

By: Straughter

To: Education

HOUSE BILL NO. 1298

1 AN ACT TO AMEND SECTION 37-7-301, MISSISSIPPI CODE OF 1972,  
2 TO AUTHORIZE SCHOOL BOARDS TO EXCLUDE FROM SCHOOLS STUDENTS WITH  
3 MEDICAL CONDITIONS SUCH AS SCABIES AND MITES; TO AMEND SECTION  
4 41-79-21, MISSISSIPPI CODE OF 1972, TO AUTHORIZE SCHOOL  
5 ADMINISTRATORS TO NOTIFY THE COUNTY HEALTH DEPARTMENT OF STUDENTS  
6 HAVING SUCH MEDICAL CONDITIONS; AND FOR RELATED PURPOSES.

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

8 SECTION 1. Section 37-7-301, Mississippi Code of 1972, is  
9 amended as follows:[HS1]

10 37-7-301. The school boards of all school districts shall  
11 have the following powers, authority and duties in addition to all  
12 others imposed or granted by law, to wit:

13 (a) To organize and operate the schools of the district  
14 and to make such division between the high school grades and  
15 elementary grades as, in their judgment, will serve the best  
16 interests of the school;

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

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

23 (d) To have responsibility for the erection, repairing  
24 and equipping of school facilities and the making of necessary  
25 school improvements;

26 (e) To suspend or to expel a pupil for misconduct in  
27 the school, upon school buses, on the road to and from school,  
28 during recess or upon the school playgrounds, and to delegate such

29 authority to the appropriate officials of the school district;

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

33 (g) To support, within reasonable limits, the  
34 superintendent, \* \* \* principal and teachers where necessary for  
35 the proper discipline of the school;

36 (h) To exclude from the schools students with what  
37 appears to be infectious or contagious diseases or medical  
38 conditions such as scabies, mites, head lice or the like; \* \* \*  
39 however, such student may be allowed to return to school upon  
40 presenting a certificate from a public health officer, duly  
41 licensed physician or nurse practitioner that the student is free  
42 from such disease or medical condition;

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

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

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

50 (l) To prescribe and enforce rules and regulations not  
51 inconsistent with law or with the regulations of the State Board  
52 of Education for their own government and for the government of  
53 the schools, and to transact their business at regular and special  
54 meetings called and held in the manner provided by law;

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

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

60 (o) To make orders directed to the superintendent of  
61 schools or administrative superintendent for the issuance of pay  
62 certificates for lawful purposes on any available funds of the  
63 district and to have full control of the receipt, distribution,  
64 allotment and disbursement of all funds provided for the support  
65 and operation of the schools of such school district whether such

66 funds be derived from state appropriations, local ad valorem tax  
67 collections, or otherwise;

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

72 (q) To provide athletic programs and other school  
73 activities and to regulate the establishment and operation of such  
74 programs and activities;

75 (r) To join, in their discretion, any association of  
76 school boards and other public school-related organizations, and  
77 to pay from local funds other than minimum foundation funds, any  
78 membership dues;

79 (s) To expend local school activity funds, or other  
80 available school district funds, other than minimum education  
81 program funds, for the purposes prescribed under this paragraph.  
82 "Activity funds" shall mean all funds received by school officials  
83 in all school districts paid or collected to participate in any  
84 school activity, such activity being part of the school program  
85 and partially financed with public funds or supplemented by public  
86 funds. The term "activity funds" shall not include any funds  
87 raised and/or expended by any organization unless commingled in a  
88 bank account with existing activity funds, regardless of whether  
89 the funds were raised by school employees or received by school  
90 employees during school hours or using school facilities, and  
91 regardless of whether a school employee exercises influence over  
92 the expenditure or disposition of such funds. Organizations shall  
93 not be required to make any payment to any school for the use of  
94 any school facility if, in the discretion of the local school  
95 governing board, the organization's function shall be deemed to be  
96 beneficial to the official or extracurricular programs of the  
97 school. For the purposes of this provision, the term  
98 "organization" shall not include any organization subject to the

99 control of the local school governing board. Activity funds may  
100 only be expended for any necessary expenses or travel costs,  
101 including advances, incurred by students and their chaperons in  
102 attending any in-state or out-of-state school-related programs,  
103 conventions or seminars and/or any commodities, equipment, travel  
104 expenses, purchased services or school supplies which the local  
105 school governing board, in its discretion, shall deem beneficial  
106 to the official or extracurricular programs of the district,  
107 including items which may subsequently become the personal  
108 property of individuals, including yearbooks, athletic apparel,  
109 book covers and trophies. Activity funds may be used to pay  
110 travel expenses of school district personnel. The local school  
111 governing board shall be authorized and empowered to promulgate  
112 rules and regulations specifically designating for what purposes  
113 school activity funds may be expended. The local school governing  
114 board shall provide (a) that such school activity funds shall be  
115 maintained and expended by the principal of the school generating  
116 the funds in individual bank accounts, or (b) that such school  
117 activity funds shall be maintained and expended by the  
118 superintendent of schools in a central depository approved by the  
119 board. The local school governing board shall provide that such  
120 school activity funds be audited as part of the annual audit  
121 required in Section 37-9-18. The State Auditor shall prescribe a  
122 uniform system of accounting and financial reporting for all  
123 school activity fund transactions;

124 (t) To contract, on a shared savings, lease or  
125 lease-purchase basis, for energy efficiency services and/or  
126 equipment as provided for in Section 31-7-14, not to exceed ten  
127 (10) years;

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

130 (v) (i) To lease a school building from an individual,  
131 partnership, nonprofit corporation or a private for-profit

132 corporation for the use of such school district, and to expend  
133 funds therefor as may be available from any nonminimum program  
134 sources. The school board of the school district desiring to  
135 lease a school building shall declare by resolution that a need  
136 exists for a school building and that the school district cannot  
137 provide the necessary funds to pay the cost or its proportionate  
138 share of the cost of a school building required to meet the  
139 present needs. The resolution so adopted by the school board  
140 shall be published once each week for three (3) consecutive weeks  
141 in a newspaper having a general circulation in the school district  
142 involved, with the first publication thereof to be made not less  
143 than thirty (30) days prior to the date upon which the school  
144 board is to act on the question of leasing a school building. If  
145 no petition requesting an election is filed prior to such meeting  
146 as hereinafter provided, then the school board may, by resolution  
147 spread upon its minutes, proceed to lease a school building. If  
148 at any time prior to said meeting a petition signed by not less  
149 than twenty percent (20%) or fifteen hundred (1500), whichever is  
150 less, of the qualified electors of the school district involved  
151 shall be filed with the school board requesting that an election  
152 be called on the question, then the school board shall, not later  
153 than the next regular meeting, adopt a resolution calling an  
154 election to be held within such school district upon the question  
155 of authorizing the school board to lease a school building. Such  
156 election shall be called and held, and notice thereof shall be  
157 given, in the same manner for elections upon the questions of the  
158 issuance of the bonds of school districts, and the results thereof  
159 shall be certified to the school board. If at least three-fifths  
160 (3/5) of the qualified electors of the school district who voted  
161 in such election shall vote in favor of the leasing of a school  
162 building, then the school board shall proceed to lease a school  
163 building. The term of the lease contract shall not exceed twenty  
164 (20) years, and the total cost of such lease shall be either the

165 amount of the lowest and best bid accepted by the school board  
166 after advertisement for bids or an amount not to exceed the  
167 current fair market value of the lease as determined by the  
168 averaging of at least two (2) appraisals by members of the  
169 American Institute of Real Estate Appraisers or the Society of  
170 Real Estate Appraisers. The term "school building" as used in  
171 this item (v) shall be construed to mean any building or buildings  
172 used for classroom purposes in connection with the operation of  
173 schools and shall include the site therefor, necessary support  
174 facilities, and the equipment thereof and appurtenances thereto  
175 such as heating facilities, water supply, sewage disposal,  
176 landscaping, walks, drives and playgrounds. The term "lease" as  
177 used in this item (v)(i) may include a lease/purchase contract;  
178                   (ii) If two (2) or more school districts propose  
179 to enter into a lease contract jointly, then joint meetings of the  
180 school boards having control may be held but no action taken shall  
181 be binding on any such school district unless the question of  
182 leasing a school building is approved in each participating school  
183 district under the procedure hereinabove set forth in item (v)(i).  
184 All of the provisions of item (v)(i) regarding the term and amount  
185 of the lease contract shall apply to the school boards of school  
186 districts acting jointly. Any lease contract executed by two (2)  
187 or more school districts as joint lessees shall set out the amount  
188 of the aggregate lease rental to be paid by each, which may be  
189 agreed upon, but there shall be no right of occupancy by any  
190 lessee unless the aggregate rental is paid as stipulated in the  
191 lease contract. All rights of joint lessees under the lease  
192 contract shall be in proportion to the amount of lease rental paid  
193 by each;

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

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

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

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

207           (aa) To acquire in its own name by purchase all real  
208 property which shall be necessary and desirable in connection with  
209 the construction, renovation or improvement of any public school  
210 building or structure. If the board shall be unable to agree with  
211 the owner of any such real property in connection with any such  
212 project, the board shall have the power and authority to acquire  
213 any such real property by condemnation proceedings pursuant to  
214 Section 11-27-1 et seq., and for such purpose, the right of  
215 eminent domain is hereby conferred upon and vested in said board.

216       \* \* \* The local school board is authorized to grant an easement  
217 for ingress and egress over sixteenth section land or lieu land in  
218 exchange for a similar easement upon adjoining land where the  
219 exchange of easements affords substantial benefit to the sixteenth  
220 section land; \* \* \* however, the exchange must be based upon  
221 values as determined by a competent appraiser, with any  
222 differential in value to be adjusted by cash payment. Any  
223 easement rights granted over sixteenth section land under such  
224 authority shall terminate when the easement ceases to be used for  
225 its stated purpose. No sixteenth section or lieu land which is  
226 subject to an existing lease shall be burdened by any such  
227 easement except by consent of the lessee or unless the school  
228 district shall acquire the unexpired leasehold interest affected  
229 by the easement;

230           (bb) To charge reasonable fees related to the

231 educational programs of the district, in the manner prescribed in  
232 Section 37-7-335;

233           (cc) Subject to rules and regulations of the State  
234 Board of Education, to purchase relocatable classrooms for the use  
235 of such school district, in the manner prescribed in Section  
236 37-1-13;

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

242           (ee) To provide for in-service training for employees  
243 of the district. Until June 30, 1994, the school boards may  
244 designate two (2) days of the minimum school term, as defined in  
245 Section 37-19-1, for employee in-service training for  
246 implementation of the new statewide testing system as developed by  
247 the State Board of Education. Such designation shall be subject  
248 to approval by the State Board of Education pursuant to uniform  
249 rules and regulations;

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

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

263           (i) Any proceeds of the fund-raising activities

264 shall be treated as "activity funds" and shall be accounted for as  
265 are other activity funds under this section; and

266 (ii) Fund-raising activities conducted or  
267 authorized by the board for the sale of school pictures, the  
268 rental of caps and gowns or the sale of graduation invitations for  
269 which the school board receives a commission, rebate or fee shall  
270 contain a disclosure statement advising that a portion of the  
271 proceeds of the sales or rentals shall be contributed to the  
272 student activity fund;

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

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

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

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

287 (ll) To expend funds for the services of nonprofit arts  
288 organizations or other such nonprofit organizations who provide  
289 performances or other services for the students of the school  
290 district.

291 SECTION 2. Section 41-79-21, Mississippi Code of 1972, is  
292 amended as follows:[HS2]

293 41-79-21. (1) If a student in any public elementary or  
294 secondary school has had head lice on three (3) occasions during  
295 one (1) school year while attending school, or if the parent of  
296 the student has been notified by school officials that the student

297 has had head lice on three (3) occasions in one (1) school year,  
298 as determined by the school nurse, public health nurse or a  
299 physician, the principal or administrator shall notify the county  
300 health department of the recurring problem of head lice with that  
301 student. The county health department then shall instruct the  
302 child's parents or guardians on how to treat head lice, eliminate  
303 head lice from household items, and prevent the recurrence of head  
304 lice. The county health department shall charge the child's  
305 parents or guardians a fee to recover its costs of providing  
306 treatment and counseling for the head lice. The school principal  
307 or administrator shall not allow the child to attend school until  
308 proof of treatment is obtained.

309 (2) If a student in any public elementary or secondary  
310 school has a medical condition such as scabies, mites or the like,  
311 the principal or administrator of the school, in his discretion,  
312 may notify the county health department of the medical condition  
313 of the student. Upon receipt of such notification, the county  
314 health department shall provide the proper medical treatment to  
315 the child, if the child has not received such treatment, and shall  
316 instruct the child's parents or guardians on the further care and  
317 treatment to be rendered to the child by the parents or guardians.  
318 The county health department shall charge the child's parents or  
319 guardians a fee to recover its costs of any treatment and  
320 counseling rendered for the child's medical condition. The school  
321 principal or administrator shall not allow the child to attend  
322 school for the duration of the medical condition and until proof  
323 of treatment is submitted to the principal or administrator.

324 SECTION 2. This act shall take effect and be in force from  
325 and after July 1, 2000.