

*****Adopted*****

AMENDMENT No. 1 PROPOSED TO

House Bill NO. 902

By Senator(s) Committee

53 Amend by striking all after the enacting clause and inserting
54 in lieu thereof the following:

55

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

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

60 37-3-81. (1) The Department of Education, in collaboration
61 with the Board of Trustees of State Institutions of Higher
62 Learning, shall establish and maintain a School Safety Center,
63 which shall operate a statewide information clearinghouse that (a)
64 provides assistance to school districts and communities during
65 school crisis; and (b) provides technical assistance, training and
66 current resources to public school officials and parents who need
67 assistance in researching, developing and implementing school
68 safety plans and in maintaining a safe school environment.

69 (2) The school board of each school district shall, with the
70 assistance of the Department of Education School Safety Center,
71 adopt a comprehensive local school district school safety plan,
72 and update the plan on an annual basis. The local school district
73 safety plan shall be developed by a task force appointed by the
74 local school board which shall include, but not be limited to,
75 representatives of the following: law enforcement, parents,

76 teachers, school counselors, school administrators, physical plant
77 managers, emergency management personnel, the media and the
78 clergy.

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

84 SECTION 3. The following shall be codified as Section
85 37-11-54, Mississippi Code of 1972:

86 37-11-54. (1) This section may be cited as the "Teacher
87 Classroom Control Act of 2000."

88 (2) For the purposes of this section:

89 (a) The term "disruptive behavior" means conduct of a
90 student that is so unruly, disruptive, or abusive that it
91 seriously interferes with a school teacher's or school
92 administrator's ability to communicate with the students in a
93 classroom, with a student's ability to learn, or with the
94 operation of a school or school-sponsored activity, and which are
95 not covered by other laws related to violence, possession of
96 weapons or controlled substances on school property, school
97 vehicles or at school-related activities. Such behaviors include,
98 but are not limited to: foul, profane, obscene or abusive
99 language toward teachers or other school employees; defiance,
100 ridicule or verbal attack of a teacher; and willful, deliberate
101 and overt acts of disobedience of the directions of a teacher; and

102 (b) The term "habitually disruptive student" means a
103 student who has caused disruption in a classroom, on school
104 property or vehicles or at a school-related activity on more than
105 two (2) occasions during a school year, because of disruptive
106 behavior that was initiated, willful and overt on the part of the
107 student and which required the attention of school personnel to
108 deal with the disruption. However, no student shall be declared
109 to be a habitually disruptive student before the development of a
110 remedial discipline plan for the student in accordance with the

111 code of student conduct and discipline plans of the school
112 district.

113 (3) Any student for whom a remedial discipline plan is
114 developed by the school principal and reporting teacher who does
115 not comply with the plan shall be a habitually disruptive student
116 subject to automatic expulsion or referral to the alternative
117 school program on the occurrence of the third act of disruptive
118 behavior during a school year.

119 SECTION 4. Section 37-11-55, Mississippi Code of 1972, is
120 amended as follows:

121 37-11-55. The local school board shall adopt and make
122 available to all teachers, school personnel, students and parents
123 or guardians, at the beginning of * * * each school year * * *, a
124 code of student conduct developed in consultation with teachers,
125 school personnel, students and parents or guardians. The code
126 shall be based on the rules governing student conduct and
127 discipline adopted by the school board and shall be made available
128 at the school level in the student handbook or similar
129 publication. The code shall include, but not be limited to:

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

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

135 (c) An explanation of the responsibilities and rights
136 of students with regard to attendance, respect for persons and
137 property, knowledge and observation of rules of conduct, * * *
138 free speech and student publications, assembly, privacy and
139 participation in school programs and activities;

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

143 (e) Policies and procedures recognizing the teacher as
144 the authority in classroom matters, and supporting that teacher in
145 any decision in compliance with the written discipline code of

146 conduct; such recognition shall include the right of the teacher
147 to remove from the classroom any student who, in the professional
148 judgment of the teacher, is disrupting the learning environment,
149 to a facility within the school where the student will remain
150 until the parent, guardian or custodian of the student is
151 notified. The student may not be returned to the classroom until
152 a conference has been held with the parent, guardian or custodian
153 during which the disrupting behavior is discussed and agreements
154 are reached that no further disruption will be tolerated;

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

158 (g) Procedures for the development of remedial
159 discipline plans by the school principal and reporting teacher for
160 a student who causes a disruption in the classroom, on school
161 property or vehicles, or at school-related activities for a second
162 time during the school year; and

163 (h) Policies and procedures for the use of acts of
164 reasonable and appropriate physical intervention or force in
165 dealing with disruptive students.

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

168 37-11-53. (1) A copy of the school district's discipline
169 plan shall be distributed to each student enrolled in the
170 district, and the parents, guardian or custodian of such student
171 shall sign a statement verifying that they have been given notice
172 of the discipline policies of their respective school district.
173 The school district's discipline plan will include the annual
174 local school district school safety plan adopted pursuant to
175 Section 37-3-83(2), in a form which will inform parents, law
176 enforcement, emergency management personnel and others of
177 procedures to be taken in the event of school violence or crisis
178 situations. The school board shall have its official discipline
179 plan and code of student conduct legally audited on an annual
180 basis to insure that its policies and procedures are currently in

181 compliance with applicable statutes, case law and state and
182 federal constitutional provisions. As part of the legal audit
183 first occurring after July 1, 2000, the provisions of this section
184 and Sections 37-11-54 and 37-11-55 shall be fully incorporated
185 into the school district's discipline plan and code of student
186 conduct.

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

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

193 (b) A parent, guardian or custodian of a
194 compulsory-school-age child enrolled in a public school district
195 may be requested to appear at school by an appropriate school
196 official for a conference regarding acts of the child specified in
197 paragraph (a) of this subsection, or for any other discipline
198 conference regarding the acts of the child;

199 (c) Any parent, guardian or custodian of a
200 compulsory-school-age child enrolled in a school district who
201 refuses or willfully fails to attend such discipline conference
202 specified in paragraph (b) of this section may be summoned by
203 proper notification by the superintendent of schools and be
204 required to attend such discipline conference; and

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

210 (3) Any parent, guardian or custodian of a
211 compulsory-school-age child who (a) fails to attend a discipline
212 conference to which such parent, guardian or custodian has been
213 summoned under the provisions of this section, or (b) refuses or
214 willfully fails to perform any other duties imposed upon him or
215 her under the provisions of this section, shall be guilty of a

216 misdemeanor and, upon conviction, shall be fined not to exceed Two
217 Hundred Fifty Dollars (\$250.00).

218 (4) Any public school district shall be entitled to recover
219 damages in an amount not to exceed Twenty Thousand Dollars
220 (\$20,000.00), plus necessary court costs, from the parents of any
221 minor under the age of eighteen (18) years and over the age of six
222 (6) years, who maliciously and willfully damages or destroys
223 property belonging to such school district. However, this section
224 shall not apply to parents whose parental control of such child
225 has been removed by court order or decree. The action authorized
226 in this section shall be in addition to all other actions which
227 the school district is entitled to maintain and nothing in this
228 section shall preclude recovery in a greater amount from the minor
229 or from a person, including the parents, for damages to which such
230 minor or other person would otherwise be liable.

231 (5) A school district's discipline plan may provide that as
232 an alternative to suspension, a student may remain in school by
233 having the parent, guardian or custodian, with the consent of the
234 student's teacher or teachers, attend class with the student for a
235 period of time specifically agreed upon by the reporting teacher
236 and school principal. If the parent, guardian or custodian does
237 not agree to attend class with the student or fails to attend
238 class with the student, the student shall be suspended in
239 accordance with the code of student conduct and discipline
240 policies of the school district.

241 SECTION 6. (1) There is established a School Crisis
242 Management Program which shall be attached to the State Department
243 of Education. Under this program, the State Department of
244 Education shall establish a rapid response team of personnel
245 trained in school safety and crisis management, to respond to
246 traumatic or violent situations that impact students and faculty
247 in the public schools in Mississippi. The School Crisis
248 Management Program shall meet the following conditions:

249 (a) The basic rapid response team shall consist of
250 those personnel designated by the State Superintendent of

251 Education or his designee depending on the size of the school and
252 the nature of the event, including, but not limited to, school
253 counselors, school social workers, school psychologists, clergy
254 and psychiatrists.

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

259 (c) The requesting school or school district shall
260 commit student time to the response team during the school day
261 either individually or in groups.

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

265 (e) Rapid response teams shall be organized on a
266 regional basis in order to provide immediate access to these
267 services.

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

273 (g) Subject to the availability of funds specifically
274 appropriated therefor by the Legislature, the expenses of the
275 rapid response teams and their administrative support shall be
276 provided from state funds, and the State Department of Education
277 may apply for and expend funds for the support and maintenance of
278 this program from private and other funding sources.

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

282 This section shall not be construed to require school officials
283 to request the services of rapid response teams provided for under
284 this section.

285 SECTION 7. The following provision shall be codified as

286 Section 37-11-54, Mississippi Code of 1972.

287 37-11-54. The State Board of Education shall develop a list
288 of recommended conflict resolution and mediation materials,
289 models, and curricula that address responsible decision making,
290 the causes and effects of school violence and harassment, cultural
291 diversity, and nonviolent methods for resolving conflict,
292 including peer mediation, and shall make the list available to
293 local school administrative units and school buildings by the
294 beginning of the 2001-2002 school year. In developing this list
295 the board shall emphasize materials, models and curricula that
296 currently are being used in Mississippi and that the board
297 determines to be effective. The board shall include at least one
298 (1) model that includes instruction and guidance for the voluntary
299 implementation of peer mediation programs and one (1) model that
300 provides instruction and guidance for teachers concerning the
301 integration of conflict resolution and mediation lessons into the
302 existing classroom curriculum.

303 SECTION 8. Section 37-11-18, Mississippi Code of 1972, is
304 amended as follows:

305 37-11-18. Any student in any school who possesses any
306 controlled substance in violation of the Uniform Controlled
307 Substances Law, a knife, handgun, other firearm or any other
308 instrument considered to be dangerous and capable of causing
309 bodily harm or who commits a violent act on educational property,
310 as defined in Section 97-37-17, shall be subject to automatic
311 expulsion for up to a calendar year by the superintendent or
312 principal of the school in which the student is enrolled;
313 provided, however, that the superintendent of the school shall be
314 authorized to modify the period of time for such expulsion on a
315 case by case basis. Such expulsion shall take effect immediately
316 subject to the constitutional rights of due process, which shall
317 include the student's right to appeal to the local school board.

318 SECTION 9. Section 37-13-92, Mississippi Code of 1972, is
319 amended as follows:

320 37-13-92. (1) * * * The school boards of all school

321 districts shall establish, maintain and operate, in connection
322 with the regular programs of the school district, an alternative
323 school program for, but not limited to, the following categories
324 of compulsory-school-age students:

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

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

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

337 (d) Any compulsory-school-age child whose presence in
338 the classroom, in the determination of the school superintendent
339 or principal, is a disruption to the educational environment of
340 the school or a detriment to the best interest and welfare of the
341 students and teacher of such class as a whole.

342 (2) The principal or program administrator of any such
343 alternative school program shall require verification from the
344 appropriate guidance counselor of any such child referred to the
345 alternative school program regarding the suitability of such child
346 for attendance at the alternative school program. Before a
347 student may be removed to an alternative school education program,
348 the superintendent of the student's school district must determine
349 that the written and distributed disciplinary policy of the local
350 district is being followed. The policy shall include standards
351 for:

352 (a) The removal of a student to an alternative
353 education program that will include a process of educational
354 review to develop the student's individual instruction plan and
355 the evaluation at regular intervals of the student's educational

356 progress; the process shall include classroom teachers and/or
357 other appropriate professional personnel, as defined in the
358 district policy, to ensure a continuing educational program for
359 the removed student;

360 (b) The duration of alternative placement; and

361 (c) The notification of parents or guardians, and their
362 appropriate inclusion in the removal and evaluation process, as
363 defined in the district policy. Nothing in this paragraph should
364 be defined in a manner to circumvent the principal's or the
365 superintendent's authority to remove a student to alternative
366 education.

367 (3) The State Department of Education shall develop a risk
368 assessment procedure and appropriate forms to be used with each
369 child referred to the alternative school program. The risk
370 assessment procedure shall include a review of the following
371 information:

372 (a) The child's results on the most recent standardized
373 tests;

374 (b) The child's grade level achievement in reading and
375 mathematics;

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

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

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

382 (5) A school district, in its discretion, may provide a
383 program of general educational development (GED) preparatory
384 instruction in the alternative school program. However, any GED
385 preparation program offered in an alternative school program must
386 be administered in compliance with the rules and regulations
387 established for such programs under Sections 37-35-1 through
388 37-35-11 and by the State Board for Community and Junior Colleges.
389 The school district may administer the General Educational
390 Development (GED) Testing Program under the policies and

391 guidelines of the GED Testing Service of the American Council on
392 Education in the alternative school program or may authorize the
393 test to be administered through the community/junior college
394 district in which the alternative school is situated.

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

398 (7) The alternative school program may be held within such
399 school district or may be operated by two (2) or more adjacent
400 school districts, pursuant to a contract approved by the State
401 Board of Education. When two (2) or more school districts
402 contract to operate an alternative school program, the school
403 board of a district designated to be the lead district shall serve
404 as the governing board of the alternative school program.

405 Transportation for students attending the alternative school
406 program shall be the responsibility of the local school district.

407 The expense of establishing, maintaining and operating such
408 alternative school program may be paid from funds contributed or
409 otherwise made available to the school district for such purpose
410 or from local district maintenance funds.

411 (8) The State Board of Education shall promulgate minimum
412 guidelines for alternative school programs. The guidelines shall
413 require, at a minimum, the formulation of an individual
414 instruction plan for each student referred to the alternative
415 school program and, upon a determination that it is in a student's
416 best interest for that student to receive general educational
417 development (GED) preparatory instruction, that the local school
418 board assign the student to a GED preparatory program established
419 under subsection (5) of this section. The minimum guidelines for
420 alternative school programs shall also require that the following
421 components be made available to students through the school or
422 through referral to appropriate service providers:

423 (a) Clear guidelines and procedures for placement of
424 students into alternative education programs which at a minimum
425 shall prescribe due process procedures for disciplinary and

426 general educational development (GED) placement;

427 (b) Clear and consistent goals for students and
428 parents;

429 (c) Curricula addressing cultural and learning style
430 differences;

431 (d) Direct supervision of all activities on a closed
432 campus;

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

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

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

440 (h) A motivated and culturally diverse staff;

441 (i) Counseling services for parents and students;

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

443 (k) Socio-interaction analysis and intervention;

444 (l) Values clarification instruction;

445 (m) Academic and work goals development;

446 (n) Intensive instruction in reading and mathematics,
447 if needed;

448 (o) Behavior modification plans;

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

450 (q) Mentoring;

451 (r) Goals for returning to the ordinary classroom or
452 workforce;

453 (s) Exit strategy that includes a complete report of
454 the outcome of a student's alternative program placement for the
455 student's cumulative school record;

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

458 (u) Administrative and community support for the
459 program; and

460 (v) Clear procedures for annual alternative school

461 program review and evaluation. Payment for any services not
462 provided by the school shall be the responsibility of the
463 parent(s) or guardian of the child.

464 (9) On request of a school district, the State Department of
465 Education shall provide the district informational material on
466 developing an alternative school program that takes into
467 consideration size, wealth and existing facilities in determining
468 a program best suited to a district.

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

473 (11) The State Board of Education, in its discretion, may
474 exempt not more than four (4) school district alternative school
475 programs in the state from any compulsory standard of
476 accreditation for a period of three (3) years. During this
477 period, the State Department of Education shall conduct a study of
478 all alternative school programs in the state, and on or before
479 January 1, 2000, shall develop and promulgate accreditation
480 standards for all alternative school programs, including any
481 recommendations for necessary legislation relating to such
482 alternative school programs.

483 (12) The State Department of Education shall develop a
484 program to assure that all personnel assigned to alternative
485 school programs have had training in current discipline and
486 behavior modification techniques to adequately address the
487 specific problems associated with students assigned to the
488 alternative school program. In addition, the department shall
489 develop a recruitment program to attract highly qualified and
490 highly motivated administrators and teachers for alternative
491 school programs.

492 (13) The State Department of Education shall prepare a
493 report to be submitted to the Legislature in January of each year
494 on the status of each alternative school program in the state.
495 The report shall include, but not be limited to, the following

496 information:

497 (a) The number of students assigned to each alternative
498 school program;

499 (b) Pertinent data on students as indicated on risk
500 assessments;

501 (c) The number of personnel assigned to the alternative
502 school programs, including licensure, experience and training
503 levels;

504 (d) Progress reports, including specific
505 recommendations and problems with the alternative school programs
506 which need to be addressed; and

507 (e) Follow through data on students exiting the
508 alternative school programs.

509 In addition, the initial report also shall include the
510 feasibility of having each alternative school program designated
511 or conducted as a charter school, or managed according to charter
512 school concepts and procedures.

513 (14) The State Department of Education shall research the
514 opinions of Mississippi public school teachers concerning the
515 impact of inclusion on the discipline problems of nonspecial
516 education classroom teachers. Based upon such research, the
517 department shall prepare and submit a report of its findings to
518 the Legislature in January 2001.

519 SECTION 10. Section 37-13-181, Mississippi Code of 1972, is
520 amended as follows:

521 37-13-181. The local school boards of the public school
522 districts, in their discretion, may develop and implement, at the
523 beginning of the 1999-2000 school year, a comprehensive program
524 for character education in Grades K-12. The definition of the
525 character traits chosen by the school district for implementation
526 shall reflect and be in keeping with both the spirit and the
527 letter of the following founding documents: the Mississippi
528 Constitution of 1890; the Constitution of the United States of
529 America; the Declaration of Independence; and state and federal
530 law. A public school may not define or teach character or

531 character traits in any manner that might promote or encourage
532 students to participate in conduct that would violate any state or
533 federal law. This program of character education shall focus on
534 students' development of the following character traits: courage,
535 patriotism, citizenship, honesty, pride in quality work, fairness,
536 respect for and obedience to the law, respect for others,
537 kindness, cooperation, self-respect, self-control, courtesy,
538 compassion, diligence, generosity, punctuality, cleanliness,
539 cheerfulness, school pride, respect for the environment, patience,
540 creativity, sportsmanship, loyalty and perseverance. Said program
541 of character education shall include the Pledge of Allegiance to
542 the flag as required in Section 37-13-7, Mississippi Code of 1972.

543 SECTION 11. Section 37-7-301, Mississippi Code of 1972, is
544 amended as follows:

545 37-7-301. The school boards of all school districts shall
546 have the following powers, authority and duties in addition to all
547 others imposed or granted by law, to wit:

548 (a) To organize and operate the schools of the district
549 and to make such division between the high school grades and
550 elementary grades as, in their judgment, will serve the best
551 interests of the school;

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

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

558 (d) To have responsibility for the erection, repairing
559 and equipping of school facilities and the making of necessary
560 school improvements;

561 (e) To suspend or to expel a pupil or to change the
562 placement of a pupil to the school district's alternative school
563 or home-bound program for misconduct in the school or on school
564 property, as defined in Section 37-11-29, on the road to and from
565 school, or at any school-related activity or event, or for conduct

566 occurring on property other than school property or other than at
567 a school-related activity or event when such conduct by a pupil,
568 in the determination of the school superintendent or principal,
569 renders that pupil's presence in the classroom a disruption to the
570 educational environment of the school or a detriment to the best
571 interest and welfare of the pupils and teacher of such class as a
572 whole, and to delegate such authority to the appropriate officials
573 of the school district;

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

577 (g) To support, within reasonable limits, the
578 superintendent, administrative superintendent, principal and
579 teachers where necessary for the proper discipline of the school;

580 (h) To exclude from the schools students with what
581 appears to be infectious or contagious diseases; provided,
582 however, such student may be allowed to return to school upon
583 presenting a certificate from a public health officer, duly
584 licensed physician or nurse practitioner that the student is free
585 from such disease;

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

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

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

594 (l) To prescribe and enforce rules and regulations not
595 inconsistent with law or with the regulations of the State Board
596 of Education for their own government and for the government of
597 the schools, and to transact their business at regular and special
598 meetings called and held in the manner provided by law;

599 (m) To maintain and operate all of the schools under
600 their control for such length of time during the year as may be

601 required;

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

604 (o) To make orders directed to the superintendent of
605 schools or administrative superintendent for the issuance of pay
606 certificates for lawful purposes on any available funds of the
607 district and to have full control of the receipt, distribution,
608 allotment and disbursement of all funds provided for the support
609 and operation of the schools of such school district whether such
610 funds be derived from state appropriations, local ad valorem tax
611 collections, or otherwise;

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

616 (q) To provide athletic programs and other school
617 activities and to regulate the establishment and operation of such
618 programs and activities;

619 (r) To join, in their discretion, any association of
620 school boards and other public school-related organizations, and
621 to pay from local funds other than minimum foundation funds, any
622 membership dues;

623 (s) To expend local school activity funds, or other
624 available school district funds, other than minimum education
625 program funds, for the purposes prescribed under this paragraph.
626 "Activity funds" shall mean all funds received by school officials
627 in all school districts paid or collected to participate in any
628 school activity, such activity being part of the school program
629 and partially financed with public funds or supplemented by public
630 funds. The term "activity funds" shall not include any funds
631 raised and/or expended by any organization unless commingled in a
632 bank account with existing activity funds, regardless of whether
633 the funds were raised by school employees or received by school
634 employees during school hours or using school facilities, and
635 regardless of whether a school employee exercises influence over

636 the expenditure or disposition of such funds. Organizations shall
637 not be required to make any payment to any school for the use of
638 any school facility if, in the discretion of the local school
639 governing board, the organization's function shall be deemed to be
640 beneficial to the official or extracurricular programs of the
641 school. For the purposes of this provision, the term
642 "organization" shall not include any organization subject to the
643 control of the local school governing board. Activity funds may
644 only be expended for any necessary expenses or travel costs,
645 including advances, incurred by students and their chaperons in
646 attending any in-state or out-of-state school-related programs,
647 conventions or seminars and/or any commodities, equipment, travel
648 expenses, purchased services or school supplies which the local
649 school governing board, in its discretion, shall deem beneficial
650 to the official or extracurricular programs of the district,
651 including items which may subsequently become the personal
652 property of individuals, including yearbooks, athletic apparel,
653 book covers and trophies. Activity funds may be used to pay
654 travel expenses of school district personnel. The local school
655 governing board shall be authorized and empowered to promulgate
656 rules and regulations specifically designating for what purposes
657 school activity funds may be expended. The local school governing
658 board shall provide (a) that such school activity funds shall be
659 maintained and expended by the principal of the school generating
660 the funds in individual bank accounts, or (b) that such school
661 activity funds shall be maintained and expended by the
662 superintendent of schools in a central depository approved by the
663 board. The local school governing board shall provide that such
664 school activity funds be audited as part of the annual audit
665 required in Section 37-9-18. The State Auditor shall prescribe a
666 uniform system of accounting and financial reporting for all
667 school activity fund transactions;

668 (t) To contract, on a shared savings, lease or
669 lease-purchase basis, for energy efficiency services and/or
670 equipment as provided for in Section 31-7-14, not to exceed ten

671 (10) years;

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

674 (v) (i) To lease a school building from an individual,
675 partnership, nonprofit corporation or a private for-profit
676 corporation for the use of such school district, and to expend
677 funds therefor as may be available from any non-minimum program
678 sources. The school board of the school district desiring to
679 lease a school building shall declare by resolution that a need
680 exists for a school building and that the school district cannot
681 provide the necessary funds to pay the cost or its proportionate
682 share of the cost of a school building required to meet the
683 present needs. The resolution so adopted by the school board
684 shall be published once each week for three (3) consecutive weeks
685 in a newspaper having a general circulation in the school district
686 involved, with the first publication thereof to be made not less
687 than thirty (30) days prior to the date upon which the school
688 board is to act on the question of leasing a school building. If
689 no petition requesting an election is filed prior to such meeting
690 as hereinafter provided, then the school board may, by resolution
691 spread upon its minutes, proceed to lease a school building. If
692 at any time prior to said meeting a petition signed by not less
693 than twenty percent (20%) or fifteen hundred (1500), whichever is
694 less, of the qualified electors of the school district involved
695 shall be filed with the school board requesting that an election
696 be called on the question, then the school board shall, not later
697 than the next regular meeting, adopt a resolution calling an
698 election to be held within such school district upon the question
699 of authorizing the school board to lease a school building. Such
700 election shall be called and held, and notice thereof shall be
701 given, in the same manner for elections upon the questions of the
702 issuance of the bonds of school districts, and the results thereof
703 shall be certified to the school board. If at least three-fifths
704 (3/5) of the qualified electors of the school district who voted
705 in such election shall vote in favor of the leasing of a school

706 building, then the school board shall proceed to lease a school
707 building. The term of the lease contract shall not exceed twenty
708 (20) years, and the total cost of such lease shall be either the
709 amount of the lowest and best bid accepted by the school board
710 after advertisement for bids or an amount not to exceed the
711 current fair market value of the lease as determined by the
712 averaging of at least two (2) appraisals by members of the
713 American Institute of Real Estate Appraisers or the Society of
714 Real Estate Appraisers. The term "school building" as used in
715 this item (v) shall be construed to mean any building or buildings
716 used for classroom purposes in connection with the operation of
717 schools and shall include the site therefor, necessary support
718 facilities, and the equipment thereof and appurtenances thereto
719 such as heating facilities, water supply, sewage disposal,
720 landscaping, walks, drives and playgrounds. The term "lease" as
721 used in this item (v)(i) may include a lease/purchase contract;
722 (ii) If two (2) or more school districts propose
723 to enter into a lease contract jointly, then joint meetings of the
724 school boards having control may be held but no action taken shall
725 be binding on any such school district unless the question of
726 leasing a school building is approved in each participating school
727 district under the procedure hereinabove set forth in item (v)(i).
728 All of the provisions of item (v)(i) regarding the term and amount
729 of the lease contract shall apply to the school boards of school
730 districts acting jointly. Any lease contract executed by two (2)
731 or more school districts as joint lessees shall set out the amount
732 of the aggregate lease rental to be paid by each, which may be
733 agreed upon, but there shall be no right of occupancy by any
734 lessee unless the aggregate rental is paid as stipulated in the
735 lease contract. All rights of joint lessees under the lease
736 contract shall be in proportion to the amount of lease rental paid
737 by each;
738 (w) To employ all noninstructional and noncertificated
739 employees and fix the duties and compensation of such personnel
740 deemed necessary pursuant to the recommendation of the

741 superintendent of schools or the administrative superintendent;

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

744 (y) Subject to rules and regulations of the State Board
745 of Education, to purchase, own and operate trucks, vans and other
746 motor vehicles, which shall bear the proper identification
747 required by law;

748 (z) To expend funds for the payment of substitute
749 teachers and to adopt reasonable regulations for the employment
750 and compensation of such substitute teachers;

751 (aa) To acquire in its own name by purchase all real
752 property which shall be necessary and desirable in connection with
753 the construction, renovation or improvement of any public school
754 building or structure. If the board shall be unable to agree with
755 the owner of any such real property in connection with any such
756 project, the board shall have the power and authority to acquire
757 any such real property by condemnation proceedings pursuant to
758 Section 11-27-1 et seq., Mississippi Code of 1972, and for such
759 purpose, the right of eminent domain is hereby conferred upon and
760 vested in said board. Provided further, that the local school
761 board is authorized to grant an easement for ingress and egress
762 over sixteenth section land or lieu land in exchange for a similar
763 easement upon adjoining land where the exchange of easements
764 affords substantial benefit to the sixteenth section land;
765 provided, however, the exchange must be based upon values as
766 determined by a competent appraiser, with any differential in
767 value to be adjusted by cash payment. Any easement rights granted
768 over sixteenth section land under such authority shall terminate
769 when the easement ceases to be used for its stated purpose. No
770 sixteenth section or lieu land which is subject to an existing
771 lease shall be burdened by any such easement except by consent of
772 the lessee or unless the school district shall acquire the
773 unexpired leasehold interest affected by the easement;

774 (bb) To charge reasonable fees related to the
775 educational programs of the district, in the manner prescribed in

776 Section 37-7-335;

777 (cc) Subject to rules and regulations of the State
778 Board of Education, to purchase relocatable classrooms for the use
779 of such school district, in the manner prescribed in Section
780 37-1-13;

781 (dd) Enter into contracts or agreements with other
782 school districts, political subdivisions or governmental entities
783 to carry out one or more of the powers or duties of the school
784 board, or to allow more efficient utilization of limited resources
785 for providing services to the public;

786 (ee) To provide for in-service training for employees
787 of the district. Until June 30, 1994, the school boards may
788 designate two (2) days of the minimum school term, as defined in
789 Section 37-19-1, for employee in-service training for
790 implementation of the new statewide testing system as developed by
791 the State Board of Education. Such designation shall be subject
792 to approval by the State Board of Education pursuant to uniform
793 rules and regulations;

794 (ff) The school boards of all school districts, as part
795 of their duties to prescribe the use of textbooks, may provide
796 that parents and legal guardians shall be responsible for the
797 textbooks and for the compensation to the school district for any
798 books which are not returned to the proper schools upon the
799 withdrawal of their dependent child. If a textbook is lost or not
800 returned by any student who drops out of the public school
801 district, the parent or legal guardian shall also compensate the
802 school district for the fair market value of the textbooks;

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

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

810 (ii) Fund-raising activities conducted or

811 authorized by the board for the sale of school pictures, the
812 rental of caps and gowns or the sale of graduation invitations for
813 which the school board receives a commission, rebate or fee shall
814 contain a disclosure statement advising that a portion of the
815 proceeds of the sales or rentals shall be contributed to the
816 student activity fund;

817 (hh) To allow individual lessons for music, art and
818 other curriculum-related activities for academic credit or
819 nonacademic credit during school hours and using school equipment
820 and facilities, subject to uniform rules and regulations adopted
821 by the school board;

822 (ii) To charge reasonable fees for participating in an
823 extracurricular activity for academic or nonacademic credit for
824 necessary and required equipment such as safety equipment, band
825 instruments and uniforms;

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

829 (kk) To exercise such powers as may be reasonably
830 necessary to carry out the provisions of this section; and

831 (ll) To expend funds for the services of nonprofit arts
832 organizations or other such nonprofit organizations who provide
833 performances or other services for the students of the school
834 district.

835 SECTION 12. Section 37-9-71, Mississippi Code of 1972, is
836 amended as follows:

837 37-9-71. The superintendent of schools and the principal of
838 a school shall have the power to suspend a pupil for good cause,
839 including misconduct in the school or on school property, as
840 defined in Section 37-11-29, on the road to and from school, or at
841 any school-related activity or event, or for conduct occurring on
842 property other than school property or other than at a
843 school-related activity or event when such conduct by a pupil, in
844 the determination of the superintendent or principal, renders that
845 pupil's presence in the classroom a disruption to the educational

846 environment of the school or a detriment to the best interest and
847 welfare of the pupils and teacher of such class as a whole, or for
848 any reason for which such pupil might be suspended, dismissed or
849 expelled by the school board under state or federal law or any
850 rule, regulation or policy of the local school district. However,
851 such action of the superintendent or principal shall be subject to
852 review by and the approval or disapproval of the school board. If
853 the parent, guardian or other person having custody of any child
854 shall feel aggrieved by the suspension or dismissal of that child,
855 then such parent, guardian or other person shall have the right to
856 a due process hearing. The parent or guardian of the child shall
857 be advised of this right to a hearing by the appropriate
858 superintendent or principal and the proper form shall be provided
859 for requesting such a hearing.

860 SECTION 13. This act shall take effect and be in force from
861 and after July 1, 2000.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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 CREATE A NEW SECTION TO BE CODIFIED AS SECTION 37-11-54,
14 MISSISSIPPI CODE OF 1972, TO REQUIRE THE AUTOMATIC EXPULSION OF A
15 HABITUALLY DISRUPTIVE STUDENT ON THE THIRD OCCURRENCE OF
16 DISRUPTIVE BEHAVIOR DURING A SCHOOL YEAR, AND TO DEFINE THE TERMS
17 "DISRUPTIVE BEHAVIOR" AND "HABITUALLY DISRUPTIVE STUDENT"; TO
18 AMEND SECTION 37-11-55, MISSISSIPPI CODE OF 1972, TO REQUIRE A
19 SCHOOL'S CODE OF STUDENT CONDUCT TO BE MADE AVAILABLE TO STUDENTS
20 AND TO PRESCRIBE ADDITIONAL POLICIES THAT MUST BE INCLUDED IN
21 CODES OF STUDENT CONDUCT; TO AMEND SECTION 37-11-53, MISSISSIPPI
22 CODE OF 1972, TO REQUIRE THE PROVISIONS OF THIS ACT TO BE
23 INCORPORATED INTO EACH SCHOOL DISTRICT'S DISCIPLINE PLAN AND CODE
24 OF STUDENT CONDUCT AT THE NEXT LEGAL AUDIT OF SUCH PLAN AND TO
25 AUTHORIZE SCHOOL DISTRICTS TO ALLOW A PARENT TO ACCOMPANY THEIR
26 CHILD TO SCHOOL AS AN ALTERNATIVE TO THE CHILD'S SUSPENSION; TO
27 CODIFY SECTION 37-11-54, MISSISSIPPI CODE OF 1972, TO DIRECT THE
28 STATE BOARD OF EDUCATION TO DEVELOP CONFLICT RESOLUTION AND PEER
29 MEDIATION MODELS AND CURRICULA IN THE PUBLIC SCHOOLS; TO AMEND
30 SECTION 37-11-18, MISSISSIPPI CODE OF 1972, TO ALLOW THE PERIOD OF
31 EXPULSION REQUIRED FOR STUDENTS POSSESSING A WEAPON OR CONTROLLED

32SUBSTANCE OR COMMITTING A VIOLENT ACT ON EDUCATIONAL PROPERTY TO
33BE LESS THAN A CALENDAR YEAR; TO AMEND SECTION 37-13-92,
34MISSISSIPPI CODE OF 1972, TO REQUIRE THE STATE DEPARTMENT OF
35EDUCATION TO DEVELOP A RISK ASSESSMENT PROCEDURE FOR STUDENTS
36REFERRED TO ALTERNATIVE SCHOOL PROGRAMS, TO PRESCRIBE ADDITIONAL
37COMPONENTS THAT MUST BE INCLUDED IN ALTERNATIVE SCHOOL PROGRAMS,
38TO REQUIRE PERSONNEL IN ALTERNATIVE SCHOOLS TO BE TRAINED IN
39DISCIPLINE TECHNIQUES, TO REQUIRE THE STATE DEPARTMENT OF
40EDUCATION TO SUBMIT VARIOUS REPORTS TO THE LEGISLATURE CONCERNING
41ALTERNATIVE SCHOOL PROGRAMS AND TO AUTHORIZE THE REFERRAL OF
42CERTAIN DISRUPTIVE STUDENTS TO THE ALTERNATIVE SCHOOL PROGRAM; TO
43AMEND SECTION 37-13-181, MISSISSIPPI CODE OF 1972, TO PRESCRIBE
44CERTAIN COMPONENTS OF THE CHARACTER EDUCATION PROGRAMS IN THE
45PUBLIC SCHOOLS; TO AMEND SECTIONS 37-7-301 AND 37-9-71,
46MISSISSIPPI CODE OF 1972, TO CLARIFY THE AUTHORITY OF SCHOOL
47SUPERINTENDENTS, PRINCIPALS AND SCHOOL BOARDS TO SUSPEND, EXPEL OR
48CHANGE THE PLACEMENT OF PUPILS FOR CONDUCT THAT RENDERS A PUPIL'S
49PRESENCE IN THE CLASSROOM DETRIMENTAL TO THE SCHOOL'S EDUCATIONAL
50ENVIRONMENT OR THE BEST INTEREST OF A CLASS AS A WHOLE; AND FOR
51RELATED PURPOSES.