

By: King

To: Education

SENATE BILL NO. 2100

1 AN ACT ENTITLED THE "TEACHER CLASSROOM CONTROL ACT OF 2000";
2 TO CREATE A NEW SECTION TO BE CODIFIED AS SECTION 37-11-54,
3 MISSISSIPPI CODE OF 1972, TO REQUIRE THE AUTOMATIC EXPULSION OF A
4 HABITUALLY DISRUPTIVE STUDENT ON THE THIRD OCCURRENCE OF
5 DISRUPTIVE BEHAVIOR DURING A SCHOOL YEAR, AND TO DEFINE THE TERMS
6 "DISRUPTIVE BEHAVIOR" AND "HABITUALLY DISRUPTIVE STUDENT"; TO
7 AMEND SECTION 37-11-55, MISSISSIPPI CODE OF 1972, TO REQUIRE A
8 SCHOOL'S CODE OF STUDENT CONDUCT TO BE MADE AVAILABLE TO STUDENTS
9 AND TO PRESCRIBE ADDITIONAL POLICIES THAT MUST BE INCLUDED IN
10 CODES OF STUDENT CONDUCT; TO AMEND SECTION 37-11-53, MISSISSIPPI
11 CODE OF 1972, TO REQUIRE THE PROVISIONS OF THIS ACT TO BE
12 INCORPORATED INTO EACH SCHOOL DISTRICT'S DISCIPLINE PLAN AND CODE
13 OF STUDENT CONDUCT AT THE NEXT LEGAL AUDIT OF SUCH PLAN AND TO
14 AUTHORIZE SCHOOL DISTRICTS TO ALLOW A PARENT TO ACCOMPANY THEIR
15 CHILD TO SCHOOL AS AN ALTERNATIVE TO THE CHILD'S SUSPENSION; AND
16 FOR RELATED PURPOSES.

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

18 SECTION 1. The following shall be codified as Section
19 37-11-54, Mississippi Code of 1972:

20 37-11-54. (1) This act may be cited as the "Teacher
21 Classroom Control Act of 2000."

22 (2) For the purposes of this section:

23 (a) The term "disruptive behavior" means conduct of a
24 student that is so unruly, disruptive, or abusive that it
25 seriously interferes with a school teacher's or school
26 administrator's ability to communicate with the students in a
27 classroom, with a student's ability to learn, or with the
28 operation of a school or school-sponsored activity, and which are

29 not covered by other laws related to violence, possession of
30 weapons or controlled substances on school property, school
31 vehicles or at school-related activities. Such behaviors include,
32 but are not limited to: foul, profane, obscene or abusive
33 language toward teachers or other school employees; defiance,
34 ridicule or verbal attack of a teacher; and willful, deliberate
35 and overt acts of disobedience of the directions of a teacher; and

36 (b) The term "habitually disruptive student" means a
37 student who has caused disruption in a classroom, on school
38 property or vehicles or at a school-related activity on more than
39 two (2) occasions during a school year, because of disruptive
40 behavior that was initiated, willful and overt on the part of the
41 student and which required the attention of school personnel to
42 deal with the disruption. However, no student shall be declared
43 to be a habitually disruptive student before the development of a
44 remedial discipline plan for the student in accordance with the
45 code of student conduct and discipline plans of the school
46 district.

47 (3) Any student for whom a remedial discipline plan is
48 developed by the school principal and reporting teacher who does
49 not comply with the plan shall be a habitually disruptive student
50 subject to automatic expulsion on the occurrence of the third act
51 of disruptive behavior during a school year.

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

54 37-11-55. The local school board shall adopt and make
55 available to all teachers, school personnel, students and parents
56 or guardians, at the beginning of * * * each school year * * *, a
57 code of student conduct developed in consultation with teachers,
58 school personnel, students and parents or guardians. The code
59 shall be based on the rules governing student conduct and

60 discipline adopted by the school board and shall be made available
61 at the school level in the student handbook or similar
62 publication. The code shall include, but not be limited to:

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

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

68 (c) An explanation of the responsibilities and rights
69 of students with regard to attendance, respect for persons and
70 property, knowledge and observation of rules of conduct, * * *
71 free speech and student publications, assembly, privacy and
72 participation in school programs and activities;

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

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

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

91 (g) Procedures for the development of remedial
92 discipline plans by the school principal and reporting teacher for
93 a student who causes a disruption in the classroom, on school
94 property or vehicles, or at school-related activities for a second
95 time during the school year;

96 (h) Policies and procedures for the use of acts of
97 reasonable and appropriate physical intervention or force in
98 dealing with disruptive students; and

99 (i) Policies and procedures specifically concerning
100 gang-related activities in the school, on school property or
101 vehicles, or at school-related activities.

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

104 37-11-53. (1) A copy of the school district's discipline
105 plan shall be distributed to each student enrolled in the
106 district, and the parents, guardian or custodian of such student
107 shall sign a statement verifying that they have been given notice
108 of the discipline policies of their respective school district.
109 The school board shall have its official discipline plan and code
110 of student conduct legally audited on an annual basis to insure
111 that its policies and procedures are currently in compliance with
112 applicable statutes, case law and state and federal constitutional
113 provisions. As part of the legal audit first occurring after the
114 effective date of Senate Bill No. _____, 2000 Regular Session, the
115 provisions of this section and Sections 37-11-54 and 37-11-55

116 shall be fully incorporated into the school district's discipline
117 plan and code of student conduct.

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

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

124 (b) A parent, guardian or custodian of a
125 compulsory-school-age child enrolled in a public school district
126 may be requested to appear at school by an appropriate school
127 official for a conference regarding acts of the child specified in
128 paragraph (a) of this subsection, or for any other discipline
129 conference regarding the acts of the child;

130 (c) Any parent, guardian or custodian of a
131 compulsory-school-age child enrolled in a school district who
132 refuses or willfully fails to attend such discipline conference
133 specified in paragraph (b) of this section may be summoned by
134 proper notification by the superintendent of schools and be
135 required to attend such discipline conference; and

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

141 (3) Any parent, guardian or custodian of a
142 compulsory-school-age child who (a) fails to attend a discipline
143 conference to which such parent, guardian or custodian has been

144 summoned under the provisions of this section, or (b) refuses or
145 willfully fails to perform any other duties imposed upon him or
146 her under the provisions of this section, shall be guilty of a
147 misdemeanor and, upon conviction, shall be fined not to exceed Two
148 Hundred Fifty Dollars (\$250.00).

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

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

172 SECTION 4. This act shall take effect and be in force from
173 and after July 1, 2000.