

By: Representative McLeod

To: Accountability,
Efficiency, TransparencyHOUSE BILL NO. 1392
(As Passed the House)

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 FOR THE CREATION OF
4 A SPECIAL COMMITTEE CONSISTING OF THREE MEMBERS OF THE STATE BOARD
5 OF EDUCATION AND FOUR LEGISLATIVE APPOINTEES TO STUDY THE
6 OVERSIGHT AND REGULATION OF SCHOOL ATHLETICS AND EXTRACURRICULAR
7 ACTIVITIES AND TO DECIDE BY JANUARY 1, 2020, WHETHER THE
8 REGULATION SHALL BE ACCOMPLISHED BY A PRIVATE NOT-FOR-PROFIT
9 CORPORATION CREATED BY THE SEVEN-MEMBER COMMITTEE OR BY ANY
10 NOT-FOR-PROFIT CORPORATION CURRENTLY INVOLVED IN THE REGULATION OF
11 SCHOOL ATHLETICS AND EXTRACURRICULAR ACTIVITIES; TO RESTRICT THE
12 SCHOOL BOARD'S AUTHORITY TO PAY FUNDS UNDER THEIR CONTROL TO
13 ORGANIZATIONS THAT CURRENTLY REGULATE SCHOOL ATHLETICS AND
14 EXTRACURRICULAR ACTIVITIES; TO PROHIBIT ANY SUCH NOT-FOR-PROFIT
15 ESTABLISHED FOR THE PURPOSE OF REGULATING PUBLIC HIGH SCHOOL
16 ATHLETICS AND EXTRACURRICULAR ACTIVITIES FROM DENYING MEMBER
17 SCHOOLS FROM COMPETING AGAINST NONMEMBER SCHOOLS WHEN IT IS THE
18 DESIRE OF SAID SCHOOLS TO COMPETE ONE AGAINST THE OTHER; TO AMEND
19 SECTION 37-7-301, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO;
20 AND FOR RELATED PURPOSES.

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

22 **SECTION 1.** (1) The Legislature recognizes that public
23 schools athletics and extracurricular activities constitute an
24 important part of the educational experience for Mississippi's
25 public school children, but the oversight of those programs must
26 be transparent and accessible to the school administrators of the



state as well as to the parents and taxpayers of the State of Mississippi.

(2) From and after July 1, 2021, no school district shall be authorized to pay any public funds, or other funds over which it may have control, to an association, corporation or other organization established and operated for the purpose of regulating high school athletics and extracurricular activities. Further, no school administrator or school district shall direct, require, suggest or recommend that any booster organization or other association of parents, businesses or other persons pay any funds to any such association, corporation or other organization for the purpose of funding its operations.

(3) From and after July 1, 2019, the chairman of the State Board of Education shall select from its membership a three-member committee that shall study the regulation and oversight of high school athletics and extracurricular activities. Additionally, the Speaker of the House of Representatives and the Lieutenant Governor shall each appoint two (2) members to serve on the committee. Of the two (2) members appointed by the Speaker of the House, one (1) member shall be a member of the House Committee on Accountability, Efficiency and Transparency, and one (1) shall be appointed from the state at large. Of the two (2) members appointed by the Lieutenant Governor, one (1) member shall be a member of the Senate Committee on Accountability, Efficiency and Transparency, and one (1) shall be appointed from the state at



52 large. The seven-member committee shall take the following action
53 by January 1, 2020:

54 (a) Take steps to establish a not-for-profit
55 corporation for the purpose of regulating athletics and activities
56 in the states' public schools and other schools which choose to be
57 members of the newly established corporation. Such corporation
58 shall provide in its bylaws for the participations of members in
59 its governance, but shall also require that three (3) members of
60 the State Board of Education and four (4) members appointed by the
61 Speaker of the House of Representatives and the Lieutenant
62 Governor, in accordance with this subsection shall have final
63 authority over any and all policies adopted with respect to the
64 regulation of high school athletic and extracurricular activities.
65 The three-member committee from the State Board of Education and
66 four (4) members appointed by the Speaker of the House of
67 Representatives and the Lieutenant Governor, in accordance with
68 this subsection shall ensure that the corporation adopts its
69 bylaws, which shall include:

70 (i) Open, transparent policymaking processes that
71 ensure that policies considered for adoption may be debated by
72 members before adoption;

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



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

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

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

(b) In lieu of establishing a not-for-profit corporation as set out in paragraph (a) of this subsection, the three-member committee of the State Board of Education and four (4) members appointed by the Speaker of the House of Representatives and the Lieutenant Governor, in accordance with this subsection may select a currently constituted not-for-profit corporation organized for the purpose of regulating public schools' and other member school's athletics and extracurricular activities, provided the following:

(i) The corporation described in paragraph (b) above consents to the State Board of Education and three (3) public members not associated with the administration of any



101 school, school district, or athletic program who shall have veto
102 power of any policy, rule, regulation or any other pronouncement
103 of the corporation that purports to regulate school athletics and
104 extracurricular activities;

105 (ii) The corporation agrees to the adoption of
106 policies as described in paragraph (a) of this subsection; and

107 (iii) The corporation provides a quarterly
108 financial report, with all data indicating financial position, to
109 the Joint Legislative Committee on Performance Evaluation and
110 Expenditure Review (PEER) and to the Chairman of the House and
111 Senate Committees on Accountability, Efficiency and Transparency;

112 (c) All actions of the seven-member committee shall be
113 completed by January 1, 2020. Any corporation established by
114 authority of this section shall be authorized to receive public
115 funds or other funds from any school or school district from and
116 after July 1, 2022. Further, from and after July 1, 2022, there
117 shall be no prohibition against schools or school districts
118 requesting, suggesting or recommending that a booster organization
119 or other association of parents, businesses or other persons pay
120 any funds to any such corporation for the purpose of funding its
121 operations; and

122 (d) In the event that the seven-member committee
123 selects an existing not-for-profit corporation to perform the
124 functions of the regulation of school athletics and
125 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, 2022. Further, from and after July 1, 2022, 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, 2021, for the purpose of regulating school athletics and extracurricular activities is not selected by the seven-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, 2022.

(5) This section shall stand repealed on July 1, 2022.

SECTION 2. From and after July 1, 2019, the not-for-profit association, corporation or other organization established and operated for the purpose of regulating public high school athletics and extracurricular activities shall not prohibit any member school or school district from engaging in and competing against nonmember schools, whether public or private, in athletic or extracurricular activities if the two (2) competing schools have evidenced a desire to engage in competition one against the



other through a written agreement between the appropriate administrators of the member school district and the governing board of the nonmember school.

SECTION 3. 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



176 school, or at any school-related activity or event, or for conduct
177 occurring on property other than school property or other than at
178 a school-related activity or event when such conduct by a pupil,
179 in the determination of the school superintendent or principal,
180 renders that pupil's presence in the classroom a disruption to the
181 educational environment of the school or a detriment to the best
182 interest and welfare of the pupils and teacher of such class as a
183 whole, and to delegate such authority to the appropriate officials
184 of the school district;

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

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

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

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

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



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

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

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

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

214 (o) To make orders directed to the superintendent of
215 schools for the issuance of pay certificates for lawful purposes
216 on any available funds of the district and to have full control of
217 the receipt, distribution, allotment and disbursement of all funds
218 provided for the support and operation of the schools of such
219 school district whether such funds be derived from state
220 appropriations, local ad valorem tax collections, or otherwise.
221 The local school board shall be authorized and empowered to
222 promulgate rules and regulations that specify the types of claims
223 and set limits of the dollar amount for payment of claims by the
224 superintendent of schools to be ratified by the board at the next
225 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;

(r) To join, in their discretion, any association of school boards and other public school-related organizations, and to pay from local funds other than minimum foundation funds, any membership dues, provided that the regulations established comply with Section 1 of this act;

(s) To expend local school activity funds, or other available school district funds, other than minimum education program funds, for the purposes prescribed under this paragraph. "Activity funds" shall mean all funds received by school officials in all school districts paid or collected to participate in any school activity, such activity being part of the school program and partially financed with public funds or supplemented by public funds. The term "activity funds" shall not include any funds raised and/or expended by any organization unless commingled in a bank account with existing activity funds, regardless of whether the funds were raised by school employees or received by school employees during school hours or using school facilities, and



251 regardless of whether a school employee exercises influence over
252 the expenditure or disposition of such funds. Organizations shall
253 not be required to make any payment to any school for the use of
254 any school facility if, in the discretion of the local school
255 governing board, the organization's function shall be deemed to be
256 beneficial to the official or extracurricular programs of the
257 school. For the purposes of this provision, the term
258 "organization" shall not include any organization subject to the
259 control of the local school governing board. Activity funds may
260 only be expended for any necessary expenses or travel costs,
261 including advances, incurred by students and their chaperons in
262 attending any in-state or out-of-state school-related programs,
263 conventions or seminars and/or any commodities, equipment, travel
264 expenses, purchased services or school supplies which the local
265 school governing board, in its discretion, shall deem beneficial
266 to the official or extracurricular programs of the district,
267 including items which may subsequently become the personal
268 property of individuals, including yearbooks, athletic apparel,
269 book covers and trophies. Activity funds may be used to pay
270 travel expenses of school district personnel. The local school
271 governing board shall be authorized and empowered to promulgate
272 rules and regulations specifically designating for what purposes
273 school activity funds may be expended. The local school governing
274 board shall provide (i) that such school activity funds shall be
275 maintained and expended by the principal of the school generating



the funds in individual bank accounts, or (ii) that such school activity funds shall be maintained and expended by the superintendent of schools in a central depository approved by the board. The local school governing board shall provide that such school activity funds be audited as part of the annual audit required in Section 37-9-18. The State Department of Education shall prescribe a uniform system of accounting and financial 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



301 in a newspaper having a general circulation in the school district
302 involved, with the first publication thereof to be made not less
303 than thirty (30) days prior to the date upon which the school
304 board is to act on the question of leasing a school building. If
305 no petition requesting an election is filed prior to such meeting
306 as hereinafter provided, then the school board may, by resolution
307 spread upon its minutes, proceed to lease a school building. If
308 at any time prior to said meeting a petition signed by not less
309 than twenty percent (20%) or fifteen hundred (1500), whichever is
310 less, of the qualified electors of the school district involved
311 shall be filed with the school board requesting that an election
312 be called on the question, then the school board shall, not later
313 than the next regular meeting, adopt a resolution calling an
314 election to be held within such school district upon the question
315 of authorizing the school board to lease a school building. Such
316 election shall be called and held, and notice thereof shall be
317 given, in the same manner for elections upon the questions of the
318 issuance of the bonds of school districts, and the results thereof
319 shall be certified to the school board. If at least three-fifths
320 ($\frac{3}{5}$) of the qualified electors of the school district who voted
321 in such election shall vote in favor of the leasing of a school
322 building, then the school board shall proceed to lease a school
323 building. The term of the lease contract shall not exceed twenty
324 (20) years, and the total cost of such lease shall be either the
325 amount of the lowest and best bid accepted by the school board



326 after advertisement for bids or an amount not to exceed the
327 current fair market value of the lease as determined by the
328 averaging of at least two (2) appraisals by certified general
329 appraisers licensed by the State of Mississippi. The term "school
330 building" as used in this paragraph (v) (i) shall be construed to
331 mean any building or buildings used for classroom purposes in
332 connection with the operation of schools and shall include the
333 site therefor, necessary support facilities, and the equipment
334 thereof and appurtenances thereto such as heating facilities,
335 water supply, sewage disposal, landscaping, walks, drives and
336 playgrounds. The term "lease" as used in this paragraph (v) (i)
337 may include a lease-purchase contract;

338 (ii) If two (2) or more school districts propose
339 to enter into a lease contract jointly, then joint meetings of the
340 school boards having control may be held but no action taken shall
341 be binding on any such school district unless the question of
342 leasing a school building is approved in each participating school
343 district under the procedure hereinabove set forth in paragraph
344 (v) (i). All of the provisions of paragraph (v) (i) regarding the
345 term and amount of the lease contract shall apply to the school
346 boards of school districts acting jointly. Any lease contract
347 executed by two (2) or more school districts as joint lessees
348 shall set out the amount of the aggregate lease rental to be paid
349 by each, which may be agreed upon, but there shall be no right of
350 occupancy by any lessee unless the aggregate rental is paid as



351 stipulated in the lease contract. All rights of joint lessees
352 under the lease contract shall be in proportion to the amount of
353 lease rental paid by each;

354 (w) To employ all noninstructional and noncertificated
355 employees and fix the duties and compensation of such personnel
356 deemed necessary pursuant to the recommendation of the
357 superintendent of schools;

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

360 (y) Subject to rules and regulations of the State Board
361 of Education, to purchase, own and operate trucks, vans and other
362 motor vehicles, which shall bear the proper identification
363 required by law;

364 (z) To expend funds for the payment of substitute
365 teachers and to adopt reasonable regulations for the employment
366 and compensation of such substitute teachers;

367 (aa) To acquire in its own name by purchase all real
368 property which shall be necessary and desirable in connection with
369 the construction, renovation or improvement of any public school
370 building or structure. Whenever the purchase price for such real
371 property is greater than Fifty Thousand Dollars (\$50,000.00), the
372 school board shall not purchase the property for an amount
373 exceeding the fair market value of such property as determined by
374 the average of at least two (2) independent appraisals by
375 certified general appraisers licensed by the State of Mississippi.



376 If the board shall be unable to agree with the owner of any such
377 real property in connection with any such project, the board shall
378 have the power and authority to acquire any such real property by
379 condemnation proceedings pursuant to Section 11-27-1 et seq.,
380 Mississippi Code of 1972, and for such purpose, the right of
381 eminent domain is hereby conferred upon and vested in said board.
382 Provided further, that the local school board is authorized to
383 grant an easement for ingress and egress over sixteenth section
384 land or lieu land in exchange for a similar easement upon
385 adjoining land where the exchange of easements affords substantial
386 benefit to the sixteenth section land; provided, however, the
387 exchange must be based upon values as determined by a competent
388 appraiser, with any differential in value to be adjusted by cash
389 payment. Any easement rights granted over sixteenth section land
390 under such authority shall terminate when the easement ceases to
391 be used for its stated purpose. No sixteenth section or lieu land
392 which is subject to an existing lease shall be burdened by any
393 such easement except by consent of the lessee or unless the school
394 district shall acquire the unexpired leasehold interest affected
395 by the easement;

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

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



401 of such school district, in the manner prescribed in Section
402 37-1-13;

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

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

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

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

423 (i) Any proceeds of the fund-raising activities
424 shall be treated as "activity funds" and shall be accounted for as
425 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;

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

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

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

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

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



451 (mm) To expend federal No Child Left Behind Act funds,
452 or any other available funds that are expressly designated and
453 authorized for that use, to pay training, educational expenses,
454 salary incentives and salary supplements to employees of local
455 school districts; except that incentives shall not be considered
456 part of the local supplement as defined in Section 37-151-5(o),
457 nor shall incentives be considered part of the local supplement
458 paid to an individual teacher for the purposes of Section
459 37-19-7(1). Mississippi Adequate Education Program funds or any
460 other state funds may not be used for salary incentives or salary
461 supplements as provided in this paragraph (mm);

462 (nn) To use any available funds, not appropriated or
463 designated for any other purpose, for reimbursement to the
464 state-licensed employees from both in state and out of state, who
465 enter into a contract for employment in a school district, for the
466 expense of moving when the employment necessitates the relocation
467 of the licensed employee to a different geographical area than
468 that in which the licensed employee resides before entering into
469 the contract. The reimbursement shall not exceed One Thousand
470 Dollars (\$1,000.00) for the documented actual expenses incurred in
471 the course of relocating, including the expense of any
472 professional moving company or persons employed to assist with the
473 move, rented moving vehicles or equipment, mileage in the amount
474 authorized for county and municipal employees under Section
475 25-3-41 if the licensed employee used his personal vehicle or



vehicles for the move, meals and such other expenses associated with the relocation. No licensed employee may be reimbursed for moving expenses under this section on more than one (1) occasion by the same school district. Nothing in this section shall be construed to require the actual residence to which the licensed employee relocates to be within the boundaries of the school 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



501 of the management and efficiency of schools and school districts.
502 Such management and efficiency reviews shall provide state and
503 local officials and the public with the following:

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

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

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

509 (iv) An assessment of facilities utilization,
510 planning and maintenance;

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

513 (vi) An assessment of instructional and
514 administrative technology;

515 (vii) A review of the instructional management and
516 the efficiency and effectiveness of existing instructional
517 programs; and

518 (viii) Recommended methods for increasing
519 efficiency and effectiveness in providing educational services to
520 the public;

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



(rr) To implement a financial literacy program for students in Grades 10 and 11. The board may review the national programs and obtain free literature from various nationally recognized programs. After review of the different programs, the board may certify a program that is most appropriate for the school districts' needs. If a district implements a financial literacy program, then any student in Grade 10 or 11 may 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 obligee that the Department of Revenue or any state agency, department or commission created under state law may:

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

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

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



575 or any state agency, department or commission created under state
576 law shall immediately make the withholdings provided in such
577 agreement from the amounts due the local school board and shall
578 continue to pay the same over to such financial institution,
579 trustee or obligee for the term of the agreement.

580 This paragraph (tt) shall not grant any extra authority to a
581 school board to issue debt in any amount exceeding statutory
582 limitations on assessed value of taxable property within such
583 school district or the statutory limitations on debt maturities,
584 and shall not grant any extra authority to impose, levy or collect
585 a tax which is not otherwise expressly provided for, and shall not
586 be construed to apply to sixteenth section public school trust
587 land;

588 (uu) With respect to any matter or transaction that is
589 competitively bid by a school district, to accept from any bidder
590 as a good-faith deposit or bid bond or bid surety, the same type
591 of good-faith deposit or bid bond or bid surety that may be
592 accepted by the state or any other political subdivision on
593 similar competitively bid matters or transactions. This paragraph
594 (uu) shall not be construed to apply to sixteenth section public
595 school trust land. The school board may authorize the investment
596 of any school district funds in the same kind and manner of
597 investments, including pooled investments, as any other political
598 subdivision, including community hospitals;



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

603 (wv) To delegate, privatize or otherwise enter into a
604 contract with private entities for the operation of any and all
605 functions of nonacademic school process, procedures and operations
606 including, but not limited to, cafeteria workers, janitorial
607 services, transportation, professional development, achievement
608 and instructional consulting services materials and products,
609 purchasing cooperatives, insurance, business manager services,
610 auditing and accounting services, school safety/risk prevention,
611 data processing and student records, and other staff services;
612 however, the authority under this paragraph does not apply to the
613 leasing, management or operation of sixteenth section lands.
614 Local school districts, working through their regional education
615 service agency, are encouraged to enter into buying consortia with
616 other member districts for the purposes of more efficient use of
617 state resources as described in Section 37-7-345;

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

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

622 (zz) To fund and operate voluntary early childhood
623 education programs, defined as programs for children less than



624 five (5) years of age on or before September 1, and to use any
625 source of revenue for such early childhood education programs.
626 Such programs shall not conflict with the Early Learning
627 Collaborative Act of 2013;

628 (aaa) To issue and provide for the use of procurement
629 cards by school board members, superintendents and licensed school
630 personnel consistent with the rules and regulations of the
631 Mississippi Department of Finance and Administration under Section
632 31-7-9; and

633 (bbb) To conduct an annual comprehensive evaluation of
634 the superintendent of schools consistent with the assessment
635 components of paragraph (pp) of this section and the assessment
636 benchmarks established by the Mississippi School Board Association
637 to evaluate the success the superintendent has attained in meeting
638 district goals and objectives, the superintendent's leadership
639 skill and whether or not the superintendent has established
640 appropriate standards for performance, is monitoring success and
641 is using data for improvement.

642 **SECTION 4.** This act shall take effect and be in force from
643 and after July 1, 2019.

