

By: Representative Dixon

To: Education

HOUSE BILL NO. 1396

1 AN ACT TO AMEND SECTION 37-13-92, MISSISSIPPI CODE OF 1972,
2 TO PROHIBIT SCHOOL DISTRICTS FROM AUTOMATICALLY PLACING A CHILD
3 INTO AN ALTERNATIVE SCHOOL WHEN THE CHILD IS RETURNING FROM
4 OUT-OF-HOME PLACEMENT FROM THE JUVENILE JUSTICE SYSTEM; TO
5 PROHIBIT SCHOOL DISTRICTS FROM PLACING A CHILD INTO AN ALTERNATIVE
6 SCHOOL FOR AN OFFENSE THAT THE CHILD COMMITTED DURING THE SUMMER
7 MONTHS BETWEEN SCHOOL TERMS WHILE THE CHILD WAS NOT ENROLLED IN
8 SCHOOL; TO AMEND SECTION 37-7-301, MISSISSIPPI CODE OF 1972, IN
9 CONFORMITY TO THE PRECEDING SECTION; TO AMEND SECTION 43-21-621,
10 MISSISSIPPI CODE OF 1972, TO LIMIT THE DISCRETIONARY AUTHORITY OF
11 A SCHOOL DISTRICT SUPERINTENDENT TO ASSIGN A CHILD TO AN
12 ALTERNATIVE SCHOOL, WHEN THE YOUTH COURT HAS ORDERED THE CHILD'S
13 ENROLLMENT, TO THOSE INSTANCES WHERE THE CHILD COMMITTED A VIOLENT
14 ACT ON SCHOOL PROPERTY; AND FOR RELATED PURPOSES.

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

16 **SECTION 1.** Section 37-13-92, Mississippi Code of 1972, is
17 amended as follows:

18 37-13-92. (1) * * * The school boards of all school
19 districts shall establish, maintain and operate, in connection
20 with the regular programs of the school district, an alternative
21 school program or behavior modification program as defined by the
22 State Board of Education for, but not limited to, the following
23 categories of compulsory-school-age students:



24 (a) Any compulsory-school-age child who has been
25 suspended for more than ten (10) days or expelled from school,
26 except for any student expelled for possession of a weapon or
27 other felonious conduct;

28 (b) Any compulsory-school-age child referred to such
29 alternative school based upon a documented need for placement in
30 the alternative school program by the parent, legal guardian or
31 custodian of such child due to disciplinary problems;

32 (c) Except as provided under paragraph (e) of this
33 subsection, any compulsory-school-age child referred to such
34 alternative school program by the dispositive order of a
35 chancellor or youth court judge, with the consent of the
36 superintendent of the child's school district;

37 (d) Any compulsory-school-age child whose presence in
38 the classroom, in the determination of the school superintendent
39 or principal, is a disruption to the educational environment of
40 the school or a detriment to the interest and welfare of the
41 students and teachers of such class as a whole; and

42 (e) No school district is required to place a child
43 returning from out-of-home placement in the mental health,
44 juvenile justice or foster care system in alternative school.
45 Except for a child who has committed a violent act as defined
46 under Section 43-21-621, no school district shall place a child
47 returning from out-of-home placement from the juvenile justice
48 system in an alternative school, but shall place the child in the



regular school programs of the school district unless another offense is committed by the child while he or she is enrolled in the regular school programs of the school district. Each school district shall evaluate each student returning from out-of-home placement on an individualized basis to determine the appropriate grade and curriculum that is best for the student to make substantial academic progress while limiting his or her exposure to disciplinary actions. Additionally, no child shall be placed in an alternative school for an offense committed by a child during the summer months between school terms when the child is not enrolled in school.

Placement of a child in the alternative school shall be done consistently, and for students identified under the Individuals with Disabilities Education Act (IDEA), shall adhere to the requirements of the Individuals with Disabilities Education Improvement Act of 2004. If a school district chooses to place a child in alternative school the district will make an individual assessment and evaluation of that child in the following time periods:

(i) Five (5) days for a child transitioning from a group home, mental health care system, and/or the custody of the Department of Human Services, Division of Youth and Family Services;



(ii) Ten (10) days for a child transitioning from a dispositional placement order by a youth court pursuant to Section 43-21-605; and

(iii) An individualized assessment for youth transitioning from out-of-home placement to the alternative school shall include:

1. A strength needs assessment.
2. A determination of the child's academic strengths and deficiencies.
3. A proposed plan for transitioning the child to a regular education placement at the earliest possible date.

(2) The principal or program administrator of any such alternative school program shall require verification from the appropriate guidance counselor of any such child referred to the alternative school program regarding the suitability of such child for attendance at the alternative school program. Before a student may be removed to an alternative school education program, the superintendent of the student's school district must determine that the written and distributed disciplinary policy of the local district is being followed. The policy shall include standards for:

(a) The removal of a student to an alternative education program that will include a process of educational review to develop the student's individual instruction plan and



97 the evaluation at regular intervals of the student's educational
98 progress; the process shall include classroom teachers and/or
99 other appropriate professional personnel, as defined in the
100 district policy, to ensure a continuing educational program for
101 the removed student;

102 (b) The duration of alternative placement; and

103 (c) The notification of parents or guardians, and their
104 appropriate inclusion in the removal and evaluation process, as
105 defined in the district policy. Nothing in this paragraph should
106 be defined in a manner to circumvent the principal's or the
107 superintendent's authority to remove a student to alternative
108 education.

109 (3) The local school board or the superintendent shall
110 provide for the continuing education of a student who has been
111 removed to an alternative school program.

112 (4) A school district, in its discretion, may provide a
113 program of High School Equivalency Diploma preparatory instruction
114 in the alternative school program. However, any High School
115 Equivalency Diploma preparation program offered in an alternative
116 school program must be administered in compliance with the rules
117 and regulations established for such programs under Sections
118 37-35-1 through 37-35-11 and by the Mississippi Community College
119 Board. The school district may administer the High School
120 Equivalency Diploma Testing Program under the policies and
121 guidelines of the Testing Service of the American Council on



Education in the alternative school program or may authorize the test to be administered through the community/junior college district in which the alternative school is situated.

(5) Any such alternative school program operated under the authority of this section shall meet all appropriate accreditation requirements of the State Department of Education.

(6) The alternative school program may be held within such school district or may be operated by two (2) or more adjacent school districts, pursuant to a contract approved by the State Board of Education. When two (2) or more school districts contract to operate an alternative school program, the school board of a district designated to be the lead district shall serve as the governing board of the alternative school program.

Transportation for students attending the alternative school program shall be the responsibility of the local school district. The expense of establishing, maintaining and operating such alternative school program may be paid from funds contributed or otherwise made available to the school district for such purpose or from local district maintenance funds.

(7) The State Board of Education shall promulgate minimum guidelines for alternative school programs. The guidelines shall require, at a minimum, the formulation of an individual instruction plan for each student referred to the alternative school program and, upon a determination that it is in a student's best interest for that student to receive High School Equivalency



Diploma preparatory instruction, that the local school board assign the student to a High School Equivalency Diploma preparatory program established under subsection (4) of this section. The minimum guidelines for alternative school programs shall also require the following components:

(a) Clear guidelines and procedures for placement of students into alternative education programs which at a minimum shall prescribe due process procedures for disciplinary and High School Equivalency Diploma placement;

(b) Clear and consistent goals for students and parents;

(c) Curricula addressing cultural and learning style differences;

(d) Direct supervision of all activities on a closed campus;

(e) Attendance requirements that allow for educational and workforce development opportunities;

(f) Selection of program from options provided by the local school district, Division of Youth Services or the youth court, including transfer to a community-based alternative school;

(g) Continual monitoring and evaluation and formalized passage from one (1) step or program to another;

(h) A motivated and culturally diverse staff;

(i) Counseling for parents and students;



(j) Administrative and community support for the program; and

(k) Clear procedures for annual alternative school program review and evaluation.

(8) On request of a school district, the State Department of Education shall provide the district informational material on developing an alternative school program that takes into consideration size, wealth and existing facilities in determining a program best suited to a district.

(9) Any compulsory-school-age child who becomes involved in any criminal or violent behavior shall be removed from such alternative school program and, if probable cause exists, a case shall be referred to the youth court.

(10) The State Board of Education shall promulgate guidelines for alternative school programs which provide broad authority to school boards of local school districts to establish alternative education programs to meet the specific needs of the school district.

(11) Each school district having an alternative school program shall submit a report by July 31 of each calendar year to the State Department of Education describing the results of its annual alternative school program review and evaluation undertaken pursuant to subsection (7)(k). The report shall include a detailed account of any actions taken by the school district during the previous year to comply with substantive guidelines



promulgated by the State Board of Education under subsection (7) (a) through (j). In the report to be implemented under this section, the State Department of Education shall prescribe the appropriate measures on school districts that fail to file the annual report. The report should be made available online via the department's website to ensure transparency, accountability and efficiency.

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;



221 (e) To suspend or to expel a pupil or to change the
222 placement of a pupil to the school district's alternative school,
223 except as provided under Section 37-13-92(1)(e), or homebound
224 program for misconduct in the school or on school property, as
225 defined in Section 37-11-29, on the road to and from school, or at
226 any school-related activity or event, or for conduct occurring on
227 property other than school property or other than at a
228 school-related activity or event when such conduct by a pupil, in
229 the determination of the school superintendent or principal,
230 renders that pupil's presence in the classroom a disruption to the
231 educational environment of the school or a detriment to the best
232 interest and welfare of the pupils and teacher of such class as a
233 whole, and to delegate such authority to the appropriate officials
234 of the school district;

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

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

241 (h) To exclude from the schools students with what
242 appears to be infectious or contagious diseases; provided,
243 however, such student may be allowed to return to school upon
244 presenting a certificate from a public health officer, duly



245 licensed physician or nurse practitioner that the student is free
246 from such disease;

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

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

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

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

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

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

264 (o) To make orders directed to the superintendent of
265 schools for the issuance of pay certificates for lawful purposes
266 on any available funds of the district and to have full control of
267 the receipt, distribution, allotment and disbursement of all funds
268 provided for the support and operation of the schools of such
269 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;

(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;

(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



295 raised and/or expended by any organization unless commingled in a
296 bank account with existing activity funds, regardless of whether
297 the funds were raised by school employees or received by school
298 employees during school hours or using school facilities, and
299 regardless of whether a school employee exercises influence over
300 the expenditure or disposition of such funds. Organizations shall
301 not be required to make any payment to any school for the use of
302 any school facility if, in the discretion of the local school
303 governing board, the organization's function shall be deemed to be
304 beneficial to the official or extracurricular programs of the
305 school. For the purposes of this provision, the term
306 "organization" shall not include any organization subject to the
307 control of the local school governing board. Activity funds may
308 only be expended for any necessary expenses or travel costs,
309 including advances, incurred by students and their chaperons in
310 attending any in-state or out-of-state school-related programs,
311 conventions or seminars and/or any commodities, equipment, travel
312 expenses, purchased services or school supplies which the local
313 school governing board, in its discretion, shall deem beneficial
314 to the official or extracurricular programs of the district,
315 including items which may subsequently become the personal
316 property of individuals, including yearbooks, athletic apparel,
317 book covers and trophies. Activity funds may be used to pay
318 travel expenses of school district personnel. The local school
319 governing board shall be authorized and empowered to promulgate



rules and regulations specifically designating for what purposes school activity funds may be expended. The local school governing board shall provide (i) that such school activity funds shall be 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



345 provide the necessary funds to pay the cost or its proportionate
346 share of the cost of a school building required to meet the
347 present needs. The resolution so adopted by the school board
348 shall be published once each week for three (3) consecutive weeks
349 in a newspaper having a general circulation in the school district
350 involved, with the first publication thereof to be made not less
351 than thirty (30) days prior to the date upon which the school
352 board is to act on the question of leasing a school building. If
353 no petition requesting an election is filed prior to such meeting
354 as hereinafter provided, then the school board may, by resolution
355 spread upon its minutes, proceed to lease a school building. If
356 at any time prior to said meeting a petition signed by not less
357 than twenty percent (20%) or fifteen hundred (1500), whichever is
358 less, of the qualified electors of the school district involved
359 shall be filed with the school board requesting that an election
360 be called on the question, then the school board shall, not later
361 than the next regular meeting, adopt a resolution calling an
362 election to be held within such school district upon the question
363 of authorizing the school board to lease a school building. Such
364 election shall be called and held, and notice thereof shall be
365 given, in the same manner for elections upon the questions of the
366 issuance of the bonds of school districts, and the results thereof
367 shall be certified to the school board. If at least three-fifths
368 (3/5) of the qualified electors of the school district who voted
369 in such election shall vote in favor of the leasing of a school



370 building, then the school board shall proceed to lease a school
371 building. The term of the lease contract shall not exceed twenty
372 (20) years, and the total cost of such lease shall be either the
373 amount of the lowest and best bid accepted by the school board
374 after advertisement for bids or an amount not to exceed the
375 current fair market value of the lease as determined by the
376 averaging of at least two (2) appraisals by certified general
377 appraisers licensed by the State of Mississippi. The term "school
378 building" as used in this paragraph (v) (i) shall be construed to
379 mean any building or buildings used for classroom purposes in
380 connection with the operation of schools and shall include the
381 site therefor, necessary support facilities, and the equipment
382 thereof and appurtenances thereto such as heating facilities,
383 water supply, sewage disposal, landscaping, walks, drives and
384 playgrounds. The term "lease" as used in this paragraph (v) (i)
385 may include a lease-purchase contract;

386 (ii) If two (2) or more school districts propose
387 to enter into a lease contract jointly, then joint meetings of the
388 school boards having control may be held but no action taken shall
389 be binding on any such school district unless the question of
390 leasing a school building is approved in each participating school
391 district under the procedure hereinabove set forth in paragraph
392 (v) (i). All of the provisions of paragraph (v) (i) regarding the
393 term and amount of the lease contract shall apply to the school
394 boards of school districts acting jointly. Any lease contract



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

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

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

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

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

(aa) To acquire in its own name by purchase all real property which shall be necessary and desirable in connection with the construction, renovation or improvement of any public school building or structure. Whenever the purchase price for such real property is greater than Fifty Thousand Dollars (\$50,000.00), the



420 school board shall not purchase the property for an amount
421 exceeding the fair market value of such property as determined by
422 the average of at least two (2) independent appraisals by
423 certified general appraisers licensed by the State of Mississippi.
424 If the board shall be unable to agree with the owner of any such
425 real property in connection with any such project, the board shall
426 have the power and authority to acquire any such real property by
427 condemnation proceedings pursuant to Section 11-27-1 et seq.,
428 Mississippi Code of 1972, and for such purpose, the right of
429 eminent domain is hereby conferred upon and vested in said board.
430 Provided further, that the local school board is authorized to
431 grant an easement for ingress and egress over sixteenth section
432 land or lieu land in exchange for a similar easement upon
433 adjoining land where the exchange of easements affords substantial
434 benefit to the sixteenth section land; provided, however, the
435 exchange must be based upon values as determined by a competent
436 appraiser, with any differential in value to be adjusted by cash
437 payment. Any easement rights granted over sixteenth section land
438 under such authority shall terminate when the easement ceases to
439 be used for its stated purpose. No sixteenth section or lieu land
440 which is subject to an existing lease shall be burdened by any
441 such easement except by consent of the lessee or unless the school
442 district shall acquire the unexpired leasehold interest affected
443 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;

(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;

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

(nn) To use any available funds, not appropriated or designated for any other purpose, for reimbursement to the state-licensed employees from both in state and out of state, who enter into a contract for employment in a school district, for the expense of moving when the employment necessitates the relocation of the licensed employee to a different geographical area than that in which the licensed employee resides before entering into the contract. The reimbursement shall not exceed One Thousand



Dollars (\$1,000.00) for the documented actual expenses incurred in the course of relocating, including the expense of any professional moving company or persons employed to assist with the move, rented moving vehicles or equipment, mileage in the amount authorized for county and municipal employees under Section 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 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;

(iii) An assessment of revenue levels and sources;

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

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

(vi) An assessment of instructional and administrative technology;

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



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

(qq) To enter into agreements with other local school boards for the establishment of an educational service agency (ESA) to provide for the cooperative needs of the region in which 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;



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

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

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

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



616 The school board may make such written agreement to withhold
617 and transfer funds irrevocable for the term of the written
618 obligation and may include in the written agreement any other
619 terms and provisions acceptable to the school board. If the
620 school board files a copy of such written agreement with the
621 Department of Revenue, or any state agency, department or
622 commission created under state law then the Department of Revenue
623 or any state agency, department or commission created under state
624 law shall immediately make the withholdings provided in such
625 agreement from the amounts due the local school board and shall
626 continue to pay the same over to such financial institution,
627 trustee or obligee for the term of the agreement.

628 This paragraph (tt) shall not grant any extra authority to a
629 school board to issue debt in any amount exceeding statutory
630 limitations on assessed value of taxable property within such
631 school district or the statutory limitations on debt maturities,
632 and shall not grant any extra authority to impose, levy or collect
633 a tax which is not otherwise expressly provided for, and shall not
634 be construed to apply to sixteenth section public school trust
635 land;

636 (uu) With respect to any matter or transaction that is
637 competitively bid by a school district, to accept from any bidder
638 as a good-faith deposit or bid bond or bid surety, the same type
639 of good-faith deposit or bid bond or bid surety that may be
640 accepted by the state or any other political subdivision on



641 similar competitively bid matters or transactions. This paragraph
642 (uu) shall not be construed to apply to sixteenth section public
643 school trust land. The school board may authorize the investment
644 of any school district funds in the same kind and manner of
645 investments, including pooled investments, as any other political
646 subdivision, including community hospitals;

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

651 (ww) To delegate, privatize or otherwise enter into a
652 contract with private entities for the operation of any and all
653 functions of nonacademic school process, procedures and operations
654 including, but not limited to, cafeteria workers, janitorial
655 services, transportation, professional development, achievement
656 and instructional consulting services materials and products,
657 purchasing cooperatives, insurance, business manager services,
658 auditing and accounting services, school safety/risk prevention,
659 data processing and student records, and other staff services;
660 however, the authority under this paragraph does not apply to the
661 leasing, management or operation of sixteenth section lands.
662 Local school districts, working through their regional education
663 service agency, are encouraged to enter into buying consortia with
664 other member districts for the purposes of more efficient use of
665 state resources as described in Section 37-7-345;



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

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

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

676 (aaa) To issue and provide for the use of procurement
677 cards by school board members, superintendents and licensed school
678 personnel consistent with the rules and regulations of the
679 Mississippi Department of Finance and Administration under Section
680 31-7-9; and

681 (bbb) To conduct an annual comprehensive evaluation of
682 the superintendent of schools consistent with the assessment
683 components of paragraph (pp) of this section and the assessment
684 benchmarks established by the Mississippi School Board Association
685 to evaluate the success the superintendent has attained in meeting
686 district goals and objectives, the superintendent's leadership
687 skill and whether or not the superintendent has established
688 appropriate standards for performance, is monitoring success and
689 is using data for improvement.



690 **SECTION 3.** Section 43-21-621, Mississippi Code of 1972, is
691 amended as follows:

692 43-21-621. (1) The youth court may, in compliance with the
693 laws governing education of children, order any state-supported
694 public school in its jurisdiction, after notice and hearing, to
695 enroll or reenroll any compulsory-school-age child in school, and
696 further order appropriate educational services. * * * However,
697 the youth court shall not order the enrollment or reenrollment of
698 a student that has been suspended or expelled by a public school
699 pursuant to Section 37-9-71 or 37-7-301 for possession of a weapon
700 on school grounds, for an offense involving a threat to the safety
701 of other persons or for the commission of a violent act. For the
702 purpose of this section "violent act" means any action which
703 results in death or physical harm to another or an attempt to
704 cause death or physical harm to another. If a violent act
705 committed by the child occurred on school property, as defined in
706 Section 37-11-29(3), the superintendent of the school district to
707 which such child is ordered may, in his discretion, assign such
708 child to the alternative school program of such school established
709 pursuant to Section 37-13-92 * * *. In all other instances, the
710 superintendent must assign the child to a school in the district
711 with the general student population. The court shall have
712 jurisdiction to enforce school and education laws. Nothing in
713 this section shall be construed to affect the attendance of a
714 child in a legitimate home instruction program.



715 (2) The youth court may specify the following conditions of
716 probation related to any juvenile ordered to enroll or reenroll in
717 school: That the juvenile maintain passing grades in up to four
718 (4) courses during each grading period and meet with the court
719 counselor and a representative of the school to make a plan for
720 how to maintain those passing grades.

721 (3) If the adjudication of delinquency was for an offense
722 involving a threat to the safety of the juvenile or others and
723 school attendance is a condition of probation, the youth court
724 judge shall make a finding that the principal of the juvenile's
725 school should be notified. If the judge orders that the principal
726 be notified, the youth court counselor shall within five (5) days
727 or before the juvenile begins to attend school, whichever occurs
728 first, notify the principal of the juvenile's school in writing of
729 the nature of the offense and the probation requirements related
730 to school attendance. A principal notified by a juvenile court
731 counselor shall handle the report according to the guidelines and
732 rules adopted by the State Board of Education.

733 * * *

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

