

By: Senator(s) Chaney

To: Education

SENATE BILL NO. 2324

1 AN ACT TO AMEND SECTIONS 37-3-93, 37-7-301, 37-9-77,  
 2 37-11-18.1, 37-11-54, 37-11-61 AND 37-15-1, MISSISSIPPI CODE OF  
 3 1972, TO DELETE THE AUTOMATIC REPEALERS ON CERTAIN SCHOOL DISTRICT  
 4 PROGRAMS RELATING TO SCHOOL CRISIS MANAGEMENT, REGIONAL  
 5 EDUCATIONAL SERVICE AGENCIES, SCHOOL ADMINISTRATORS SABBATICAL  
 6 LEAVE, EXPULSION OF HABITUALLY DISRUPTIVE STUDENTS, CONFLICT  
 7 RESOLUTION AND PEER MEDIATION CURRICULA, PARENTAL INFORMATION ON  
 8 MENINGOCOCCAL DISEASE AND EVIDENCE OF AGE FOR PUPIL ENROLLMENT;  
 9 AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** Section 37-3-93, Mississippi Code of 1972, is  
 12 amended as follows:

13 37-3-93. (1) Subject to the availability of funding  
 14 specifically appropriated for such purpose, there is established a  
 15 School Crisis Management Program under the State Department of  
 16 Education. This program is to be initiated and executed by the  
 17 department using only existing staff and resources. Under this  
 18 program, the State Department of Education shall create an office  
 19 making available a quick response team of personnel trained in  
 20 school safety and crisis management to respond to traumatic or  
 21 violent situations that impact students and faculty in the public  
 22 schools in Mississippi. The School Crisis Management Program  
 23 shall operate in accordance with the following:

24 (a) The basic response team shall consist of those  
 25 personnel designated by the State Superintendent of Public  
 26 Education, or their designees, depending on the size of the school  
 27 and the nature of the event.

28 (b) In order to access the services of a response team,  
 29 the request must be made by the local school principal or the

30 superintendent of schools, who shall make the request to the State  
31 Department of Education or its contact designee.

32 (c) A response team shall enter a school to work with  
33 students and faculty for a period of no more than three (3) days,  
34 unless otherwise requested by the school district.

35 (d) The State Department of Education, or its designee,  
36 shall operate a toll-free incoming wide area telephone service for  
37 the purpose of receiving reports of suspected cases of school  
38 violence and other traumatic situations impacting on students and  
39 faculty in the public schools.

40 (e) The request made by a school district to access the  
41 services of a response team following a school safety incident may  
42 seek a review of the local school district's safety plan, and the  
43 results of this evaluation may be published by the local school  
44 board in a newspaper with wide circulation in the district.

45 (f) Subject to the availability of funds specifically  
46 appropriated therefor by the Legislature, the expenses of the  
47 quick response teams and their administrative support shall be  
48 provided from state funds. The State Department of Education may  
49 apply for and expend funds for the support and maintenance of this  
50 program from private and other funding sources.

51 (2) Local school districts, school superintendents and  
52 principals may request and utilize the services of quick response  
53 teams provided for under this section; however, this section does  
54 not require school officials to request the services of quick  
55 response teams.

56 \* \* \*

57 **SECTION 2.** Section 37-7-301, Mississippi Code of 1972, is  
58 amended as follows:

59 37-7-301. The school boards of all school districts shall  
60 have the following powers, authority and duties in addition to all  
61 others imposed or granted by law, to wit:

62           (a) To organize and operate the schools of the district  
63 and to make such division between the high school grades and  
64 elementary grades as, in their judgment, will serve the best  
65 interests of the school;

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

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

72           (d) To have responsibility for the erection, repairing  
73 and equipping of school facilities and the making of necessary  
74 school improvements;

75           (e) To suspend or to expel a pupil or to change the  
76 placement of a pupil to the school district's alternative school  
77 or homebound program for misconduct in the school or on school  
78 property, as defined in Section 37-11-29, on the road to and from  
79 school, or at any school-related activity or event, or for conduct  
80 occurring on property other than school property or other than at  
81 a school-related activity or event when such conduct by a pupil,  
82 in the determination of the school superintendent or principal,  
83 renders that pupil's presence in the classroom a disruption to the  
84 educational environment of the school or a detriment to the best  
85 interest and welfare of the pupils and teacher of such class as a  
86 whole, and to delegate such authority to the appropriate officials  
87 of the school district;

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

91           (g) To support, within reasonable limits, the  
92 superintendent, principal and teachers where necessary for the  
93 proper discipline of the school;

94           (h) To exclude from the schools students with what  
95 appears to be infectious or contagious diseases; provided,  
96 however, such student may be allowed to return to school upon  
97 presenting a certificate from a public health officer, duly  
98 licensed physician or nurse practitioner that the student is free  
99 from such disease;

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

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

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

107           (l) To prescribe and enforce rules and regulations not  
108 inconsistent with law or with the regulations of the State Board  
109 of Education for their own government and for the government of  
110 the schools, and to transact their business at regular and special  
111 meetings called and held in the manner provided by law;

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

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

117           (o) To make orders directed to the superintendent of  
118 schools for the issuance of pay certificates for lawful purposes  
119 on any available funds of the district and to have full control of  
120 the receipt, distribution, allotment and disbursement of all funds  
121 provided for the support and operation of the schools of such  
122 school district whether such funds be derived from state  
123 appropriations, local ad valorem tax collections, or otherwise.  
124 The local school board shall be authorized and empowered to  
125 promulgate rules and regulations that specify the types of claims  
126 and set limits of the dollar amount for payment of claims by the

127 superintendent of schools to be ratified by the board at the next  
128 regularly scheduled meeting after payment has been made;

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

133 (q) To provide athletic programs and other school  
134 activities and to regulate the establishment and operation of such  
135 programs and activities;

136 (r) To join, in their discretion, any association of  
137 school boards and other public school-related organizations, and  
138 to pay from local funds other than minimum foundation funds, any  
139 membership dues;

140 (s) To expend local school activity funds, or other  
141 available school district funds, other than minimum education  
142 program funds, for the purposes prescribed under this paragraph.  
143 "Activity funds" shall mean all funds received by school officials  
144 in all school districts paid or collected to participate in any  
145 school activity, such activity being part of the school program  
146 and partially financed with public funds or supplemented by public  
147 funds. The term "activity funds" shall not include any funds  
148 raised and/or expended by any organization unless commingled in a  
149 bank account with existing activity funds, regardless of whether  
150 the funds were raised by school employees or received by school  
151 employees during school hours or using school facilities, and  
152 regardless of whether a school employee exercises influence over  
153 the expenditure or disposition of such funds. Organizations shall  
154 not be required to make any payment to any school for the use of  
155 any school facility if, in the discretion of the local school  
156 governing board, the organization's function shall be deemed to be  
157 beneficial to the official or extracurricular programs of the  
158 school. For the purposes of this provision, the term  
159 "organization" shall not include any organization subject to the

160 control of the local school governing board. Activity funds may  
161 only be expended for any necessary expenses or travel costs,  
162 including advances, incurred by students and their chaperons in  
163 attending any in-state or out-of-state school-related programs,  
164 conventions or seminars and/or any commodities, equipment, travel  
165 expenses, purchased services or school supplies which the local  
166 school governing board, in its discretion, shall deem beneficial  
167 to the official or extracurricular programs of the district,  
168 including items which may subsequently become the personal  
169 property of individuals, including yearbooks, athletic apparel,  
170 book covers and trophies. Activity funds may be used to pay  
171 travel expenses of school district personnel. The local school  
172 governing board shall be authorized and empowered to promulgate  
173 rules and regulations specifically designating for what purposes  
174 school activity funds may be expended. The local school governing  
175 board shall provide (i) that such school activity funds shall be  
176 maintained and expended by the principal of the school generating  
177 the funds in individual bank accounts, or (ii) that such school  
178 activity funds shall be maintained and expended by the  
179 superintendent of schools in a central depository approved by the  
180 board. The local school governing board shall provide that such  
181 school activity funds be audited as part of the annual audit  
182 required in Section 37-9-18. The State Department of Education  
183 shall prescribe a uniform system of accounting and financial  
184 reporting for all school activity fund transactions;

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

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

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

193 corporation for the use of such school district, and to expend  
194 funds therefor as may be available from any nonminimum program  
195 sources. The school board of the school district desiring to  
196 lease a school building shall declare by resolution that a need  
197 exists for a school building and that the school district cannot  
198 provide the necessary funds to pay the cost or its proportionate  
199 share of the cost of a school building required to meet the  
200 present needs. The resolution so adopted by the school board  
201 shall be published once each week for three (3) consecutive weeks  
202 in a newspaper having a general circulation in the school district  
203 involved, with the first publication thereof to be made not less  
204 than thirty (30) days prior to the date upon which the school  
205 board is to act on the question of leasing a school building. If  
206 no petition requesting an election is filed prior to such meeting  
207 as hereinafter provided, then the school board may, by resolution  
208 spread upon its minutes, proceed to lease a school building. If  
209 at any time prior to said meeting a petition signed by not less  
210 than twenty percent (20%) or fifteen hundred (1500), whichever is  
211 less, of the qualified electors of the school district involved  
212 shall be filed with the school board requesting that an election  
213 be called on the question, then the school board shall, not later  
214 than the next regular meeting, adopt a resolution calling an  
215 election to be held within such school district upon the question  
216 of authorizing the school board to lease a school building. Such  
217 election shall be called and held, and notice thereof shall be  
218 given, in the same manner for elections upon the questions of the  
219 issuance of the bonds of school districts, and the results thereof  
220 shall be certified to the school board. If at least three-fifths  
221 (3/5) of the qualified electors of the school district who voted  
222 in such election shall vote in favor of the leasing of a school  
223 building, then the school board shall proceed to lease a school  
224 building. The term of the lease contract shall not exceed twenty  
225 (20) years, and the total cost of such lease shall be either the

226 amount of the lowest and best bid accepted by the school board  
227 after advertisement for bids or an amount not to exceed the  
228 current fair market value of the lease as determined by the  
229 averaging of at least two (2) appraisals by certified general  
230 appraisers licensed by the State of Mississippi. The term "school  
231 building" as used in this paragraph (v)(i) shall be construed to  
232 mean any building or buildings used for classroom purposes in  
233 connection with the operation of schools and shall include the  
234 site therefor, necessary support facilities, and the equipment  
235 thereof and appurtenances thereto such as heating facilities,  
236 water supply, sewage disposal, landscaping, walks, drives and  
237 playgrounds. The term "lease" as used in this paragraph (v)(i)  
238 may include a lease/purchase contract;

239           (ii) If two (2) or more school districts propose  
240 to enter into a lease contract jointly, then joint meetings of the  
241 school boards having control may be held but no action taken shall  
242 be binding on any such school district unless the question of  
243 leasing a school building is approved in each participating school  
244 district under the procedure hereinabove set forth in paragraph  
245 (v)(i). All of the provisions of paragraph (v)(i) regarding the  
246 term and amount of the lease contract shall apply to the school  
247 boards of school districts acting jointly. Any lease contract  
248 executed by two (2) or more school districts as joint lessees  
249 shall set out the amount of the aggregate lease rental to be paid  
250 by each, which may be agreed upon, but there shall be no right of  
251 occupancy by any lessee unless the aggregate rental is paid as  
252 stipulated in the lease contract. All rights of joint lessees  
253 under the lease contract shall be in proportion to the amount of  
254 lease rental paid by each;

255           (w) To employ all noninstructional and noncertificated  
256 employees and fix the duties and compensation of such personnel  
257 deemed necessary pursuant to the recommendation of the  
258 superintendent of schools;



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

261           (y) Subject to rules and regulations of the State Board  
262 of Education, to purchase, own and operate trucks, vans and other  
263 motor vehicles, which shall bear the proper identification  
264 required by law;

265           (z) To expend funds for the payment of substitute  
266 teachers and to adopt reasonable regulations for the employment  
267 and compensation of such substitute teachers;

268           (aa) To acquire in its own name by purchase all real  
269 property which shall be necessary and desirable in connection with  
270 the construction, renovation or improvement of any public school  
271 building or structure. Whenever the purchase price for such real  
272 property is greater than Fifty Thousand Dollars (\$50,000.00), the  
273 school board shall not purchase the property for an amount  
274 exceeding the fair market value of such property as determined by  
275 the average of at least two (2) independent appraisals by  
276 certified general appraisers licensed by the State of Mississippi.  
277 If the board shall be unable to agree with the owner of any such  
278 real property in connection with any such project, the board shall  
279 have the power and authority to acquire any such real property by  
280 condemnation proceedings pursuant to Section 11-27-1 et seq.,  
281 Mississippi Code of 1972, and for such purpose, the right of  
282 eminent domain is hereby conferred upon and vested in said board.  
283 Provided further, that the local school board is authorized to  
284 grant an easement for ingress and egress over sixteenth section  
285 land or lieu land in exchange for a similar easement upon  
286 adjoining land where the exchange of easements affords substantial  
287 benefit to the sixteenth section land; provided, however, the  
288 exchange must be based upon values as determined by a competent  
289 appraiser, with any differential in value to be adjusted by cash  
290 payment. Any easement rights granted over sixteenth section land  
291 under such authority shall terminate when the easement ceases to

292 be used for its stated purpose. No sixteenth section or lieu land  
293 which is subject to an existing lease shall be burdened by any  
294 such easement except by consent of the lessee or unless the school  
295 district shall acquire the unexpired leasehold interest affected  
296 by the easement;

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

300 (cc) Subject to rules and regulations of the State  
301 Board of Education, to purchase relocatable classrooms for the use  
302 of such school district, in the manner prescribed in Section  
303 37-1-13;

304 (dd) Enter into contracts or agreements with other  
305 school districts, political subdivisions or governmental entities  
306 to carry out one or more of the powers or duties of the school  
307 board, or to allow more efficient utilization of limited resources  
308 for providing services to the public;

309 (ee) To provide for in-service training for employees  
310 of the district;

311 (ff) As part of their duties to prescribe the use of  
312 textbooks, to provide that parents and legal guardians shall be  
313 responsible for the textbooks and for the compensation to the  
314 school district for any books which are not returned to the proper  
315 schools upon the withdrawal of their dependent child. If a  
316 textbook is lost or not returned by any student who drops out of  
317 the public school district, the parent or legal guardian shall  
318 also compensate the school district for the fair market value of  
319 the textbooks;

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

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

327 (ii) Fund-raising activities conducted or  
328 authorized by the board for the sale of school pictures, the  
329 rental of caps and gowns or the sale of graduation invitations for  
330 which the school board receives a commission, rebate or fee shall  
331 contain a disclosure statement advising that a portion of the  
332 proceeds of the sales or rentals shall be contributed to the  
333 student activity fund;

334 (hh) To allow individual lessons for music, art and  
335 other curriculum-related activities for academic credit or  
336 nonacademic credit during school hours and using school equipment  
337 and facilities, subject to uniform rules and regulations adopted  
338 by the school board;

339 (ii) To charge reasonable fees for participating in an  
340 extracurricular activity for academic or nonacademic credit for  
341 necessary and required equipment such as safety equipment, band  
342 instruments and uniforms;

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

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

348 (ll) To expend funds for the services of nonprofit arts  
349 organizations or other such nonprofit organizations who provide  
350 performances or other services for the students of the school  
351 district;

352 (mm) To expend federal No Child Left Behind Act funds,  
353 or any other available funds that are expressly designated and  
354 authorized for that use, to pay training, educational expenses,  
355 salary incentives and salary supplements to employees of local  
356 school districts; except that incentives shall not be considered

357 part of the local supplement as defined in Section 37-151-5(o),  
358 nor shall incentives be considered part of the local supplement  
359 paid to an individual teacher for the purposes of Section  
360 37-19-7(1). Mississippi Adequate Education Program funds or any  
361 other state funds may not be used for salary incentives or salary  
362 supplements as provided in this paragraph (mm);

363 (nn) To use any available funds, not appropriated or  
364 designated for any other purpose, for reimbursement to the  
365 state-licensed employees from both in state and out of state, who  
366 enter into a contract for employment in a school district, for the  
367 expense of moving when the employment necessitates the relocation  
368 of the licensed employee to a different geographical area than  
369 that in which the licensed employee resides before entering into  
370 the contract. The reimbursement shall not exceed One Thousand  
371 Dollars (\$1,000.00) for the documented actual expenses incurred in  
372 the course of relocating, including the expense of any  
373 professional moving company or persons employed to assist with the  
374 move, rented moving vehicles or equipment, mileage in the amount  
375 authorized for county and municipal employees under Section  
376 25-3-41 if the licensed employee used his personal vehicle or  
377 vehicles for the move, meals and such other expenses associated  
378 with the relocation. No licensed employee may be reimbursed for  
379 moving expenses under this section on more than one (1) occasion  
380 by the same school district. Nothing in this section shall be  
381 construed to require the actual residence to which the licensed  
382 employee relocates to be within the boundaries of the school  
383 district that has executed a contract for employment in order for  
384 the licensed employee to be eligible for reimbursement for the  
385 moving expenses. However, the licensed employee must relocate  
386 within the boundaries of the State of Mississippi. Any individual  
387 receiving relocation assistance through the Critical Teacher  
388 Shortage Act as provided in Section 37-159-5 shall not be eligible

389 to receive additional relocation funds as authorized in this  
390 paragraph;

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

397 (pp) Consistent with the report of the Task Force to  
398 Conduct a Best Financial Management Practices Review, to improve  
399 school district management and use of resources and identify cost  
400 savings as established in Section 8 of Chapter 610, Laws of 2002,  
401 local school boards are encouraged to conduct independent reviews  
402 of the management and efficiency of schools and school districts.  
403 Such management and efficiency reviews shall provide state and  
404 local officials and the public with the following:

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

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

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

410 (iv) An assessment of facilities utilization,  
411 planning and maintenance;

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

414 (vi) An assessment of instructional and  
415 administrative technology;

416 (vii) A review of the instructional management and  
417 the efficiency and effectiveness of existing instructional  
418 programs; and

419 (viii) Recommended methods for increasing  
420 efficiency and effectiveness in providing educational services to  
421 the public;

422 (qq) To enter into agreements with other local school  
423 boards for the establishment of an educational service agency  
424 (ESA) to provide for the cooperative needs of the region in which  
425 the school district is located, as provided in Section  
426 37-7-345. \* \* \*

427 (rr) To implement a financial literacy program for  
428 students in Grades 10 and 11. The board may review the national  
429 programs and obtain free literature from various nationally  
430 recognized programs. After review of the different programs, the  
431 board may certify a program that is most appropriate for the  
432 school districts' needs. If a district implements a financial  
433 literacy program, then any student in Grade 10 or 11 may  
434 participate in the program. The financial literacy program shall  
435 include, but is not limited to, instruction in the same areas of  
436 personal business and finance as required under Section  
437 37-1-3(2)(b). The school board may coordinate with volunteer  
438 teachers from local community organizations, including, but not  
439 limited to, the following: United States Department of  
440 Agriculture Rural Development, United States Department of Housing  
441 and Urban Development, Junior Achievement, bankers and other  
442 nonprofit organizations. Nothing in this paragraph shall be  
443 construed as to require school boards to implement a financial  
444 literacy program;

445 (ss) To collaborate with the State Board of Education,  
446 Community Action Agencies or the Department of Human Services to  
447 develop and implement a voluntary program to provide services for  
448 a full-day prekindergarten program that addresses the cognitive,  
449 social, and emotional needs of four-year-old and three-year-old  
450 children. The school board may utilize nonstate source special  
451 funds, grants, donations or gifts to fund the voluntary program;

452 (tt) With respect to any lawful, written obligation of  
453 a school district, including, but not limited to, leases  
454 (excluding leases of sixteenth section public school trust land),

455 bonds, notes, or other agreement, to agree in writing with the  
456 obligee that the State Tax Commission or any state agency,  
457 department or commission created under state law may:

458           (i) Withhold all or any part (as agreed by the  
459 school board) of any monies which such local school board is  
460 entitled to receive from time to time under any law and which is  
461 in the possession of the State Tax Commission, or any state  
462 agency, department or commission created under state law; and

463           (ii) Pay the same over to any financial  
464 institution, trustee or other obligee, as directed in writing by  
465 the school board, to satisfy all or part of such obligation of the  
466 school district.

467       The school board may make such written agreement to withhold  
468 and transfer funds irrevocable for the term of the written  
469 obligation and may include in the written agreement any other  
470 terms and provisions acceptable to the school board. If the  
471 school board files a copy of such written agreement with the State  
472 Tax Commission, or any state agency, department or commission  
473 created under state law then the State Tax Commission or any state  
474 agency, department or commission created under state law shall  
475 immediately make the withholdings provided in such agreement from  
476 the amounts due the local school board and shall continue to pay  
477 the same over to such financial institution, trustee or obligee  
478 for the term of the agreement.

479       This paragraph (tt) shall not grant any extra authority to a  
480 school board to issue debt in any amount exceeding statutory  
481 limitations on assessed value of taxable property within such  
482 school district or the statutory limitations on debt maturities,  
483 and shall not grant any extra authority to impose, levy or collect  
484 a tax which is not otherwise expressly provided for, and shall not  
485 be construed to apply to sixteenth section public school trust  
486 land;

487           (uu) With respect to any matter or transaction that is  
488 competitively bid by a school district, to accept from any bidder  
489 as a good faith deposit or bid bond or bid surety, the same type  
490 of good faith deposit or bid bond or bid surety that may be  
491 accepted by the state or any other political subdivision on  
492 similar competitively bid matters or transactions. This paragraph  
493 (uu) shall not be construed to apply to sixteenth section public  
494 school trust land. The school board may authorize the investment  
495 of any school district funds in the same kind and manner of  
496 investments, including pooled investments, as any other political  
497 subdivision, including community hospitals;

498           (vv) To utilize the alternate method for the conveyance  
499 or exchange of unused school buildings and/or land, reserving a  
500 partial or other undivided interest in the property, as  
501 specifically authorized and provided in Section 37-7-485,  
502 Mississippi Code of 1972;

503           (wv) To delegate, privatize or otherwise enter into a  
504 contract with private entities for the operation of any and all  
505 functions of nonacademic school process, procedures and operations  
506 including, but not limited to, cafeteria workers, janitorial  
507 services, transportation, professional development, achievement  
508 and instructional consulting services materials and products,  
509 purchasing cooperatives, insurance, business manager services,  
510 auditing and accounting services, school safety/risk prevention,  
511 data processing and student records, and other staff services;  
512 however, the authority under this paragraph does not apply to the  
513 leasing, management or operation of sixteenth section lands.  
514 Local school districts, working through their regional education  
515 service agency, are encouraged to enter into buying consortia with  
516 other member districts for the purposes of more efficient use of  
517 state resources as described in Section 37-7-345;



518           (xx) To partner with entities, organizations and  
519 corporations for the purpose of benefiting the school district;  
520 and

521           (yy) To borrow funds from the Rural Economic  
522 Development Authority for the maintenance of school buildings.

523           **SECTION 3.** Section 37-9-77, Mississippi Code of 1972, is  
524 amended as follows:

525           37-9-77. (1) There is established the Mississippi School  
526 Administrator Sabbatical Program which shall be available to  
527 licensed teachers employed in Mississippi school districts for not  
528 less than three (3) years, for the purpose of allowing such  
529 teachers to become local school district administrators under the  
530 conditions set forth in this section. The State Board of  
531 Education, in coordination with the Board of Trustees of State  
532 Institutions of Higher Learning, shall develop guidelines for the  
533 program. Application shall be made to the State Department of  
534 Education for the Mississippi School Administrator Sabbatical  
535 Program by qualified teachers meeting the criteria for a  
536 department-approved administration program and who have been  
537 recommended by the local school board. Administration programs  
538 that are eligible for the administrator sabbatical program shall  
539 be limited to those that have been approved by the department by  
540 the January 1 preceding the date of admission to the program.  
541 Admission into the program shall authorize the applicant to take  
542 university course work and training leading to an administrator's  
543 license.

544           (2) The salaries of the teachers approved for participation  
545 in the administrator sabbatical program shall be paid by the  
546 employing school district from nonminimum education program funds.  
547 However, the State Department of Education shall reimburse the  
548 employing school districts for the cost of the salaries and paid  
549 fringe benefits of teachers participating in the administrator  
550 sabbatical program for one (1) contract year. Reimbursement shall

551 be made in accordance with the then current minimum education  
552 program salary schedule under Section 37-19-7, except that the  
553 maximum amount of the reimbursement from state funds shall not  
554 exceed the minimum education program salary for a teacher holding  
555 a Class A license and having five (5) years' experience. The  
556 local school district shall be responsible for that portion of a  
557 participating teacher's salary attributable to the local  
558 supplement and for any portion of the teacher's salary that  
559 exceeds the maximum amount allowed for reimbursement from state  
560 funds as provided in this subsection, and the school board may not  
561 reduce the local supplement payable to that teacher. Any  
562 reimbursements made by the State Department of Education to local  
563 school districts under this section shall be subject to available  
564 appropriations and may be made only to school districts determined  
565 by the State Board of Education as being in need of  
566 administrators.

567 (3) Such teachers participating in the program on a  
568 full-time basis shall continue to receive teaching experience and  
569 shall receive the salary prescribed in Section 37-19-7, including  
570 the annual experience increments. Such participants shall be  
571 fully eligible to continue participation in the Public Employees'  
572 Retirement System and the Public School Employees Health Insurance  
573 Plan during the time they are in the program on a full-time basis.

574 (4) As a condition for participation in the School  
575 Administrator Sabbatical Program, such teachers shall agree to  
576 employment as administrators in the sponsoring school district for  
577 not less than five (5) years following completion of administrator  
578 licensure requirements. Any person failing to comply with this  
579 employment commitment in any required school year, unless the  
580 commitment is deferred as provided in subsection (5) of this  
581 section, shall immediately be in breach of contract and become  
582 liable to the State Department of Education for that amount of his  
583 salary and paid fringe benefits paid by the state while the

584 teacher was on sabbatical, less twenty percent (20%) of the amount  
585 of his salary and paid fringe benefits paid by the state for each  
586 year that the person was employed as an administrator following  
587 completion of the administrator licensure requirements. In  
588 addition, the person shall become liable to the local school  
589 district for any portion of his salary and paid fringe benefits  
590 paid by the local school district while the teacher was on  
591 sabbatical that is attributable to the local salary supplement or  
592 is attributable to the amount that exceeds the maximum amount  
593 allowed for reimbursement from state funds as provided in  
594 subsection (2) of this section, less twenty percent (20%) of the  
595 amount of his salary and paid fringe benefits paid by the school  
596 district for each year that the person was employed as an  
597 administrator following completion of the administrator licensure  
598 requirements. Interest on the amount due shall accrue at the  
599 current Stafford Loan rate at the time the breach occurs. If the  
600 claim for repayment of such salary and fringe benefits is placed  
601 in the hands of an attorney for collection after default, then the  
602 obligor shall be liable for an additional amount equal to a  
603 reasonable attorney's fee.

604 (5) If there is not an administrator position immediately  
605 available in the sponsoring school district after a person has  
606 completed the administrator licensure requirements, or if the  
607 administrator position in the sponsoring school district in which  
608 the person is employed is no longer needed before the completion  
609 of the five-year employment commitment, the local school board  
610 shall defer any part of the employment commitment that has not  
611 been met until such time as an administrator position becomes  
612 available in the sponsoring school district. If such a deferral  
613 is made, the sponsoring school district shall employ the person as  
614 a teacher in the school district during the period of deferral,  
615 unless the person desires to be released from employment by the  
616 sponsoring school district and the district agrees to release the

617 person from employment. If the sponsoring school district  
618 releases a person from employment, that person may be employed as  
619 an administrator in another school district in the state that is  
620 in need of administrators as determined by the State Board of  
621 Education, and that employment for the other school district shall  
622 be applied to any remaining portion of the five-year employment  
623 commitment required under this section. Nothing in this  
624 subsection shall prevent a school district from not renewing the  
625 person's contract before the end of the five-year employment  
626 commitment in accordance with the School Employment Procedures Law  
627 (Section 37-9-101 et seq.). However, if the person is not  
628 employed as an administrator by another school district after  
629 being released by the sponsoring school district, or after his  
630 contract was not renewed by the sponsoring school district, he  
631 shall be liable for repayment of the amount of his salary and  
632 fringe benefits as provided in subsection (4) of this section.

633 (6) All funds received by the State Department of Education  
634 from the repayment of salary and fringe benefits paid by the state  
635 from program participants shall be deposited in the Mississippi  
636 Critical Teacher Shortage Fund.

637 \* \* \*

638 **SECTION 4.** Section 37-11-18.1, Mississippi Code of 1972, is  
639 amended as follows:

640 37-11-18.1. (1) For the purposes of this section:

641 (a) The term "disruptive behavior" means conduct of a  
642 student that is so unruly, disruptive or abusive that it seriously  
643 interferes with a school teacher's or school administrator's  
644 ability to communicate with the students in a classroom, with a  
645 student's ability to learn, or with the operation of a school or  
646 school-related activity, and which is not covered by other laws  
647 related to violence or possession of weapons or controlled  
648 substances on school property, school vehicles or at  
649 school-related activities. Such behaviors include, but are not

650 limited to: foul, profane, obscene, threatening, defiant or  
651 abusive language or action toward teachers or other school  
652 employees; defiance, ridicule or verbal attack of a teacher; and  
653 willful, deliberate and overt acts of disobedience of the  
654 directions of a teacher; and

655 (b) The term "habitually disruptive" refers to such  
656 actions of a student which cause disruption in a classroom, on  
657 school property or vehicles or at a school-related activity on  
658 more than two (2) occasions during a school year, and to  
659 disruptive behavior that was initiated, willful and overt on the  
660 part of the student and which required the attention of school  
661 personnel to deal with the disruption. However, no student shall  
662 be considered to be habitually disruptive before the development  
663 of a behavior modification plan for the student in accordance with  
664 the code of student conduct and discipline plans of the school  
665 district.

666 (2) Any student who is thirteen (13) years of age or older  
667 for whom a behavior modification plan is developed by the school  
668 principal, reporting teacher and student's parent and which  
669 student does not comply with the plan shall be deemed habitually  
670 disruptive and subject to automatic expulsion on the occurrence of  
671 the third act of disruptive behavior during a school year. After  
672 the second act of disruptive behavior during a school year by a  
673 student who is younger than thirteen (13) years of age, a  
674 psychological evaluation shall be performed upon the child.

675 \* \* \*

676 **SECTION 5.** Section 37-11-54, Mississippi Code of 1972, is  
677 amended as follows:

678 37-11-54. The State Board of Education, using only existing  
679 staff and resources, shall develop a list of recommended conflict  
680 resolution and mediation materials, models and curricula that  
681 address responsible decision making, the causes and effects of  
682 school violence and harassment, cultural diversity, and nonviolent

683 methods for resolving conflict, including peer mediation, and  
684 shall make the list available to local school administrative units  
685 and school buildings before the beginning of the 2002-2003 school  
686 year. However, no monies from the Temporary Assistance for Needy  
687 Families grant may be used for developing this list. In  
688 developing this list, the board shall emphasize materials, models  
689 and curricula that currently are being used in Mississippi and  
690 which the board determines to be effective. The board shall  
691 include at least one (1) model that includes instruction and  
692 guidance for the voluntary implementation of peer mediation  
693 programs and one (1) model that provides instruction and guidance  
694 for teachers concerning the integration of conflict resolution and  
695 mediation lessons into the existing classroom curriculum.

696 \* \* \*

697 **SECTION 6.** Section 37-11-61, Mississippi Code of 1972, is  
698 amended as follows:

699 37-11-61. (1) Local school boards shall ensure that all  
700 public schools and agricultural high schools provide parents and  
701 guardians with information about meningococcal disease and the  
702 effectiveness of vaccination against meningococcal disease. Such  
703 information may be provided through the school district Web site,  
704 student handbook or other appropriate means of dissemination of  
705 information. Such information shall be updated annually if new  
706 information on such disease is available. This information shall  
707 include the causes, symptoms and means by which meningococcal  
708 disease is spread and the places where parents and guardians may  
709 obtain additional information and vaccinations for their children.  
710 Nothing in this section shall be construed to require a local  
711 school board or school to provide or purchase vaccine against  
712 meningococcal disease.

713 (2) The State Board of Health shall develop and make  
714 available educational materials appropriate for distribution so  
715 that the information required by this section can be provided to

716 parents and guardians. The Department of Health may provide this  
717 information, at its discretion, electronically, on its Web site.  
718 Nothing in this section shall be construed to require the  
719 Department of Health to provide or purchase vaccine against  
720 meningococcal disease.

721 \* \* \*

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

724 37-15-1. The State Board of Education shall prepare and  
725 provide necessary forms for keeping permanent records and  
726 cumulative folders for each pupil in the public schools of the  
727 state. In the permanent record and cumulative folders, the  
728 teachers and principals shall keep information concerning the  
729 pupil's date of birth, as verified by the documentation authorized  
730 in this section, record of attendance, grades and withdrawal from  
731 the school, including the date of any expulsion from the school  
732 system and a description of the student's act or behavior  
733 resulting in the expulsion. The records also shall contain  
734 information pertaining to immunization and such other information  
735 as the State Board of Education may prescribe. The cumulative  
736 folder, in addition to that information maintained in the  
737 permanent records, also shall contain such other information as  
738 the State Board of Education shall prescribe. It shall be the  
739 responsibility of the person in charge of each school to enforce  
740 the requirement for evidence of the age of each pupil before  
741 enrollment. If the first prescribed evidence is not available,  
742 the next evidence obtainable in the order set forth below shall be  
743 accepted:

744 (a) A certified birth certificate;

745 (b) A duly attested transcript of a certificate of  
746 baptism showing the date of birth and place of baptism of the  
747 child, accompanied by an affidavit sworn to by a parent,  
748 grandparent or custodian;

749           (c) An insurance policy on the child's life which has  
750 been in force for at least two (2) years;

751           (d) A bona fide contemporary Bible record of the  
752 child's birth accompanied by an affidavit sworn to by the parent,  
753 grandparent or custodian;

754           (e) A passport or certificate of arrival in the United  
755 States showing the age of the child;

756           (f) A transcript of record of age shown in the child's  
757 school record of at least four (4) years prior to application,  
758 stating date of birth; or

759           (g) If none of these evidences can be produced, an  
760 affidavit of age sworn to by a parent, grandparent or custodian.  
761 Any child enrolling in Kindergarten or Grade 1 shall present the  
762 required evidence of age upon enrollment. Any child in Grades 2  
763 through 12 not in compliance at the end of sixty (60) days from  
764 enrollment shall be suspended until in compliance.

765       \* \* \*

766       **SECTION 8.** This act shall take effect and be in force from  
767 and after June 30, 2007.