

By: Representative Creekmore IV

To: Education

HOUSE BILL NO. 997

1 AN ACT REQUIRE LOCAL SCHOOL BOARDS TO PROVIDE MENTAL HEALTH
2 FIRST AID TRAINING THAT IS EVIDENCE BASED AND APPROVED BY THE
3 DEPARTMENT OF MENTAL HEALTH TO ALL LICENSED AND NONLICENSED
4 INSTRUCTIONAL PERSONNEL AND TO LICENSED ADMINISTRATORS BEFORE THE
5 BEGINNING OF THE 2025-2026 SCHOOL YEAR; TO REQUIRE SCHOOL BOARDS
6 TO DEVELOP AND ADOPT A POLICY RELATING TO FREQUENCY OF THE
7 REQUIRED TRAINING; TO REQUIRE THE DEPARTMENT OF MENTAL HEALTH TO
8 PROVIDE PARTICIPANTS WITH A CERTIFICATE OF COMPLETION, WHICH MAY
9 BE USED TO SATISFY THE TRAINING REQUIREMENT; TO BRING FORWARD
10 SECTIONS 37-7-301 AND 37-7-343, MISSISSIPPI CODE OF 1972, FOR
11 PURPOSES OF POSSIBLE AMENDMENTS; AND FOR RELATED PURPOSES.

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

13 **SECTION 1.** Each local school board, acting under the
14 authority of Sections 37-7-301(w) and 37-7-343 to enter into
15 contracts or agreements with persons or entities, public or
16 private, to provide training or professional development
17 activities, or both, for employees of the district, shall provide
18 mental health first aid training that is evidence-based and
19 approved by the Department of Mental Health to all licensed and
20 nonlicensed instructional personnel and licensed administrator
21 employed by the school district before the beginning of the
22 2025-2026 academic school year. Additionally, each school board



23 shall develop and adopt a policy to determine the frequency at
24 which such personnel shall undergo the training required under
25 this section, which may be used as satisfactory component for
26 professional development or continuing education. The Department
27 of Mental Health provide participants, who complete the training,
28 with a certificate of completion, which may be used by the
29 instructional or administrative personnel to satisfy the training
30 requirement of the employing school district or any subsequent
31 school district of employment, provided that the training fall
32 within the frequency timetable of training for currentness.

33 **SECTION 2.** Section 37-7-301, Mississippi Code of 1972, is
34 brought forward as follows:

35 37-7-301. The school boards of all school districts shall
36 have the following powers, authority and duties in addition to all
37 others imposed or granted by law, to wit:

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

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

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



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

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

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

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

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



73 presenting a certificate from a public health officer, duly
74 licensed physician or nurse practitioner that the student is free
75 from such disease;

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

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

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

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

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

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

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



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

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

109 (q) To provide athletic programs and other school
110 activities and to regulate the establishment and operation of such
111 programs and activities;

112 (r) To join, in their discretion, any association of
113 school boards and other public school-related organizations, and
114 to pay from local funds other than total funding formula funds,
115 any membership dues;

116 (s) To expend local school activity funds, or other
117 available school district funds, other than total funding formula
118 funds, for the purposes prescribed under this paragraph.

119 "Activity funds" shall mean all funds received by school officials
120 in all school districts paid or collected to participate in any
121 school activity, such activity being part of the school program
122 and partially financed with public funds or supplemented by public



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



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 sources other than total funding formula funds as set by Sections 37-151-200 through 37-151-215. The school board of the school district desiring to



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



198 (3/5) of the qualified electors of the school district who voted
199 in such election shall vote in favor of the leasing of a school
200 building, then the school board shall proceed to lease a school
201 building. The term of the lease contract shall not exceed twenty
202 (20) years, and the total cost of such lease shall be either the
203 amount of the lowest and best bid accepted by the school board
204 after advertisement for bids or an amount not to exceed the
205 current fair market value of the lease as determined by the
206 averaging of at least two (2) appraisals by certified general
207 appraisers licensed by the State of Mississippi. The term "school
208 building" as used in this paragraph (v) (i) shall be construed to
209 mean any building or buildings used for classroom purposes in
210 connection with the operation of schools and shall include the
211 site therefor, necessary support facilities, and the equipment
212 thereof and appurtenances thereto such as heating facilities,
213 water supply, sewage disposal, landscaping, walks, drives and
214 playgrounds. The term "lease" as used in this paragraph (v) (i)
215 may include a lease-purchase contract;

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



term and amount of the lease contract shall apply to the school 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



248 building or structure. Whenever the purchase price for such real
249 property is greater than Fifty Thousand Dollars (\$50,000.00), the
250 school board shall not purchase the property for an amount
251 exceeding the fair market value of such property as determined by
252 the average of at least two (2) independent appraisals by
253 certified general appraisers licensed by the State of Mississippi.
254 If the board shall be unable to agree with the owner of any such
255 real property in connection with any such project, the board shall
256 have the power and authority to acquire any such real property by
257 condemnation proceedings pursuant to Section 11-27-1 et seq.,
258 Mississippi Code of 1972, and for such purpose, the right of
259 eminent domain is hereby conferred upon and vested in said board.
260 Provided further, that the local school board is authorized to
261 grant an easement for ingress and egress over sixteenth section
262 land or lieu land in exchange for a similar easement upon
263 adjoining land where the exchange of easements affords substantial
264 benefit to the sixteenth section land; provided, however, the
265 exchange must be based upon values as determined by a competent
266 appraiser, with any differential in value to be adjusted by cash
267 payment. Any easement rights granted over sixteenth section land
268 under such authority shall terminate when the easement ceases to
269 be used for its stated purpose. No sixteenth section or lieu land
270 which is subject to an existing lease shall be burdened by any
271 such easement except by consent of the lessee or unless the school



district shall acquire the unexpired leasehold interest affected
by the easement;

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

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

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

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

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



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

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

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

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

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



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

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

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

329 (mm) To expend federal No Child Left Behind Act funds,
330 or any other available funds that are expressly designated and
331 authorized for that use, to pay training, educational expenses,
332 salary incentives and salary supplements to employees of local
333 school districts; except that incentives shall not be considered
334 part of the local supplement, nor shall incentives be considered
335 part of the local supplement paid to an individual teacher for the
336 purposes of Section 37-19-7(1);

337 (nn) To use any available funds, not appropriated or
338 designated for any other purpose, for reimbursement to the
339 state-licensed employees from both in state and out of state, who
340 enter into a contract for employment in a school district, for the
341 expense of moving when the employment necessitates the relocation
342 of the licensed employee to a different geographical area than
343 that in which the licensed employee resides before entering into
344 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;



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

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

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

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



443 The school board may make such written agreement to withhold
444 and transfer funds irrevocable for the term of the written
445 obligation and may include in the written agreement any other
446 terms and provisions acceptable to the school board. If the
447 school board files a copy of such written agreement with the
448 Department of Revenue, or any state agency, department or
449 commission created under state law then the Department of Revenue
450 or any state agency, department or commission created under state
451 law shall immediately make the withholdings provided in such
452 agreement from the amounts due the local school board and shall
453 continue to pay the same over to such financial institution,
454 trustee or obligee for the term of the agreement.

455 This paragraph (tt) shall not grant any extra authority to a
456 school board to issue debt in any amount exceeding statutory
457 limitations on assessed value of taxable property within such
458 school district or the statutory limitations on debt maturities,
459 and shall not grant any extra authority to impose, levy or collect
460 a tax which is not otherwise expressly provided for, and shall not
461 be construed to apply to sixteenth section public school trust
462 land;

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



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

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

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



493 (xx) To partner with entities, organizations and
494 corporations for the purpose of benefiting the school district;
495 (yy) To borrow funds from the Rural Economic
496 Development Authority for the maintenance of school buildings;
497 (zz) To fund and operate voluntary early childhood
498 education programs, defined as programs for children less than
499 five (5) years of age on or before September 1, and to use any
500 source of revenue for such early childhood education programs.
501 Such programs shall not conflict with the Early Learning
502 Collaborative Act of 2013;
503 (aaa) To issue and provide for the use of procurement
504 cards by school board members, superintendents and licensed school
505 personnel consistent with the rules and regulations of the
506 Mississippi Department of Finance and Administration under Section
507 31-7-9; and
508 (bbb) To conduct an annual comprehensive evaluation of
509 the superintendent of schools consistent with the assessment
510 components of paragraph (pp) of this section and the assessment
511 benchmarks established by the Mississippi School Board Association
512 to evaluate the success the superintendent has attained in meeting
513 district goals and objectives, the superintendent's leadership
514 skill and whether or not the superintendent has established
515 appropriate standards for performance, is monitoring success and
516 is using data for improvement.



517 **SECTION 3.** Section 37-7-343, Mississippi Code of 1972, is
518 brought forward as follows:

519 37-7-343. The school board of a local school district may
520 enter into contracts or agreements with persons or entities,
521 public or private, to provide training or professional development
522 activities, or both, for employees of the district.

523 **SECTION 4.** This act shall take effect and be in force from
524 and after July 1, 2025.

