To: Judiciary

MISSISSIPPI LEGISLATURE                        REGULAR SESSION 2001
By: Senator(s) King                               To: Judiciary

SENATE BILL NO. 2214

AN ACT ENTITLED THE "TEACHER CLASSROOM CONTROL ACT OF 2001";
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; AND
FOR RELATED PURPOSES.

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

SECTION 1. The following shall be codified as Section
37-11-54, Mississippi Code of 1972:
37-11-54. (1) This act may be cited as the "Teacher
Classroom Control Act of 2001."

(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 on the occurrence of the third act
of disruptive behavior during a school year.

SECTION 2. 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;

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

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

SECTION 3. 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 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 the effective date of Senate Bill No. 2214, 2001 Regular Session, 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.

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