

By: West

To: Education

HOUSE BILL NO. 1267

1 AN ACT TO AMEND SECTION 37-11-18, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE SCHOOL SUPERINTENDENTS TO EXAMINE INCIDENTS THAT MAY
3 WARRANT EXPULSION ON A CASE-BY-CASE BASIS BEFORE IMPOSING AN
4 EXPULSION, TO REQUIRE LOCAL SCHOOL BOARDS TO ADOPT A POLICY
5 GOVERNING EXPULSIONS AND TO REQUIRE THE STATE BOARD OF EDUCATION
6 TO ESTABLISH UNIFORM GUIDELINES GOVERNING EXPULSIONS; AND FOR
7 RELATED PURPOSES.

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

9 SECTION 1. Section 37-11-18, Mississippi Code of 1972, is
10 amended as follows:[LH1]

11 37-11-18. (1) Any student in any school who possesses any
12 controlled substance in violation of the Uniform Controlled
13 Substances Law, a knife, handgun, other firearm or any other
14 instrument considered to be dangerous and capable of causing
15 bodily harm or who commits a violent act on educational property,
16 as defined in Section 97-37-17, may be subject to * * * expulsion
17 for a calendar year by the superintendent or principal of the
18 school in which the student is enrolled; * * * however, before any
19 such expulsion is imposed, the superintendent of the school shall
20 examine the specific circumstances surrounding an incident that
21 may warrant expulsion under this section and may modify the period
22 of time for such expulsion on a case-by-case basis. Any expulsion
23 imposed under this section shall take effect immediately after the
24 superintendent's examination of the facts and circumstances
25 surrounding the incident, subject to the constitutional rights of
26 due process, including the student's right to appeal to the local
27 school board.

28 (2) The school board of each local school district shall

29 adopt, as a part of the district's written discipline plan, a
30 policy governing the expulsion of students. The policy must
31 require each incident that may warrant expulsion to be examined by
32 the superintendent of the school district before any expulsion is
33 imposed, with a thorough examination being made into the specific
34 facts and circumstances surrounding the incident. In addition,
35 the policy must include a schedule of offenses and corresponding
36 periods of expulsion which must be followed by the school district
37 superintendent absent circumstances warranting a deviation from
38 the schedule. The policy shall include such precautions as may be
39 necessary to afford the student his or her constitutional rights
40 of due process.

41 (3) The State Board of Education shall promulgate rules and
42 regulations establishing uniform guidelines governing expulsions
43 in the public schools. In adopting its policy governing
44 expulsions, the school board of each local school district shall
45 adhere to the guidelines established by the State Board of
46 Education pursuant to this section.

47 SECTION 2. This act shall take effect and be in force from
48 and after July 1, 2000.