

By: Senator(s) Harden, Chaney, Carmichael,  
Nunnelee

To: Education

SENATE BILL NO. 2175

1 AN ACT TO AMEND SECTION 37-3-11, MISSISSIPPI CODE OF 1972, TO  
2 REQUIRE SCHOOL DISTRICTS TO PROVIDE AN ANNUAL REPORT OF TEACHER  
3 VACANCIES BY INSTRUCTIONAL AREA TO THE STATE SUPERINTENDENT OF  
4 EDUCATION FOR SUBMISSION TO THE LEGISLATURE; TO REQUIRE SCHOOL  
5 DISTRICTS TO PROVIDE AN ANNUAL REPORT OF SCHOOL-RELATED  
6 FUND-RAISING ACTIVITIES BY STUDENTS; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 37-3-11, Mississippi Code of 1972, is  
9 amended as follows:

10 37-3-11. (1) Until July 1, 1984, the State Superintendent  
11 of Public Education shall have the power and it shall be his duty:

12 (a) To supervise in the manner provided by law the  
13 public free schools, agricultural high schools and junior colleges  
14 of the state and to prescribe such rules and regulations for the  
15 efficient organization and conduct of same, as he may deem  
16 necessary.

17 (b) To preside over all meetings of the State Board of  
18 Education.

19 (c) To collect data for determining the proper  
20 distribution of the state common school funds.

21 (d) To have bound and preserved in his office, as the  
22 property of the state, all such school documents from other states  
23 and governments, books and pamphlets on educational subjects,  
24 school books, apparatus, maps, charts and the like, as shall be or  
25 have been purchased or donated for the use of his office.

26 (e) To keep a complete record of all his official acts  
27 and the acts of the State Board of Education.

28 (f) To prepare, have printed and furnish all officers  
29 charged with the administration of the laws pertaining to the

30 public schools, such blank forms and books as may be necessary to  
31 the proper discharge of their duties; all of this printing shall  
32 be paid for out of funds provided by the Legislature.

33 (g) To have printed in pamphlet form the laws  
34 pertaining to the public schools and publish therein forms for  
35 conducting school business, the rules and regulations for the  
36 government of schools that he or the board of education may  
37 recommend, and such other matters as may be deemed worthy of  
38 public interest pertaining to the public schools; all of this  
39 printing shall be paid for out of funds provided by the  
40 Legislature.

41 (h) To meet the county superintendents annually at such  
42 time and place as he shall appoint for the purpose of accumulating  
43 facts relative to schools, to review the educational progress made  
44 in the various sections of the state, to compare views, discuss  
45 problems, hear discussions and suggestions relative to  
46 examinations and qualifications of teachers, methods of  
47 instruction, textbooks, summer schools for teachers, visitation of  
48 schools, consolidation of schools, health work in the schools,  
49 vocational education and other matters pertaining to the public  
50 school system.

51 (i) To advise the county superintendents upon all  
52 matters involving the welfare of the schools, and at the request  
53 of any county superintendent to give his opinion upon a written  
54 statement of facts on all questions and controversies arising out  
55 of the interpretation and construction of the school laws, in  
56 regard to rights, powers and duties of school officers and county  
57 superintendents, and to keep a record of all such decisions.  
58 Before giving any opinion, the superintendent may submit the  
59 statement of facts to the Attorney General for his advice thereon,  
60 and it shall be the duty of the Attorney General forthwith to  
61 examine such statement, and suggest the proper decision to be made  
62 upon such facts.

63           (j) To require annually, and as often as he may deem  
64 proper, of county superintendents, detailed reports on the  
65 educational business of the various counties.

66           (k) To make reports concerning agricultural high  
67 schools and serve on various committees and boards as provided by  
68 law.

69           (l) On or before January 10 in each year in which the  
70 Legislature meets in regular session, to prepare, and have printed  
71 a report to the Legislature showing:

72                 (i) The receipts and disbursements of all school  
73 funds officially handled by him;

74                 (ii) The number of school districts, school  
75 teachers employed, and pupils taught therein, and the attendance  
76 of pupils;

77                 (iii) County and district levies for common  
78 schools, high schools, agricultural high schools, consolidated  
79 schools and junior colleges;

80                 (iv) The conditions of vocational education in the  
81 State of Mississippi, a list of schools to which federal and state  
82 aid has been given, and a detailed statement of the expenditures  
83 of federal funds and the state funds that may be provided;

84                 (v) Such general matters, information and  
85 recommendations as relate, in his opinion, to the educational  
86 interests of the state;

87                 (vi) A report of all school district teacher  
88 vacancies, including the instructional area of such teacher  
89 vacancies, for the previous school year. Failure to report such  
90 vacancies may result in the withholding of state funds as provided  
91 in Section 37-151-95; and

92                 (vii) A report of all school district or  
93 parent-teacher-association/related fund-raising activities that  
94 offer incentives, prizes or awards to students based upon the  
95 amount of money that such student raises. This report shall

96 include 1. the nature of such fund-raising activities, 2. the  
97 amount of money raised by such fund-raising activities for the  
98 reporting period, 3. the purposes for which the money was raised  
99 and an accounting of the expenditure of such funds, and 4. an  
100 estimate of the amount of instructional time taken by students,  
101 teachers, school administrators and parents in participating in  
102 such fund-raising activities. Failure to report such fund-raising  
103 activities may result in the withholding of state funds as  
104 provided in Section 37-151-95. This reporting requirement shall  
105 not apply to fund-raising activities authorized for the school  
106 activity fund such as the sale of school pictures, the rental of  
107 caps and gowns, the sale of school jewelry, or the sale of tickets  
108 to school banquets or events.

109 (m) To determine the number of educable children in the  
110 several school districts of the state under rules and regulations  
111 to be prescribed by the State Board of Education.

112 (n) To perform such other duties in the administration  
113 of the public schools as may be required by law.

114 (2) From and after July 1, 1984, the State Superintendent of  
115 Public Education shall perform the duties assigned to him by the  
116 State Board of Education, and he shall have the following duties:

117 (a) To serve as secretary for the State Board of  
118 Education;

119 (b) To be the Chief Administrative Officer of the State  
120 Department of Education;

121 (c) To recommend to the State Board of Education for  
122 its consideration rules and regulations for the supervision of the  
123 public free schools and agricultural high schools of the state and  
124 for the efficient organization and conduct of the same;

125 (d) To collect data and make it available to the State  
126 Board for determining the proper distribution of the state common  
127 school funds;

128           (e) To keep a complete record of all official acts of  
129 the state superintendent and the acts of the State Board of  
130 Education;

131           (f) To prepare, have printed and furnish all officers  
132 charged with the administration of the laws pertaining to the  
133 public schools, such blank forms and books as may be necessary to  
134 the proper discharge of their duties, said printing to be paid for  
135 out of funds provided by the Legislature;

136           (g) To have printed in pamphlet form the laws  
137 pertaining to the public schools and publish therein forms for  
138 conducting school business, the rules and regulations for the  
139 government of schools that the State Superintendent or the Board  
140 of Education may recommend, and such other matters as may be  
141 deemed worthy of public interest pertaining to the public schools,  
142 said printing to be paid for out of funds provided by the  
143 Legislature;

144           (h) To meet all superintendents annually at such time  
145 and place as the State Superintendent shall appoint for the  
146 purpose of accumulating facts relative to schools, to review the  
147 educational progress made in the various sections of the state, to  
148 compare views, discuss problems, hear discussions and suggestions  
149 relative to examinations and qualifications of teachers, methods  
150 of instruction, textbooks, summer schools for teachers, visitation  
151 of schools, consolidation of schools, health work in the schools,  
152 vocational education and other matters pertaining to the public  
153 school system;

154           (i) To advise all superintendents upon all matters  
155 involving the welfare of the schools, and at the request of any  
156 superintendent to give an opinion upon a written statement of  
157 facts on all questions and controversies arising out of the  
158 interpretation and construction of the school laws, in regard to  
159 rights, powers and duties of school officers and superintendents,  
160 and to keep a record of all such decisions. Before giving any

161 opinion, the superintendent may submit the statement of facts to  
162 the Attorney General, and it shall be the duty of the Attorney  
163 General forthwith to examine such statement and suggest the proper  
164 decision to be made upon such fact;

165 (j) To require annually, and as often as the State  
166 Superintendent may deem proper, of all superintendents, detailed  
167 reports on the educational business of the various districts;

168 (k) On or before January 10 in each year to prepare  
169 under the direction of the State Board of Education and have  
170 printed the annual report of the board to the Legislature showing:

171 (i) The receipts and disbursements of all school  
172 funds handled by the board;

173 (ii) The number of school districts, school  
174 teachers employed, school administrators employed, pupils taught  
175 and the attendance record of pupils therein;

176 (iii) County and district levies for each school  
177 district and agricultural high school;

178 (iv) The condition of vocational education, a list  
179 of schools to which federal and state aid has been given, and a  
180 detailed statement of the expenditures of federal funds and the  
181 state funds that may be provided, and the ranking of subjects  
182 taught as compared with the state's needs;

183 (v) Such general matters, information and  
184 recommendations as relate, in the board's opinion, to the  
185 educational interests of the state;

186 (l) To determine the number of educable children in the  
187 several school districts under rules and regulations prescribed by  
188 the State Board of Education;

189 (m) To perform such other duties as may be prescribed  
190 by the State Board of Education.

191 **SECTION 2.** This act shall take effect and be in force from  
192 and after July 1, 2004.