

By: Representative Fleming

To: Education

HOUSE BILL NO. 56

1 AN ACT TO AMEND SECTION 37-11-53, MISSISSIPPI CODE OF 1972,  
2 TO PROHIBIT SCHOOL DISTRICTS FROM MAINTAINING ZERO TOLERANCE  
3 DISCIPLINE PLANS; TO AMEND SECTION 37-11-18, MISSISSIPPI CODE OF  
4 1972, TO CLARIFY THAT THE LAW AUTHORIZING AUTOMATIC EXPULSION FOR  
5 CERTAIN OFFENSES DOES NOT ALLOW SCHOOL DISTRICTS TO IMPLEMENT AND  
6 MAINTAIN ZERO TOLERANCE DISCIPLINE PLANS; AND FOR RELATED  
7 PURPOSES.

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

9 SECTION 1. Section 37-11-53, Mississippi Code of 1972, is  
10 amended as follows:

11 37-11-53. (1) A copy of the school district's discipline  
12 plan shall be distributed to each student enrolled in the  
13 district, and the parents, guardian or custodian of such student  
14 shall sign a statement verifying that they have been given notice  
15 of the discipline policies of their respective school district.  
16 The school board shall have its official discipline plan legally  
17 audited on an annual basis to insure that its policies and  
18 procedures are currently in compliance with applicable statutes,  
19 case law and state and federal constitutional provisions.

20 (2) The school board of a school district may not implement  
21 a zero tolerance discipline plan. Any school district that has a  
22 zero tolerance discipline plan in force before July 1, 2001, must  
23 discontinue the use of the zero tolerance discipline plan before  
24 that date.

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

27 (a) A parent, guardian or custodian of a  
28 compulsory-school-age child enrolled in a public school district



29 shall be responsible financially for his or her minor child's  
30 destructive acts against school property or persons;

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

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

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

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

56 (5) Any public school district shall be entitled to recover  
57 damages in an amount not to exceed Twenty Thousand Dollars  
58 (\$20,000.00), plus necessary court costs, from the parents of any  
59 minor under the age of eighteen (18) years and over the age of six  
60 (6) years, who maliciously and willfully damages or destroys  
61 property belonging to such school district. However, this section



62 shall not apply to parents whose parental control of such child  
63 has been removed by court order or decree. The action authorized  
64 in this section shall be in addition to all other actions which  
65 the school district is entitled to maintain, and nothing in this  
66 section shall preclude recovery in a greater amount from the minor  
67 or from a person, including the parents, for damages to which such  
68 minor or other person would otherwise be liable.

69 SECTION 2. Section 37-11-18, Mississippi Code of 1972, is  
70 amended as follows:

71 37-11-18. (1) Any student in any school who possesses any  
72 controlled substance in violation of the Uniform Controlled  
73 Substances Law, a knife, handgun, other firearm or any other  
74 instrument considered to be dangerous and capable of causing  
75 bodily harm or who commits a violent act on educational property,  
76 as defined in Section 97-37-17, shall be subject to automatic  
77 expulsion for a calendar year by the superintendent or principal  
78 of the school in which the student is enrolled; \* \* \*  
79 however, \* \* \* the superintendent of the school shall be  
80 authorized to modify the period of time for such expulsion on a  
81 case by case basis. Such expulsion shall take effect immediately  
82 subject to the constitutional rights of due process, which shall  
83 include the student's right to appeal to the local school board.

84 (2) This section does not authorize a public school district  
85 to implement and maintain a zero tolerance discipline plan.

86 SECTION 3. This act shall take effect and be in force from  
87 and after July 1, 2001.

