

By: Representative Hines

To: Education; Judiciary B

HOUSE BILL NO. 73

1 AN ACT TO AMEND SECTION 37-11-29, MISSISSIPPI CODE OF 1972,  
2 TO REQUIRE SCHOOL ADMINISTRATORS TO REPORT ACTS OF VIOLENCE THAT  
3 RESULT IN AN INJURY REQUIRING A CALL TO EMERGENCY SERVICES  
4 RESPONDERS FOR MEDICAL ASSISTANCE TO THE LOCAL LAW ENFORCEMENT  
5 AUTHORITY; TO AMEND SECTION 37-9-14, MISSISSIPPI CODE OF 1972, IN  
6 CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 37-11-29, Mississippi Code of 1972, is  
9 amended as follows:

10 37-11-29. (1) Any principal, teacher or other school  
11 employee who has knowledge of any unlawful activity which occurred  
12 on educational property or during a school related activity or  
13 which may have occurred shall report such activity to the  
14 superintendent of the school district or his designee who shall  
15 notify the appropriate law enforcement officials as required by  
16 this section. In the event of an emergency or if the  
17 superintendent or his designee is unavailable, any principal may  
18 make a report required under this subsection.

19 (2) Whenever any person who shall be an enrolled student in  
20 any school or educational institution in this state supported in



21 whole or in part by public funds, or who shall be an enrolled  
22 student in any private school or educational institution, is  
23 arrested for, and lawfully charged with, the commission of any  
24 crime and convicted upon the charge for which he was arrested, or  
25 convicted of any crime charged against him after his arrest and  
26 before trial, the office or law enforcement department of which  
27 the arresting officer is a member, and the justice court judge and  
28 any circuit judge or court before whom such student is tried upon  
29 said charge or charges, shall make or cause to be made a report  
30 thereof to the superintendent or the president or chancellor, as  
31 the case may be, of the school district or other educational  
32 institution in which such student is enrolled.

33       If the charge upon which such student was arrested, or any  
34 other charges preferred against him are dismissed or nol prossed,  
35 or if upon trial he is either convicted or acquitted of such  
36 charge or charges, same shall be reported to said respective  
37 superintendent or president, or chancellor, as the case may be. A  
38 copy of said report shall be sent to the Secretary of the Board of  
39 Trustees of State Institutions of Higher Learning of the State of  
40 Mississippi, at Jackson, Mississippi.

41       Said report shall be made within one (1) week after the  
42 arrest of such student and within one (1) week after any charge  
43 placed against him is dismissed or nol prossed, and within one (1)  
44 week after he shall have pled guilty, been convicted, or have been  
45 acquitted by trial upon any charge placed against him. This



46 section shall not apply to ordinary traffic violations involving a  
47 penalty of less than Fifty Dollars (\$50.00) and costs.

48 The State Superintendent of Public Education shall gather  
49 annually all of the reports provided under this section and  
50 prepare a report on the number of students arrested as a result of  
51 any unlawful activity which occurred on educational property or  
52 during a school related activity. All data must be disaggregated  
53 by race, ethnicity, gender, school, offense and law enforcement  
54 agency involved. However, the report prepared by the State  
55 Superintendent of Public Education shall not include the identity  
56 of any student who was arrested.

57 On or before January 1 of each year, the State Superintendent  
58 of Public Education shall report to the Governor, the Lieutenant  
59 Governor, the Speaker of the House of Representatives and the  
60 Joint PEER Committee on this section. The report must include  
61 data regarding arrests as a result of any unlawful activity which  
62 occurred on educational property or during a school related  
63 activity.

64 (3) When the superintendent or his designee has a reasonable  
65 belief that an act has occurred on educational property or during  
66 a school related activity involving any of the offenses set forth  
67 in subsection (6) of this section, the superintendent or his  
68 designee shall immediately report the act to the appropriate local  
69 law enforcement agency. For purposes of this subsection, "school  
70 property" shall include any public school building, bus, public



71 school campus, grounds, recreational area or athletic field in the  
72 charge of the superintendent. The State Board of Education shall  
73 prescribe a form for making reports required under this  
74 subsection. Any superintendent or his designee who fails to make  
75 a report required by this section shall be subject to the  
76 penalties provided in Section 37-11-35.

77 (4) The law enforcement authority shall immediately dispatch  
78 an officer to the educational institution and with probable cause  
79 the officer is authorized to make an arrest if necessary as  
80 provided in Section 99-3-7.

81 (5) Any superintendent, principal, teacher or other school  
82 personnel participating in the making of a required report  
83 pursuant to this section or participating in any judicial  
84 proceeding resulting therefrom shall be presumed to be acting in  
85 good faith. Any person reporting in good faith shall be immune  
86 from any civil liability that might otherwise be incurred or  
87 imposed.

88 (6) For purposes of this section, "unlawful activity" means  
89 any of the following:

90 (a) Possession or use of a deadly weapon, as defined in  
91 Section 97-37-1;

92 (b) Possession, sale or use of any controlled  
93 substance;

94 (c) Aggravated assault, as defined in Section 97-3-7;



95           (d) Simple assault, as defined in Section 97-3-7, upon  
96 any school employee;  
97           (e) Rape, as defined under Mississippi law;  
98           (f) Sexual battery, as defined under Mississippi law;  
99           (g) Murder, as defined under Mississippi law;  
100           (h) Kidnapping, as defined under Mississippi law; \* \* \*  
101           (i) Fondling, touching, handling, etc., a child for  
102 lustful purposes, as defined in Section 97-5-23 \* \* \*; or  
103           (j) Acts of violence committed by any person resulting  
104 in an injury to any person which requires a call to emergency  
105 services responders for medical attention.

106           **SECTION 2.** Section 37-9-14, Mississippi Code of 1972, is  
107 amended as follows:

108           37-9-14. (1) It shall be the duty of the superintendent of  
109 schools to administer the schools within his district and to  
110 implement the decisions of the school board.

111           (2) In addition to all other powers, authority and duties  
112 imposed or granted by law, the superintendent of schools shall  
113 have the following powers, authority and duties:

114           (a) To enter into contracts in the manner provided by  
115 law with each assistant superintendent, principal and teacher of  
116 the public schools under his supervision, after such assistant  
117 superintendent, principal and teachers have been selected and  
118 approved in the manner provided by law.



119           (b) To enforce in the public schools of the school  
120 district the courses of study provided by law or the rules and  
121 regulations of the State Board of Education, and to comply with  
122 the law with reference to the use and distribution of free  
123 textbooks.

124           (c) To administer oaths in all cases to persons  
125 testifying before him relative to disputes relating to the schools  
126 submitted to him for determination, and to take testimony in such  
127 cases as provided by law.

128           (d) To examine the monthly and annual reports submitted  
129 to him by principals and teachers for the purpose of determining  
130 and verifying the accuracy thereof.

131           (e) To preserve all reports of superintendents,  
132 principals, teachers and other school officers, and to deliver to  
133 his successor or clerk of the board of supervisors all money,  
134 property, books, effects and papers.

135           (f) To prepare and keep in his office a map or maps  
136 showing the territory embraced in his school district, to furnish  
137 the county assessor with a copy of such map or maps, and to revise  
138 and correct same from time to time as changes in or alterations of  
139 school districts may necessitate.

140           (g) To keep an accurate record of the names of all of  
141 the members of the school board showing the districts for which  
142 each was elected or appointed, the post office address of each,  
143 and the date of the expiration of his term of office. All



144 official correspondence shall be addressed to the school board,  
145 and notice to such members shall be regarded as notice to the  
146 residents of the district, and it shall be the duty of the members  
147 to notify such residents.

148 (h) To deliver in proper time to the assistant  
149 superintendents, principals, teachers and board members such  
150 forms, records and other supplies which will be needed during the  
151 school year as provided by law or any applicable rules and  
152 regulations, and to give to such individuals such information with  
153 regard to their duties as may be required.

154 (i) To make to the school board reports for each  
155 scholastic month in such form as the school board may require.

156 (j) To distribute promptly all reports, letters, forms,  
157 circulars and instructions which he may receive for the use of  
158 school officials.

159 (k) To keep on file and preserve in his office all  
160 appropriate information concerning the affairs of the school  
161 district.

162 (l) To visit the schools of his school district in his  
163 discretion, and to require the assistant superintendents,  
164 principals and teachers thereof to perform their duties as  
165 prescribed by law.

166 (m) To observe such instructions and regulations as the  
167 school board and other public officials may prescribe, and to make  
168 special reports to these officers whenever required.



169           (n) To keep his office open for the transaction of  
170 business upon the days and during the hours to be designated by  
171 the school board.

172           (o) To make such reports as are required by the State  
173 Board of Education.

174           (p) To make an enumeration of educable children in his  
175 school district as prescribed by law.

176           (q) To keep in his office and carefully preserve the  
177 public school record provided, to enter therein the proceedings of  
178 the school board and his decision upon cases and his other  
179 official acts, to record therein the data required from the  
180 monthly and term reports of principals and teachers, and from the  
181 summaries of records thus kept.

182           (r) To delegate student disciplinary matters to  
183 appropriate school personnel.

184           (s) To make assignments to the various schools in the  
185 district of all noninstructional and nonlicensed employees and all  
186 licensed employees, as provided in Sections 37-9-15 and 37-9-17,  
187 and to make reassignments of such employees from time to time;  
188 however, a reassignment of a licensed employee may only be to an  
189 area in which the employee has a valid license issued by the State  
190 Department of Education. Upon request from any employee  
191 transferred, such assignment shall be subject to review by the  
192 school board.





193           (t) To employ substitutes for licensed employees,  
194 regardless of whether or not such substitute holds the proper  
195 license, subject to such reasonable rules and regulations as may  
196 be adopted by the State Board of Education.

197           (u) To comply in a timely manner with the compulsory  
198 education reporting requirements prescribed in Section  
199 37-13-91(6).

200           (v) To perform such other duties as may be required of  
201 him by law.

202           (w) To notify, in writing, the parent, guardian or  
203 custodian, the youth court and local law enforcement of any  
204 expulsion of a student for criminal activity as defined in Section  
205 37-11-29.

206           (x) To notify the youth court and local law enforcement  
207 agencies, by affidavit, of the occurrence of any crime committed  
208 by a student or students upon school property or during any  
209 school-related activity, regardless of location and the identity  
210 of the student or students committing the crime.

211           (y) To employ and dismiss noninstructional and  
212 nonlicensed employees as provided by law.

213           (z) To temporarily employ licensed and nonlicensed  
214 employees to fill vacancies which may occur from time to time  
215 without prior approval of the board of trustees, provided that the  
216 board of trustees is notified of such employment and the action is  
217 ratified by the board at the next regular meeting of the board. A



218 school district may pay a licensed employee based on the same  
219 salary schedule as other contracted licensed employees in the  
220 district until school board action, at which time a licensed  
221 employee approved by the school board enters a contract. If the  
222 board, within thirty (30) days of the date of employment of such  
223 employee under this subsection, takes action to disapprove of the  
224 employment by the superintendent, then the employment shall be  
225 immediately terminated without further compensation, notice or  
226 other employment rights with the district. The terminated  
227 employee shall be paid such salary and fringe benefits that such  
228 employee would otherwise be entitled to from the date of  
229 employment to the date of termination for days actually worked.

230 (aa) To notify the local law enforcement agencies of  
231 the occurrence of a violent act committed by any student or adult  
232 upon school property or during any school-related activity, which  
233 requires a call to emergency service responders for medical  
234 attention, regardless of location and the identity of the student  
235 or adult committing the violent act.

236 (3) All funds to the credit of a school district shall be  
237 paid out on pay certificates issued by the superintendent upon  
238 order of the school board of the school district properly entered  
239 upon the minutes thereof, and all such orders shall be supported  
240 by properly itemized invoices from the vendors covering the  
241 materials and supplies purchased. All such orders and the  
242 itemized invoices supporting same shall be filed as a public



243 record in the office of the superintendent for a period of five  
244 (5) years. The superintendent shall be liable upon his official  
245 bond for the amount of any pay certificate issued in violation of  
246 the provisions of this section. The school board shall have the  
247 power and authority to direct and cause warrants to be issued  
248 against such district funds for the purpose of refunding any  
249 amount of taxes erroneously or illegally paid into such fund when  
250 such refund has been approved in the manner provided by law.

251 (4) The superintendent of schools shall be special  
252 accounting officer and treasurer with respect to any and all  
253 district school funds for his school district. He or his designee  
254 shall issue all warrants without the necessity of registration  
255 thereof by the chancery clerk. Transactions with the depositories  
256 and with the various tax collecting agencies which involve school  
257 funds for such school district shall be with the superintendent of  
258 schools, or his designee.

259 (5) The superintendent of schools will have no  
260 responsibility with regard to agricultural high school and junior  
261 college funds.

262 All agricultural high school and junior college funds shall  
263 be handled and expended in the manner provided for in Sections  
264 37-29-31 through 37-29-39.

265 (6) It shall be the duty of the superintendent of schools to  
266 keep and preserve the minutes of the proceedings of the school  
267 board.



268 (7) The superintendent of schools shall maintain as a record  
269 in his office a book or a computer printout in which he shall  
270 enter all demands, claims and accounts paid from any funds of the  
271 school district. The record shall be in a form to be prescribed  
272 by the State Auditor. All demands, claims and accounts filed  
273 shall be preserved by the superintendent of schools as a public  
274 record for a period of five (5) years. All claims found by the  
275 school board to be illegal shall be rejected or disallowed. To  
276 the extent allowed by board policy, all claims which are found to  
277 be legal and proper may be paid and then ratified by the school  
278 board at the next regularly scheduled board meeting, as paid by  
279 the superintendent of schools. All claims as to which a  
280 continuance is requested by the claimant and those found to be  
281 defective but which may be perfected by amendment shall be  
282 continued. The superintendent of schools shall issue a pay  
283 certificate against any legal and proper fund of the school  
284 district in favor of the claimant in payment of claims. The  
285 provisions of this section, however, shall not be applicable to  
286 the payment of salaries and applicable benefits, travel advances,  
287 amounts due private contractors or other obligations where the  
288 amount thereof has been previously approved by a contract or by an  
289 order of the school board entered upon its minutes, or paid by  
290 board policy, or by inclusion in the current fiscal year budget,  
291 and all such amounts may be paid by the superintendent of schools  
292 by pay certificates issued by him against the legal and proper



293 fund without allowance of a specific claim therefor as provided in  
294 this section, provided that the payment thereof is otherwise in  
295 conformity with law.

296           **SECTION 3.** This act shall take effect and be in force from  
297 and after July 1, 2018.

