

By: Senator(s) King

To: Judiciary

SENATE BILL NO. 2214

1 AN ACT ENTITLED THE "TEACHER CLASSROOM CONTROL ACT OF 2001";  
 2 TO CREATE A NEW SECTION TO BE CODIFIED AS SECTION 37-11-54,  
 3 MISSISSIPPI CODE OF 1972, TO REQUIRE THE AUTOMATIC EXPULSION OF A  
 4 HABITUALLY DISRUPTIVE STUDENT ON THE THIRD OCCURRENCE OF  
 5 DISRUPTIVE BEHAVIOR DURING A SCHOOL YEAR, AND TO DEFINE THE TERMS  
 6 "DISRUPTIVE BEHAVIOR" AND "HABITUALLY DISRUPTIVE STUDENT"; TO  
 7 AMEND SECTION 37-11-55, MISSISSIPPI CODE OF 1972, TO REQUIRE A  
 8 SCHOOL'S CODE OF STUDENT CONDUCT TO BE MADE AVAILABLE TO STUDENTS  
 9 AND TO PRESCRIBE ADDITIONAL POLICIES THAT MUST BE INCLUDED IN  
 10 CODES OF STUDENT CONDUCT; TO AMEND SECTION 37-11-53, MISSISSIPPI  
 11 CODE OF 1972, TO REQUIRE THE PROVISIONS OF THIS ACT TO BE  
 12 INCORPORATED INTO EACH SCHOOL DISTRICT'S DISCIPLINE PLAN AND CODE  
 13 OF STUDENT CONDUCT AT THE NEXT LEGAL AUDIT OF SUCH PLAN AND TO  
 14 AUTHORIZE SCHOOL DISTRICTS TO ALLOW A PARENT TO ACCOMPANY THEIR  
 15 CHILD TO SCHOOL AS AN ALTERNATIVE TO THE CHILD'S SUSPENSION; AND  
 16 FOR RELATED PURPOSES.

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

18 SECTION 1. The following shall be codified as Section  
 19 37-11-54, Mississippi Code of 1972:

20 37-11-54. (1) This act may be cited as the "Teacher  
 21 Classroom Control Act of 2001."

22 (2) For the purposes of this section:

23 (a) The term "disruptive behavior" means conduct of a  
 24 student that is so unruly, disruptive or abusive that it seriously  
 25 interferes with a school teacher's or school administrator's  
 26 ability to communicate with the students in a classroom, with a  
 27 student's ability to learn, or with the operation of a school or  
 28 school-sponsored activity, and which are not covered by other laws  
 29 related to violence, possession of weapons or controlled  
 30 substances on school property, school vehicles or at  
 31 school-related activities. Such behaviors include, but are not  
 32 limited to: foul, profane, obscene or abusive language toward

33 teachers or other school employees; defiance, ridicule or verbal  
34 attack of a teacher; and willful, deliberate and overt acts of  
35 disobedience of the directions of a teacher; and

36 (b) The term "habitually disruptive student" means a  
37 student who has caused disruption in a classroom, on school  
38 property or vehicles or at a school-related activity on more than  
39 two (2) occasions during a school year, because of disruptive  
40 behavior that was initiated, willful and overt on the part of the  
41 student and which required the attention of school personnel to  
42 deal with the disruption. However, no student shall be declared  
43 to be a habitually disruptive student before the development of a  
44 remedial discipline plan for the student in accordance with the  
45 code of student conduct and discipline plans of the school  
46 district.

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

52 SECTION 2. Section 37-11-55, Mississippi Code of 1972, is  
53 amended as follows:

54 37-11-55. The local school board shall adopt and make  
55 available to all teachers, school personnel, students and parents  
56 or guardians, at the beginning of \* \* \* each school year \* \* \*, a  
57 code of student conduct developed in consultation with teachers,  
58 school personnel, students and parents or guardians. The code  
59 shall be based on the rules governing student conduct and  
60 discipline adopted by the school board and shall be made available  
61 at the school level in the student handbook or similar  
62 publication. The code shall include, but not be limited to:

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

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

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

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

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

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

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

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

99           (i) Policies and procedures specifically concerning  
100 gang-related activities in the school, on school property or  
101 vehicles, or at school-related activities.

102           SECTION 3. Section 37-11-53, Mississippi Code of 1972, is  
103 amended as follows:

104           37-11-53. (1) A copy of the school district's discipline  
105 plan shall be distributed to each student enrolled in the  
106 district, and the parents, guardian or custodian of such student  
107 shall sign a statement verifying that they have been given notice  
108 of the discipline policies of their respective school district.  
109 The school board shall have its official discipline plan and code  
110 of student conduct legally audited on an annual basis to insure  
111 that its policies and procedures are currently in compliance with  
112 applicable statutes, case law and state and federal constitutional  
113 provisions. As part of the legal audit first occurring after the  
114 effective date of Senate Bill No. 2214, 2001 Regular Session, the  
115 provisions of this section and Sections 37-11-54 and 37-11-55  
116 shall be fully incorporated into the school district's discipline  
117 plan and code of student conduct.

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

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

124           (b) A parent, guardian or custodian of a  
125 compulsory-school-age child enrolled in a public school district  
126 may be requested to appear at school by an appropriate school  
127 official for a conference regarding acts of the child specified in

128 paragraph (a) of this subsection, or for any other discipline  
129 conference regarding the acts of the child;

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

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

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

149 (4) Any public school district shall be entitled to recover  
150 damages in an amount not to exceed Twenty Thousand Dollars  
151 (\$20,000.00), plus necessary court costs, from the parents of any  
152 minor under the age of eighteen (18) years and over the age of six  
153 (6) years, who maliciously and willfully damages or destroys  
154 property belonging to such school district. However, this section  
155 shall not apply to parents whose parental control of such child  
156 has been removed by court order or decree. The action authorized  
157 in this section shall be in addition to all other actions which  
158 the school district is entitled to maintain and nothing in this  
159 section shall preclude recovery in a greater amount from the minor

160 or from a person, including the parents, for damages to which such  
161 minor or other person would otherwise be liable.

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

172 SECTION 4. This act shall take effect and be in force from  
173 and after July 1, 2001.