

By: Senator(s) Little, King, Farris

To: Judiciary

SENATE BILL NO. 2239

1 AN ACT ENTITLED THE "MISSISSIPPI SCHOOL SAFETY ACT OF 2001";
2 TO AMEND SECTIONS 37-3-81 AND 37-3-83, MISSISSIPPI CODE OF 1972,
3 TO REQUIRE THE STATE DEPARTMENT OF EDUCATION TO ESTABLISH A SCHOOL
4 SAFETY CENTER TO PROVIDE TECHNICAL AND CRISIS ASSISTANCE TO SCHOOL
5 DISTRICTS, TO REQUIRE LOCAL SCHOOL DISTRICTS TO ADOPT
6 COMPREHENSIVE SCHOOL SAFETY PLANS, AND TO AUTHORIZE SCHOOL SAFETY
7 GRANTS TO LOCAL SCHOOL DISTRICTS TO FINANCE CERTAIN PROGRAMS TO
8 PROVIDE SCHOOL SAFETY; TO ESTABLISH A SCHOOL CRISIS MANAGEMENT
9 PROGRAM WITHIN THE STATE DEPARTMENT OF EDUCATION, TO PROVIDE FOR A
10 TEAM OF PROFESSIONAL INDIVIDUALS TO RESPOND TO TRAUMATIC OR
11 VIOLENT SITUATIONS THAT IMPACT STUDENTS AND FACULTY IN THE PUBLIC
12 SCHOOLS, TO PROVIDE PROCEDURES FOR THE OPERATION OF THE PROGRAM,
13 AND TO AUTHORIZE FUNDING FOR THE PROGRAM; TO REQUIRE THE STATE
14 BOARD OF EDUCATION TO DEVELOP CONFLICT RESOLUTION AND PEER
15 MEDIATION MODELS AND CURRICULA FOR THE PUBLIC SCHOOLS; TO REQUIRE
16 THE AUTOMATIC EXPULSION OF A HABITUALLY DISRUPTIVE STUDENT ON THE
17 THIRD OCCURRENCE OF DISRUPTIVE BEHAVIOR DURING A SCHOOL YEAR; TO
18 DEFINE THE TERMS "DISRUPTIVE BEHAVIOR" AND "HABITUALLY DISRUPTIVE
19 STUDENT"; TO AMEND SECTION 37-11-55, MISSISSIPPI CODE OF 1972, TO
20 REQUIRE A SCHOOL'S CODE OF STUDENT CONDUCT TO BE MADE AVAILABLE TO
21 STUDENTS AND TO PRESCRIBE ADDITIONAL POLICIES THAT MUST BE
22 INCLUDED IN CODES OF STUDENT CONDUCT; TO AMEND SECTION 37-11-53,
23 MISSISSIPPI CODE OF 1972, TO REQUIRE CERTAIN PROVISIONS RELATING
24 TO AUTOMATIC EXPULSION TO BE INCORPORATED INTO EACH SCHOOL
25 DISTRICT'S DISCIPLINE PLAN AND CODE OF STUDENT CONDUCT AT THE NEXT
26 LEGAL AUDIT OF SUCH PLAN AND TO AUTHORIZE SCHOOL DISTRICTS TO
27 ALLOW A PARENT TO ACCOMPANY THEIR CHILD TO SCHOOL AS AN
28 ALTERNATIVE TO THE CHILD'S SUSPENSION; TO AMEND SECTION 97-37-17,
29 MISSISSIPPI CODE OF 1972, TO DELETE CERTAIN EXEMPTIONS FROM
30 CRIMINAL PROVISIONS RELATING TO POSSESSION OF WEAPONS BY STUDENTS
31 ON EDUCATIONAL PROPERTY; TO AMEND SECTION 43-21-151, MISSISSIPPI
32 CODE OF 1972, TO PROVIDE THAT A BOMB THREAT MADE BY A MINOR SHALL
33 BE A FELONY IN THE ORIGINAL JURISDICTION OF THE CIRCUIT COURT TO
34 BE TRIED AS AN ADULT MATTER; AND FOR RELATED PURPOSES.

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

36 SECTION 1. This act shall be known and may be cited as the
37 "Mississippi School Safety Act of 2001."

38 SECTION 2. Section 37-3-81, Mississippi Code of 1972, is
39 amended as follows:

40 37-3-81. The Department of Education shall establish and
41 maintain a School Safety Center, which shall operate a statewide
42 information clearinghouse that: (a) provides assistance to school
43 districts and communities during school crises; and (b) provides
44 technical assistance, training and current resources to public
45 school officials and parents who need assistance in researching,
46 developing and implementing school safety plans and in maintaining
47 a safe school environment.

48 SECTION 3. Section 37-3-83, Mississippi Code of 1972, is
49 amended as follows:

50 37-3-83. (1) There is established within the State
51 Department of Education a School Safety Grant Program, available
52 to all eligible public school districts, to assist in financing
53 programs to provide school safety.

54 (2) The school board of each school district, with the
55 assistance of the State Department of Education School Safety
56 Center, shall adopt a comprehensive local school district school
57 safety plan and shall update the plan on an annual basis.

58 (3) Subject to the extent of appropriations available, the
59 School Safety Grant Program shall offer any of the following
60 specific preventive services, and other additional services
61 appropriate to the most current school district school safety
62 plan:

63 (a) Metal detectors;

64 (b) Video surveillance cameras, communications
65 equipment and monitoring equipment for classrooms, school
66 buildings and school buses;

67 (c) Crisis management/action teams responding to school
68 violence; * * *

69 (d) Violence prevention training, conflict resolution
70 training, and other appropriate training designated by the State
71 Department of Education for faculty and staff; and

72 (e) School safety personnel.

73 (4) Each local school district of this state may annually
74 apply for * * * school safety grant funds subject to
75 appropriations by the Legislature. School safety grants shall
76 include a base grant amount plus an additional amount per student
77 in average daily attendance in the school or school district. The
78 base grant amount and amount per student shall be determined by
79 the State Board of Education, subject to specific appropriation
80 therefor by the Legislature. In order to be eligible for such
81 program, each local school board desiring to participate shall
82 apply to the State Department of Education by May 31 before the
83 beginning of the applicable fiscal year on forms provided by the
84 department, and shall be required to establish a local School
85 Safety Task Force to involve members of the community in the
86 school safety effort. The State Department of Education shall
87 determine by July 1 of each succeeding year which local school
88 districts have submitted approved applications for school safety
89 grants.

90 (5) As part of the School Safety Grant Program, the State
91 Department of Education may conduct a pilot program to research
92 the feasibility of using video camera equipment in the classroom
93 to address the following:

94 (a) Determine if video cameras in the classroom reduce
95 student disciplinary problems;

96 (b) Enable teachers to present clear and convincing
97 evidence of a student's disruptive behavior to the student, the
98 principal, the superintendent and the student's parents; and

99 (c) Enable teachers to review teaching performance and
100 receive diagnostic feedback for developmental purposes.

101 * * *

102 (6) Any local school district may use audio/visual
103 monitoring equipment in classrooms for the purpose of monitoring
104 school disciplinary problems.

105 (7) The State Department of Education shall report annually
106 to the Chairmen of the Education Committees in the House of
107 Representatives and Senate on the operation of the School Safety
108 Center and the School Safety Grant Program, along with any
109 recommendations for expansion or revision of the program.

110 SECTION 4. (1) There is established a School Crisis
111 Management Program under the State Department of Education. Under
112 this program, the State Department of Education shall create an
113 office making available a quick response team of personnel trained
114 in school safety and crisis management to respond to traumatic or
115 violent situations that impact students and faculty in the public
116 schools in Mississippi. The School Crisis Management Program
117 shall operate in accordance with the following:

118 (a) The basic response team shall consist of those
119 personnel designated by the State Superintendent of Public
120 Education or their designees depending on the size of the school
121 and the nature of the event.

122 (b) In order to access the services of a response team,
123 the request must be made by the local school principal or the
124 superintendent of schools, who shall make the request to the State
125 Department of Education or its contact designee.

126 (c) A response team shall enter a school to work with
127 students and faculty for a period of no more than three (3) days,
128 unless otherwise requested by the school district.

129 (d) The State Department of Education, or its designee,
130 shall operate a toll-free incoming wide area telephone service for
131 the purpose of receiving reports of suspected cases of school
132 violence and other traumatic situations impacting on students and
133 faculty in the public schools.

134 (e) The request made by a school district to access the
135 services of a response team following a school safety incident may
136 seek a review of the local school district's safety plan, and the

137 results of this evaluation may be published by the local school
138 board in a newspaper with wide circulation in the district.

139 (f) Subject to the availability of funds specifically
140 appropriated therefor by the Legislature, the expenses of the
141 quick response teams and their administrative support shall be
142 provided from state funds. The State Department of Education may
143 apply for and expend funds for the support and maintenance of this
144 program from private and other funding sources.

145 (2) Local school districts, school superintendents and
146 principals may request and utilize the services of quick response
147 teams provided for under this section; however, this section does
148 not require school officials to request the services of quick
149 response teams.

150 SECTION 5. The State Board of Education shall develop a list
151 of recommended conflict resolution and mediation materials, models
152 and curricula that address responsible decision making, the causes
153 and effects of school violence and harassment, cultural diversity,
154 and nonviolent methods for resolving conflict, including peer
155 mediation, and shall make the list available to local school
156 administrative units and school buildings before the beginning of
157 the 2002-2003 school year. In developing this list, the board
158 shall emphasize materials, models and curricula that currently are
159 being used in Mississippi and which the board determines to be
160 effective. The board shall include at least one (1) model that
161 includes instruction and guidance for the voluntary implementation
162 of peer mediation programs and one (1) model that provides
163 instruction and guidance for teachers concerning the integration
164 of conflict resolution and mediation lessons into the existing
165 classroom curriculum.

166 SECTION 6. (1) For the purposes of this section:

167 (a) The term "disruptive behavior" means conduct of a
168 student that is so unruly, disruptive or abusive that it seriously
169 interferes with a school teacher's or school administrator's

170 ability to communicate with the students in a classroom, with a
171 student's ability to learn, or with the operation of a school or
172 school-related activity, and which is not covered by other laws
173 related to violence or possession of weapons or controlled
174 substances on school property, school vehicles or at
175 school-related activities. Such behaviors include, but are not
176 limited to: foul, profane, obscene, threatening, defiant or
177 abusive language toward teachers or other school employees;
178 defiance, ridicule or verbal attack of a teacher; and willful,
179 deliberate and overt acts of disobedience of the directions of a
180 teacher; and

181 (b) The term "habitually disruptive student" means a
182 student who has caused disruption in a classroom, on school
183 property or vehicles or at a school-related activity on more than
184 two (2) occasions during a school year, because of disruptive
185 behavior that was initiated, willful and overt on the part of the
186 student and which required the attention of school personnel to
187 deal with the disruption. However, no student shall be declared
188 to be a habitually disruptive student before the development of a
189 remedial discipline plan for the student in accordance with the
190 code of student conduct and discipline plans of the school
191 district.

192 (2) Any student for whom a remedial discipline plan is
193 developed by the school principal and reporting teacher who does
194 not comply with the plan shall be a habitually disruptive student
195 subject to automatic expulsion on the occurrence of the third act
196 of disruptive behavior during a school year.

197 SECTION 7. Section 37-11-55, Mississippi Code of 1972, is
198 amended as follows:

199 37-11-55. The local school board shall adopt and make
200 available to all teachers, school personnel, students and parents
201 or guardians, at the beginning of * * * each school year * * *, a
202 code of student conduct developed in consultation with teachers,

203 school personnel, students and parents or guardians. The code
204 shall be based on the rules governing student conduct and
205 discipline adopted by the school board and shall be made available
206 at the school level in the student handbook or similar
207 publication. The code shall include, but not be limited to:

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

210 (b) Procedures to be followed for acts requiring
211 discipline, including suspensions and expulsion, which comply with
212 due process requirements; * * *

213 (c) An explanation of the responsibilities and rights
214 of students with regard to attendance, respect for persons and
215 property, knowledge and observation of rules of conduct, * * *
216 free speech and student publications, assembly, privacy and
217 participation in school programs and activities;

218 (d) Policies and procedures recognizing the teacher as
219 the authority in classroom matters, and supporting that teacher in
220 any decision in compliance with the written discipline code of
221 conduct; such recognition shall include the right of the teacher,
222 subject to the approval of the principal, to remove from the
223 classroom any student who, in the professional judgment of the
224 teacher, is disrupting the learning environment, to a facility
225 within the school where the student will remain until the parent,
226 guardian or custodian of the student is notified. If the
227 principal does not approve of the determination of the teacher to
228 remove the student from the classroom, the student may not be
229 removed from the classroom, and the principal must provide written
230 justification for his disapproval to the teacher. A student who
231 is removed from the classroom may not be returned to the classroom
232 until a conference has been held with the parent, guardian or
233 custodian during which the disrupting behavior is discussed and
234 agreements are reached that no further disruption will be
235 tolerated;

236 (e) Policies and procedures for dealing with a student
237 who causes a disruption in the classroom, on school property or
238 vehicles, or at school-related activities;

239 (f) Procedures for the development of remedial
240 discipline plans by the school principal and reporting teacher for
241 a student who causes a disruption in the classroom, on school
242 property or vehicles, or at school-related activities for a second
243 time during the school year; and

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

247 SECTION 8. Section 37-11-53, Mississippi Code of 1972, is
248 amended as follows:

249 37-11-53. (1) A copy of the school district's discipline
250 plan shall be distributed to each student enrolled in the
251 district, and the parents, guardian or custodian of such student
252 shall sign a statement verifying that they have been given notice
253 of the discipline policies of their respective school district.
254 The school board shall have its official discipline plan and code
255 of student conduct legally audited on an annual basis to insure
256 that its policies and procedures are currently in compliance with
257 applicable statutes, case law and state and federal constitutional
258 provisions. As part of the first legal audit occurring after July
259 1, 2001, the provisions of this section, Section 37-11-55 and
260 Section 6 of Senate Bill No. 2239, 2001 Regular Session, shall be
261 fully incorporated into the school district's discipline plan and
262 code of student conduct.

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

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

269 (b) A parent, guardian or custodian of a
270 compulsory-school-age child enrolled in a public school district
271 may be requested to appear at school by the school attendance
272 officer or an appropriate school official for a conference
273 regarding acts of the child specified in paragraph (a) of this
274 subsection, or for any other discipline conference regarding the
275 acts of the child;

276 (c) Any parent, guardian or custodian of a
277 compulsory-school-age child enrolled in a school district who
278 refuses or willfully fails to attend such discipline conference
279 specified in paragraph (b) of this section may be summoned by
280 proper notification by the superintendent of schools or the school
281 attendance officer and be required to attend such discipline
282 conference; and

283 (d) A parent, guardian or custodian of a
284 compulsory-school-age child enrolled in a public school district
285 shall be responsible for any criminal fines brought against such
286 student for unlawful activity * * * occurring on school grounds.

287 (3) Any parent, guardian or custodian of a
288 compulsory-school-age child who (a) fails to attend a discipline
289 conference to which such parent, guardian or custodian has been
290 summoned under the provisions of this section, or (b) refuses or
291 willfully fails to perform any other duties imposed upon him or
292 her under the provisions of this section, shall be guilty of a
293 misdemeanor and, upon conviction, shall be fined not to exceed Two
294 Hundred Fifty Dollars (\$250.00).

295 (4) Any public school district shall be entitled to recover
296 damages in an amount not to exceed Twenty Thousand Dollars
297 (\$20,000.00), plus necessary court costs, from the parents of any
298 minor under the age of eighteen (18) years and over the age of six
299 (6) years, who maliciously and willfully damages or destroys
300 property belonging to such school district. However, this section
301 shall not apply to parents whose parental control of such child

302 has been removed by court order or decree. The action authorized
303 in this section shall be in addition to all other actions which
304 the school district is entitled to maintain and nothing in this
305 section shall preclude recovery in a greater amount from the minor
306 or from a person, including the parents, for damages to which such
307 minor or other person would otherwise be liable.

308 (5) A school district's discipline plan may provide that as
309 an alternative to suspension, a student may remain in school by
310 having the parent, guardian or custodian, with the consent of the
311 student's teacher or teachers, attend class with the student for a
312 period of time specifically agreed upon by the reporting teacher
313 and school principal. If the parent, guardian or custodian does
314 not agree to attend class with the student or fails to attend
315 class with the student, the student shall be suspended in
316 accordance with the code of student conduct and discipline
317 policies of the school district.

318 SECTION 9. Section 97-37-17, Mississippi Code of 1972, is
319 amended as follows:

320 97-37-17. (1) The following definitions apply to this
321 section:

322 (a) "Educational property" shall mean any public or
323 private school building or bus, public or private school campus,
324 grounds, recreational area, athletic field, or other property
325 owned, used or operated by any local school board, school, college
326 or university board of trustees, or directors for the
327 administration of any public or private educational institution or
328 during a school-related activity; provided, however, that the term
329 "educational property" shall not include any sixteenth section
330 school land or lieu land on which is not located a school
331 building, school campus, recreational area or athletic field.

332 (b) "Student" shall mean a person enrolled in a public
333 or private school, college or university, or a person who has been
334 suspended or expelled within the last five (5) years from a public

335 or private school, college or university, whether the person is an
336 adult or a minor.

337 (c) "Switchblade knife" shall mean a knife containing a
338 blade or blades which open automatically by the release of a
339 spring or a similar contrivance.

340 (d) "Weapon" shall mean any device enumerated in
341 subsection (2) or (4) of this section.

342 (2) It shall be a felony for any person to possess or carry,
343 whether openly or concealed, any gun, rifle, pistol or other
344 firearm of any kind, or any dynamite cartridge, bomb, grenade,
345 mine or powerful explosive on educational property. However, this
346 subsection does not apply to a BB gun, air rifle or air pistol.
347 Any person violating this subsection shall be guilty of a felony
348 and, upon conviction thereof, shall be fined not more than Five
349 Thousand Dollars (\$5,000.00), or committed to the custody of the
350 State Department of Corrections for not more than three (3) years,
351 or both.

352 (3) It shall be a felony for any person to cause, encourage
353 or aid a minor who is less than eighteen (18) years old to possess
354 or carry, whether openly or concealed, any gun, rifle, pistol or
355 other firearm of any kind, or any dynamite cartridge, bomb,
356 grenade, mine or powerful explosive on educational property.
357 However, this subsection does not apply to a BB gun, air rifle or
358 air pistol. Any person violating this subsection shall be guilty
359 of a felony and, upon conviction thereof, shall be fined not more
360 than Five Thousand Dollars (\$5,000.00), or committed to the
361 custody of the State Department of Corrections for not more than
362 three (3) years, or both.

363 (4) It shall be a misdemeanor for any person to possess or
364 carry, whether openly or concealed, any BB gun, air rifle, air
365 pistol, bowie knife, dirk, dagger, slingshot, leaded cane,
366 switchblade knife, blackjack, metallic knuckles, razors and razor
367 blades (except solely for personal shaving), and any sharp-pointed

368 or edged instrument except instructional supplies, unaltered nail
369 files and clips and tools used solely for preparation of food,
370 instruction and maintenance on educational property. Any person
371 violating this subsection shall be guilty of a misdemeanor and,
372 upon conviction thereof, shall be fined not more than One Thousand
373 Dollars (\$1,000.00), or be imprisoned not exceeding six (6)
374 months, or both.

375 (5) It shall be a misdemeanor for any person to cause,
376 encourage or aid a minor who is less than eighteen (18) years old
377 to possess or carry, whether openly or concealed, any BB gun, air
378 rifle, air pistol, bowie knife, dirk, dagger, slingshot, leaded
379 cane, switchblade, knife, blackjack, metallic knuckles, razors and
380 razor blades (except solely for personal shaving) and any
381 sharp-pointed or edged instrument except instructional supplies,
382 unaltered nail files and clips and tools used solely for
383 preparation of food, instruction and maintenance on educational
384 property. Any person violating this subsection shall be guilty of
385 a misdemeanor and, upon conviction thereof, shall be fined not
386 more than One Thousand Dollars (\$1,000.00), or be imprisoned not
387 exceeding six (6) months, or both.

388 * * *

389 (6) This section shall not apply to:

390 (a) A weapon used solely for educational or
391 school-sanctioned ceremonial purposes, or used in a
392 school-approved program conducted under the supervision of an
393 adult whose supervision has been approved by the school authority;

394 (b) Armed forces personnel of the United States,
395 officers and soldiers of the militia and National Guard, law
396 enforcement personnel, * * * State Militia or Emergency Management
397 Corps and any guard or patrolman in a state or municipal
398 institution, when acting in the discharge of their official
399 duties;

400 (c) Home schools as defined in the Compulsory School
401 Attendance Law, Section 37-13-91;

402 (d) Competitors while participating in organized
403 shooting events;

404 (e) Any person as authorized in Section 97-37-7 while
405 in the performance of his official duties; or

406 (f) Any mail carrier while in the performance of his
407 official duties. * * *

408 * * *

409 (7) All schools shall post in public view a copy of the
410 provisions of this section.

411 SECTION 10. Section 43-21-151, Mississippi Code of 1972, is
412 amended as follows:

413 43-21-151. (1) The youth court shall have exclusive
414 original jurisdiction in all proceedings concerning a delinquent
415 child, a child in need of supervision, a neglected child, an
416 abused child or a dependent child except in the following
417 circumstances:

418 (a) Any act attempted or committed by a child, which if
419 committed by an adult would be punishable under state or federal
420 law by life imprisonment or death, will be in the original
421 jurisdiction of the circuit court;

422 (b) Any act attempted or committed by a child with the
423 use of a deadly weapon, the carrying of which concealed is
424 prohibited by Section 97-37-1, or a shotgun or a rifle, or any act
425 making or attempting to make a false bomb report by a child in
426 violation of Section 97-37-21, which would be a felony if
427 committed by an adult, will be in the original jurisdiction of the
428 circuit court; and

429 (c) When a charge of abuse of a child first arises in
430 the course of a custody action between the parents of the child
431 already pending in the chancery court and no notice of such abuse
432 was provided prior to such chancery proceedings, the chancery

433 court may proceed with the investigation, hearing and
434 determination of such abuse charge as a part of its hearing and
435 determination of the custody issue as between the parents,
436 notwithstanding the other provisions of the Youth Court Law. The
437 proceedings in chancery court on the abuse charge shall be
438 confidential in the same manner as provided in youth court
439 proceedings.

440 When a child is expelled from the public schools, the youth
441 court shall be notified of the act of expulsion and the act or
442 acts constituting the basis for expulsion.

443 (2) Jurisdiction of the child in the cause shall attach at
444 the time of the offense and shall continue thereafter for that
445 offense until the child's twentieth birthday, unless sooner
446 terminated by order of the youth court. The youth court shall not
447 have jurisdiction over offenses committed by a child on or after
448 his eighteenth birthday, or over offenses committed by a child on
449 or after his seventeenth birthday where such offenses would be a
450 felony if committed by an adult.

451 (3) No child who has not reached his thirteenth birthday
452 shall be held criminally responsible or criminally prosecuted for
453 a misdemeanor or felony; however, the parent, guardian or
454 custodian of such child may be civilly liable for any criminal
455 acts of such child. No child under the jurisdiction of the youth
456 court shall be held criminally responsible or criminally
457 prosecuted by any court for any act designated as a delinquent
458 act, unless jurisdiction is transferred to another court under
459 Section 43-21-157.

460 (4) The youth court shall also have jurisdiction of offenses
461 committed by a child which have been transferred to the youth
462 court by an order of a circuit court of this state having original
463 jurisdiction of the offense, as provided by Section 43-21-159.

464 (5) The youth court shall regulate and approve the use of
465 teen court as provided in Section 43-21-753.

466 SECTION 11. This act shall take effect and be in force from
467 and after July 1, 2001.