MISSISSIPPI LEGISLATURE
REGULAR SESSION 2001

By: Representative West
To: Education

HOUSE BILL NO. 1201

AN ACT TO AMEND SECTION 37-11-18, MISSISSIPPI CODE OF 1972, TO REQUIRE SCHOOL SUPERINTENDENTS TO EXAMINE INCIDENTS THAT MAY WARRANT EXPULSION ON A CASE-BY-CASE BASIS BEFORE IMPOSING AN EXPULSION, TO REQUIRE LOCAL SCHOOL BOARDS TO ADOPT A POLICY GOVERNING EXPULSIONS AND TO REQUIRE THE STATE BOARD OF EDUCATION TO ESTABLISH UNIFORM GUIDELINES GOVERNING EXPULSIONS; AND FOR RELATED PURPOSES.

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

SECTION 1. 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, may be subject to expulsion for a calendar year by the superintendent or principal of the school in which the student is enrolled; however, before an expulsion is imposed, the superintendent of the school shall examine the specific circumstances surrounding an incident that may warrant expulsion under this section and may modify the period of time for such expulsion on a case-by-case basis. Any expulsion imposed under this section shall take effect immediately after the superintendent's examination of the facts and circumstances surrounding the incident, subject to the constitutional rights of due process, including the student's right to appeal to the local school board.
(2) The school board of each local school district shall adopt, as a part of the district's written discipline plan, a policy governing the expulsion of students. The policy must require each incident that may warrant expulsion to be examined by the superintendent of the school district before any expulsion is imposed, with a thorough examination being made into the specific facts and circumstances surrounding the incident. In addition, the policy must include a schedule of offenses and corresponding periods of expulsion which must be followed by the school district superintendent absent circumstances warranting a deviation from the schedule. The policy must include such precautions as may be necessary to afford the student his or her constitutional rights of due process.

(3) The State Board of Education shall promulgate rules and regulations establishing uniform guidelines governing expulsions in the public schools. In adopting its policy governing expulsions, the school board of each local school district shall adhere to the guidelines established by the State Board of Education pursuant to this section.

SECTION 2. This act shall take effect and be in force from and after July 1, 2001.