

By: Representatives King, Formby, Davis,
Howell, Hudson, Janus, Martinson, McElwain,
Miles, Moore, Read, Roberson, Robinson
(84th), Rotenberry, Smith (35th), Smith
(39th), Warren, Woods

To: Education

HOUSE BILL NO. 1000

1 AN ACT TO CREATE A NEW SECTION TO BE CODIFIED AS SECTION
2 37-11-54, MISSISSIPPI CODE OF 1972, TO REQUIRE THE AUTOMATIC
3 EXPULSION OF A HABITUALLY DISRUPTIVE STUDENT ON THE THIRD
4 OCCURRENCE OF DISRUPTIVE BEHAVIOR DURING A SCHOOL YEAR, AND TO
5 DEFINE THE TERMS "DISRUPTIVE BEHAVIOR" AND "HABITUALLY DISRUPTIVE
6 STUDENT"; TO AMEND SECTION 37-11-55, MISSISSIPPI CODE OF 1972, TO
7 REQUIRE A SCHOOL'S CODE OF STUDENT CONDUCT TO BE MADE AVAILABLE TO
8 STUDENTS AND TO PRESCRIBE ADDITIONAL POLICIES THAT MUST BE
9 INCLUDED IN CODES OF STUDENT CONDUCT; TO AMEND SECTION 37-11-53,
10 MISSISSIPPI CODE OF 1972, TO REQUIRE THE PROVISIONS OF THIS ACT TO
11 BE INCORPORATED INTO EACH SCHOOL DISTRICT'S DISCIPLINE PLAN AND
12 CODE OF STUDENT CONDUCT AT THE NEXT LEGAL AUDIT OF SUCH PLAN AND
13 TO AUTHORIZE SCHOOL DISTRICTS TO ALLOW A PARENT TO ACCOMPANY THEIR
14 CHILD TO SCHOOL AS AN ALTERNATIVE TO THE CHILD'S SUSPENSION; AND
15 FOR RELATED PURPOSES.

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

17 SECTION 1. The following shall be codified as Section
18 37-11-54, Mississippi Code of 1972:

19 37-11-54. (1) For the purposes of this section:

20 (a) The term "disruptive behavior" means those actions
21 of a student which interfere with the learning environment and
22 which are not covered by other laws related to violence,
23 possession of weapons or controlled substances on school property,
24 school vehicles or at school-related activities. Such behaviors
25 include, but are not limited to: foul, profane, obscene or
26 abusive language toward teachers or other school employees;
27 defiance, ridicule or verbal attack of a teacher; and willful,
28 deliberate and overt acts of disobedience of the directions of a
29 teacher; and

30 (b) The term "habitually disruptive student" means a
31 student who has caused disruption in a classroom, on school
32 property or vehicles or at a school-related activity on more than

33 two (2) occasions during a school year, because of disruptive
34 behavior that was initiated, willful and overt on the part of the
35 student and which required the attention of school personnel to
36 deal with the disruption. However, no student shall be declared
37 to be a habitually disruptive student before the development of a
38 remedial discipline plan for the student in accordance with the
39 code of student conduct and discipline plans of the school
40 district.

41 (2) Any student for whom a remedial discipline plan is
42 developed by the school principal and reporting teacher who does
43 not comply with the plan shall be a habitually disruptive student
44 subject to automatic expulsion on the occurrence of the third act
45 of disruptive behavior during a school year.

46 SECTION 2. Section 37-11-55, Mississippi Code of 1972, is
47 amended as follows:

48 37-11-55. The local school board shall adopt and make
49 available to all teachers, school personnel, students and parents
50 or guardians, at the beginning of * * * each school year * * *, a
51 code of student conduct developed in consultation with teachers,
52 school personnel, students and parents or guardians. The code
53 shall be based on the rules governing student conduct and
54 discipline adopted by the school board and shall be made available
55 at the school level in the student handbook or similar
56 publication. The code shall include, but not be limited to:

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

59 (b) Procedures to be followed for acts requiring
60 discipline, including suspensions and expulsion, which comply with
61 due process requirements; * * *

62 (c) An explanation of the responsibilities and rights
63 of students with regard to attendance, respect for persons and
64 property, knowledge and observation of rules of conduct, * * *
65 free speech and student publications, assembly, privacy and
66 participation in school programs and activities;

67 (d) An explanation of the students' right to learn in
68 an environment that is conducive to the learning process and free
69 from unnecessary student disruption;

70 (e) Policies and procedures recognizing the teacher as
71 the authority in classroom matters, and supporting that teacher in
72 any decision in compliance with the written discipline code of
73 conduct; such recognition shall include the right of the teacher
74 to remove from the classroom any student who, in the professional
75 judgment of the teacher, is disrupting the learning environment,
76 to a facility within the school where the student will remain
77 until the parent, guardian or custodian of the student is
78 notified. The student may not be returned to the classroom until
79 a conference has been held with the parent, guardian or custodian
80 during which the disrupting behavior is discussed and agreements
81 are reached that no further disruption will be tolerated;

82 (f) Policies and procedures for dealing with a student
83 who causes a disruption in the classroom, on school property or
84 vehicles or at school-related activities;

85 (g) Procedures for the development of remedial
86 discipline plans by the school principal and reporting teacher for
87 a student who causes a disruption in the classroom, on school
88 property or vehicles or at school-related activities for a second
89 time during the school year;

90 (h) Policies and procedures for the use of acts of
91 reasonable and appropriate physical intervention or force in
92 dealing with disruptive students; and

93 (i) Policies and procedures specifically concerning
94 gang-related activities in the school, on school property or
95 vehicles or at school-related activities.

96 SECTION 3. Section 37-11-53, Mississippi Code of 1972, is
97 amended as follows:

98 37-11-53. (1) A copy of the school district's discipline
99 plan shall be distributed to each student enrolled in the
100 district, and the parents, guardian or custodian of such student
101 shall sign a statement verifying that they have been given notice
102 of the discipline policies of their respective school district.

103 The school board shall have its official discipline plan and code
104 of student conduct legally audited on an annual basis to insure
105 that its policies and procedures are currently in compliance with
106 applicable statutes, case law and state and federal constitutional
107 provisions. As part of the legal audit first occurring after the
108 effective date of House Bill No. _____, 1999 Regular Session, the
109 provisions of this section and Sections 37-11-54 and 37-11-55
110 shall be fully incorporated into the school district's discipline
111 plan and code of student conduct.

112 (2) All discipline plans of school districts shall include,
113 but not be limited to, the following:

114 (a) A parent, guardian or custodian of a
115 compulsory-school-age child enrolled in a public school district
116 shall be responsible financially for his or her minor child's
117 destructive acts against school property or persons;

118 (b) A parent, guardian or custodian of a
119 compulsory-school-age child enrolled in a public school district
120 may be requested to appear at school by an appropriate school
121 official for a conference regarding acts of the child specified in
122 paragraph (a) of this subsection, or for any other discipline
123 conference regarding the acts of the child;

124 (c) Any parent, guardian or custodian of a
125 compulsory-school-age child enrolled in a school district who
126 refuses or willfully fails to attend such discipline conference
127 specified in paragraph (b) of this section may be summoned by
128 proper notification by the superintendent of schools and be
129 required to attend such discipline conference; and

130 (d) A parent, guardian or custodian of a
131 compulsory-school-age child enrolled in a public school district
132 shall be responsible for any criminal fines brought against such
133 student for unlawful activity as defined in Section 37-11-29
134 occurring on school grounds.

135 (3) Any parent, guardian or custodian of a

136 compulsory-school-age child who (a) fails to attend a discipline
137 conference to which such parent, guardian or custodian has been
138 summoned under the provisions of this section, or (b) refuses or
139 willfully fails to perform any other duties imposed upon him or
140 her under the provisions of this section, shall be guilty of a
141 misdemeanor and, upon conviction, shall be fined not to exceed Two
142 Hundred Fifty Dollars (\$250.00).

143 (4) Any public school district shall be entitled to recover
144 damages in an amount not to exceed Twenty Thousand Dollars
145 (\$20,000.00), plus necessary court costs, from the parents of any
146 minor under the age of eighteen (18) years and over the age of six
147 (6) years, who maliciously and willfully damages or destroys
148 property belonging to such school district. However, this section
149 shall not apply to parents whose parental control of such child
150 has been removed by court order or decree. The action authorized
151 in this section shall be in addition to all other actions which
152 the school district is entitled to maintain and nothing in this
153 section shall preclude recovery in a greater amount from the minor
154 or from a person, including the parents, for damages to which such
155 minor or other person would otherwise be liable.

156 (5) A school district's discipline plan may provide that as
157 an alternative to suspension, a student may remain in school by
158 having the parent, guardian or custodian, with the consent of the
159 student's teacher or teachers, attend class with the student for a
160 period of time specifically agreed upon by the reporting teacher
161 and school principal. If the parent, guardian or custodian does
162 not agree to attend class with the student or fails to attend
163 class with the student, the student shall be suspended in
164 accordance with the code of student conduct and discipline
165 policies of the school district.

166 SECTION 4. This act shall take effect and be in force from
167 and after its passage.