

By: Senator(s) Hall

To: Education

SENATE BILL NO. 2040

1 AN ACT TO AMEND SECTION 37-11-53, MISSISSIPPI CODE OF 1972,
2 TO DIRECT THE STATE BOARD OF EDUCATION TO ADOPT GUIDELINES FOR
3 DEVELOPING LOCAL SCHOOL DISTRICT SAFE SCHOOL PLANS, TO AUTHORIZE
4 THE STATE BOARD OF EDUCATION TO TAKE PUNITIVE ACTION AGAINST ANY
5 SCHOOL ADMINISTRATOR FAILING TO FULFILL THE SAFE SCHOOL PLAN
6 REQUIREMENTS, AND TO PRESCRIBE THE MINIMUM COMPONENTS OF EACH SAFE
7 SCHOOL PLAN; AND FOR RELATED PURPOSES.

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

9 SECTION 1. Section 37-11-53, Mississippi Code of 1972, is
10 amended as follows:

11 37-11-53. (1) In order to implement this section, the State
12 Board of Education:

13 (a) Shall adopt guidelines for developing local school
14 district discipline plans pursuant to this section;

15 (b) Shall provide ongoing technical assistance to the
16 local school boards in the development, implementation and
17 evaluation of their local discipline plans;

18 (c) May require a local school board to withhold the
19 salary of any administrator or other employee of a local school
20 administrative unit who delays or refuses to prepare and implement
21 local safe school plans in accordance with this section; and

22 (d) May revoke the certificate of the superintendent
23 for failure to fulfill the superintendent's duties under a local
24 safe school plan.

25 (2) A copy of the school district's discipline plan shall be
26 distributed to each student enrolled in the district and the
27 parents, guardian or custodian of such student shall sign a
28 statement verifying that they have been given notice of the
29 discipline policies of their respective school district. The

30 school board shall have its official discipline plan legally
31 audited on an annual basis to insure that its policies and
32 procedures are currently in compliance with applicable statutes,
33 case law and state and federal constitutional provisions. A local
34 school board may develop its plan under this section by conducting
35 a comprehensive review of its existing policies, plans, statements
36 and procedures to determine whether they: (a) are effective; (b)
37 have been updated to address recent changes in the law; (c) meet
38 the current needs of each school in the local school
39 administrative unit; and (d) address the components required to be
40 included in the local plan. The board then may consolidate and
41 supplement any previously developed policies, plans, statements
42 and procedures that the board determines are effective and
43 updated, meet the current needs of each school, and meet the
44 requirements of this subsection. Once developed, the board shall
45 submit the local plan to the State Board of Education and shall
46 ensure the plan is available and accessible to parents and the
47 school community. The board shall provide annually to the State
48 Board of Education information that demonstrates how the At-Risk
49 Student Services/Alternative Schools Funding Allotment has been
50 used to prevent academic failure or promote school safety. The
51 local board may amend the plan as often as it considers necessary
52 or appropriate.

53 (3) Each school district discipline plan shall include each
54 of the following components:

55 (a) Clear statements of the standard of behavior
56 expected of students at different grade levels and of school
57 personnel and clear statements of the consequences that will
58 result from one or more violations of those standards. There
59 shall be a statement of consequences for students under the age of
60 thirteen (13) who physically assault and seriously injure a
61 teacher or other individual on school property or at a
62 school-sponsored or school-related activity. The consequences may
63 include placement in an alternative setting.

64 (b) A clear statement of the responsibility of the
65 superintendent for coordinating the adoption and the
66 implementation of the plan, evaluating principals' performance
67 regarding school safety, monitoring and evaluating the

68 implementation of safety plans at the school level, and
69 coordinating with local law enforcement and court officials
70 appropriate aspects of implementation of the plan. The statement
71 of responsibility shall provide appropriate disciplinary
72 consequences that may occur if the superintendent fails to carry
73 out these responsibilities. These consequences may include a
74 reprimand in the superintendent's personnel file or withholding of
75 the superintendent's salary, or both.

76 (c) A clear statement of the responsibility of the
77 school principal for restoring, if necessary, and maintaining a
78 safe, secure and orderly school environment and of the
79 consequences that may occur if the principal fails to meet that
80 responsibility. The principal's duties shall include exhibiting
81 appropriate leadership for school personnel and students,
82 providing for alternative placements for students who are
83 seriously disruptive, reporting all criminal acts as required by
84 law, and providing appropriate disciplinary consequences for
85 disruptive students. The consequences to the principal that may
86 occur shall include a reprimand in the principal's personnel file
87 and disciplinary proceedings under Section 37-9-59.

88 (d) Clear statements of the roles of other
89 administrators, teachers and other school personnel in restoring,
90 if necessary, and maintaining a safe, secure and orderly school
91 environment.

92 (e) Procedures for identifying and serving the needs of
93 students who are at risk of academic failure or of engaging in
94 disruptive or disorderly behavior.

95 (f) Mechanisms for assessing the needs of disruptive
96 and disorderly students, providing them with services to assist
97 them in achieving academically and in modifying their behavior,
98 and removing them from the classroom when necessary.

99 (g) Measurable objectives for improving school safety
100 and order.

101 (h) Measures of the effectiveness of efforts to assist

102 students at risk of academic failure or of engaging in disorderly
103 or disruptive behavior.

104 (i) Professional development clearly matched to the
105 goals and objectives of the plan.

106 (j) A plan to work effectively with local law
107 enforcement officials and court officials to ensure that schools
108 are safe and laws are enforced.

109 (k) A plan to provide access to information to the
110 school community, parents and representatives of the local
111 community on the ongoing implementation of the local plan,
112 monitoring of the local plan, and the integration of educational
113 and other services for students into the total school program.

114 (l) The name and role description of the person
115 responsible for implementation of the plan.

116 (m) Direction to school improvement teams within the
117 local school administrative unit to consider the special
118 conditions at their schools and to incorporate into their school
119 improvement plans the appropriate components of the local plan for
120 maintaining safe and orderly schools.

121 (n) A clear and detailed statement of the planned use
122 of federal, state and local funds allocated for at-risk students,
123 alternative schools, or both.

124 (o) Any other information the local school board
125 considers necessary or appropriate to implement this act.

126 (4) All discipline plans of school districts shall also
127 include * * * the following:

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

132 (b) A parent, guardian or custodian of a
133 compulsory-school-age child enrolled in a public school district
134 may be requested to appear at school by an appropriate school
135 official for a conference regarding acts of the child specified in

136 paragraph (a) of this subsection, or for any other discipline
137 conference regarding the acts of the child;

138 (c) Any parent, guardian or custodian of a
139 compulsory-school-age child enrolled in a school district who
140 refuses or willfully fails to attend such discipline conference
141 specified in paragraph (b) of this section may be summoned by
142 proper notification by the superintendent of schools and be
143 required to attend such discipline conference; and

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

149 (5) Any parent, guardian or custodian of a
150 compulsory-school-age child who (a) fails to attend a discipline
151 conference to which such parent, guardian or custodian has been
152 summoned under the provisions of this section, or (b) refuses or
153 willfully fails to perform any other duties imposed upon him or
154 her under the provisions of this section, shall be guilty of a
155 misdemeanor and, upon conviction, shall be fined not to exceed Two
156 Hundred Fifty Dollars (\$250.00).

157 (6) Any public school district shall be entitled to recover
158 damages in an amount not to exceed Twenty Thousand Dollars
159 (\$20,000.00), plus necessary court costs, from the parents of any
160 minor under the age of eighteen (18) years and over the age of six
161 (6) years, who maliciously and willfully damages or destroys
162 property belonging to such school district. However, this section
163 shall not apply to parents whose parental control of such child
164 has been removed by court order or decree. The action authorized
165 in this section shall be in addition to all other actions which
166 the school district is entitled to maintain and nothing in this
167 section shall preclude recovery in a greater amount from the minor
168 or from a person, including the parents, for damages to which such
169 minor or other person would otherwise be liable.

170 SECTION 2. This act shall take effect and be in force from
171 and after July 1, 1999.