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To: Education;
Appropriations

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2528

1 AN ACT ENTITLED THE "MISSISSIPPI SCHOOL SAFETY ACT OF 2000";
2 TO AMEND SECTIONS 37-3-81 AND 37-11-53, MISSISSIPPI CODE OF 1972,
3 TO DIRECT THE STATE DEPARTMENT OF EDUCATION IN COLLABORATION WITH
4 THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING TO
5 ESTABLISH A SCHOOL SAFETY CENTER TO PROVIDE TECHNICAL AND CRISIS
6 ASSISTANCE TO SCHOOL DISTRICTS AND TO REQUIRE LOCAL SCHOOL
7 DISTRICTS TO ADOPT COMPREHENSIVE SCHOOL SAFETY PLANS; TO ESTABLISH
8 A SCHOOL CRISIS MANAGEMENT PROGRAM WITHIN THE STATE DEPARTMENT OF
9 EDUCATION, TO PROVIDE FOR A TEAM OF PROFESSIONAL INDIVIDUALS TO
10 RESPOND TO TRAUMATIC OR VIOLENT SITUATIONS THAT IMPACT STUDENTS
11 AND FACULTY IN THE PUBLIC SCHOOLS; TO PROVIDE PROCEDURES FOR THE
12 OPERATION OF THE PROGRAM AND TO AUTHORIZE FUNDING FOR THE PROGRAM;
13 TO CODIFY SECTION 37-11-54, MISSISSIPPI CODE OF 1972, TO DIRECT
14 THE STATE BOARD OF EDUCATION TO DEVELOP CONFLICT RESOLUTION AND
15 PEER MEDIATION MODELS AND CURRICULA IN THE PUBLIC SCHOOLS; TO
16 AMEND SECTION 37-11-18, MISSISSIPPI CODE OF 1972, TO ALLOW THE
17 PERIOD OF EXPULSION REQUIRED FOR STUDENTS POSSESSING A WEAPON OR
18 CONTROLLED SUBSTANCE OR COMMITTING A VIOLENT ACT ON EDUCATIONAL
19 PROPERTY TO BE LESS THAN A CALENDAR YEAR; TO AMEND SECTION
20 37-13-92, MISSISSIPPI CODE OF 1972, TO REQUIRE THE STATE
21 DEPARTMENT OF EDUCATION TO DEVELOP A RISK ASSESSMENT PROCEDURE FOR
22 STUDENTS REFERRED TO ALTERNATIVE SCHOOL PROGRAMS, TO PRESCRIBE
23 ADDITIONAL COMPONENTS THAT MUST BE INCLUDED IN ALTERNATIVE SCHOOL
24 PROGRAMS, TO REQUIRE PERSONNEL IN ALTERNATIVE SCHOOLS TO BE
25 TRAINED IN DISCIPLINE TECHNIQUES, AND TO REQUIRE THE STATE
26 DEPARTMENT OF EDUCATION TO SUBMIT VARIOUS REPORTS TO THE
27 LEGISLATURE CONCERNING ALTERNATIVE SCHOOL PROGRAMS; TO AMEND
28 SECTION 37-13-181, MISSISSIPPI CODE OF 1972, TO PRESCRIBE CERTAIN
29 COMPONENTS OF THE CHARACTER EDUCATION PROGRAMS IN THE PUBLIC
30 SCHOOLS; AND FOR RELATED PURPOSES.

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

32 SECTION 1. This act shall be known and may be cited as the
33 "Mississippi School Safety Act of 2000."

34 SECTION 2. Section 37-3-81, Mississippi Code of 1972, is
35 amended as follows:

36 37-3-81. (1) The Department of Education, in collaboration
37 with the Board of Trustees of State Institutions of Higher
38 Learning, shall establish and maintain a School Safety Center,
39 which shall operate a statewide information clearinghouse that (a)
40 provides assistance to school districts and communities during

41 school crisis; and (b) provides technical assistance, training and
42 current resources to public school officials and parents who need
43 assistance in researching, developing and implementing school
44 safety plans and in maintaining a safe school environment.

45 (2) The school board of each school district shall, with the
46 assistance of the Department of Education School Safety Center,
47 adopt a comprehensive local school district school safety plan,
48 and update the plan on an annual basis. The local school district
49 safety plan shall be developed by a task force appointed by the
50 local school board which shall include, but not be limited to,
51 representatives of the following: law enforcement, parents,
52 teachers, school counselors, school administrators, physical plant
53 managers, emergency management personnel, the media and the
54 clergy.

55 (3) The State Department of Education shall annually report
56 to the Speaker of the House of Representatives and the Lieutenant
57 Governor on the operation of the School Safety Center, and the
58 status of local school district school safety plans, with any
59 recommendations for expansion or revision of the program.

60 SECTION 3. Section 37-11-53, Mississippi Code of 1972, is
61 amended as follows:[CR1]

62 37-11-53. (1) A copy of the school district's discipline
63 plan shall be distributed to each student enrolled in the district
64 and the parents, guardian or custodian of such student shall sign
65 a statement verifying that they have been given notice of the
66 discipline policies of their respective school district. The
67 school district's discipline plan will include the annual local
68 school district school safety plan adopted pursuant to Section
69 37-3-83(2), in a form which will inform parents, law enforcement,
70 emergency management personnel and others of procedures to be
71 taken in the event of school violence or crisis situations. The
72 school board shall have its official discipline plan legally
73 audited on an annual basis to insure that its policies and
74 procedures are currently in compliance with applicable statutes,
75 case law and state and federal constitutional provisions.

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

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

82 (b) A parent, guardian or custodian of a
83 compulsory-school-age child enrolled in a public school district
84 may be requested to appear at school by an appropriate school
85 official for a conference regarding acts of the child specified in
86 paragraph (a) of this subsection, or for any other discipline
87 conference regarding the acts of the child;

88 (c) Any parent, guardian or custodian of a
89 compulsory-school-age child enrolled in a school district who
90 refuses or willfully fails to attend such discipline conference
91 specified in paragraph (b) of this section may be summoned by
92 proper notification by the superintendent of schools and be
93 required to attend such discipline conference; and

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

99 (3) Any parent, guardian or custodian of a
100 compulsory-school-age child who (a) fails to attend a discipline
101 conference to which such parent, guardian or custodian has been
102 summoned under the provisions of this section, or (b) refuses or
103 willfully fails to perform any other duties imposed upon him or
104 her under the provisions of this section, shall be guilty of a
105 misdemeanor and, upon conviction, shall be fined not to exceed Two
106 Hundred Fifty Dollars (\$250.00).

107 (4) Any public school district shall be entitled to recover
108 damages in an amount not to exceed Twenty Thousand Dollars
109 (\$20,000.00), plus necessary court costs, from the parents of any
110 minor under the age of eighteen (18) years and over the age of six

111 (6) years, who maliciously and willfully damages or destroys
112 property belonging to such school district. However, this section
113 shall not apply to parents whose parental control of such child
114 has been removed by court order or decree. The action authorized
115 in this section shall be in addition to all other actions which
116 the school district is entitled to maintain and nothing in this
117 section shall preclude recovery in a greater amount from the minor
118 or from a person, including the parents, for damages to which such
119 minor or other person would otherwise be liable.

120 SECTION 4. (1) There is established a School Crisis
121 Management Program which shall be attached to the State Department
122 of Education. Under this program, the State Department of
123 Education shall establish a rapid response team of personnel
124 trained in school safety and crisis management, to respond to
125 traumatic or violent situations that impact students and faculty
126 in the public schools in Mississippi. The School Crisis
127 Management Program shall meet the following conditions:

128 (a) The basic rapid response team shall consist of
129 those personnel designated by the State Superintendent of
130 Education or his designee depending on the size of the school and
131 the nature of the event, including, but not limited to, school
132 counselors, school social workers, school psychologists, clergy
133 and psychiatrists.

134 (b) In order to access the services of a response team,
135 the request shall be made by the local school principal or the
136 superintendent of schools who shall make the request to the State
137 Department of Education, or its contact designee.

138 (c) The requesting school or school district shall
139 commit student time to the response team during the school day
140 either individually or in groups.

141 (d) A response team shall enter a school to work with
142 students and faculty for no more than a three-day period, unless
143 otherwise requested by the school district.

144 (e) Rapid response teams shall be organized on a
145 regional basis in order to provide immediate access to these
146 services.

147 (f) The State Department of Education, or its contact
148 designee, shall operate a toll-free incoming wide area telephone
149 service for the purpose of reporting suspected cases of school
150 violence, and other traumatic situations impacting on students and
151 faculty in the public schools.

152 (g) Subject to the availability of funds specifically
153 appropriated therefor by the Legislature, the expenses of the
154 rapid response teams and their administrative support shall be
155 provided from state funds, and the State Department of Education
156 may apply for and expend funds for the support and maintenance of
157 this program from private and other funding sources.

158 (2) Local school districts, school superintendents and
159 principals shall be fully authorized to request and utilize the
160 services of rapid response teams provided for under this section.

161 This section shall not be construed to require school officials
162 to request the services of rapid response teams provided for under
163 this section.

164 SECTION 5. The following provision shall be codified as
165 Section 37-11-54, Mississippi Code of 1972.

166 37-11-54. The State Board of Education shall develop a list
167 of recommended conflict resolution and mediation materials,
168 models, and curricula that address responsible decision making,
169 the causes and effects of school violence and harassment, cultural
170 diversity, and nonviolent methods for resolving conflict,
171 including peer mediation, and shall make the list available to
172 local school administrative units and school buildings by the
173 beginning of the 2001-2002 school year. In developing this list
174 the board shall emphasize materials, models and curricula that
175 currently are being used in Mississippi and that the board
176 determines to be effective. The board shall include at least one

177 (1) model that includes instruction and guidance for the voluntary
178 implementation of peer mediation programs and one (1) model that
179 provides instruction and guidance for teachers concerning the
180 integration of conflict resolution and mediation lessons into the
181 existing classroom curriculum.

182 SECTION 6. Section 37-11-18, Mississippi Code of 1972, is
183 amended as follows:[LH2]

184 37-11-18. Any student in any school who possesses any
185 controlled substance in violation of the Uniform Controlled
186 Substances Law, a knife, handgun, other firearm or any other
187 instrument considered to be dangerous and capable of causing
188 bodily harm or who commits a violent act on educational property,
189 as defined in Section 97-37-17, shall be subject to automatic
190 expulsion for up to a calendar year by the superintendent or
191 principal of the school in which the student is enrolled;
192 provided, however, that the superintendent of the school shall be
193 authorized to modify the period of time for such expulsion on a
194 case by case basis. Such expulsion shall take effect immediately
195 subject to the constitutional rights of due process, which shall
196 include the student's right to appeal to the local school board.

197 SECTION 7. Section 37-13-92, Mississippi Code of 1972, is
198 amended as follows:

199 37-13-92. (1) * * * The school boards of all school
200 districts shall establish, maintain and operate, in connection
201 with the regular programs of the school district, an alternative
202 school program for, but not limited to, the following categories
203 of compulsory-school-age students:

204 (a) Any compulsory-school-age child who has been
205 suspended for more than ten (10) days or expelled from school,
206 except for any student expelled for possession of a weapon or
207 other felonious conduct;

208 (b) Any compulsory-school-age child referred to such
209 alternative school based upon a documented need for placement in

210 the alternative school program by the parent, legal guardian or
211 custodian of such child due to disciplinary problems; and

212 (c) Any compulsory-school-age child referred to such
213 alternative school program by the dispositive order of a
214 chancellor or youth court judge, with the consent of the
215 superintendent of the child's school district.

216 (2) The principal or program administrator of any such
217 alternative school program shall require verification from the
218 appropriate guidance counselor of any such child referred to the
219 alternative school program regarding the suitability of such child
220 for attendance at the alternative school program. Before a
221 student may be removed to an alternative school education program,
222 the superintendent of the student's school district must determine
223 that the written and distributed disciplinary policy of the local
224 district is being followed. The policy shall include standards
225 for:

226 (a) The removal of a student to an alternative
227 education program that will include a process of educational
228 review to develop the student's individual instruction plan and
229 the evaluation at regular intervals of the student's educational
230 progress; the process shall include classroom teachers and/or
231 other appropriate professional personnel, as defined in the
232 district policy, to ensure a continuing educational program for
233 the removed student;

234 (b) The duration of alternative placement; and

235 (c) The notification of parents or guardians, and their
236 appropriate inclusion in the removal and evaluation process, as
237 defined in the district policy. Nothing in this paragraph should
238 be defined in a manner to circumvent the principal's or the
239 superintendent's authority to remove a student to alternative
240 education.

241 (3) The State Department of Education shall develop a risk
242 assessment procedure and appropriate forms to be used with each

243 child referred to the alternative school program. The risk
244 assessment procedure shall include a review of the following
245 information:

246 (a) The child's results on the most recent standardized
247 tests;

248 (b) The child's grade level achievement in reading and
249 mathematics;

250 (c) Recommendations of the child's teacher or teachers
251 concerning an individual instruction plan for the child; and

252 (d) A history of the child's behavioral problems.

253 (4) The local school board or the superintendent shall
254 provide for the continuing education of a student who has been
255 removed to an alternative school program.

256 (5) A school district, in its discretion, may provide a
257 program of general educational development (GED) preparatory
258 instruction in the alternative school program. However, any GED
259 preparation program offered in an alternative school program must
260 be administered in compliance with the rules and regulations
261 established for such programs under Sections 37-35-1 through
262 37-35-11 and by the State Board for Community and Junior Colleges.
263 The school district may administer the General Educational
264 Development (GED) Testing Program under the policies and
265 guidelines of the GED Testing Service of the American Council on
266 Education in the alternative school program or may authorize the
267 test to be administered through the community/junior college
268 district in which the alternative school is situated.

269 (6) Any such alternative school program operated under the
270 authority of this section shall meet all appropriate accreditation
271 requirements of the State Department of Education.

272 (7) The alternative school program may be held within such
273 school district or may be operated by two (2) or more adjacent
274 school districts, pursuant to a contract approved by the State
275 Board of Education. When two (2) or more school districts

276 contract to operate an alternative school program, the school
277 board of a district designated to be the lead district shall serve
278 as the governing board of the alternative school program.

279 Transportation for students attending the alternative school
280 program shall be the responsibility of the local school district.

281 The expense of establishing, maintaining and operating such
282 alternative school program may be paid from funds contributed or
283 otherwise made available to the school district for such purpose
284 or from local district maintenance funds.

285 (8) The State Board of Education shall promulgate minimum
286 guidelines for alternative school programs. The guidelines shall
287 require, at a minimum, the formulation of an individual
288 instruction plan for each student referred to the alternative
289 school program and, upon a determination that it is in a student's
290 best interest for that student to receive general educational
291 development (GED) preparatory instruction, that the local school
292 board assign the student to a GED preparatory program established
293 under subsection (5) of this section. The minimum guidelines for
294 alternative school programs shall also require that the following
295 components be made available to students through the school or
296 through referral to appropriate service providers:

297 (a) Clear guidelines and procedures for placement of
298 students into alternative education programs which at a minimum
299 shall prescribe due process procedures for disciplinary and
300 general educational development (GED) placement;

301 (b) Clear and consistent goals for students and
302 parents;

303 (c) Curricula addressing cultural and learning style
304 differences;

305 (d) Direct supervision of all activities on a closed
306 campus;

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

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

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

314 (h) A motivated and culturally diverse staff;

315 (i) Counseling services for parents and students;

316 (j) Alcohol and drug treatment, if needed;

317 (k) Socio-interaction analysis and intervention;

318 (l) Values clarification instruction;

319 (m) Academic and work goals development;

320 (n) Intensive instruction in reading and mathematics,
321 if needed;

322 (o) Behavior modification plans;

323 (p) Assistance from other public agencies, as needed;

324 (q) Mentoring;

325 (r) Goals for returning to the ordinary classroom or
326 workforce;

327 (s) Exit strategy that includes a complete report of
328 the outcome of a student's alternative program placement for the
329 student's cumulative school record;

330 (t) Continued monitoring for no less than one (1) year
331 following release from the program;

332 (u) Administrative and community support for the
333 program; and

334 (v) Clear procedures for annual alternative school
335 program review and evaluation. Payment for any services not
336 provided by the school shall be the responsibility of the
337 parent(s) or guardian of the child.

338 (9) On request of a school district, the State Department of
339 Education shall provide the district informational material on
340 developing an alternative school program that takes into
341 consideration size, wealth and existing facilities in determining

342 a program best suited to a district.

343 (10) Any compulsory-school-age child who becomes involved in
344 any criminal or violent behavior shall be removed from such
345 alternative school program and, if probable cause exists, a case
346 shall be referred to the youth court.

347 (11) The State Board of Education, in its discretion, may
348 exempt not more than four (4) school district alternative school
349 programs in the state from any compulsory standard of
350 accreditation for a period of three (3) years. During this
351 period, the State Department of Education shall conduct a study of
352 all alternative school programs in the state, and on or before
353 January 1, 2000, shall develop and promulgate accreditation
354 standards for all alternative school programs, including any
355 recommendations for necessary legislation relating to such
356 alternative school programs.

357 (12) The State Department of Education shall develop a
358 program to assure that all personnel assigned to alternative
359 school programs have had training in current discipline and
360 behavior modification techniques to adequately address the
361 specific problems associated with students assigned to the
362 alternative school program. In addition, the department shall
363 develop a recruitment program to attract highly qualified and
364 highly motivated administrators and teachers for alternative
365 school programs.

366 (13) The State Department of Education shall prepare a
367 report to be submitted to the Legislature in January of each year
368 on the status of each alternative school program in the state.
369 The report shall include, but not be limited to, the following
370 information:

371 (a) The number of students assigned to each alternative
372 school program;

373 (b) Pertinent data on students as indicated on risk
374 assessments;

375 (c) The number of personnel assigned to the alternative
376 school programs, including licensure, experience and training
377 levels;

378 (d) Progress reports, including specific
379 recommendations and problems with the alternative school programs
380 which need to be addressed; and

381 (e) Follow through data on students exiting the
382 alternative school programs.

383 In addition, the initial report also shall include the
384 feasibility of having each alternative school program designated
385 or conducted as a charter school, or managed according to charter
386 school concepts and procedures.

387 (14) The State Department of Education shall research the
388 opinions of Mississippi public school teachers concerning the
389 impact of inclusion on the discipline problems of nonspecial
390 education classroom teachers. Based upon such research, the
391 department shall prepare and submit a report of its findings to
392 the Legislature in January 2001.

393 SECTION 8. Section 37-13-181, Mississippi Code of 1972, is
394 amended as follows:[CR3]

395 37-13-181. The local school boards of the public school
396 districts, in their discretion, may develop and implement, at the
397 beginning of the 1999-2000 school year, a comprehensive program
398 for character education in Grades K-12. The definition of the
399 character traits chosen by the school district for implementation
400 shall reflect and be in keeping with both the spirit and the
401 letter of the following founding documents: the Mississippi
402 Constitution of 1890; the Constitution of the United States of
403 America; the Declaration of Independence; and state and federal
404 law. A public school may not define or teach character or
405 character traits in any manner that might promote or encourage
406 students to participate in conduct that would violate any state or
407 federal law. This program of character education shall focus on

408 students' development of the following character traits: courage,
409 patriotism, citizenship, honesty, pride in quality work, fairness,
410 respect for and obedience to the law, respect for others,
411 kindness, cooperation, self-respect, self-control, courtesy,
412 compassion, diligence, generosity, punctuality, cleanliness,
413 cheerfulness, school pride, respect for the environment, patience,
414 creativity, sportsmanship, loyalty and perseverance. Said program
415 of character education shall include the Pledge of Allegiance to
416 the flag as required in Section 37-13-7, Mississippi Code of 1972.

417 SECTION 9. This act shall take effect and be in force from
418 and after July 1, 2000.