

By: Representative Pierce

To: Education

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 758

1 AN ACT TO AMEND SECTIONS 37-7-301 AND 37-9-14, MISSISSIPPI
2 CODE OF 1972, TO AUTHORIZE LOCAL SCHOOL BOARDS TO ADOPT RULES
3 ALLOWING THE SCHOOL SUPERINTENDENT TO PAY SCHOOL DISTRICT CLAIMS
4 TO BE RATIFIED BY THE BOARD AT THE NEXT REGULAR MEETING; AND FOR
5 RELATED PURPOSES.

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

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

9 37-7-301. The school boards of all school districts shall
10 have the following powers, authority and duties in addition to all
11 others imposed or granted by law, to wit:

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

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

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

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

25 (e) To suspend or to expel a pupil or to change the
26 placement of a pupil to the school district's alternative school
27 or home-bound program for misconduct in the school or on school
28 property, as defined in Section 37-11-29, on the road to and from

29 school, or at any school-related activity or event, or for conduct
30 occurring on property other than school property or other than at
31 a school-related activity or event when such conduct by a pupil,
32 in the determination of the school superintendent or principal,
33 renders that pupil's presence in the classroom a disruption to the
34 educational environment of the school or a detriment to the best
35 interest and welfare of the pupils and teacher of such class as a
36 whole, and to delegate such authority to the appropriate officials
37 of the school district;

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

41 (g) To support, within reasonable limits, the
42 superintendent, principal and teachers where necessary for the
43 proper discipline of the school;

44 (h) To exclude from the schools students with what
45 appears to be infectious or contagious diseases; provided,
46 however, such student may be allowed to return to school upon
47 presenting a certificate from a public health officer, duly
48 licensed physician or nurse practitioner that the student is free
49 from such disease;

50 (i) To require those vaccinations specified by the
51 State Health Officer as provided in Section 41-23-37, Mississippi
52 Code of 1972;

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

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

58 (l) To prescribe and enforce rules and regulations not
59 inconsistent with law or with the regulations of the State Board
60 of Education for their own government and for the government of

61 the schools, and to transact their business at regular and special
62 meetings called and held in the manner provided by law;

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

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

68 (o) To make orders directed to the superintendent of
69 schools for the issuance of pay certificates for lawful purposes
70 on any available funds of the district and to have full control of
71 the receipt, distribution, allotment and disbursement of all funds
72 provided for the support and operation of the schools of such
73 school district whether such funds be derived from state
74 appropriations, local ad valorem tax collections, or otherwise.
75 The local school board shall be authorized and empowered to
76 promulgate rules and regulations that specify the types of claims
77 and sets limits of the dollar amount for payment of claims by the
78 superintendent of schools to be ratified by the board at the next
79 regularly scheduled meeting after payment has been made;

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

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

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

91 (s) To expend local school activity funds, or other
92 available school district funds, other than minimum education
93 program funds, for the purposes prescribed under this paragraph.

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

127 maintained and expended by the principal of the school generating
128 the funds in individual bank accounts, or (ii) that such school
129 activity funds shall be maintained and expended by the
130 superintendent of schools in a central depository approved by the
131 board. The local school governing board shall provide that such
132 school activity funds be audited as part of the annual audit
133 required in Section 37-9-18. The State Auditor shall prescribe a
134 uniform system of accounting and financial reporting for all
135 school activity fund transactions;

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

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

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

160 at any time prior to said meeting a petition signed by not less
161 than twenty percent (20%) or fifteen hundred (1500), whichever is
162 less, of the qualified electors of the school district involved
163 shall be filed with the school board requesting that an election
164 be called on the question, then the school board shall, not later
165 than the next regular meeting, adopt a resolution calling an
166 election to be held within such school district upon the question
167 of authorizing the school board to lease a school building. Such
168 election shall be called and held, and notice thereof shall be
169 given, in the same manner for elections upon the questions of the
170 issuance of the bonds of school districts, and the results thereof
171 shall be certified to the school board. If at least three-fifths
172 (3/5) of the qualified electors of the school district who voted
173 in such election shall vote in favor of the leasing of a school
174 building, then the school board shall proceed to lease a school
175 building. The term of the lease contract shall not exceed twenty
176 (20) years, and the total cost of such lease shall be either the
177 amount of the lowest and best bid accepted by the school board
178 after advertisement for bids or an amount not to exceed the
179 current fair market value of the lease as determined by the
180 averaging of at least two (2) appraisals by certified general
181 appraisers licensed by the State of Mississippi. The term "school
182 building" as used in this item (v) shall be construed to mean any
183 building or buildings used for classroom purposes in connection
184 with the operation of schools and shall include the site therefor,
185 necessary support facilities, and the equipment thereof and
186 appurtenances thereto such as heating facilities, water supply,
187 sewage disposal, landscaping, walks, drives and playgrounds. The
188 term "lease" as used in this item (v)(i) may include a
189 lease/purchase contract;

190 (ii) If two (2) or more school districts propose
191 to enter into a lease contract jointly, then joint meetings of the
192 school boards having control may be held but no action taken shall

193 be binding on any such school district unless the question of
194 leasing a school building is approved in each participating school
195 district under the procedure hereinabove set forth in item (v)(i).
196 All of the provisions of item (v)(i) regarding the term and amount
197 of the lease contract shall apply to the school boards of school
198 districts acting jointly. Any lease contract executed by two (2)
199 or more school districts as joint lessees shall set out the amount
200 of the aggregate lease rental to be paid by each, which may be
201 agreed upon, but there shall be no right of occupancy by any
202 lessee unless the aggregate rental is paid as stipulated in the
203 lease contract. All rights of joint lessees under the lease
204 contract shall be in proportion to the amount of lease rental paid
205 by each;

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

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

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

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

219 (aa) To acquire in its own name by purchase all real
220 property which shall be necessary and desirable in connection with
221 the construction, renovation or improvement of any public school
222 building or structure. Whenever the purchase price for such real
223 property is greater than Fifty Thousand Dollars (\$50,000.00), the
224 school board shall not purchase the property for an amount
225 exceeding the fair market value of such property as determined by

226 the average of at least two (2) independent appraisals by
227 certified general appraisers licensed by the State of Mississippi.
228 If the board shall be unable to agree with the owner of any such
229 real property in connection with any such project, the board shall
230 have the power and authority to acquire any such real property by
231 condemnation proceedings pursuant to Section 11-27-1 et seq.,
232 Mississippi Code of 1972, and for such purpose, the right of
233 eminent domain is hereby conferred upon and vested in said board.
234 Provided further, that the local school board is authorized to
235 grant an easement for ingress and egress over sixteenth section
236 land or lieu land in exchange for a similar easement upon
237 adjoining land where the exchange of easements affords substantial
238 benefit to the sixteenth section land; provided, however, the
239 exchange must be based upon values as determined by a competent
240 appraiser, with any differential in value to be adjusted by cash
241 payment. Any easement rights granted over sixteenth section land
242 under such authority shall terminate when the easement ceases to
243 be used for its stated purpose. No sixteenth section or lieu land
244 which is subject to an existing lease shall be burdened by any
245 such easement except by consent of the lessee or unless the school
246 district shall acquire the unexpired leasehold interest affected
247 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) 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. Until June 30, 1994, the school boards may
262 designate two (2) days of the minimum school term, as defined in
263 Section 37-19-1, for employee in-service training for
264 implementation of the new statewide testing system as developed by
265 the State Board of Education. Such designation shall be subject
266 to approval by the State Board of Education pursuant to uniform
267 rules and regulations;

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

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

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

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

291 (hh) To allow individual lessons for music, art and
292 other curriculum-related activities for academic credit or
293 nonacademic credit during school hours and using school equipment
294 and facilities, subject to uniform rules and regulations adopted
295 by the school board;

296 (ii) To charge reasonable fees for participating in an
297 extracurricular activity for academic or nonacademic credit for
298 necessary and required equipment such as safety equipment, band
299 instruments and uniforms;

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

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

305 (ll) To expend funds for the services of nonprofit arts
306 organizations or other such nonprofit organizations who provide
307 performances or other services for the students of the school
308 district;

309 (mm) To expend federal No Child Left Behind Act funds,
310 or any other available funds that are expressly designated and
311 authorized for that use, to pay training, educational expenses,
312 salary incentives and salary supplements to employees of local
313 school districts; except that incentives shall not be considered
314 part of the local supplement as defined in Section 37-151-5(o),
315 nor shall incentives be considered part of the local supplement
316 paid to an individual teacher for the purposes of Section
317 37-19-7(1). Mississippi Adequate Education Program funds or any
318 other state funds may not be used for salary incentives or salary
319 supplements as provided in this paragraph (mm);

320 (nn) To use any available funds, not appropriated or
321 designated for any other purpose, for reimbursement to the
322 state-licensed employees from both in-state and out-of-state, who
323 enter into a contract for employment in a school district, for the

324 expense of moving when the employment necessitates the relocation
325 of the licensed employee to a different geographical area than
326 that in which the licensed employee resides before entering into
327 the contract. The reimbursement shall not exceed One Thousand
328 Dollars (\$1,000.00) for the documented actual expenses incurred in
329 the course of relocating, including the expense of any
330 professional moving company or persons employed to assist with the
331 move, rented moving vehicles or equipment, mileage in the amount
332 authorized for county and municipal employees under Section
333 25-3-41 if the licensed employee used his personal vehicle or
334 vehicles for the move, meals and such other expenses associated
335 with the relocation. No licensed employee may be reimbursed for
336 moving expenses under this section on more than one (1) occasion
337 by the same school district. Nothing in this section shall be
338 construed to require the actual residence to which the licensed
339 employee relocates to be within the boundaries of the school
340 district that has executed a contract for employment in order for
341 the licensed employee to be eligible for reimbursement for the
342 moving expenses. However, the licensed employee must relocate
343 within the boundaries of the State of Mississippi. Any individual
344 receiving relocation assistance through the Critical Teacher
345 Shortage Act as provided in Section 37-159-5 shall not be eligible
346 to receive additional relocation funds as authorized in this
347 paragraph;

348 (oo) To use any available funds, not appropriated or
349 designated for any other purpose, to reimburse persons who
350 interview for employment as a licensed employee with the district
351 for the mileage and other actual expenses incurred in the course
352 of travel to and from the interview at the rate authorized for
353 county and municipal employees under Section 25-3-41;

354 (pp) Consistent with the report of the Task Force to
355 Conduct a Best Financial Management Practices Review, to improve
356 school district management and use of resources and identify cost

357 savings as established in Section 8 of Chapter 610, Laws of 2002,
358 local school boards are encouraged to conduct independent reviews
359 of the management and efficiency of schools and school districts.
360 Such management and efficiency reviews shall provide state and
361 local officials and the public with the following:

362 (i) An assessment of a school district's
363 governance and organizational structure;

364 (ii) An assessment of the school district's
365 financial and personnel management;

366 (iii) An assessment of revenue levels and sources;

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

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

371 (vi) An assessment of instructional and
372 administrative technology;

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

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

379 (qq) To enter into agreements with other local school
380 boards for the establishment of an educational service agency
381 (ESA) to provide for the cooperative needs of the region in which
382 the school district is located, as provided in Section 37-7-345.
383 This paragraph shall repeal on July 1, 2007;

384 (rr) To implement a financial literacy program for
385 students in Grades 10 and 11. The board may review the national
386 programs and obtain free literature from various nationally
387 recognized programs. After review of the different programs, the
388 board may certify a program that is most appropriate for the
389 school districts' needs. If a district implements a financial

390 literacy program, then any student in Grade 10 or 11 may
391 participate in the program. The financial literacy program shall
392 include, but is not limited to, instruction in the same areas of
393 personal business and finance as required under Section
394 37-1-3(2)(b). The school board may coordinate with volunteer
395 teachers from local community organizations, including, but not
396 limited to, the following: United States Department of
397 Agriculture Rural Development, United States Department of Housing
398 and Urban Development, Junior Achievement, bankers and other
399 nonprofit organizations. Nothing in this paragraph shall be
400 construed as to require school boards to implement a financial
401 literacy program;

402 (ss) To collaborate with the State Board of Education,
403 Community Action Agencies or the Department of Human Services to
404 develop and implement a voluntary program to provide services for
405 a full day prekindergarten program that addresses the cognitive,
406 social, and emotional needs of four-year-old and three-year-old
407 children. The school board may utilize nonstate source special
408 funds, grants, donations or gifts to fund the voluntary program.

409 **SECTION 2.** Section 37-9-14, Mississippi Code of 1972, is
410 amended as follows:

411 37-9-14. (1) It shall be the duty of the superintendent of
412 schools to administer the schools within his district and to
413 implement the decisions of the school board.

414 (2) In addition to all other powers, authority and duties
415 imposed or granted by law, the superintendent of schools shall
416 have the following powers, authority and duties:

417 (a) To enter into contracts in the manner provided by
418 law with each assistant superintendent, principal and teacher of
419 the public schools under his supervision, after such assistant
420 superintendent, principal and teachers have been selected and
421 approved in the manner provided by law.

422 (b) To enforce in the public schools of the school
423 district the courses of study provided by law or the rules and
424 regulations of the State Board of Education, and to comply with
425 the law with reference to the use and distribution of free
426 textbooks.

427 (c) To administer oaths in all cases to persons
428 testifying before him relative to disputes relating to the schools
429 submitted to him for determination, and to take testimony in such
430 cases as provided by law.

431 (d) To examine the monthly and annual reports submitted
432 to him by principals and teachers for the purpose of determining
433 and verifying the accuracy thereof.

434 (e) To preserve all reports of superintendents,
435 principals, teachers and other school officers, and to deliver to
436 his successor or clerk of the board of supervisors all money,
437 property, books, effects and papers.

438 (f) To prepare and keep in his office a map or maps
439 showing the territory embraced in his school district, to furnish
440 the county assessor with a copy of such map or maps, and to revise
441 and correct same from time to time as changes in or alterations of
442 school districts may necessitate.

443 (g) To keep an accurate record of the names of all of
444 the members of the school board showing the districts for which
445 each was elected or appointed, the post office address of each,
446 and the date of the expiration of his term of office. All
447 official correspondence shall be addressed to the school board,
448 and notice to such members shall be regarded as notice to the
449 residents of the district, and it shall be the duty of the members
450 to notify such residents.

451 (h) To deliver in proper time to the assistant
452 superintendents, principals, teachers and board members such
453 forms, records and other supplies which will be needed during the
454 school year as provided by law or any applicable rules and

455 regulations, and to give to such individuals such information with
456 regard to their duties as may be required.

457 (i) To make to the school board reports for each
458 scholastic month in such form as the school board may require.

459 (j) To distribute promptly all reports, letters, forms,
460 circulars and instructions which he may receive for the use of
461 school officials.

462 (k) To keep on file and preserve in his office all
463 appropriate information concerning the affairs of the school
464 district.

465 (l) To visit the schools of his school district in his
466 discretion, and to require the assistant superintendents,
467 principals and teachers thereof to perform their duties as
468 prescribed by law.

469 (m) To observe such instructions and regulations as the
470 school board and other public officials may prescribe, and to make
471 special reports to these officers whenever required.

472 (n) To keep his office open for the transaction of
473 business upon the days and during the hours to be designated by
474 the school board.

475 (o) To make such reports as are required by the State
476 Board of Education.

477 (p) To make an enumeration of educable children in his
478 school district as prescribed by law.

479 (q) To keep in his office and carefully preserve the
480 public school record provided, to enter therein the proceedings of
481 the school board and his decision upon cases and his other
482 official acts, to record therein the data required from the
483 monthly and term reports of principals and teachers, and from the
484 summaries of records thus kept.

485 (r) To delegate student disciplinary matters to
486 appropriate school personnel.

487 (s) To make assignments to the various schools in the
488 district of all noninstructional and nonlicensed employees and all
489 licensed employees, as provided in Sections 37-9-15 and 37-9-17,
490 and to make reassignments of such employees from time to time;
491 however, a reassignment of a licensed employee may only be to an
492 area in which the employee has a valid license issued by the State
493 Department of Education. Upon request from any employee
494 transferred, such assignment shall be subject to review by the
495 school board.

496 (t) To employ substitutes for licensed employees,
497 regardless of whether or not such substitute holds the proper
498 license, subject to such reasonable rules and regulations as may
499 be adopted by the State Board of Education.

500 (u) To comply in a timely manner with the compulsory
501 education reporting requirements prescribed in Section
502 37-13-91(6).

503 (v) To perform such other duties as may be required of
504 him by law.

505 (w) To notify, in writing, the parent, guardian or
506 custodian, the youth court and local law enforcement of any
507 expulsion of a student for criminal activity as defined in Section
508 37-11-92.

509 (x) To notify the youth court and local law enforcement
510 agencies, by affidavit, of the occurrence of any crime committed
511 by a student or students upon school property or during any
512 school-related activity, regardless of location and the identity
513 of the student or students committing the crime.

514 (y) To employ and dismiss noninstructional and
515 nonlicensed employees as provided by law.

516 (3) All funds to the credit of a school district shall be
517 paid out on pay certificates issued by the superintendent upon
518 order of the school board of the school district properly entered
519 upon the minutes thereof, and all such orders shall be supported

520 by properly itemized invoices from the vendors covering the
521 materials and supplies purchased. All such orders and the
522 itemized invoices supporting same shall be filed as a public
523 record in the office of the superintendent for a period of five
524 (5) years. The superintendent shall be liable upon his official
525 bond for the amount of any pay certificate issued in violation of
526 the provisions of this section. The school board shall have the
527 power and authority to direct and cause warrants to be issued
528 against such district funds for the purpose of refunding any
529 amount of taxes erroneously or illegally paid into such fund when
530 such refund has been approved in the manner provided by law.

531 (4) The superintendent of schools shall be special
532 accounting officer and treasurer with respect to any and all
533 district school funds for his school district. He or his designee
534 shall issue all warrants without the necessity of registration
535 thereof by the chancery clerk. Transactions with the depositories
536 and with the various tax collecting agencies which involve school
537 funds for such school district shall be with the superintendent of
538 schools, or his designee.

539 (5) The superintendent of schools will have no
540 responsibility with regard to agricultural high school and junior
541 college funds.

542 All agricultural high school and junior college funds shall
543 be handled and expended in the manner provided for in Sections
544 37-29-31 through 37-29-39.

545 (6) It shall be the duty of the superintendent of schools to
546 keep and preserve the minutes of the proceedings of the school
547 board.

548 (7) The superintendent of schools shall maintain as a record
549 in his office a book or a computer printout in which he shall
550 enter all demands, claims and accounts paid from any funds of the
551 school district. The record shall be in a form to be prescribed
552 by the State Auditor. All demands, claims and accounts filed

553 shall be preserved by the superintendent of schools as a public
554 record for a period of five (5) years. All claims found by the
555 school board to be illegal shall be rejected or disallowed. To
556 the extent allowed by board policy, all claims which are found to
557 be legal and proper may be paid and then ratified by the school
558 board at the next regularly scheduled board meeting, as paid by
559 the superintendent of schools. All claims as to which a
560 continuance is requested by the claimant and those found to be
561 defective but which may be perfected by amendment shall be
562 continued. The superintendent of schools shall issue a pay
563 certificate against any legal and proper fund of the school
564 district in favor of the claimant in payment of claims. The
565 provisions of this section, however, shall not be applicable to
566 the payment of * * * salaries and applicable benefits, * * *
567 travel advances, amounts due private contractors or other
568 obligations where the amount thereof has been previously approved
569 by a contract or by an order of the school board entered upon its
570 minutes, or paid by board policy, or by inclusion in the current
571 fiscal year budget, and all such amounts may be paid by the
572 superintendent of schools by pay certificates issued by him
573 against the legal and proper fund without allowance of a specific
574 claim therefor as provided in this section, provided that the
575 payment thereof is otherwise in conformity with law.

576 **SECTION 3.** This act shall take effect and be in force from
577 and after July 1, 2005.