

By: Warren

To: Education

HOUSE BILL NO. 777

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. \_\_\_\_\_, 2000 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.