

By: Representative Scott

To: Education

## HOUSE BILL NO. 866

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

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

13 **SECTION 1.** Section 37-1-3, Mississippi Code of 1972, is  
14 amended as follows:

15 37-1-3. (1) The State Board of Education shall adopt rules  
16 and regulations and set standards and policies for the  
17 organization, operation, management, planning, budgeting and  
18 programs of the State Department of Education.

19 (a) The board is directed to identify all functions of  
20 the department that contribute to or comprise a part of the state  
21 system of educational accountability and to establish and maintain  
22 within the department the necessary organizational structure,  
23 policies and procedures for effectively coordinating such  
24 functions. Such policies and procedures shall clearly fix and  
25 delineate responsibilities for various aspects of the system and  
26 for overall coordination of the total system and its effective  
27 management.

28 (b) The board shall establish and maintain a  
29 system-wide plan of performance, policy and directions of public  
30 education not otherwise provided for.

31           (c) The board shall effectively use the personnel and  
32 resources of the department to enhance technical assistance to  
33 school districts in instruction and management therein.

34           (d) The board shall establish and maintain a central  
35 budget policy.

36           (e) The board shall establish and maintain within the  
37 State Department of Education a central management capacity under  
38 the direction of the State Superintendent of Public Education.

39           (f) The board, with recommendations from the  
40 superintendent, shall design and maintain a five-year plan and  
41 program for educational improvement that shall set forth  
42 objectives for system performance and development and be the basis  
43 for budget requests and legislative initiatives.

44           (2) (a) The State Board of Education shall adopt and  
45 maintain a curriculum and a course of study to be used in the  
46 public schools that is designed to prepare the state's children  
47 and youth to be productive, informed, creative citizens, workers  
48 and leaders, and it shall regulate all matters arising in the  
49 practical administration of the school system not otherwise  
50 provided for.

51           (b) \* \* \* The State Board of Education shall develop  
52 personal living and finances objectives that focus on money  
53 management skills for individuals and families for appropriate,  
54 existing courses at the secondary level. The objectives must  
55 require the teaching of those skills necessary to handle personal  
56 business and finances and must include instruction in the  
57 following:

58                   (i) Opening a bank account and assessing the  
59 quality of a bank's services;

60                   (ii) Balancing a checkbook;

61                   (iii) Managing debt, including retail and credit  
62 card debt;

63                   (iv) Completing a loan application;

- 64 (v) The implications of an inheritance;  
65 (vi) The basics of personal insurance policies;  
66 (vii) Consumer rights and responsibilities;  
67 (viii) Dealing with salesmen and merchants;  
68 (ix) Computing state and federal income taxes;  
69 (x) Local tax assessments;  
70 (xi) Computing interest rates by various  
71 mechanisms;  
72 (xii) Understanding simple contracts; and  
73 (xiii) Contesting an incorrect billing statement.

74 (3) The State Board of Education shall have authority to  
75 expend any available federal funds, or any other funds expressly  
76 designated, to pay training, educational expenses, salary  
77 incentives and salary supplements to licensed teachers employed in  
78 local school districts or schools administered by the State Board  
79 of Education. Such incentive payments shall not be considered  
80 part of a school district's local supplement as defined in Section  
81 37-151-5(o), nor shall the incentives be considered part of the  
82 local supplement paid to an individual teacher for the purposes of  
83 Section 37-19-7(1). MAEP funds or any other state funds shall not  
84 be used to provide such incentives unless specifically authorized  
85 by law.

86 (4) The State Board of Education shall seek, through its  
87 actions, to implement the policies set forth in Section 37-1-2.

88 (5) The State Board of Education shall select districts  
89 having a high incidence of juvenile crime, sixty percent (60%)  
90 food stamp participation and a Level 3 or lower accreditation  
91 rating to participate in a pilot program mandating school  
92 uniforms.

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

95           37-7-335. (1) The school board of any school district shall  
96 be authorized to charge reasonable fees, but not more than the  
97 actual cost, for the following:

98           (a) Supplemental instructional materials and supplies,  
99 excluding textbooks;

100           (b) Any other fees designated by the local school board  
101 as fees related to a valid curriculum educational objective,  
102 including school uniforms in those districts selected for  
103 participation in the school uniform pilot program under Section  
104 37-1-3 and transportation; and

105           (c) Extracurricular activities and any other  
106 educational activities of the school district which are not  
107 designated by the local school board as valid curriculum  
108 educational objectives, such as band trips and athletic events.

109           (2) (a) All fees authorized to be charged under this  
110 section, except those fees authorized under subsection (1)(c) of  
111 this section, shall be charged only upon the condition that the  
112 school board of each school district shall adopt a financial  
113 hardship waiver policy that shall be kept in the strictest of  
114 confidence with all files and personal disclosures restricted from  
115 review by the general public. The board shall insure that a pupil  
116 eligible to have any such fees waived as a result of an inability  
117 to pay for said fees, shall not be discriminated against nor shall  
118 there be any overt identification of any pupil who has received a  
119 financial hardship waiver by use of special tokens or tickets,  
120 announcements, posting or publication of names, physical  
121 separation, choice of materials or by any other means. In no case  
122 shall any school district's procedures expose any pupil receiving  
123 a hardship waiver to any type of stigma or ridicule by other  
124 pupils or school district personnel.

125           (b) The confidentiality of the financial hardship  
126 waiver policy adopted by such school board shall apply to any

127 students who have an inability to pay any fees authorized under  
128 subsection (1)(c) of this section.

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

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

136 37-11-55. The local school board shall adopt and make  
137 available to all teachers, school personnel, students and parents  
138 or guardians, at the beginning of each school year, a code of  
139 student conduct developed in consultation with teachers, school  
140 personnel, students and parents or guardians. The code shall be  
141 based on the rules governing student conduct and discipline  
142 adopted by the school board and shall be made available at the  
143 school level in the student handbook or similar publication. The  
144 code shall include, but not be limited to:

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

147 (b) Procedures to be followed for acts requiring  
148 discipline, including suspensions and expulsion, which comply with  
149 due process requirements;

150 (c) An explanation of the responsibilities and rights  
151 of students with regard to: attendance; proper attire in  
152 conformity with the school uniform in those districts selected for  
153 participation in the school uniform pilot program under Section  
154 37-1-3; respect for persons and property; knowledge and  
155 observation of rules of conduct; free speech and student  
156 publications; assembly; privacy; and participation in school  
157 programs and activities;

158 (d) Policies and procedures recognizing the teacher as  
159 the authority in classroom matters, and supporting that teacher in

160 any decision in compliance with the written discipline code of  
161 conduct. Such recognition shall include the right of the teacher  
162 to remove from the classroom any student who, in the professional  
163 judgment of the teacher, is disrupting the learning environment,  
164 to the office of the principal or assistant principal. The  
165 principal or assistant principal shall determine the proper  
166 placement for the student, who may not be returned to the  
167 classroom until a conference of some kind has been held with the  
168 parent, guardian or custodian during which the disrupting behavior  
169 is discussed and agreements are reached that no further disruption  
170 will be tolerated. If the principal does not approve of the  
171 determination of the teacher to remove the student from the  
172 classroom, the student may not be removed from the classroom, and  
173 the principal, upon request from the teacher, must provide  
174 justification for his disapproval;

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

178 (f) Procedures for the development of behavior  
179 modification plans by the school principal, reporting teacher and  
180 student's parent for a student who causes a disruption in the  
181 classroom, on school property or vehicles, or at school-related  
182 activities for a second time during the school year; and

183 (g) Policies and procedures specifically concerning  
184 gang-related activities in the school, on school property or  
185 vehicles, or at school-related activities.

186 **SECTION 4.** This act shall take effect and be in force from  
187 and after July 1, 2006.