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

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

SECTION 1. 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 board shall have its official discipline plan 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.

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

(3) 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 subsection 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.

(4) Any parent, guardian or custodian of a compulsory-school-age child who *** fails to attend a discipline conference to which such parent, guardian or custodian has been summoned under the provisions of this section *** or *** 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).

(5) 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.

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

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

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

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