

By: Senator(s) Bean, Ferris, Farris

To: Education

## SENATE BILL NO. 2404

1 AN ACT TO AMEND SECTION 37-13-92, MISSISSIPPI CODE OF 1972,  
2 TO CLARIFY THE DISCRETION OF SCHOOL SUPERINTENDENTS IN ASSIGNING  
3 STUDENTS TO ALTERNATIVE SCHOOLS AND TO PROVIDE THAT WHEN A SCHOOL  
4 DISTRICT RECEIVES NOTICE THAT A STUDENT HAS COMMITTED AN UNLAWFUL  
5 ACT AWAY FROM SCHOOL, IT MAY ASSIGN SUCH STUDENT TO THE  
6 ALTERNATIVE SCHOOL PROGRAM; TO AMEND SECTIONS 37-9-69 AND  
7 37-7-301, MISSISSIPPI CODE OF 1972, TO AUTHORIZE SCHOOL OFFICIALS  
8 TO TAKE DISCIPLINARY ACTION AGAINST STUDENTS FOR DISORDERLY ACTS  
9 AGAINST SCHOOL EMPLOYEES WHICH OCCUR OFF THE SCHOOL PROPERTY; TO  
10 AMEND SECTION 37-11-29, MISSISSIPPI CODE OF 1972, TO REQUIRE THE  
11 REPORTING OF UNLAWFUL ACTS BY STUDENTS WHICH OCCUR OFF THE SCHOOL  
12 PROPERTY; TO AMEND SECTION 37-11-53, MISSISSIPPI CODE OF 1972, TO  
13 INCREASE THE CRIMINAL PENALTY FOR PARENTS OR GUARDIANS WHO FAIL TO  
14 ATTEND A STUDENT DISCIPLINE CONFERENCE; AND FOR RELATED PURPOSES.

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

16 SECTION 1. Section 37-13-92, Mississippi Code of 1972, is  
17 amended as follows:

18 37-13-92. (1) Beginning with the school year 1993-1994, the  
19 school boards of all school districts shall establish, maintain  
20 and operate, in connection with the regular programs of the school  
21 district, an alternative school program for, but not limited to,  
22 the following categories of compulsory-school-age students:

23 (a) Any compulsory-school-age child who has been  
24 suspended for more than ten (10) days or expelled from school,  
25 except for any student expelled for possession of a weapon or  
26 other felonious conduct; provided, however, that if the school  
27 superintendent determines in his investigation of a student for  
28 suspension or expulsion under the provisions of Section 37-9-71  
29 that the acts of the student are such as (i) to pose a threat to  
30 the safety of himself or other students and school employees, or  
31 (ii) to disrupt the educational process at the alternative school,  
32 then, subject to review by and the approval of the school board  
33 taking under consideration recommendations by the administrator of

34 the alternative school and the appropriate guidance counselor, the  
35 student may be suspended, dismissed or expelled from school;

36 (b) Any compulsory-school-age child referred to such  
37 alternative school based upon a documented need for placement in  
38 the alternative school program by the parent, legal guardian or  
39 custodian of such child due to disciplinary problems; \* \* \*

40 (c) Any compulsory-school-age child referred to such  
41 alternative school program by the dispositive order of a  
42 chancellor or youth court judge, with the consent of the  
43 superintendent of the child's school district; and

44 (d) Any compulsory-school-age child in cases where a  
45 school district receives notice that the student has committed an  
46 act away from school that is of such a nature that to continue the  
47 student in his or her regular education program would have an  
48 immediate, direct and disruptive effect on the school environment.

49 (2) The principal or program administrator of any such  
50 alternative school program shall require verification from the  
51 appropriate guidance counselor of any such child referred to the  
52 alternative school program regarding the suitability of such child  
53 for attendance at the alternative school program. Before a  
54 student may be removed to an alternative school education program,  
55 the superintendent of the student's school district must determine  
56 that the written and distributed disciplinary policy of the local  
57 district is being followed. The policy shall include standards  
58 for:

59 (a) The removal of a student to an alternative  
60 education program that will include a process of educational  
61 review to develop the student's individual instruction plan and  
62 the evaluation at regular intervals of the student's educational  
63 progress; the process shall include classroom teachers and/or  
64 other appropriate professional personnel, as defined in the  
65 district policy, to ensure a continuing educational program for  
66 the removed student;

67 (b) The duration of alternative placement; and

68 (c) The notification of parents or guardians, and their  
69 appropriate inclusion in the removal and evaluation process, as  
70 defined in the district policy. Nothing in this paragraph should  
71 be defined in a manner to circumvent the principal's or the

72 superintendent's authority to remove a student to alternative  
73 education.

74 (3) The local school board or the superintendent shall  
75 provide for the continuing education of a student who has been  
76 removed to an alternative school program.

77 (4) A school district, in its discretion, may provide a  
78 program of general educational development (GED) preparatory  
79 instruction in the alternative school program. However, any GED  
80 preparation program offered in an alternative school program must  
81 be administered in compliance with the rules and regulations  
82 established for such programs under Sections 37-35-1 through  
83 37-35-11 and by the State Board for Community and Junior Colleges.  
84 The school district may administer the General Educational  
85 Development (GED) Testing Program under the policies and  
86 guidelines of the GED Testing Service of the American Council on  
87 Education in the alternative school program or may authorize the  
88 test to be administered through the community/junior college  
89 district in which the alternative school is situated.

90 (5) Any such alternative school program operated under the  
91 authority of this section shall meet all appropriate accreditation  
92 requirements of the State Department of Education.

93 (6) The alternative school program may be held within such  
94 school district or may be operated by two (2) or more adjacent  
95 school districts, pursuant to a contract approved by the State  
96 Board of Education. When two (2) or more school districts  
97 contract to operate an alternative school program, the school  
98 board of a district designated to be the lead district shall serve  
99 as the governing board of the alternative school program.

100 Transportation for students attending the alternative school  
101 program shall be the responsibility of the local school district.

102 The expense of establishing, maintaining and operating such  
103 alternative school program may be paid from funds contributed or  
104 otherwise made available to the school district for such purpose  
105 or from local district maintenance funds.

106           (7) The State Board of Education shall promulgate minimum  
107 guidelines for alternative school programs. The guidelines shall  
108 require, at a minimum, the formulation of an individual  
109 instruction plan for each student referred to the alternative  
110 school program and, upon a determination that it is in a student's  
111 best interest for that student to receive general educational  
112 development (GED) preparatory instruction, that the local school  
113 board assign the student to a GED preparatory program established  
114 under subsection (4) of this section. The minimum guidelines for  
115 alternative school programs shall also require the following  
116 components:

117           (a) Clear guidelines and procedures for placement of  
118 students into alternative education programs which at a minimum  
119 shall prescribe due process procedures for disciplinary and  
120 general educational development (GED) placement;

121           (b) Clear and consistent goals for students and  
122 parents;

123           (c) Curricula addressing cultural and learning style  
124 differences;

125           (d) Direct supervision of all activities on a closed  
126 campus;

127           (e) Full-day attendance with a rigorous workload and  
128 minimal time off;

129           (f) Selection of program from options provided by the  
130 local school district, Division of Youth Services or the youth  
131 court, including transfer to a community-based alternative school;

132           (g) Continual monitoring and evaluation and formalized  
133 passage from one step or program to another;

134           (h) A motivated and culturally diverse staff;

135           (i) Counseling for parents and students;

136           (j) Administrative and community support for the  
137 program; and

138           (k) Clear procedures for annual alternative school  
139 program review and evaluation.

140 (8) On request of a school district, the State Department of  
141 Education shall provide the district informational material on  
142 developing an alternative school program that takes into  
143 consideration size, wealth and existing facilities in determining  
144 a program best suited to a district.

145 (9) Any compulsory-school-age child who becomes involved in  
146 any criminal or violent behavior shall be removed from such  
147 alternative school program and, if probable cause exists, a case  
148 shall be referred to the youth court.

149 (10) The State Board of Education, in its discretion, may  
150 exempt not more than four (4) school district alternative school  
151 programs in the state from any compulsory standard of  
152 accreditation for a period of three (3) years. During this  
153 period, the State Department of Education shall conduct a study of  
154 all alternative school programs in the state, and on or before  
155 January 1, 2000, shall develop and promulgate accreditation  
156 standards for all alternative school programs, including any  
157 recommendations for necessary legislation relating to such  
158 alternative school programs.

159 SECTION 2. Section 37-9-69, Mississippi Code of 1972, is  
160 amended as follows:

161 37-9-69. It shall be the duty of each superintendent,  
162 principal and teacher in the public schools of this state to  
163 enforce in the schools the courses of study prescribed by law or  
164 by the State Board of Education, to comply with the law in  
165 distribution and use of free textbooks, and to observe and enforce  
166 the statutes, rules and regulations prescribed for the operation  
167 of schools. Such superintendents, principals and teachers shall  
168 hold the pupils to strict account for disorderly conduct at  
169 school-related activities, whether on or off property, on the way  
170 to and from school, on the playgrounds, \* \* \* during recess, and  
171 for disorderly acts toward any principal, teacher, student or  
172 employee occurring on or off the school property.

173 SECTION 3. Section 37-7-301, Mississippi Code of 1972, is

174 amended as follows:

175           37-7-301. The school boards of all school districts shall  
176 have the following powers, authority and duties in addition to all  
177 others imposed or granted by law, to wit:

178           (a) To organize and operate the schools of the district  
179 and to make such division between the high school grades and  
180 elementary grades as, in their judgment, will serve the best  
181 interests of the school;

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

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

188           (d) To have responsibility for the erection, repairing  
189 and equipping of school facilities and the making of necessary  
190 school improvements;

191           (e) To suspend or to expel a pupil for misconduct at  
192 school-related activities, whether on or off school property, upon  
193 school buses, on the road to and from school, during recess or  
194 upon the school playgrounds, and for disorderly acts toward any  
195 principal, teacher, student or employee occurring on or off the  
196 school property, and to delegate such authority to the appropriate  
197 officials of the school district;

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

201           (g) To support, within reasonable limits, the  
202 superintendent, administrative superintendent, principal and  
203 teachers where necessary for the proper discipline of the school;

204           (h) To exclude from the schools students with what  
205 appears to be infectious or contagious diseases; provided,  
206 however, such student may be allowed to return to school upon  
207 presenting a certificate from a public health officer, duly

208 licensed physician or nurse practitioner that the student is free  
209 from such disease;

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

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

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

218 (l) To prescribe and enforce rules and regulations not  
219 inconsistent with law or with the regulations of the State Board  
220 of Education for their own government and for the government of  
221 the schools, and to transact their business at regular and special  
222 meetings called and held in the manner provided by law;

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

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

228 (o) To make orders directed to the superintendent of  
229 schools or administrative superintendent for the issuance of pay  
230 certificates for lawful purposes on any available funds of the  
231 district and to have full control of the receipt, distribution,  
232 allotment and disbursement of all funds provided for the support  
233 and operation of the schools of such school district whether such  
234 funds be derived from state appropriations, local ad valorem tax  
235 collections, or otherwise;

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

240 (q) To provide athletic programs and other school  
241 activities and to regulate the establishment and operation of such

242 programs and activities;

243           (r) To join, in their discretion, any association of  
244 school boards and other public school-related organizations, and  
245 to pay from local funds other than minimum foundation funds, any  
246 membership dues;

247           (s) To expend local school activity funds, or other  
248 available school district funds, other than minimum education  
249 program funds, for the purposes prescribed under this paragraph.  
250 "Activity funds" shall mean all funds received by school officials  
251 in all school districts paid or collected to participate in any  
252 school activity, such activity being part of the school program  
253 and partially financed with public funds or supplemented by public  
254 funds. The term "activity funds" shall not include any funds  
255 raised and/or expended by any organization unless commingled in a  
256 bank account with existing activity funds, regardless of whether  
257 the funds were raised by school employees or received by school  
258 employees during school hours or using school facilities, and  
259 regardless of whether a school employee exercises influence over  
260 the expenditure or disposition of such funds. Organizations shall  
261 not be required to make any payment to any school for the use of  
262 any school facility if, in the discretion of the local school  
263 governing board, the organization's function shall be deemed to be  
264 beneficial to the official or extracurricular programs of the  
265 school. For the purposes of this provision, the term  
266 "organization" shall not include any organization subject to the  
267 control of the local school governing board. Activity funds may  
268 only be expended for any necessary expenses or travel costs,  
269 including advances, incurred by students and their chaperons in  
270 attending any in-state or out-of-state school-related programs,  
271 conventions or seminars and/or any commodities, equipment, travel  
272 expenses, purchased services or school supplies which the local  
273 school governing board, in its discretion, shall deem beneficial  
274 to the official or extracurricular programs of the district,  
275 including items which may subsequently become the personal



276 property of individuals, including yearbooks, athletic apparel,  
277 book covers and trophies. Activity funds may be used to pay  
278 travel expenses of school district personnel. The local school  
279 governing board shall be authorized and empowered to promulgate  
280 rules and regulations specifically designating for what purposes  
281 school activity funds may be expended. The local school governing  
282 board shall provide (a) that such school activity funds shall be  
283 maintained and expended by the principal of the school generating  
284 the funds in individual bank accounts, or (b) that such school  
285 activity funds shall be maintained and expended by the  
286 superintendent of schools in a central depository approved by the  
287 board. The local school governing board shall provide that such  
288 school activity funds be audited as part of the annual audit  
289 required in Section 37-9-18. The State Auditor shall prescribe a  
290 uniform system of accounting and financial reporting for all  
291 school activity fund transactions;

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

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

298 (v) (i) To lease a school building from an individual,  
299 partnership, nonprofit corporation or a private for-profit  
300 corporation for the use of such school district, and to expend  
301 funds therefor as may be available from any nonminimum program  
302 sources. The school board of the school district desiring to  
303 lease a school building shall declare by resolution that a need  
304 exists for a school building and that the school district cannot  
305 provide the necessary funds to pay the cost or its proportionate  
306 share of the cost of a school building required to meet the  
307 present needs. The resolution so adopted by the school board  
308 shall be published once each week for three (3) consecutive weeks  
309 in a newspaper having a general circulation in the school district

310 involved, with the first publication thereof to be made not less  
311 than thirty (30) days prior to the date upon which the school  
312 board is to act on the question of leasing a school building. If  
313 no petition requesting an election is filed prior to such meeting  
314 as hereinafter provided, then the school board may, by resolution  
315 spread upon its minutes, proceed to lease a school building. If  
316 at any time prior to said meeting a petition signed by not less  
317 than twenty percent (20%) or fifteen hundred (1500), whichever is  
318 less, of the qualified electors of the school district involved  
319 shall be filed with the school board requesting that an election  
320 be called on the question, then the school board shall, not later  
321 than the next regular meeting, adopt a resolution calling an  
322 election to be held within such school district upon the question  
323 of authorizing the school board to lease a school building. Such  
324 election shall be called and held, and notice thereof shall be  
325 given, in the same manner for elections upon the questions of the  
326 issuance of the bonds of school districts, and the results thereof  
327 shall be certified to the school board. If at least three-fifths  
328 (3/5) of the qualified electors of the school district who voted  
329 in such election shall vote in favor of the leasing of a school  
330 building, then the school board shall proceed to lease a school  
331 building. The term of the lease contract shall not exceed twenty  
332 (20) years, and the total cost of such lease shall be either the  
333 amount of the lowest and best bid accepted by the school board  
334 after advertisement for bids or an amount not to exceed the  
335 current fair market value of the lease as determined by the  
336 averaging of at least two (2) appraisals by members of the  
337 American Institute of Real Estate Appraisers or the Society of  
338 Real Estate Appraisers. The term "school building" as used in  
339 this item (v) shall be construed to mean any building or buildings  
340 used for classroom purposes in connection with the operation of  
341 schools and shall include the site therefor, necessary support  
342 facilities, and the equipment thereof and appurtenances thereto  
343 such as heating facilities, water supply, sewage disposal,

344 landscaping, walks, drives and playgrounds. The term "lease" as  
345 used in this item (v)(i) may include a lease/purchase contract;  
346 (ii) If two (2) or more school districts propose  
347 to enter into a lease contract jointly, then joint meetings of the  
348 school boards having control may be held but no action taken shall  
349 be binding on any such school district unless the question of  
350 leasing a school building is approved in each participating school  
351 district under the procedure hereinabove set forth in item (v)(i).  
352 All of the provisions of item (v)(i) regarding the term and amount  
353 of the lease contract shall apply to the school boards of school  
354 districts acting jointly. Any lease contract executed by two (2)  
355 or more school districts as joint lessees shall set out the amount  
356 of the aggregate lease rental to be paid by each, which may be  
357 agreed upon, but there shall be no right of occupancy by any  
358 lessee unless the aggregate rental is paid as stipulated in the  
359 lease contract. All rights of joint lessees under the lease  
360 contract shall be in proportion to the amount of lease rental paid  
361 by each;

362 (w) To employ all noninstructional and noncertificated  
363 employees and fix the duties and compensation of such personnel  
364 deemed necessary pursuant to the recommendation of the  
365 superintendent of schools or the administrative superintendent;

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

368 (y) Subject to rules and regulations of the State Board  
369 of Education, to purchase, own and operate trucks, vans and other  
370 motor vehicles, which shall bear the proper identification  
371 required by law;

372 (z) To expend funds for the payment of substitute  
373 teachers and to adopt reasonable regulations for the employment  
374 and compensation of such substitute teachers;

375 (aa) To acquire in its own name by purchase all real  
376 property which shall be necessary and desirable in connection with  
377 the construction, renovation or improvement of any public school

378 building or structure. If the board shall be unable to agree with  
379 the owner of any such real property in connection with any such  
380 project, the board shall have the power and authority to acquire  
381 any such real property by condemnation proceedings pursuant to  
382 Section 11-27-1 et seq., Mississippi Code of 1972, and for such  
383 purpose, the right of eminent domain is hereby conferred upon and  
384 vested in said board. Provided further, that the local school  
385 board is authorized to grant an easement for ingress and egress  
386 over sixteenth section land or lieu land in exchange for a similar  
387 easement upon adjoining land where the exchange of easements  
388 affords substantial benefit to the sixteenth section land;  
389 provided, however, the exchange must be based upon values as  
390 determined by a competent appraiser, with any differential in  
391 value to be adjusted by cash payment. Any easement rights granted  
392 over sixteenth section land under such authority shall terminate  
393 when the easement ceases to be used for its stated purpose. No  
394 sixteenth section or lieu land which is subject to an existing  
395 lease shall be burdened by any such easement except by consent of  
396 the lessee or unless the school district shall acquire the  
397 unexpired leasehold interest affected by the easement;

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

401 (cc) Subject to rules and regulations of the State  
402 Board of Education, to purchase relocatable classrooms for the use  
403 of such school district, in the manner prescribed in Section  
404 37-1-13;

405 (dd) Enter into contracts or agreements with other  
406 school districts, political subdivisions or governmental entities  
407 to carry out one or more of the powers or duties of the school  
408 board, or to allow more efficient utilization of limited resources  
409 for providing services to the public;

410 (ee) To provide for in-service training for employees  
411 of the district. Until June 30, 1994, the school boards may

412 designate two (2) days of the minimum school term, as defined in  
413 Section 37-19-1, for employee in-service training for  
414 implementation of the new statewide testing system as developed by  
415 the State Board of Education. Such designation shall be subject  
416 to approval by the State Board of Education pursuant to uniform  
417 rules and regulations;

418 (ff) The school boards of all school districts, as part  
419 of their duties to prescribe the use of textbooks, may provide  
420 that parents and legal guardians shall be responsible for the  
421 textbooks and for the compensation to the school district for any  
422 books which are not returned to the proper schools upon the  
423 withdrawal of their dependent child. If a textbook is lost or not  
424 returned by any student who drops out of the public school  
425 district, the parent or legal guardian shall also compensate the  
426 school district for the fair market value of the textbooks;

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

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

434 (ii) Fund-raising activities conducted or  
435 authorized by the board for the sale of school pictures, the  
436 rental of caps and gowns or the sale of graduation invitations for  
437 which the school board receives a commission, rebate or fee shall  
438 contain a disclosure statement advising that a portion of the  
439 proceeds of the sales or rentals shall be contributed to the  
440 student activity fund;

441 (hh) To allow individual lessons for music, art and  
442 other curriculum-related activities for academic credit or  
443 nonacademic credit during school hours and using school equipment  
444 and facilities, subject to uniform rules and regulations adopted  
445 by the school board;

446 (ii) To charge reasonable fees for participating in an  
447 extracurricular activity for academic or nonacademic credit for  
448 necessary and required equipment such as safety equipment, band  
449 instruments and uniforms;

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

453 (kk) To exercise such powers as may be reasonably  
454 necessary to carry out the general duties and responsibilities of  
455 school boards; and

456 (ll) To expend funds for the services of nonprofit arts  
457 organizations or other such nonprofit organizations who provide  
458 performances or other services for the students of the school  
459 district.

460 SECTION 4. Section 37-11-29, Mississippi Code of 1972, is  
461 amended as follows:

462 37-11-29. (1) Any principal, teacher or other school  
463 employee who has knowledge of any unlawful activity which occurred  
464 on educational property or during a school related activity or  
465 which may have occurred shall report such activity to the  
466 superintendent of the school district, or his designee, who shall  
467 notify the appropriate law enforcement officials as required by  
468 this section. Any principal, teacher or other school employee who  
469 has knowledge of any unlawful activity by a student at a location  
470 which is not on educational property shall report such activity to  
471 the superintendent of the school district, or his designee, who  
472 shall notify the appropriate law enforcement officials as required  
473 by this section. In the event of an emergency or if the  
474 superintendent, or his designee, is unavailable, any principal may  
475 make a report required under this subsection.

476 (2) Whenever any person who shall be an enrolled student in  
477 any school or educational institution in this state supported in  
478 whole or in part by public funds, or who shall be an enrolled  
479 student in any private school or educational institution, is

480 arrested for, and lawfully charged with, the commission of any  
481 crime and convicted upon the charge for which he was arrested, or  
482 convicted of any crime charged against him after his arrest and  
483 before trial, the office or law enforcement department of which  
484 the arresting officer is a member, and the justice court judge and  
485 any circuit judge or court before whom such student is tried upon  
486 said charge or charges, shall make or cause to be made a report  
487 thereof to the superintendent or the president or chancellor, as  
488 the case may be, of the school district or other educational  
489 institution in which such student is enrolled.

490 If the charge upon which such student was arrested, or any  
491 other charges preferred against him are dismissed or nol prossed,  
492 or if upon trial he is either convicted or acquitted of such  
493 charge or charges, same shall be reported to said respective  
494 superintendent or president, or chancellor, as the case may be. A  
495 copy of said report shall be sent to the Secretary of the Board of  
496 Trustees of State Institutions of Higher Learning of the State of  
497 Mississippi, at Jackson, Mississippi.

498 Said report shall be made within one (1) week after the  
499 arrest of such student and within one (1) week after any charge  
500 placed against him is dismissed or nol prossed, and within one (1)  
501 week after he shall have pled guilty, been convicted, or have been  
502 acquitted by trial upon any charge placed against him. This  
503 section shall not apply to ordinary traffic violations involving a  
504 penalty of less than Fifty Dollars (\$50.00) and costs.

505 (3) When the superintendent, or his designee, has a  
506 reasonable belief that an act has occurred on educational property  
507 or during a school related activity involving any of the offenses  
508 set forth in subsection (6) of this section, the superintendent,  
509 or his designee, shall immediately report the act to the  
510 appropriate local law enforcement agency. For purposes of this  
511 subsection, "school property" shall include any public school  
512 building, bus, public school campus, grounds, recreational area or  
513 athletic field in the charge of the superintendent. The State

514 Board of Education shall prescribe a form for making reports  
515 required under this subsection. Any superintendent, or his  
516 designee, who fails to make a report required by this section  
517 shall be subject to the penalties provided in Section 37-11-15.

518 (4) The law enforcement authority shall immediately dispatch  
519 an officer to the educational institution and with probable cause  
520 the officer is authorized to make an arrest if necessary as  
521 provided in Section 99-3-7.

522 (5) Any superintendent, principal, teacher or other school  
523 personnel participating in the making of a required report  
524 pursuant to this section or participating in any judicial  
525 proceeding resulting therefrom shall be presumed to be acting in  
526 good faith. Any person reporting in good faith shall be immune  
527 from any civil liability that might otherwise be incurred or  
528 imposed.

529 (6) For purposes of this section, "unlawful activity" means  
530 any of the following:

531 (a) Possession or use of a deadly weapon, as defined in  
532 Section 97-37-1;

533 (b) Possession, sale or use of any controlled  
534 substance;

535 (c) Aggravated assault, as defined in Section 97-3-7;

536 (d) Simple assault, as defined in Section 97-3-7, upon  
537 any school employee;

538 (e) Rape, as defined under Mississippi law;

539 (f) Sexual battery, as defined under Mississippi law;

540 (g) Murder, as defined under Mississippi law;

541 (h) Kidnapping, as defined under Mississippi law; or

542 (i) Fondling, touching, handling, etc., a child for  
543 lustful purposes, as defined in Section 97-5-23.

544 SECTION 5. Section 37-11-53, Mississippi Code of 1972, is  
545 amended as follows:

546 37-11-53. (1) A copy of the school district's discipline  
547 plan shall be distributed to each student enrolled in the district



548 and the parents, guardian or custodian of such student shall sign  
549 a statement verifying that they have been given notice of the  
550 discipline policies of their respective school district. The  
551 school board shall have its official discipline plan legally  
552 audited on an annual basis to insure that its policies and  
553 procedures are currently in compliance with applicable statutes,  
554 case law and state and federal constitutional provisions.

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

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

561 (b) A parent, guardian or custodian of a  
562 compulsory-school-age child enrolled in a public school district  
563 may be requested to appear at school by an appropriate school  
564 official for a conference regarding acts of the child specified in  
565 paragraph (a) of this subsection, or for any other discipline  
566 conference regarding the acts of the child;

567 (c) Any parent, guardian or custodian of a  
568 compulsory-school-age child enrolled in a school district who  
569 refuses or willfully fails to attend such discipline conference  
570 specified in paragraph (b) of this section may be summoned by  
571 proper notification by the superintendent of schools and be  
572 required to attend such discipline conference; and

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

578 (3) Any parent, guardian or custodian of a student who (a)  
579 fails to attend a discipline conference to which such parent,  
580 guardian or custodian has been summoned under the provisions of  
581 this section, or (b) refuses or willfully fails to perform any

582 other duties imposed upon him or her under the provisions of this  
583 section, shall be guilty of a misdemeanor and, upon conviction,  
584 shall be fined not to exceed Five Hundred Dollars (\$500.00).

585 (4) Any public school district shall be entitled to recover  
586 damages in an amount not to exceed Twenty Thousand Dollars  
587 (\$20,000.00), plus necessary court costs, from the parents of any  
588 minor under the age of eighteen (18) years and over the age of six  
589 (6) years, who maliciously and willfully damages or destroys  
590 property belonging to such school district. However, this section  
591 shall not apply to parents whose parental control of such child  
592 has been removed by court order or decree. The action authorized  
593 in this section shall be in addition to all other actions which  
594 the school district is entitled to maintain and nothing in this  
595 section shall preclude recovery in a greater amount from the minor  
596 or from a person, including the parents, for damages to which such  
597 minor or other person would otherwise be liable.

598 SECTION 6. This act shall take effect and be in force from  
599 and after its passage.