

By: Representative Scott (80th)

To: Education

HOUSE BILL NO. 1297

1 AN ACT TO AMEND SECTION 37-7-301, MISSISSIPPI CODE OF 1972,
 2 TO REQUIRE THE SCHOOL BOARDS OF THE SCHOOL DISTRICTS SELECTED BY
 3 THE STATE BOARD OF EDUCATION FOR PARTICIPATION IN A PILOT PROGRAM
 4 TO PRESCRIBE A MANDATORY STUDENT UNIFORM; TO AMEND SECTION
 5 37-7-335, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE SCHOOL
 6 DISTRICTS SELECTED BY THE STATE BOARD OF EDUCATION FOR
 7 PARTICIPATION IN A PILOT PROGRAM TO CHARGE FEES NOT EXCEEDING THE
 8 ACTUAL COST FOR STUDENT UNIFORMS; TO AMEND SECTION 37-11-55,
 9 MISSISSIPPI CODE OF 1972, TO REQUIRE THE SCHOOL DISTRICTS SELECTED
 10 BY THE STATE BOARD OF EDUCATION FOR PARTICIPATION IN A PILOT
 11 PROGRAM TO INCLUDE AN EXPLANATION OF STUDENTS' RESPONSIBILITIES
 12 REGARDING UNIFORMS IN THE CODE OF STUDENT CONDUCT; AND FOR RELATED
 13 PURPOSES.

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

15 **SECTION 1.** Section 37-7-301, Mississippi Code of 1972, is
 16 amended as follows:

17 37-7-301. The school boards of all school districts shall
 18 have the following powers, authority and duties in addition to all
 19 others imposed or granted by law, to wit:

20 (a) To organize and operate the schools of the district
 21 and to make such division between the high school grades and
 22 elementary grades as, in their judgment, will serve the best
 23 interests of the school;

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

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

30 (d) To have responsibility for the erection, repairing
 31 and equipping of school facilities and the making of necessary
 32 school improvements;



33 (e) To suspend or to expel a pupil or to change the
34 placement of a pupil to the school district's alternative school
35 or home-bound program for misconduct in the school or on school
36 property, as defined in Section 37-11-29, on the road to and from
37 school, or at any school-related activity or event, or for conduct
38 occurring on property other than school property or other than at
39 a school-related activity or event when such conduct by a pupil,
40 in the determination of the school superintendent or principal,
41 renders that pupil's presence in the classroom a disruption to the
42 educational environment of the school or a detriment to the best
43 interest and welfare of the pupils and teacher of such class as a
44 whole, and to delegate such authority to the appropriate officials
45 of the school district;

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

49 (g) To support, within reasonable limits, the
50 superintendent, principal and teachers where necessary for the
51 proper discipline of the school;

52 (h) To exclude from the schools students with what
53 appears to be infectious or contagious diseases; * * * however,
54 such student may be allowed to return to school upon presenting a
55 certificate from a public health officer, duly licensed physician
56 or nurse practitioner that the student is free from such disease;

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

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

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

64 (l) To prescribe and enforce rules and regulations not
65 inconsistent with law or with the regulations of the State Board



66 of Education for their own government and for the government of
67 the schools, and to transact their business at regular and special
68 meetings called and held in the manner provided by law;

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

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

74 (o) To make orders directed to the superintendent of
75 schools for the issuance of pay certificates for lawful purposes
76 on any available funds of the district and to have full control of
77 the receipt, distribution, allotment and disbursement of all funds
78 provided for the support and operation of the schools of such
79 school district whether such funds be derived from state
80 appropriations, local ad valorem tax collections, or otherwise;

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

85 (q) To provide athletic programs and other school
86 activities and to regulate the establishment and operation of such
87 programs and activities;

88 (r) To join, in their discretion, any association of
89 school boards and other public school-related organizations, and
90 to pay from local funds other than minimum foundation funds, any
91 membership dues;

92 (s) To expend local school activity funds, or other
93 available school district funds, other than minimum education
94 program funds, for the purposes prescribed under this paragraph.
95 "Activity funds" shall mean all funds received by school officials
96 in all school districts paid or collected to participate in any
97 school activity, such activity being part of the school program
98 and partially financed with public funds or supplemented by public



99 funds. The term "activity funds" shall not include any funds
100 raised and/or expended by any organization unless commingled in a
101 bank account with existing activity funds, regardless of whether
102 the funds were raised by school employees or received by school
103 employees during school hours or using school facilities, and
104 regardless of whether a school employee exercises influence over
105 the expenditure or disposition of such funds. Organizations shall
106 not be required to make any payment to any school for the use of
107 any school facility if, in the discretion of the local school
108 governing board, the organization's function shall be deemed to be
109 beneficial to the official or extracurricular programs of the
110 school. For the purposes of this provision, the term
111 "organization" shall not include any organization subject to the
112 control of the local school governing board. Activity funds may
113 only be expended for any necessary expenses or travel costs,
114 including advances, incurred by students and their chaperons in
115 attending any in-state or out-of-state school-related programs,
116 conventions or seminars and/or any commodities, equipment, travel
117 expenses, purchased services or school supplies which the local
118 school governing board, in its discretion, shall deem beneficial
119 to the official or extracurricular programs of the district,
120 including items which may subsequently become the personal
121 property of individuals, including yearbooks, athletic apparel,
122 book covers and trophies. Activity funds may be used to pay
123 travel expenses of school district personnel. The local school
124 governing board shall be authorized and empowered to promulgate
125 rules and regulations specifically designating for what purposes
126 school activity funds may be expended. The local school governing
127 board shall provide (i) that such school activity funds shall be
128 maintained and expended by the principal of the school generating
129 the funds in individual bank accounts, or (ii) that such school
130 activity funds shall be maintained and expended by the
131 superintendent of schools in a central depository approved by the



132 board. The local school governing board shall provide that such
133 school activity funds be audited as part of the annual audit
134 required in Section 37-9-18. The State Auditor shall prescribe a
135 uniform system of accounting and financial reporting for all
136 school activity fund transactions;

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

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

143 (v) (i) To lease a school building from an individual,
144 partnership, nonprofit corporation or a private for-profit
145 corporation for the use of such school district, and to expend
146 funds therefor as may be available from any nonminimum program
147 sources. The school board of the school district desiring to
148 lease a school building shall declare by resolution that a need
149 exists for a school building and that the school district cannot
150 provide the necessary funds to pay the cost or its proportionate
151 share of the cost of a school building required to meet the
152 present needs. The resolution so adopted by the school board
153 shall be published once each week for three (3) consecutive weeks
154 in a newspaper having a general circulation in the school district
155 involved, with the first publication thereof to be made not less
156 than thirty (30) days prior to the date upon which the school
157 board is to act on the question of leasing a school building. If
158 no petition requesting an election is filed prior to such meeting
159 as hereinafter provided, then the school board may, by resolution
160 spread upon its minutes, proceed to lease a school building. If
161 at any time prior to said meeting a petition signed by not less
162 than twenty percent (20%) or fifteen hundred (1500), whichever is
163 less, of the qualified electors of the school district involved
164 shall be filed with the school board requesting that an election



165 be called on the question, then the school board shall, not later
166 than the next regular meeting, adopt a resolution calling an
167 election to be held within such school district upon the question
168 of authorizing the school board to lease a school building. Such
169 election shall be called and held, and notice thereof shall be
170 given, in the same manner for elections upon the questions of the
171 issuance of the bonds of school districts, and the results thereof
172 shall be certified to the school board. If at least three-fifths
173 (3/5) of the qualified electors of the school district who voted
174 in such election shall vote in favor of the leasing of a school
175 building, then the school board shall proceed to lease a school
176 building. The term of the lease contract shall not exceed twenty
177 (20) years, and the total cost of such lease shall be either the
178 amount of the lowest and best bid accepted by the school board
179 after advertisement for bids or an amount not to exceed the
180 current fair market value of the lease as determined by the
181 averaging of at least two (2) appraisals by certified general
182 appraisers licensed by the State of Mississippi. The term "school
183 building" as used in this item (v) shall be construed to mean any
184 building or buildings used for classroom purposes in connection
185 with the operation of schools and shall include the site therefor,
186 necessary support facilities, and the equipment thereof and
187 appurtenances thereto such as heating facilities, water supply,
188 sewage disposal, landscaping, walks, drives and playgrounds. The
189 term "lease" as used in this item (v)(i) may include a
190 lease/purchase contract;

191 (ii) If two (2) or more school districts propose
192 to enter into a lease contract jointly, then joint meetings of the
193 school boards having control may be held but no action taken shall
194 be binding on any such school district unless the question of
195 leasing a school building is approved in each participating school
196 district under the procedure hereinabove set forth in item (v)(i).
197 All of the provisions of item (v)(i) regarding the term and amount



198 of the lease contract shall apply to the school boards of school
199 districts acting jointly. Any lease contract executed by two (2)
200 or more school districts as joint lessees shall set out the amount
201 of the aggregate lease rental to be paid by each, which may be
202 agreed upon, but there shall be no right of occupancy by any
203 lessee unless the aggregate rental is paid as stipulated in the
204 lease contract. All rights of joint lessees under the lease
205 contract shall be in proportion to the amount of lease rental paid
206 by each;

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

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

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

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

220 (aa) To acquire in its own name by purchase all real
221 property which shall be necessary and desirable in connection with
222 the construction, renovation or improvement of any public school
223 building or structure. Whenever the purchase price for such real
224 property is greater than Fifty Thousand Dollars (\$50,000.00), the
225 school board shall not purchase the property for an amount
226 exceeding the fair market value of such property as determined by
227 the average of at least two (2) independent appraisals by
228 certified general appraisers licensed by the State of Mississippi.
229 If the board shall be unable to agree with the owner of any such
230 real property in connection with any such project, the board shall



231 have the power and authority to acquire any such real property by
232 condemnation proceedings pursuant to Section 11-27-1 et seq., and
233 for such purpose, the right of eminent domain is * * * conferred
234 upon and vested in the board. * * * The local school board is
235 authorized to grant an easement for ingress and egress over
236 sixteenth section land or lieu land in exchange for a similar
237 easement upon adjoining land where the exchange of easements
238 affords substantial benefit to the sixteenth section land; * * *
239 however, the exchange must be based upon values as determined by a
240 competent appraiser, with any differential in value to be adjusted
241 by cash payment. Any easement rights granted over sixteenth
242 section land under such authority shall terminate when the
243 easement ceases to be used for its stated purpose. No sixteenth
244 section or lieu land which is subject to an existing lease shall
245 be burdened by any such easement except by consent of the lessee
246 or unless the school district shall acquire the unexpired
247 leasehold interest affected by the easement;

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

251 (cc) Subject to rules and regulations of the State
252 Board of Education, to purchase relocatable classrooms for the use
253 of such school district, in the manner prescribed in Section
254 37-1-13;

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

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

262 (ff) * * * To prescribe the use of textbooks, and in
263 the discretion of the school board, to provide that parents and



264 legal guardians shall be responsible for the textbooks and for the
265 compensation to the school district for any books which are not
266 returned to the proper schools upon the withdrawal of their
267 dependent child. If a textbook is lost or not returned by any
268 student who drops out of the public school district, the parent or
269 legal guardian shall also compensate the school district for the
270 fair market value of the textbooks;

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

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

278 (ii) Fund-raising activities conducted or
279 authorized by the board for the sale of school pictures, the
280 rental of caps and gowns or the sale of graduation invitations for
281 which the school board receives a commission, rebate or fee shall
282 contain a disclosure statement advising that a portion of the
283 proceeds of the sales or rentals shall be contributed to the
284 student activity fund;

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

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

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



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

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

303 (mm) The State Board of Education shall select
304 districts for the pilot program having a high incidence of
305 juvenile crime, sixty percent (60%) food stamp participation and a
306 Level 3 or lower accreditation rating.

307 **SECTION 2.** Section 37-7-335, Mississippi Code of 1972, is
308 amended as follows:

309 37-7-335. (1) The school board of each school district may
310 charge reasonable fees, but not more than the actual cost, for the
311 following:

312 (a) Supplemental instructional materials and supplies,
313 excluding textbooks;

314 (b) Any other fees designated by the local school board
315 as fees related to a valid curriculum educational objective,
316 including school uniforms in those districts selected for
317 participation in a pilot program under Section 37-7-301 and
318 transportation; and

319 (c) Extracurricular activities and any other
320 educational activities of the school district which are not
321 designated by the local school board as valid curriculum
322 educational objectives, such as band trips and athletic events.

323 (2) (a) All fees authorized to be charged under this
324 section, except those fees authorized under subsection (1)(c) of
325 this section, shall be charged only upon the condition that the
326 school board of each school district shall adopt a financial
327 hardship waiver policy that shall be kept in the strictest of
328 confidence with all files and personal disclosures restricted from
329 review by the general public. The board shall insure that a pupil



330 eligible to have any such fees waived as a result of an inability
331 to pay for said fees, shall not be discriminated against nor shall
332 there be any overt identification of any pupil who has received a
333 financial hardship waiver by use of special tokens or tickets,
334 announcements, posting or publication of names, physical
335 separation, choice of materials or by any other means. In no case
336 shall any school district's procedures expose any pupil receiving
337 a hardship waiver to any type of stigma or ridicule by other
338 pupils or school district personnel.

339 (b) The confidentiality of the financial hardship
340 waiver policy adopted by such school board shall apply to any
341 students who have an inability to pay any fees authorized under
342 subsection (1)(c) of this section.

343 (3) In no case shall the inability to pay the assessment of
344 fees authorized under * * * this section result in a pupil being
345 denied or deprived of any academic awards or standards, any class
346 selection, grade, diploma, transcript or the right to participate
347 in any activity related to educational enhancement.

348 **SECTION 3.** Section 37-11-55, Mississippi Code of 1972, is
349 amended as follows:

350 37-11-55. The local school board shall adopt and make
351 available to all teachers, school personnel, students and parents
352 or guardians, at the beginning of each school year, a code of
353 student conduct developed in consultation with teachers, school
354 personnel, students and parents or guardians. The code shall be
355 based on the rules governing student conduct and discipline
356 adopted by the school board and shall be made available at the
357 school level in the student handbook or similar publication. The
358 code shall include, but not be limited to:

359 (a) Specific grounds for disciplinary action under the
360 school district's discipline plan;



361 (b) Procedures to be followed for acts requiring
362 discipline, including suspensions and expulsion, which comply with
363 due process requirements;

364 (c) An explanation of the responsibilities and rights
365 of students with regard to: attendance; proper attire in
366 conformity with the school uniform in those districts selected for
367 participation in a pilot program under Section 37-7-301; respect
368 for persons and property; knowledge and observation of rules of
369 conduct; free speech and student publications; assembly; privacy;
370 and participation in school programs and activities;

371 (d) Policies and procedures recognizing the teacher as
372 the authority in classroom matters, and supporting that teacher in
373 any decision in compliance with the written discipline code of
374 conduct. Such recognition shall include the right of the teacher
375 to remove from the classroom any student who, in the professional
376 judgment of the teacher, is disrupting the learning environment,
377 to the office of the principal or assistant principal. The
378 principal or assistant principal shall determine the proper
379 placement for the student, who may not be returned to the
380 classroom until a conference of some kind has been held with the
381 parent, guardian or custodian during which the disrupting behavior
382 is discussed and agreements are reached that no further disruption
383 will be tolerated. If the principal does not approve of the
384 determination of the teacher to remove the student from the
385 classroom, the student may not be removed from the classroom, and
386 the principal, upon request from the teacher, must provide
387 justification for his disapproval. This paragraph (d) shall be
388 repealed on July 1, 2004;

389 (e) Policies and procedures for dealing with a student
390 who causes a disruption in the classroom, on school property or
391 vehicles, or at school-related activities;

392 (f) Procedures for the development of behavior
393 modification plans by the school principal, reporting teacher and



394 student's parent for a student who causes a disruption in the
395 classroom, on school property or vehicles, or at school-related
396 activities for a second time during the school year; and

397 (g) Policies and procedures specifically concerning
398 gang-related activities in the school, on school property or
399 vehicles, or at school-related activities.

400 **SECTION 4.** This act shall take effect and be in force from
401 and after July 1, 2003.

