

*****Adopted*****

AMENDMENT No. 2 PROPOSED TO

Senate Bill NO. 2528

By Senator(s) King

AMEND by striking Section 3 and substituting the following in lieu thereof, renumbering subsequent sections accordingly:

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

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

(2) For the purposes of this section:

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

(b) The term "habitually disruptive student" means a student who has caused disruption in a classroom, on school property or vehicles or at a school-related activity on more than

two (2) occasions during a school year, because of disruptive behavior that was initiated, willful and overt on the part of the student and which required the attention of school personnel to deal with the disruption. However, no student shall be declared to be a habitually disruptive student before the development of a remedial discipline plan for the student in accordance with the code of student conduct and discipline plans of the school district.

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

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

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

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

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

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

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

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

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

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

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

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

37-11-53. (1) A copy of the school district's discipline plan shall be distributed to each student enrolled in the district, and the parents, guardian or custodian of such student shall sign a statement verifying that they have been given notice of the discipline policies of their respective school district. The school district's discipline plan will include the annual local school district school safety plan adopted pursuant to

Section 37-3-83(2), in a form which will inform parents, law enforcement, emergency management personnel and others of procedures to be taken in the event of school violence or crisis situations. The school board shall have its official discipline plan and code of student conduct legally audited on an annual basis to insure that its policies and procedures are currently in compliance with applicable statutes, case law and state and federal constitutional provisions. As part of the legal audit first occurring after July 1, 2000, the provisions of this section and Sections 37-11-54 and 37-11-55 shall be fully incorporated into the school district's discipline plan and code of student conduct.

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

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

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

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

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

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

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

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

FURTHER, amend the title by inserting the following after the semicolon on line 13:

TO CREATE A NEW SECTION TO BE CODIFIED AS SECTION 37-11-54, MISSISSIPPI CODE OF 1972, TO REQUIRE THE AUTOMATIC EXPULSION OF A

HABITUALLY DISRUPTIVE STUDENT ON THE THIRD OCCURRENCE OF
DISRUPTIVE BEHAVIOR DURING A SCHOOL YEAR, AND TO DEFINE THE TERMS
"DISRUPTIVE BEHAVIOR" AND "HABITUALLY DISRUPTIVE STUDENT"; TO
AMEND SECTION 37-11-55, MISSISSIPPI CODE OF 1972, TO REQUIRE A
SCHOOL'S CODE OF STUDENT CONDUCT TO BE MADE AVAILABLE TO STUDENTS
AND TO PRESCRIBE ADDITIONAL POLICIES THAT MUST BE INCLUDED IN
CODES OF STUDENT CONDUCT; TO AMEND SECTION 37-11-53, MISSISSIPPI
CODE OF 1972, TO REQUIRE THE PROVISIONS OF THIS ACT TO BE
INCORPORATED INTO EACH SCHOOL DISTRICT'S DISCIPLINE PLAN AND CODE
OF STUDENT CONDUCT AT THE NEXT LEGAL AUDIT OF SUCH PLAN AND TO
AUTHORIZE SCHOOL DISTRICTS TO ALLOW A PARENT TO ACCOMPANY THEIR
CHILD TO SCHOOL AS AN ALTERNATIVE TO THE CHILD'S SUSPENSION;