i). All of the provisions of paragraph (v) (i) regarding the
219 term and amount of the lease contract shall apply to the school



220 boards of school districts acting jointly. Any lease contract
221 executed by two (2) or more school districts as joint lessees
222 shall set out the amount of the aggregate lease rental to be paid
223 by each, which may be agreed upon, but there shall be no right of
224 occupancy by any lessee unless the aggregate rental is paid as
225 stipulated in the lease contract. All rights of joint lessees
226 under the lease contract shall be in proportion to the amount of
227 lease rental paid by each;

228 (w) To employ all noninstructional and noncertificated
229 employees and fix the duties and compensation of such personnel
230 deemed necessary pursuant to the recommendation of the
231 superintendent of schools;

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

234 (y) Subject to rules and regulations of the State Board
235 of Education, to purchase, own and operate trucks, vans and other
236 motor vehicles, which shall bear the proper identification
237 required by law;

238 (z) To expend funds for the payment of substitute
239 teachers and to adopt reasonable regulations for the employment
240 and compensation of such substitute teachers;

241 (aa) To acquire in its own name by purchase all real
242 property which shall be necessary and desirable in connection with
243 the construction, renovation or improvement of any public school
244 building or structure. Whenever the purchase price for such real



245 property is greater than Fifty Thousand Dollars (\$50,000.00), the
246 school board shall not purchase the property for an amount
247 exceeding the fair market value of such property as determined by
248 the average of at least two (2) independent appraisals by
249 certified general appraisers licensed by the State of Mississippi.

250 * * * Provided further, that the local school board is authorized
251 to grant an easement for ingress and egress over sixteenth section
252 land or lieu land in exchange for a similar easement upon
253 adjoining land where the exchange of easements affords substantial
254 benefit to the sixteenth section land; provided, however, the
255 exchange must be based upon values as determined by a competent
256 appraiser, with any differential in value to be adjusted by cash
257 payment. Any easement rights granted over sixteenth section land
258 under such authority shall terminate when the easement ceases to
259 be used for its stated purpose. No sixteenth section or lieu land
260 which is subject to an existing lease shall be burdened by any
261 such easement except by consent of the lessee or unless the school
262 district shall acquire the unexpired leasehold interest affected
263 by the easement;

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

267 (cc) Subject to rules and regulations of the State
268 Board of Education, to purchase relocatable classrooms for the use



269 of such school district, in the manner prescribed in Section
270 37-1-13;

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

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

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

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

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



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

301 (hh) To allow individual lessons for music, art and
302 other curriculum-related activities for academic credit or
303 nonacademic credit during school hours and using school equipment
304 and facilities, subject to uniform rules and regulations adopted
305 by the school board;

306 (ii) To charge reasonable fees for participating in an
307 extracurricular activity for academic or nonacademic credit for
308 necessary and required equipment such as safety equipment, band
309 instruments and uniforms;

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

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

315 (ll) To expend funds for the services of nonprofit arts
316 organizations or other such nonprofit organizations who provide
317 performances or other services for the students of the school
318 district;



319 (mm) To expend federal No Child Left Behind Act funds,
320 or any other available funds that are expressly designated and
321 authorized for that use, to pay training, educational expenses,
322 salary incentives and salary supplements to employees of local
323 school districts; except that incentives shall not be considered
324 part of the local supplement as defined in Section 37-151-5(o),
325 nor shall incentives be considered part of the local supplement
326 paid to an individual teacher for the purposes of Section
327 37-19-7(1). Mississippi Adequate Education Program funds or any
328 other state funds may not be used for salary incentives or salary
329 supplements as provided in this paragraph (mm);

330 (nn) To use any available funds, not appropriated or
331 designated for any other purpose, for reimbursement to the
332 state-licensed employees from both in state and out of state, who
333 enter into a contract for employment in a school district, for the
334 expense of moving when the employment necessitates the relocation
335 of the licensed employee to a different geographical area than
336 that in which the licensed employee resides before entering into
337 the contract. The reimbursement shall not exceed One Thousand
338 Dollars (\$1,000.00) for the documented actual expenses incurred in
339 the course of relocating, including the expense of any
340 professional moving company or persons employed to assist with the
341 move, rented moving vehicles or equipment, mileage in the amount
342 authorized for county and municipal employees under Section
343 25-3-41 if the licensed employee used his personal vehicle or



344 vehicles for the move, meals and such other expenses associated
345 with the relocation. No licensed employee may be reimbursed for
346 moving expenses under this section on more than one (1) occasion
347 by the same school district. Nothing in this section shall be
348 construed to require the actual residence to which the licensed
349 employee relocates to be within the boundaries of the school
350 district that has executed a contract for employment in order for
351 the licensed employee to be eligible for reimbursement for the
352 moving expenses. However, the licensed employee must relocate
353 within the boundaries of the State of Mississippi. Any individual
354 receiving relocation assistance through the Critical Teacher
355 Shortage Act as provided in Section 37-159-5 shall not be eligible
356 to receive additional relocation funds as authorized in this
357 paragraph;

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

364 (pp) Consistent with the report of the Task Force to
365 Conduct a Best Financial Management Practices Review, to improve
366 school district management and use of resources and identify cost
367 savings as established in Section 8 of Chapter 610, Laws of 2002,
368 local school boards are encouraged to conduct independent reviews



369 of the management and efficiency of schools and school districts.
370 Such management and efficiency reviews shall provide state and
371 local officials and the public with the following:

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

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

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

377 (iv) An assessment of facilities utilization,
378 planning and maintenance;

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

381 (vi) An assessment of instructional and
382 administrative technology;

383 (vii) A review of the instructional management and
384 the efficiency and effectiveness of existing instructional
385 programs; and

386 (viii) Recommended methods for increasing
387 efficiency and effectiveness in providing educational services to
388 the public;

389 (qq) To enter into agreements with other local school
390 boards for the establishment of an educational service agency
391 (ESA) to provide for the cooperative needs of the region in which
392 the school district is located, as provided in Section 37-7-345;



393 (rr) To implement a financial literacy program for
394 students in Grades * * * 9 through 12. The board may review the
395 national programs and obtain free literature from various
396 nationally recognized programs. After review of the different
397 programs, the board may certify a program that is most appropriate
398 for the school districts' needs. If a district implements a
399 financial literacy program, then any student in Grade 9, 10 * * *
400 , 11 or 12 may participate in the program. The financial literacy
401 program shall include, but is not limited to, instruction in the
402 same areas of personal business and finance as required under
403 Section 37-1-3(2) (b). The school board may coordinate with
404 volunteer teachers from local community organizations, including,
405 but not limited to, the following: United States Department of
406 Agriculture Rural Development, United States Department of Housing
407 and Urban Development, Junior Achievement, bankers and other
408 nonprofit organizations * * *;

409 (ss) To collaborate with the State Board of Education,
410 Community Action Agencies or the Department of Human Services to
411 develop and implement a voluntary program to provide services for
412 a prekindergarten program that addresses the cognitive, social,
413 and emotional needs of four-year-old and three-year-old children.
414 The school board may utilize any source of available revenue to
415 fund the voluntary program. Effective with the 2013-2014 school
416 year, to implement voluntary prekindergarten programs under the



417 Early Learning Collaborative Act of 2013 pursuant to state funds
418 awarded by the State Department of Education on a matching basis;

419 (tt) With respect to any lawful, written obligation of
420 a school district, including, but not limited to, leases
421 (excluding leases of sixteenth section public school trust land),
422 bonds, notes, or other agreement, to agree in writing with the
423 obligee that the Department of Revenue or any state agency,
424 department or commission created under state law may:

425 (i) Withhold all or any part (as agreed by the
426 school board) of any monies which such local school board is
427 entitled to receive from time to time under any law and which is
428 in the possession of the Department of Revenue, or any state
429 agency, department or commission created under state law; and

430 (ii) Pay the same over to any financial
431 institution, trustee or other obligee, as directed in writing by
432 the school board, to satisfy all or part of such obligation of the
433 school district.

434 The school board may make such written agreement to withhold
435 and transfer funds irrevocable for the term of the written
436 obligation and may include in the written agreement any other
437 terms and provisions acceptable to the school board. If the
438 school board files a copy of such written agreement with the
439 Department of Revenue, or any state agency, department or
440 commission created under state law then the Department of Revenue
441 or any state agency, department or commission created under state



442 law shall immediately make the withholdings provided in such
443 agreement from the amounts due the local school board and shall
444 continue to pay the same over to such financial institution,
445 trustee or obligee for the term of the agreement.

446 This paragraph (tt) shall not grant any extra authority to a
447 school board to issue debt in any amount exceeding statutory
448 limitations on assessed value of taxable property within such
449 school district or the statutory limitations on debt maturities,
450 and shall not grant any extra authority to impose, levy or collect
451 a tax which is not otherwise expressly provided for, and shall not
452 be construed to apply to sixteenth section public school trust
453 land;

454 (uu) With respect to any matter or transaction that is
455 competitively bid by a school district, to accept from any bidder
456 as a good-faith deposit or bid bond or bid surety, the same type
457 of good-faith deposit or bid bond or bid surety that may be
458 accepted by the state or any other political subdivision on
459 similar competitively bid matters or transactions. This paragraph
460 (uu) shall not be construed to apply to sixteenth section public
461 school trust land. The school board may authorize the investment
462 of any school district funds in the same kind and manner of
463 investments, including pooled investments, as any other political
464 subdivision, including community hospitals;

465 (vv) To utilize the alternate method for the conveyance
466 or exchange of unused school buildings and/or land, reserving a



467 partial or other undivided interest in the property, as
468 specifically authorized and provided in Section 37-7-485;

469 (ww) To delegate, privatize or otherwise enter into a
470 contract with private entities for the operation of any and all
471 functions of nonacademic school process, procedures and operations
472 including, but not limited to, cafeteria workers, janitorial
473 services, transportation, professional development, achievement
474 and instructional consulting services materials and products,
475 purchasing cooperatives, insurance, business manager services,
476 auditing and accounting services, school safety/risk prevention,
477 data processing and student records, and other staff services;
478 however, the authority under this paragraph does not apply to the
479 leasing, management or operation of sixteenth section lands.
480 Local school districts, working through their regional education
481 service agency, are encouraged to enter into buying consortia with
482 other member districts for the purposes of more efficient use of
483 state resources as described in Section 37-7-345;

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

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

488 (zz) To fund and operate voluntary early childhood
489 education programs, defined as programs for children less than
490 five (5) years of age on or before September 1, and to use any
491 source of revenue for such early childhood education programs.



492 Such programs shall not conflict with the Early Learning
493 Collaborative Act of 2013;

494 (aaa) To issue and provide for the use of procurement
495 cards by school board members, superintendents and licensed school
496 personnel consistent with the rules and regulations of the
497 Mississippi Department of Finance and Administration under Section
498 31-7-9; and

499 (bbb) To conduct an annual comprehensive evaluation of
500 the superintendent of schools consistent with the assessment
501 components of paragraph (pp) of this section and the assessment
502 benchmarks established by the Mississippi School Board Association
503 to evaluate the success the superintendent has attained in meeting
504 district goals and objectives, the superintendent's leadership
505 skill and whether or not the superintendent has established
506 appropriate standards for performance, is monitoring success and
507 is using data for improvement.

508 **SECTION 3.** This act shall take effect and be in force from
509 and after July 1, 2017.

